

ORIGINAL

FILED

IN THE TENNESSEE COURT OF THE JUDICIARY 2009 OCT 13 PM 2:12

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

APPELLATE COURT-CLERK
NASHVILLE

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

FIRST INTERROGATORIES TO JOHN A. BELL

COMES NOW Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, pursuant to Tennessee Rule of Civil Procedure 33, and propounds the following interrogatories to Honorable John A. Bell:

No. 1: State your full name, residence address, professional address, telephone numbers (home, office and cellular), social security number, and date of birth.

RESPONSE:

No. 2: State the date(s) you were sworn into office as Judge of the General Sessions Court of Cocke County, Tennessee.

RESPONSE:

No. 3: State all email addresses you have used in your capacity as Judge of the General Sessions Court of Cocke County, Tennessee, and the dates each and every such email address had been used, including any personal email addresses which were used relative to or in your capacity of General Sessions Judge.

RESPONSE:

No. 4: Describe in full any and all training, education, and seminars you have received or attended in Judicial Ethics, or involving Judicial Ethics including but not limited to dates, locations, hours completed, full subject matter, faculty members, and hours claimed, if any, toward any continuing education requirements to which you may be subject.

RESPONSE:

No. 5. State if in your capacity as General Sessions Judge you heard a case assigned docket number 2007–CV–869 on September 18, 2007 at 9:00 a.m., being a civil action brought by David J. Pleau, “policy #TNA11181953 for failure to pay damages resulting from accident with an uninsured motorist on 12-29-07 under \$5,000.”

RESPONSE:

No. 6: State if on the 18th day of September, 2007, the case described in previous Interrogatory No. 5 was, following the hearing, taken under advisement.

RESPONSE:

No. 7: State whether or not at the hearing of the case described in previous Interrogatory No. 5, the defendant insurance company, through counsel, moved the court to dismiss the complaint as a result of the fact that Mr. Pleau was in this complaint suing directly his own uninsured motorist carrier as opposed to suing the uninsured motorist, and if the answer is in the affirmative, state whether or not you learned at any time that the provisions of Tennessee Code Annotated 56-7-1206 precluded suit against the carrier directly and if so the length of time it took you to reach that conclusion

RESPONSE:

No. 8: State whether or not at the hearing of the case described in previous Interrogatory No. 5, that you announced that you would have a decision in one week.

RESPONSE:

No. 9: State whether or not that following the hearing of the case described in previous Interrogatory No. 5, the plaintiff Mr. Pleau asked you on more than one occasion to rule on the case and that you assured him that the decision would be forthcoming immediately.

RESPONSE:

No. 10: If the answer to the preceding Interrogatory No. 10 is “yes,” for each such occasion, state:

- (a) the date of the contact;
- (b) whether or not it was in person, in writing or by telephone;
- (c) if in person, the location;
- (d) if by telephone, where you were located during the call;
- (e) the nature and content of each conversation, in detail
- (f) any witnesses to any such contact;
- (g) whether or not you advised Mr. Pleau at any time that you could not speak to him on an ex parte basis.

RESPONSE:

No. 11: State whether or not that following the hearing on September 18, 2007 of the case described in previous Interrogatory No. 5, on June 27, 2008, you ruled in the case.

RESPONSE:

No. 12: State any and all steps taken by you or efforts taken by you to communicate your ruling described in Interrogatory No. 11 to the parties.

RESPONSE:

No. 13: Describe any and all records, in any form, concerning the case described in these Interrogatories including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda, and for each such record identify its location or locations, at all times since September 18, 2007.

RESPONSE:

No. 14: State whether or not your ruling described herein made findings of fact as to the cause of the underlying automobile collision and the related damages, and that these findings demonstrated your finding and opinion as to the responsibility or the cause of the accident as well as the amount of damages and ascribed the negligent conduct to the driver of the “other vehicle.”

RESPONSE:

No. 15: State whether or not on December 23, 2008, in your capacity as General Sessions Judge, you entered an order which vacated the previous dismissal and further encouraged Mr. Pleau to file a new action against “the other driver” whose name is Jo Ann Coleman, and that David J. Pleau filed a second complaint concerning the subject automobile accident which was styled David Joseph Pleau vs. Jo Ann Coleman, Docket No. 2008-CV-1186.

RESPONSE:

No. 16: State whether or not on April 27, 2009, you rendered a decision in favor of Mr. Pleau and against Jo Ann Coleman and Merastar Insurance Company which recited the same findings of facts and conclusions as had previously been determined by Judge Bell. On this occasion these findings were made against Jo Ann Coleman who was pro se at these proceedings and was found to be one hundred percent at fault for the collision and a judgment was rendered against her in the sum of \$4,726.78.

RESPONSE:

No. 17: State whether or not in January, 2009, or early February, 2009, you initiated a meeting and/or met with a local attorney, a Mr. Testerman and at that time, discussed the complaint of Mr. Pleau which had been filed in the Court of the Judiciary.

RESPONSE:

No. 18: If the answer to preceding Interrogatory No. 17 is in the affirmative, describe in full the nature and content of the meeting or meetings, the location or locations of the meetings, and describe any witnesses, unless it is your intention to claim a privilege in which event state the basis for your claim of any privilege.

RESPONSE:

No. 19: State whether or not at any time you asked, encouraged, or enlisted Mr. Testerman in any fashion, to approach Mr. Pleau on your behalf, to make a direct and unequivocal effort to induce Mr. Pleau to cease the pursuit of his complaint in the Court of the Judiciary.

RESPONSE:

No. 20: State any and all dialogue, contact, verbal conversations, or written communications with Mr. Testerman, in addition to any previously described, pertaining to, relating to, or in any way and for any portion therein, the complaint of Mr. Pleau against you, in the Court of the Judiciary, during the entire year of 2009, and for each state the following:

- (a) the date;
- (b) the location;
- (c) the persons present;
- (d) whether verbal or written;
- (e) whether or not in person or by telephone;
- (f) if by telephone the phone number or numbers used by you;
- (g) if by telephone the phone number or numbers used by Mr. Testerman;
- (h) if in writing whether by letter , other written correspondence, electronic mail, text message, fax or other device.

No. 21: State the identity of any and all witnesses or persons with any knowledge of any matters described in your responses to the Interrogatories herein, and for each state their name, address, and telephone number or numbers.

RESPONSE:

No. 22: State the location and custodian of any written, computer or data records of any nature regarding or concerning any matter stated or described either in the preceding interrogatories or your responses thereto.

RESPONSE:

No. 23: Describe the dates and any and all records, in any form, concerning your service as Judge of the General Sessions Court of Cocke County, Tennessee, including but not limited to computer records, calendars, diaries, files, notes, schedules, memoranda and personnel, and for each such record identify its location or locations, from September 18, 2007 through and including June 27, 2008.

RESPONSE:

No. 24: State the number of times you have engaged in the appointment or selection of substitute or special judges, or the dates and times any such judges were used for any absences by you from your service as Judge of the General Sessions Court of Cocke County, Tennessee, from September 18, 2007 through and including June 27, 2008.

RESPONSE:

No. 25: For each and every date named or described in the preceding Interrogatory No. 24, identify the following:

- (a) reason for your absence;
- (b) date of such absence;
- (c) identify of the special or substitute judge;

RESPONSE:

JOHN A. BELL

OATH

After being duly sworn, the undersigned John A. Bell makes oath that her answers to the above are complete, true and accurate.

JOHN A. BELL

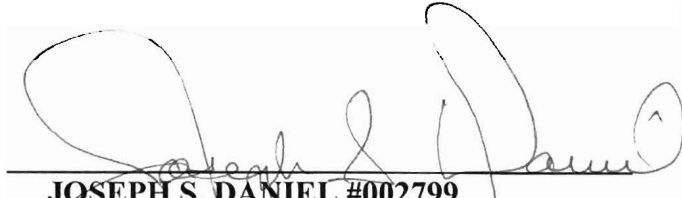
Sworn to and subscribed before me this the ____ day of _____, 2009.

Notary Public

My commission expires:_____

DISCIPLINARY COUNSEL WILL E-MAIL THIS DOCUMENT TO THE RESPONDENT UPON REQUEST IF IT WILL FACILITATE THE RESPONSE.

Dated: October 13, 2009



JOSEPH S. DANIEL #002799
DISCIPLINARY COUNSEL
503 North Maple Street
Murfreesboro, TN 37130
Phone (615) 898-8004

CERTIFICATE OF SERVICE

I, JOSEPH S. DANIEL, certify that a true and exact copy of the foregoing was served upon Honorable John. A. Bell by depositing same in the U.S. Mail along with the Formal Charges with sufficient postage thereon to insure delivery.

This 13th day of October, 2009.



JOSEPH S. DANIEL