



William L. Campbell, Jr.

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August 1, 2014

Via U.S. Mail and E-Mail

Duncan C. Cave, Esq.
230 4th Avenue North, Suite 300S
Nashville, Tennessee 37219
dcavelaw@gmail.com

Re: Austin Davis, et al. v. Covenant Presbyterian Church of Nashville, et al.
Davidson County Circuit Court Case No. : 14C2556

Dear Duncan:

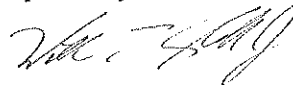
Our client, Nashville Presbytery, was served recently with the Complaint in the referenced action. Pursuant to Tenn. Rule of Civ. Proc. 11, we request that your client dismiss his claims against the Nashville Presbytery in this case. If he fails to do so, we expect to file the attached Motion for Sanctions.

For the most part, the basis for this request is set forth in the draft Rule 11 motion for sanctions sent to you by the attorneys for Covenant Presbyterian Church of Nashville and Jim Bachmann. Additionally, this lawsuit appears to be based on the allegations that were asserted in the June 19, 2013 lawsuit (No. 13C2510) filed by your client in the Circuit Court of Davidson County. The dismissal of the claims in that lawsuit against the Nashville Presbytery has been confirmed by the Tennessee Court of Appeals. Regardless of whether that court allows for the rehearing that Mr. Davis requested, the fact remains that the claims in this lawsuit against the Nashville Presbytery mirror claims in that previous lawsuit. Further, based on your client's prolific communications about the subject matter of both lawsuits, it is clear that this latest suit was filed for in improper purpose with the sole intention of harassing the Nashville Presbytery and other defendants.

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In sum, Mr. Davis' claims against the Nashville Presbytery in the referenced lawsuit are not warranted under the law and were brought for an improper purpose. I trust that you will agree that this latest lawsuit should be dismissed and act accordingly. If not, we reserve the right to file the attached motion.

Respectfully,



William L. Campbell, Jr.

/rt

Enclosures

cc: Autumn L. Gentry (w/encs via e-mail)
E. Michael Brezina, III (w/encs via e-mail)

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bcc: Matt Bradley (via e-mail)

0127279.0608294 4818-2254-3900v1

**IN THE CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE**

AUSTIN DAVIS)	
)	
Plaintiff,)	
)	
v.)	Case No. 14C2556
)	
COVENANT PRESBYTERIAN)	
CHURCH OF NASHVILLE; NASHVILLE)	
PRESBYTERY, P.C.A; PRESBYTERIAN)	
CHURCH IN AMERICA (A CORPORATION);)	
STEWART JAMES (JIM) BACHMANN)	
)	
Defendants.)	

DEFENDANT NASHVILLE PRESBYTERY’S MOTION FOR SANCTIONS

Defendant Nashville Presbytery (the “Presbytery”) moves the Court to sanction Plaintiff’s counsel, pursuant to Tennessee Rule of Civil Procedure 11. The Presbytery also requests the non-monetary sanction of dismissal against Plaintiff.¹ In the interest of brevity and judicial economy, the Presbytery incorporates herein the Motion and Memorandum of Law filed by Defendants Covenant Presbyterian Church (“CPC”) and Jim Bachmann.

With a singular exception,² the facts alleged and claims asserted in this case are nearly identical to facts and claims asserted in a lawsuit filed by the same attorney, Duncan Cave, on behalf of the same client, Austin Davis, in June 2013. Those allegations and claims were dismissed by this Court, with prejudice, pursuant to Rule 12.02(6). That dismissal has been

¹ Because Plaintiff is currently a debtor in bankruptcy, the Presbytery acknowledges the implications of that status and does not seek monetary sanctions against Plaintiff.

² As set forth in the Presbytery’s Motion to Dismiss, that single factual allegation that falls within the limitations period involves only an email by Defendant Bachmann that advised his church congregation of the filing of Plaintiff’s first lawsuit in June 2013. That communication is protected by the litigation privilege, is not defamatory as a matter of law and cannot serve as a basis for a claim against the Nashville Presbytery.

affirmed by the Tennessee Court of Appeals as to the Presbytery. Unhappy with that result, Plaintiff's counsel filed the instant case based on the same facts and same theories.

Over the past year, Plaintiff's true motivation has emerged, with the assistance of his counsel. Plaintiff's goal is not to seek judicial remedies under his various (and often incoherent) legal theories, but rather he and his counsel seek to "harass and cause unnecessary delay or needless increase in the cost of litigation," in violation of Rule 11. Plaintiff continuously uses what he described as a "massive email list" that includes "hundreds and hundreds" of non-CPC members to assert that a wide-ranging conspiracy targets him and his family. That conspiracy, according to Plaintiff, includes as co-conspirators: CPC and its approximately 2,000 members; a Federal Magistrate Judge; the Metro Nashville Police Department; local lawyers; the Davidson County District Attorney General; Harpeth Hall School; this Court; Mayor Karl Dean; and local media. Indeed, Plaintiff's counsel, Duncan Cave, appears to have worked with Plaintiff in organizing and cataloguing the numerous mass emails. The following is a summary of a small number of the emails Plaintiff has sent in the last five months alone:

- March 2, 2014: An email is sent from Plaintiff's email address to numerous news outlets, encouraging one such outlet to air an interview Plaintiff *and Duncan Cave* gave to one reporter months earlier. (*See* Exh. A).
- March 22, 2014: Plaintiff sends an email to Mayor Karl Dean, a news reporter and the chief of Metro Nashville Police, suggesting that a local lawyer, CPC, the courts and the police operate a "Cuban government style." (*See* Exh. B).
- April 19, 2014: Plaintiff emails his counsel, Duncan Cave, and includes his previous email to a local news reporter and a response from one of the mass recipients that his email should be removed from the distribution list. In his email to counsel, Plaintiff instructs Duncan Cave to include the recipient's response with "the others I have received during the past two days." (*See* Exh. C).
- July 24, 2014: Plaintiff provides his distribution list with an update of his various lawsuits, celebrating that his posting of the Complaint in the instant case has been viewed 442 times and discussing the prospect of future lawsuits against CPC,

Pastor Bachmann and possibly “new defendants.” Defendant promises “[m]ore information to come.” (*See* Exh. D).

- July 28, 2014: Plaintiff emails “Harpeth Hall Families,” advising them that a lawsuit Plaintiff’s daughter filed against that school was “the only path around Metro Police, the DA’s office and Judge Solomon.” (*See* Exh. E).

The above-referenced emails provide just a small glimpse into Plaintiff’s conspiratorial campaign, and the instant lawsuit is simply another step in that campaign. In addition to filing three lawsuits against CPC and Pastor Bachmann and two lawsuits against the Presbytery in the past thirteen months, Plaintiff’s counsel plays an active role in the extra-judicial campaign, according to one of Plaintiff’s emails. Given his active participation and the fact that he has filed multiple lawsuits alleging the same facts, Plaintiff’s counsel and his client are using the instant case to harass Defendants and unnecessarily increase the cost of litigation expenses, in violation of Rule 11.

For those reasons and the reasons stated in CPC’s Motion for Sanctions, the Nashville Presbytery moves the Court to sanction Attorney Duncan Cave for violation of Rule 11, in an amount the Court deems appropriate. The Nashville Presbytery also requests sanctions against Plaintiff in the form of dismissal of this action.

Respectfully submitted,

William Campbell, BPR No. 22712
R. Mark Donnell, Jr., BPR No. 30136
Frost Brown Todd LLC
150 3rd Avenue South, Suite 1900
Nashville, TN 37201
615.251.5550
615.251.5551 (fax)

Attorneys for Nashville Presbytery

CERTIFICATE OF SERVICE

I certify that on the ____ day of August, 2014, the foregoing was served via U.S. Mail, e-mail, and/or fax upon the following:

Duncan Cates Cave
230 4th Avenue North
Suite 300S
Nashville, TN 37219
dcavelaw@gmail.com

Attorney for Plaintiffs

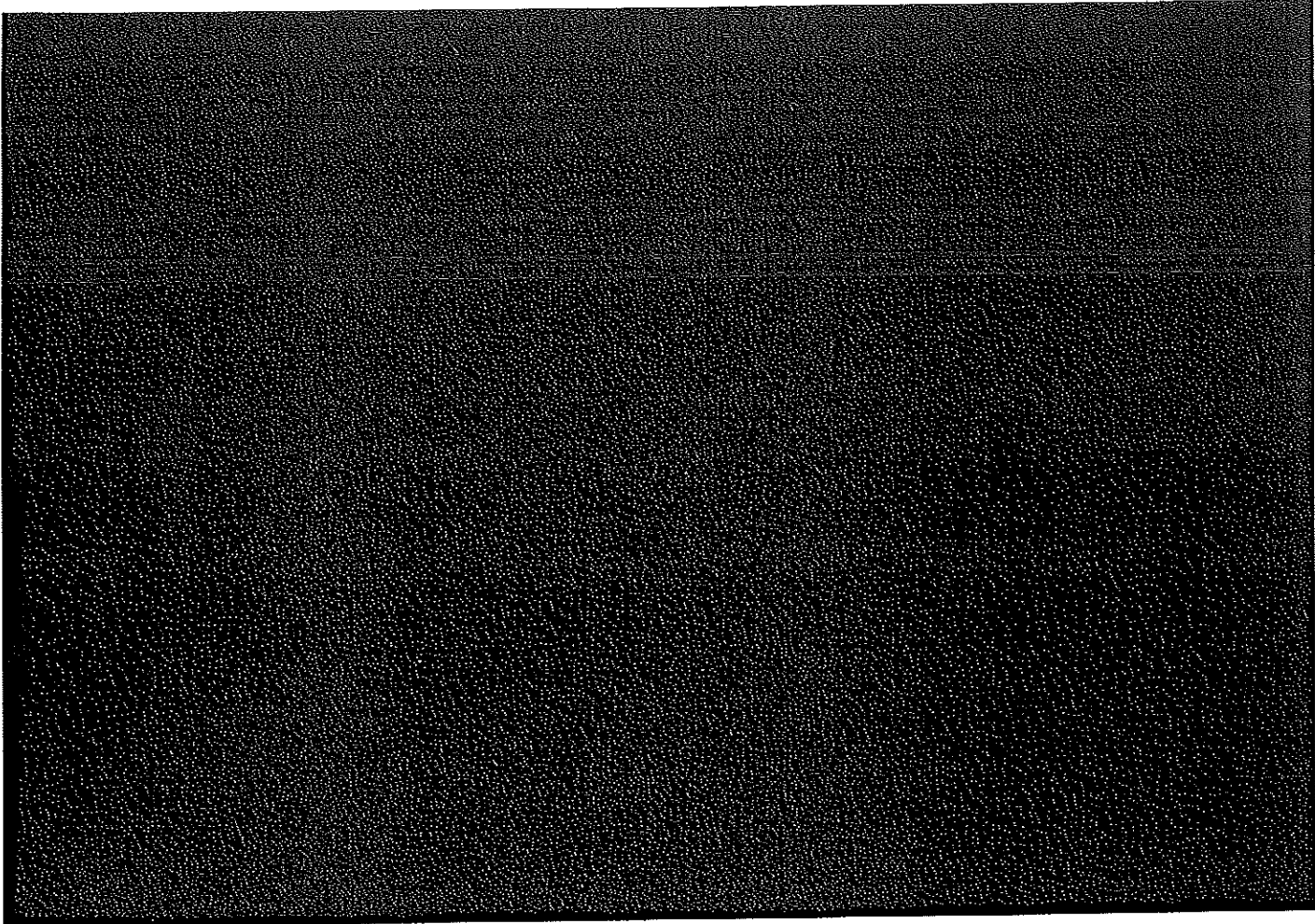
Thomas M. Donnell, Jr.
Autumn L. Gentry
Fifth Third Center, Suite 1401
424 Church Street
Nashville, TN 37219
agentry@dickinsonwright.com

*Attorneys for Defendants
Covenant Presbyterian
Church of Nashville, Jim
Bachmann, Joe Eades, John
Avery, and Warrick Robinson*

E. Michael Brezina, III
617 W. Main St.
P.O. Box 869
Knoxville, TN 37901-0869
mbrezina@hdclaw.com

*Attorney for Defendant
Presbyterian Church in
America*

0127279.0608294 4831-4958-4156v1



From: valglenn18@aol.com [mailto:valglenn18@aol.com]
Sent: Sunday, March 02, 2014 10:36 AM
To: demetria.kalodimos@wsmv.com
Cc: cbundgaard@wkrn.com; nberes@newschannel5.com; pwilliams@newschannel5.com; tomhumphrey3@aol.com; bhaas@tennessean.com; tgonzalez@tennessean.com; jrlind@nashvillepost.com; jscavendish@nashvillepost.com; jmeador@nashvillescene.com; Ralph.Bristol@cumulus.com; michael.deglorno@cumulus.com; scase@fox17.com; mcass@tennessean.com; bob.smetana@lifeway.com; locker@commercialapp.com; asher@timesfreepress.com
Subject: WSMV - Covenant - VU Rape Case

Dear Demetria:

Please listen to this 3-minute audio from last Sunday: <https://soundcloud.com/valglenn18/is-covenant-safe>

Bizarro, isn't it?

Also, I watched a WSMV story that ran a few days ago: <http://www.wsmv.com/story/24822428/vandy-rape-suspects-attorney-disputes-allegations>

Any chance WSMV attorneys will allow you to run the interview you did with Austin and Duncan eight months ago (August)?

The Tennessee Media coalition is suing Metro to obtain info on the Vanderbilt rape case.

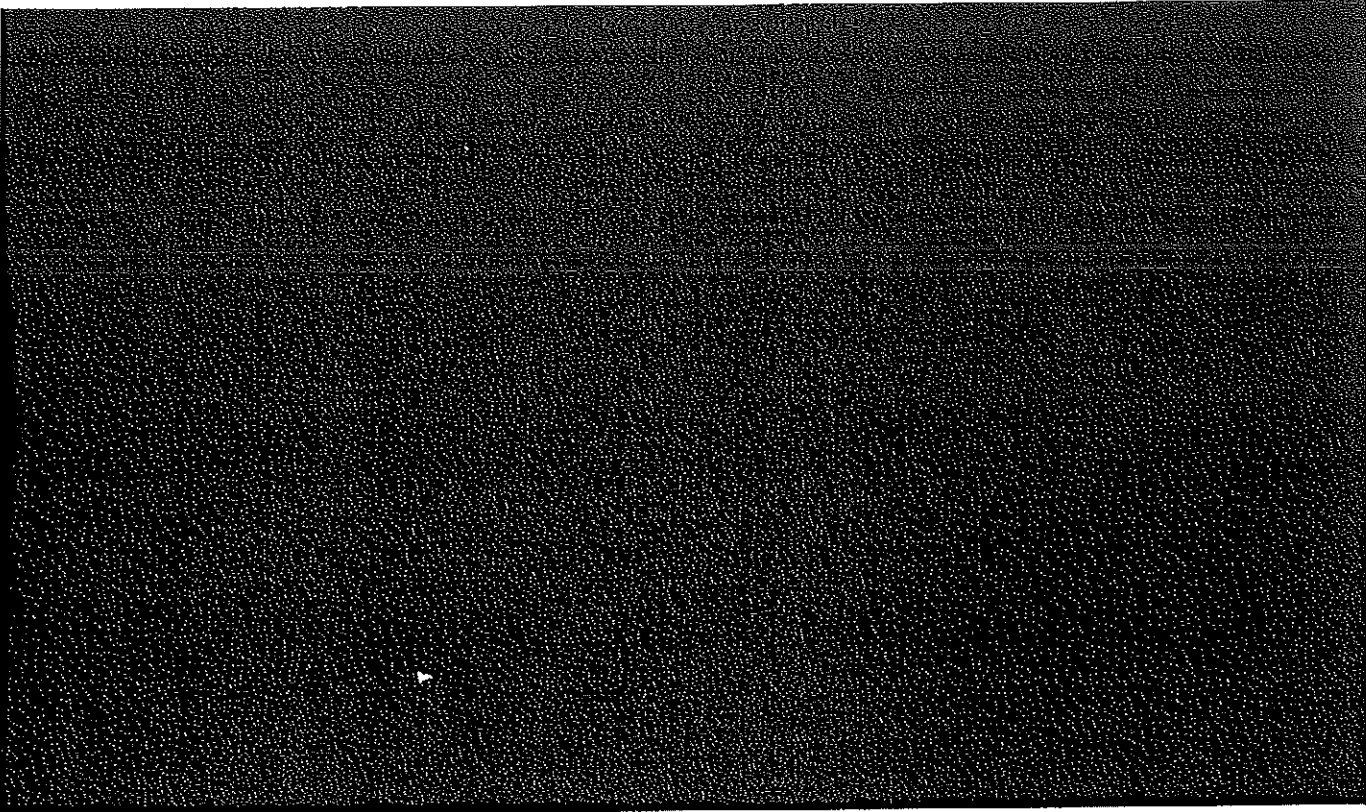
Why are you not allowed to report on the DA's office, police and Worrick Robinson with info you already have about a lawsuit filed four days before the VU rape occurred?

I agree with DA Thurman and Worrick Robinson about a VU rape suspect getting a fair trial in Nashville. My family would also like to get a fair trial.

Oral arguments before the Tn Court of Appeals are scheduled for 1 pm on March 25th.

<https://soundcloud.com/valglenn18/judge-solomon-recusal-hearing>

*Sincerely,
Catherine Davis*



From: valglenn18@aol.com [mailto:valglenn18@aol.com]
Sent: Saturday, March 22, 2014 12:12 PM
To: waters@commericalappeal.com
Cc: marlene.pardue@nashville.gov; kathy.morante@nashville.gov; karl.dean@nashville.gov; chief@police.nashville.org
Subject: Worrick Robinson - Covenant Molestation - Vanderbilt Rape Case

David: Attached is the amended complaint being reviewed by the TN Court of Appeals on Tuesday. We provided enough facts that the Metro Police department could have easily investigated the six-year sex-crime cover-up but Metro Police turned a blind eye to Worrick Robinson in contrast to the handcuffs placed on Chris Boyd (of Roswell, GA) in the Vanderbilt Rape Case.

Worrick Robinson was the only individual defendant present in the courtroom on Sept 19, 2013 when Judge Solomon repeatedly insulted my family with comments such as: "They don't have standing to file this complaint... It almost sounds like an attention-getting device, because they don't have standing... I don't see one fact, not one in all of this...no facts... We don't deal with the shadows. We don't deal in the star chamber. We bring everything out. There is no trial by ambush... Please, tell me the facts... I have none."

Bring everything out? Star Chambers? Trial by ambush? No facts? Is Judge Solomon kidding me? This whole Cuban government style process has been nothing but star chambers, police intimidation and secret ambush beginning with Worrick Robinson and an armed security unit assaulting and threatening private American citizens (including children) at the front door of a PCA church on June 29, 2008 without legal authority or just cause. (Refer to link and audio below)

<http://www.KeepandShare.com/doc4/23272/mollon-post-judgment-facts-file-stamped-pdf-832k?da=y>
<https://soundcloud.com/valglenn18/is-covenant-safe>

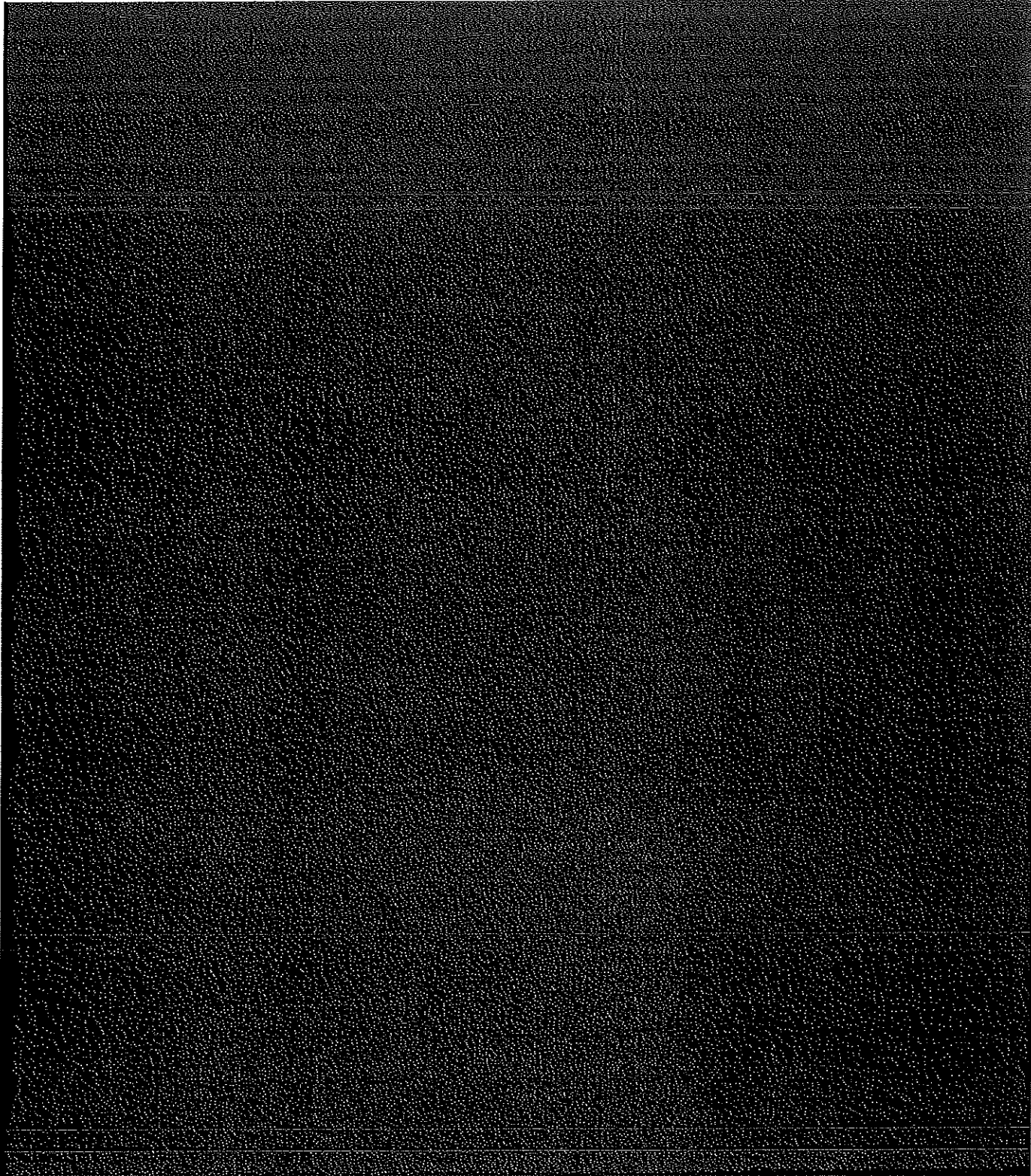
Even the PCA church lawsuit committee reeks of "OPA - star chamber" style management by including a Federal Judge (John Bryant) and an individual defendant (John Avery). When you read the June 24, 2013 church e-mail below, does it seem to you that Covenant/PCA Leaders are "bringing everything out" pertaining to the plaintiffs and defendants in this case?

I continue to hear taunting reports that we will lose our appeal on Tuesday because Jesus has apparently sanctioned child-molesting as a sacred virtue within the National PCA located in Lawrenceville, GA (Protecting Child-Molesters in America). The attached audio from last Sunday exemplifies the increasing arrogance of pastors, leaders and PCA-Covenant Members who apparently care nothing about the safety and welfare of vulnerable children. The speaker is PCA Pastor Wayne Herring, a former pastor at Independent Presbyterian in Memphis.

The Vanderbilt Rape Case also has a hearing next week. Maybe a member of the Tennessee Media Coalition will finally ask Worrick Robinson a question about the molestation of a young child-- and possibly others placed in a "safe house"-- while Worrick Robinson stands before local TV cameras again down at the Metro Courthouse? Maybe someone will ask Worrick Robinson where the victim's mother was employed during the first year of the cover-up and what the mother told Metro Police when she was asked questions-- expecting honest answers-- in 2012?

I look forward to an honest Appeals Court overturning Judge Solomon's dismissal with prejudice.

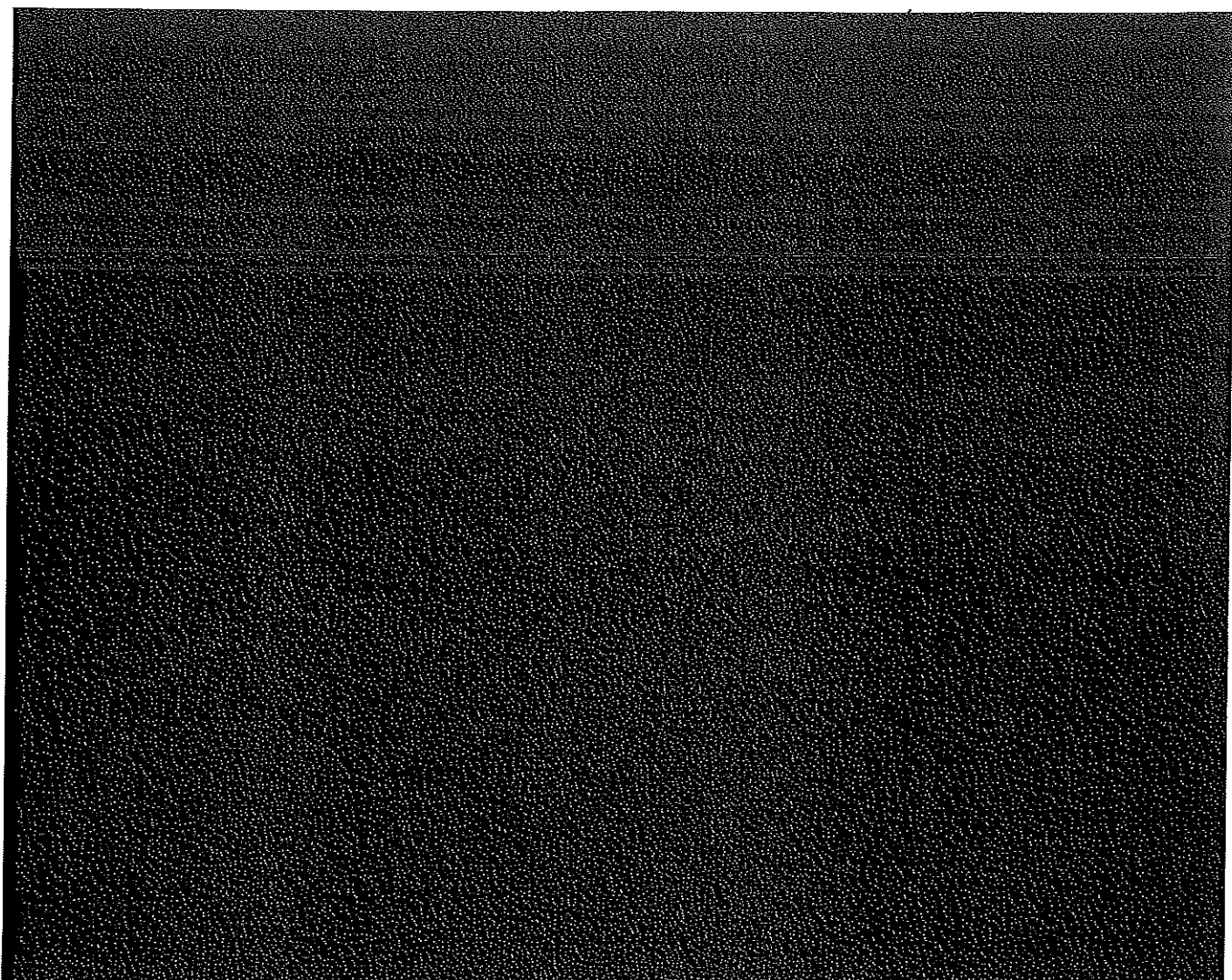
Best,
Austin (see Covenant email below)



From: <valglenn18@aol.com<<mailto:valglenn18@aol.com>>>
Date: Apr 19, 2014 7:39 PM
Subject: "I do not care what motivates you"
To: <duncanatescave@gmail.com<<mailto:duncanatescave@gmail.com>>>

Cc: <cbundgaard@wkrr.com<<mailto:cbundgaard@wkrr.com>>>

Duncan: Thanks for sending me the attached documents which are even more fascinating with what we've recently learned. Also, here is a new response I received this morning (see in red below). I don't believe any of the Stepford followers even review the child-molestation concealment info which I provided in an email yesterday (see in blue below). Please add Mr. Inman's response to the Stepford File with the others I have received during the past two days. I do not recall and cannot find a record of Mr. Inman's request but I did remove his name from the massive email list this morning. As far as I am concerned, Mr. Inman is a voting member of a non-profit, tax-free corporation that used Metro Police to attack my family for the purpose of concealing a confessed child molester in a cover-up that is still on-going after six years. If Mr. Inman wishes to call metro police to have me arrested for harassment, it is a free country and he is welcome to do so. Jim Bachmann made a similar "false report" to metro police in 2008 and police have repeatedly informed me that one call is all it would take to trigger my arrest. I do plan to vigorously defend myself against a "false report" or a "false arrest" by police and anyone who makes such a call should be prepared to go to jail and/or civil court as I am prepared to do. As for good news, there are hundreds of very intelligent "outsiders" receiving my emails and many have contacted us from as far away as Japan to encourage and support my family. I still remain hopeful that at least "one" Bachmann follower will step over the Stepford Line to express a similar concern for the safety of children who are under the care of The Covenant School Board and the Covenant Ruling Session. GF...LL...IT... Happy Easter, Austin



From: valglenn18@aol.com
Subject: Lawsuits Update - Next Hearing- Judge Solomon - Aug 8, 2014 - 9:00 am
Date: July 24, 2014 at 2:15:05 PM CDT
To: valglenn18@aol.com

Lawsuits Update:

1. Lawsuit 1 - TN Court of Appeals reversed "assault" section of Judge Solomon's decision to "dismiss with prejudice." This was a case dismissed because we were judged as having provided zero facts. We believe facts were missed or overlooked in the written complaint and we have requested a new hearing before TN Court of Appeals. Waiting on response.
2. Lawsuit 2 - Here is our response filed yesterday for the "motion to dismiss." We made a new request for Judge Solomon to recuse herself. The 4-minute audio for the previous recusal request already denied is provided below:
<https://www.KeepandShare.com/doc4/42215/2014-s-july-23-response-to-dale-lewelling-s-motion-to-dismiss-104k?da=y>
<https://soundcloud.com/valglenn18/judge-solomon-recusal-hearing>
3. Lawsuit 3 - The defendant's motion to dismiss was denied. Lawsuit # 3 advances forward. Initial request for discovery has been made.

4. Lawsuit 4 - Still waiting on Sheriff's Office (and others) to deliver acceptable service on new 4th lawsuit filed June 23, 2014. Judge Hamilton Gayden was honorable to recuse himself and Judge Carol Solomon was assigned the new lawsuit. Covenant attorney threatened my attorney with "sanctions" if this lawsuit is not voluntarily withdrawn by us within 21 days. Covenant attorney is making new revolutionary legal argument that a written "prayer" request is legally "privileged" information under the protection of Tennessee secular law. Judge Carol Solomon made it very clear in a hearing on September 19, 2013 that the U.S. Constitution did not empower her with the legal authority to intervene with secular oversight in church affairs. Judge Solomon also made it very clear that she did not wish to personally exercise or extend her powerful secular authority to any type of church matter on the other side of the "tall wall" existing between church and state.

How does Tennessee secular law impose its awesome power beyond the "tall wall" of church and state to provide secular legal "privilege" for a written "prayer" request when a Christian "prayer petition," by its very nature, is made to a non-secular authority and not to a secular authority such as Judge Carol Solomon? Christian Pastor Jim Bachmann was not seeking the protection of secular authority when he sent out his "prayer" request to many "brothers and sisters" because Jim Bachmann was hoping that many "brothers and sisters" would pass along his request to other "brothers and sisters" to join him in non-secular prayers to someone other than Judge Carol Solomon when they made their pleas and petitions. Christian Pastor Jim Bachmann made his choice to "forfeit" his secular legal "protection" when he crouched behind the "tall wall" of church and state to solicit "prayers" to be made to a non-secular authority other than Judge Carol Solomon. Will Judge Carol Solomon now legislate from the bench to create "new secular law" in Tennessee whereby "prayers" offered to a non-secular authority are now protected by secular legal "privilege" and Tennessee secular judges?

PCA Defendant attorneys have already made numerous arguments in several civil courts that the state is prohibited and cannot peek over the sacred "tall wall" in search of a concealed "child-molester" because the PCA is protected by the 1st and 14th amendment. And of course, these same PCA bodies have no problem using armed Metro Police to invade a private American citizen residence to silence and intimidate a peaceful American family while crushing the 1st and 14th Amendments of American citizens without any remorse, contrition, or conscience.

In response to this threat of "sanctions" against my attorney, my attorney is reviewing every option open to us before the expiration of the July 30th deadline. As of the moment, this 4th lawsuit is the most widely accessed and viewed lawsuit ever posted by me on Keep and Share with 442 views in only a couple of weeks. On July 3rd, we amended the original complaint to add information to page 11 and elsewhere. Here is the link for the new amended complaint: <http://www.keepandshare.com/doc4/39007/2014-o-july-3-amended-4th-lawsuit-vs-jim-bachmann-others-1-0-meg?da=y>

5. Future Lawsuits: As more information and discovery is provided, Judge Solomon has already allowed us to pursue individual Covenant Members such as Dale Lewelling. I preferred only filing one lawsuit as we originally did on June 19, 2013, but Jim Bachmann has continued to escalate the "war" by using the Covenant "prayer concerns," the Covenant staff, the Covenant bully pulpit, the Covenant internet site, and the Covenant radio program to fight with all of his might in avoidance of any personal responsibility for his own part in the deliberate "child-molestation safe-house" concealment effort which utilized the armed force of Metro Police. I do hope that I will not have to file any more new lawsuits against any new defendants and I am encouraged that after six long years of a Nashville nightmare (that I would not wish upon any family anywhere), that some sanity may be returning to the Covenant Commonwealth based upon the cancellation of a congregational meeting this past Sunday as explained by Federal Judge John Bryant in this short audio: <https://soundcloud.com/valglenn18/federal-judge-john-bryant-meeting-cancelled>

6. Judge Solomon: I feel compassion for Judge Solomon. I watched the kind manner in which she treated an old lady one day who could not afford a lawyer for representation. Judge Solomon was very kind to the old woman who barely could stand up in the court room. Being a judge with a busy docket is not an easy job and unfortunately Judge Solomon wanted more "facts" in the first case than I was willing to originally provide on June 19, 2013 because I did not want to unnecessarily hurt any children or other possible victims. In that original complaint, I would not allow my lawyer to include certain information because I wished to protect a "victim" who is now so easily forgotten in all of these lawsuits which have unnecessarily lasted for more than a year. There are multiple victims in this molestation-concealment campaign but I will never forget the terror imposed upon a frightened 11-year old girl-- in the dark of night-- when she was molested approximately 25 different times with no one around to help her in her silent terror and distress.

7. Wedding ring: I sold my wedding ring the other day which had the words "by faith" inscribed along with my wedding date. Jim Bachmann and my opponents wish to string me out with the hope that I will not remain "standing" to continue the fight and then they plan to come finish me off and bury me by asking me to pay the legal fees for the child-molestation concealment effort which now continues in civil court. When I was a young boy in Mississippi, I used to stand by my grandfather in a dusty planted field as he waited on rain to save the crops so food could be put on the table for us to eat. My grandfather had a sixth grade education but he was smart enough to teach me that the Lord is the one who brings the rain after a long drought and to never, ever put my trust in worldly might, strength or riches. My opponents are stronger than me, have more friends than me, have more lawyers than me, have more connections than me, have more financial resources than me, and I am under Federal Bankruptcy protection with another \$3100 payment due to the trustee scheduled for tomorrow. But here is something that my opponents do not understand or fully appreciate about me or what my grandfather, mother and others have been gracious to teach me in this life. The Lord is richer than them, more mighty than them, more powerful than them, and the Lord always provides and never, ever abandons any one-- no matter how small, weak, poor, unloved, hated, black or white, yellow or red, believer or even unbeliever-- if one is humble to call upon His name.

More information to come.

From: valglenn18@aol.com
Subject: More Information - Harpeth Hall - Covenant Lawsuits
Date: July 28, 2014 at 11:50:09 AM CDT
To: valglenn18@aol.com

Dear Harpeth Hall Families:

We appreciate the thoughtful responses and questions we received yesterday. We are open/transparent to answer any questions anyone might have, anywhere and anytime.

Many Covenant Members also received the same email yesterday but the uncaring Covenant responses stand in stark contrast to responses from the Harpeth Hall parent community.

Here is a 1-minute audio from Jim Bachmann's sermon yesterday. It is unknown whether he wore a bullet-proof vest under his black robe as he did several years ago when he used hysteria and Metro Police to intimidate and silence our family to conceal and protect a confessed child molester:
<https://soundcloud.com/valglenn18/maybe-they-will-laugh-at-beating-up-young-girls>

"Secrets" are critical to the very unhealthy, Covenant "cover-up" culture. Here are snippets from a Covenant Women's Bible study. <https://soundcloud.com/valglenn18/the-wives-of-stepford-have-a-secret>

A few days ago, we learned that Judge Carol Solomon will be presiding over a 4th lawsuit. Earlier this year, Judge Solomon denied a recusal motion and she is now the original judge for three lawsuits: <http://www.keepandshare.com/doc4/38642/2014-q-july-14-lawsuit-4-transferred-to-judge-carol-solomon-s-court-196k?da=y>

Here is the recusal motion which Judge Solomon denied (refer to item 1 on page 2-3 and also molestation allegations on page 31): <http://www.keepandshare.com/doc4/22426/2014-a-jan-6-recusal-motion-for-judge-carol-solomon-4-pdf-1-3-meg?da=y>

Here is a 4-minute audio of the Judge Solomon recusal hearing near the beginning of the year: <https://soundcloud.com/valglenn18/judge-solomon-recusal-hearing>

If Metro Police, the DA's office and Judge Solomon demonstrated genuine care and concern for young girls, we would trust the integrity of the Davidson County judicial process without the need to inform anyone else in Nashville, including members of the Harpeth Hall community.

However, at the present time the Harpeth Hall lawsuit is the only path around Metro Police, the DA's office and Judge Solomon to expose a massive "child-molestation harassment-concealment" effort which utilized Metro Police to protect and conceal a confessed child molester.

Also, please know that the 19-year old Plaintiff did not wish to pursue legal action against Harpeth Hall but was forced to make this gut-wrenching decision to overcome the inaction of Metro Police/the DA's office and the legal rulings of Judge Solomon.

Numerous efforts have been made to keep us from "speaking out" and to intimidate our voices into silence.

We remain hopeful that the mothers, grandmothers and alumni of Harpeth Hall will join us to stand against the molestation, harassment, bullying and abuse of any developing young girl.

Sincerely,

Catherine Fleming Davis '79 (cell phone - 615-579-7282)
Austin Davis

EXHIBIT E