

Exhibit B

IN THE CHANCERY COURT FOR MONROE COUNTY, TENNESSEE

CAROL ANN and LAURA STUTTE,)
KIMBERLY HOLLOWAY,)
)
Plaintiffs,)
)
vs.)
)
JANICE MILLSAPS.)
)
Defendant.)

FILED
FEB 02 2011
TIME 3:35 PM
ROBERT J. PENNINGTON
CLERK & MASTER MONROE CTY
No. 16967

COMPLAINT

Plaintiffs, Carol Ann and Laura Stutte (hereinafter the “Stuttes”), by and through the undersigned counsel, bring this Complaint against the Defendant, Janice Millsaps (hereinafter “Ms. Millsaps”), for trespass, conversion, malicious harassment in violation of T.C.A. 4-21-701, and intentional infliction of emotional distress, and in support of these claims, state as follows:

1. Parties

1. Plaintiffs, Carol Ann and Laura Stutte, are domestic partners who formerly resided at 2715 Highway 360 in Vonore, Tennessee. The Stuttes now reside in Knox County, Tennessee. Their street address is not herein disclosed due to multiple death threats they have received from the Defendant, but they may be reached through the undersigned counsel.

2. Plaintiff, Kimberly Holloway, is the adult daughter of Carol Ann and Laura Stutte. She resided with the Stuttes during all times material to this Complaint, and lives with them now.

3. Defendant, Janice Millsaps, is a single person residing at 2713 Highway 360, Vonore, TN 37885. She is the former next-door neighbor of the Stuttes, and the subject of multiple police reports due to her harassment of the Stuttes. Ms. Millsaps is the daughter of John

Millsaps, deceased, whose estate conveyed ownership of the home that is the subject of this litigation to the Stuttes. Her double-wide mobile home is located about 20 feet from the gate leading to the Stuttes' property, and approximately 120 feet from the Stuttes' front door.

II. Jurisdiction and Venue

4. Jurisdiction is proper in this Court pursuant to T.C.A. 16-11-101(a), which states that the chancery courts shall have jurisdiction concurrently with the circuit courts of all civil causes of action, and pursuant to T.C.A. 16-11-103, which grants the chancery court exclusive original jurisdiction of all cases of an equitable nature where the demand exceeds fifty dollars (\$50.00).

5. Venue is proper in this Court pursuant to T.C.A. 20-4-101(a) in that the Defendant may be found in Monroe County, Tennessee, and the cause of action arises out of a fire the Defendant set to the Plaintiff's home, which is located in Monroe County, Tennessee.

III. General Allegations

6. On or about June 10, 2005, the Stuttes purchased their home located at 2715 Highway 360, Vonore, Tennessee, 37885, from the executor of the John Millsaps estate, paying the sum of \$149,000.

7. Over the next five (5) years, the Stuttes resided at the home and invested considerable sums of money in its improvement, such that at the time of the fire, the property was insured for \$206,000. The Stuttes also insured their personal property, most of which was located in the home, for \$154,000. The Stuttes intended the home to be where they retired, and sentimentally named the property "The Promised Land."

8. During the time the Stuttes resided at The Promised Land, the Stuttes were

routinely harassed and threatened by their neighbor, Defendant Janice Millsaps. Examples of the harassment include, but are not limited to:

- a. On several occasions, Ms. Millsaps threatened to poison the Stuttes' dogs. She then lured the Stuttes' dogs to her yard with meat scraps. The dogs would subsequently fall ill, and one of the Stuttes' dogs subsequently died, apparently from being poisoned.
 - b. Ms. Millsaps on several occasions came onto the Stuttes' property without permission, entering their home when they weren't home, and peering in their windows as the Stuttes watched TV at night. Ms. Millsaps would routinely comment that the Stuttes "couldn't fool" her by leaving their lights and television on when they left; that she always knew when they were home and when they were gone, and when they were sleeping and when they were awake.
 - c. Ms. Millsaps routinely approached the Stuttes in a surreptitious manner while they were gardening or fishing from their dock. When she was close, she would remark that she could have killed them "right then," and the Stuttes would not have had a chance to defend themselves.
9. Ms. Millsaps has repeatedly threatened the lives of the Stuttes, making statements such as, "there's bodies in these hills that no one will ever find." She routinely referred to "friends" that she allegedly has on the police force who would ensure that she was never caught if she killed the Stuttes, saying that the community "takes care of things the old fashioned way, the Millsaps way."
10. Ms. Millsaps specifically and repeatedly threatened to burn the Stuttes' house.

11. The Stuttes first attempted to ignore or simply to make light of her comments, not wanting to encourage her by responding with fear or anger. When the threats continued, the Stuttes made contact with her family and pastor. Ms. Millsaps brother, who had sold them the house, responded, "There's nothing we can do with her." Other members of Ms. Millsaps' family responded similarly. The pastor made light of the situation, saying, "Oh, that's just Janice."

12. On or about June 21, 2010, Ms. Millsaps accepted a UPS delivery to the Stuttes' daughter. The package contained the daughter's insulin pump that cost \$6,803.00. The pump is used to treat their daughter's diabetes.

13. Ms. Millsaps admitted to the Stuttes and to UPS representatives that she had received the pump, but stated, "you'll never get it back" and refused to return it. On June 22, 2010, at UPS's request, the Stuttes filed a police report, but Ms. Millsaps has still refused to return the pump.

14. Ms. Holloway now suffers severe dips in her blood sugar levels, because she cannot access the insulin pump. Ms. Holloway's insurance will not replace the pump, and neither Ms. Holloway nor the Stuttes have sufficient funds to pay for a new pump out-of-pocket. The Stuttes and Ms. Holloway fear that Ms. Holloway will go into an insulin-induced coma if this situation is not rectified soon.

15. On August 4, 2010, one month before the fire, Ms. Millsaps approached the Stuttes as they stopped to close their front gate, located a few steps from Ms. Millsaps' front porch. Ms. Millsaps poked at the Stuttes and asked them, "Do you know what is better than one dead queer? Two dead queers." She specifically threatened to burn their house down, before

laughing and returning to her house. The Stuttes departed immediately.

16. During that week, because they were tired of Ms. Millsaps' repeated harassment, upset by her theft of the insulin pump and the killing of their dogs, and fearful for their own safety, the Stuttes decided to sell their home.

17. The Stuttes listed their home with ERA Norman Lee Real Estate for the sale price of \$274,900. The house was shown, with favorable reviews, during the next two weeks to four potential buyers.

18. On September 4, 2010, at approximately 3:00 o'clock in the afternoon, the Stuttes, Ms. Holloway, and their neighbor, left on a long-scheduled vacation to celebrate the Labor Day weekend in Nashville, Tennessee.

19. At approximately 8:00 that night, the Stuttes received a call from the Monroe County Sheriff's Department, wherein they were informed that their house was on fire and was a total loss.

20. Carol Ann Stutte drove home from Nashville to see if the dogs had been killed, and witnessed the last wall of her home fall into the remaining embers of the fire. The dogs were unharmed.

21. The next morning, Carol Ann Stutte saw the word "Queers" painted in black spray paint on the side of their detached garage.

22. On September 7, 2010, the Stuttes discovered that the lug nuts on the trailer to their boat had been loosened and the trailer vandalized.

23. During this same time frame, the Stuttes discovered nails in front of their gate and around their vehicles. They duly filed a police report.

24. A few days after the fire, Ms. Millsaps taunted the Stuttes as they visited the site of their home, pointing at the Stuttes and at the remains of their home, and laughing. Her intent and demeanor appeared malicious.

25. These incidents have caused the Stuttes tremendous emotional distress. Their privacy is gone. Their home is gone. They suffer from periods of nausea, insomnia, nightmares and depression. Carol Ann in particular, is prone to periods of crying for no immediate reason. They live in fear of the memory of Ms. Millsaps' threats to kill them, made more believable since she had threatened to burn their house down less than a month before it burned to the ground. The Plaintiffs describe their lives as feeling "like zombies."

Count 1: Trespass and Conversion

26. By her actions as described in Paragraphs 4-25 of this Complaint, Ms. Millsaps is liable to the Stuttes for trespass and conversion, in that Ms. Millsaps intentionally took and refused to return the Plaintiffs' insulin pump, killed their dogs, repeatedly entered Plaintiffs' land without their permission, vandalized their boat and garage, and set fire to their home, causing massive damage to their property and depriving them of the use thereof.

27. As a result of her actions, the Stuttes are entitled to compensatory and punitive damages, attorneys' fees, court and discretionary costs, together with pre- and post-judgment interest, in an amount not less than the loss of value of their property, to wit: \$292,688.82.

Count 2: Intentional Infliction of Emotional Distress

28. By her actions as described in Paragraphs 4-25 of this Complaint, Ms. Millsaps is liable to the Stuttes for intentional infliction of emotional distress. Ms. Millsaps has intentionally and/or maliciously harassed and threatened the Stuttes, entered their home without permission,

stolen Ms. Holloway's insulin pump, killed their dogs, vandalized their property, called them "queers," and burned their house down. Such acts constitute intentional infliction of emotional distress in that they are intentional and/or reckless, so outrageous as to not be tolerated by civilized society, and have resulted in serious mental injury to the plaintiffs.

29. As a result of her actions, the Stuttes are entitled to compensatory and punitive damages, attorneys' fees, court and discretionary costs, together with pre- and post-judgment interest, in an amount not less than the loss of value of their property and an appropriate sum to compensate them for their pain and suffering, in an amount not less than \$880,000.00.

Count 3: Malicious Harassment

30. By her actions as described in Paragraphs 4-25 of this Complaint, Ms. Millsaps is liable to the Stuttes for malicious harassment, in violation of T.C.A. 4-21-701, in that she has, on the basis of the Stuttes familial status as domestic partners, unlawfully deprived the Stuttes of their constitutional right to the use and enjoyment of their real and personal property, by intimidation and/or by damaging, destroying, and defacing their real and personal property, and by depriving them of their right of privacy as protected by the Tennessee Constitution.


31. As a result of her actions, the Stuttes are entitled to compensatory and punitive damages, attorneys' fees, court and discretionary costs, together with pre- and post-judgment interest, in an amount not less than the loss of value of their property and an appropriate sum to compensate them for their pain and suffering, in an amount not less than \$880,000.00.

Request for Relief

32. Wherefore, premises considered, Plaintiffs request the following relief:

- A. For process to issue and for this Complaint to be served upon the Defendant, her answer being required within thirty (30) days as required by the Tennessee Rules of Civil Procedure.
- B. For a jury to be empaneled to try this action.
- C. That upon trial, for an award of not less than \$880,000, together with pre- and post-judgment interest, attorney fees, court and discretionary costs.
- D. **For a temporary and permanent injunction directing Ms. Millsaps to stay away from the Stuttes and from their real and personal property and to not contact or communicate with the Stuttes or their daughter, and to immediately return Ms. Holloway's insulin pump.**
- E. For such other, further and general relief as this Court deems appropriate.

Respectfully submitted this 20th day of February, 2011.



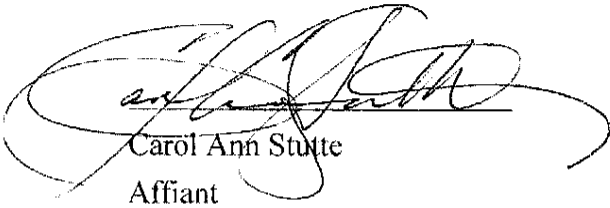
Margaret Beebe Held
Attorney for Plaintiff
BOPR #018033


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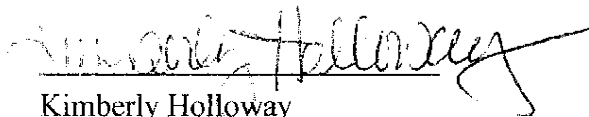
AFFIDAVIT OF CAROL AND LAURA STUTTE AND KIMBERLY HOLLOWAY

We, the undersigned, having been duly sworn according to the law, state that I have read the foregoing COMPLAINT, that the allegations contained therein are true and correct to the best of my knowledge, information and belief, and that this Complaint is brought for no improper purpose, but in truth and sincerity for the purposes described therein.

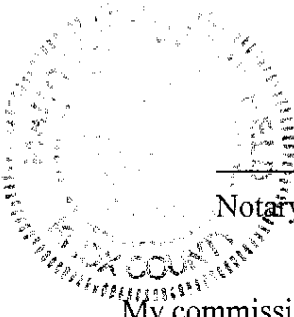
SIGNED this 31st day of January, 2011.



Carol Ann Stutte
Affiant


Laura Stutte
Affiant


Kimberly Holloway
Affiant

Sworn to and subscribed before me this 31st day of January, 2011.

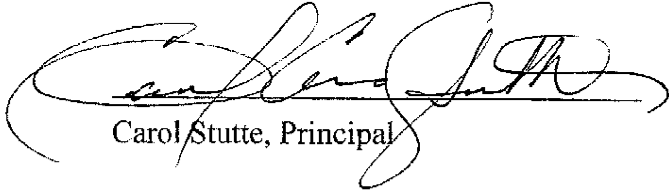




Notary Public

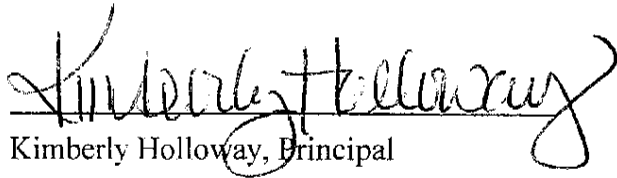
My commission expires: 11-12-2011

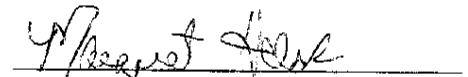
COST BOND

I, the undersigned, do hereby agree to be responsible for payment of court costs that may be awarded against me in the case of failure in the prosecution of this action, in accordance with T.C.A. 20-12-120.


Carol Stutte, Principal


Laura Stutte, Principal


Kimberly Holloway, Principal


Margaret Held, Surety