IN THE CIRCUIT COURT OF ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD

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PEPPER BLACK AND S. BRAD DOZIER, *Plaintiffs,* *v.* THERESA BALDWIN, *Defendant.*	§ § § § § § § § § §	Case No.: 74CC1-2022-CV-247

DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF HER MOTION TO DISMISS AND TENN. CODE ANN. § 20-17-104(a) PETITION TO DISMISS THE PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO THE TENNESSEE PUBLIC PARTICIPATION ACT

I. INTRODUCTION

Plaintiff Brad Dozier is a disgraced lawyer who was recently suspended for serious unethical behavior toward multiple clients.[1] His most recent wife, Pepper Black, is a five-times-married multi-level-marketing employee who struggles to maintain healthy relationships with others—including her own children, whom she has physically abused.[2] This lawsuit arises out of the Plaintiffs' disturbing behavior toward and efforts to manipulate the Defendant's vulnerable young daughter—Gracie Baldwin—and the Defendant's decision to speak out about the danger that the Plaintiffs posed to her.

Defendant Theresa Baldwin is a devoted mother to a troubled young daughter. Given the Plaintiffs' deeply disturbing behavior toward Ms. Baldwin's daughter—who escaped from the Plaintiffs' custody shortly after they filed this lawsuit—Ms. Baldwin has

[1] *See* Ex. A, Theresa Baldwin Decl. at Ex. 2.
[2] *See* Ex. A at Ex. 4; *id.* at ¶ 39; Ex. B, Gracie Baldwin Decl. ¶ 21.

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spent much of the past two years concerned for her daughter's safety.

Beginning in 2020—and without Ms. Baldwin's permission—Plaintiffs Pepper Black and Brad Dozier took advantage and custody of Ms. Baldwin's minor child, who was seeking to escape her mother's strict household rules. Thereafter, the Plaintiffs convinced Ms. Baldwin's daughter, among other things:

(1) to cut off all communication with her mother;[3]

(2) to go "off the grid" and delete all social media;[4]

(3) to lie to her boyfriend about where and with whom she was living;[5]

(4) to attempt to sabotage her mother by collecting evidence to use for this lawsuit;[6]

(5) to begin a negative social media campaign against her mother;[7]

(6) to change her last name in order to show loyalty to the Plaintiffs;[8] and, most disturbingly:

(7) to participate in bizarre nightly prayer sessions with the Plaintiffs in their bed[9]—a fact that the Plaintiffs have knowingly lied about in their Amended Complaint and throughout this case.

In 2021, the Plaintiffs' child—Cayenne Black—also warned Ms. Baldwin that DCS had shown up to the Plaintiffs' home looking for Ms. Baldwin's daughter and advised that "[G]racie wants to be with you[,]"[10] even though the Plaintiffs would not allow her to leave.

As any good parent faced with these circumstances would have done, Ms. Baldwin

[3] *See* Ex. A, Theresa Baldwin Decl. ¶ 28.
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] Ex. B ¶ 7.
[10] Ex. C, Cayenne Black Email.

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began speaking out about the Plaintiffs' disturbing behavior in an attempt to save her daughter.[11] Thereafter, the Plaintiffs sued Ms. Baldwin for a host of speech-based tort claims in an effort to silence the Defendant's truthful accounting of the Plaintiffs' actions. This lawsuit additionally serves as raw retaliation for truthfully alerting the Department of Children's Services of Plaintiff Pepper Black's physical abuse of her own daughter Cayenne, whom Ms. Black recently assaulted.[12]

Put another way: this is a Strategic Lawsuit Against Public Participation (a "SLAPP suit"[13]) filed by the Plaintiffs—two individuals with abysmal reputations who had no legal right to interfere in Gracie Baldwin's life, and who manipulated Ms. Baldwin's daughter to an extraordinary and inappropriate degree—against a rightfully concerned mother who did what was necessary and within her legal rights to protect her only child. As a result, and for the reasons detailed below, the Plaintiffs' claims must be dismissed pursuant to the Tennessee Public Participation Act. Dismissal of the Plaintiffs' claims against Ms. Baldwin with prejudice—in addition to an award of attorney's fees, costs, and sanctions—is warranted as a result.

II. LEGAL STANDARDS

A. MOTION TO DISMISS

"A motion to dismiss a complaint for failure to state a claim pursuant to Rule

[11] Ms. Baldwin's stated purpose in creating these videos was to "bring awareness – both generally as to the harms of grooming and manipulation, as well as specifically as to Mr. Dozier and Ms. Black's alarming behavior towards [her] minor daughter – so others could navigate similar situations with greater knowledge and understanding." Ex. A ¶ 32.

[12] *See* Ex. A at Ex. 4; *id.* at ¶ 39; Ex. B ¶ 21.

[13] "The term 'SLAPP' stands for 'strategic lawsuits against public participation,' meaning lawsuits which might be viewed as 'discouraging the exercise of constitutional rights, often intended to silence speech in opposition to monied interests rather than to vindicate a plaintiff's right.'" *See Nandigam Neurology, PLC v. Beavers*, No. M2020-00553-COA-R3-CV, 2021 WL 2494935, at *3 (Tenn. Ct. App. June 18, 2021) (citing Todd Hambidge, et al., *Speak Up. Tennessee's New Anti-SLAPP Statute Provides Extra Protections to Constitutional Rights*, 55 TENN. B.J. 14, 15 (Sept. 2019)).

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12.02(6) of the Tennessee Rules of Civil Procedure asserts that the allegations in the complaint, accepted as true, fail to establish a cause of action for which relief can be granted." *Conley v. State*, 141 S.W.3d 591, 594 (Tenn. 2004). Generally, a motion to dismiss is resolved by examining the pleadings alone. *See Leggett v. Duke Energy Corp.,* 308 S.W.3d 843, 851 (Tenn. 2010) (citing *Cook ex rel. Uithoven v. Spinnaker's of Rivergate, Inc.*, 878 S.W.2d 934, 938 (Tenn. 1994)). This Court, however, may also consider "items subject to judicial notice, matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint whose authenticity is unquestioned . . . without converting the motion into one for summary judgment." *W. Exp., Inc. v. Brentwood Servs., Inc.*, No. M2008-02227-COA-R3-CV, 2009 WL 3448747, at *3 (Tenn. Ct. App. Oct. 26, 2009) (emphasis added) (quoting *Ind. State Dist. Council of Laborers v. Brukardt*, No. M2007–02271–COA–R3–CV, 2009 WL 426237, at *8 (Tenn. Ct. App. Feb.19, 2009), *perm. to app. denied* (Tenn. Aug. 24, 2009)), *no app. filed*. (in turn quoting WRIGHT AND MILLER, FEDERAL PRACTICE AND PROCEDURE, CIVIL § 1357, at 376 (3d ed.2004)).

Thereafter, where—as here—"the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief[,]" a defendant's motion to dismiss for failure to state a claim must be granted. *See Crews v. Buckman Labs. Int'l, Inc.*, 78 S.W.3d 852, 857 (Tenn. 2002).

B. THE TENNESSEE PUBLIC PARTICIPATION ACT

The Tennessee Public Participation Act ("TPPA")—which Tennessee enacted in 2019 to deter, expediently resolve, and punish SLAPP-suits like this one—provides that "[i]f a legal action is filed in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may petition the court to dismiss the legal

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action" subject to the specialized provisions of Tennessee Code Annotated §§ 20-17-104 and 20-17-105. *See* TENN. CODE ANN. § 20-17-104(a). The TPPA "provide[s] an additional substantive remedy to protect the constitutional rights of parties" that "supplement[s] any remedies which are otherwise available . . . under the Tennessee Rules of Civil Procedure." TENN. CODE ANN. § 20-17-109. As such, nothing in the Act "[a]ffects, limits, or precludes the right of any party to assert any defense, remedy, immunity, or privilege otherwise authorized by law[.]" *See* TENN. CODE ANN. § 20-17-108(4).

In enacting the TPPA, the Tennessee General Assembly forcefully established that:

> The purpose of this chapter is to encourage and safeguard the constitutional rights of persons to petition, to speak freely, to associate freely, and to participate in government to the fullest extent permitted by law and, at the same time, protect the rights of persons to file meritorious lawsuits for demonstrable injury. This chapter is consistent with and necessary to implement the rights protected by Article I, §§ 19 and 23, of the Constitution of Tennessee, as well as by the First Amendment to the United States Constitution, and shall be construed broadly to effectuate its purposes and intent.

See TENN. CODE ANN. § 20-17-102. Substantively, the TPPA also provides, among other things, that:

(1) When a party has been sued in response to the party's exercise of the right of free speech or the right to petition, he or she "may petition the court to dismiss the legal action" pursuant to Tennessee Code Annotated § 20-17-104(a);

(2) "All discovery in the legal action is stayed" automatically by statute "until the entry of an order ruling on the petition" pursuant to § 20-17-104(d); and

(3) "The court's order dismissing or refusing to dismiss a legal action pursuant to a petition filed under this chapter is immediately appealable as a matter of right to the court of appeals." *See* TENN. CODE ANN. § 20-17-106.

A TPPA petition to dismiss "may be filed within sixty (60) calendar days from the

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date of service of the legal action or, in the court's discretion, at any later time that the court deems proper." *See* TENN. CODE ANN. § 20-17-104(b). Under the TPPA, "[t]he petitioning party has the burden of making a prima facie case that a legal action against the petitioning party is based on, relates to, or is in response to that party's exercise of the right to free speech, right to petition, or right of association." *See* TENN. CODE ANN. § 20-17-105(a). Thereafter, the Court "shall dismiss the legal action unless the responding party establishes a prima facie case for each essential element of the claim in the legal action." *See* TENN. CODE ANN. § 20-17-105(b). Separately, "[n]otwithstanding subsection (b), the court shall dismiss the legal action if the petitioning party establishes a valid defense to the claims in the legal action." *See* TENN. CODE ANN. § 20-17-105(c). "If the court dismisses a legal action pursuant to a petition filed under this chapter, the legal action or the challenged claim is dismissed with prejudice." *See* TENN. CODE ANN. § 20-17-105(e).

III. FACTS

For purposes of Ms. Baldwin's Motion to Dismiss—but not for purposes of her TPPA Petition—the statements alleged in the Plaintiff's Complaint are taken as true. *See Conley*, 141 S.W.3d at 594.

This lawsuit arises from a desperate mother who took necessary action to protect her daughter against two dangerous individuals who have behaved inappropriately and repeatedly attempted to turn her daughter against her.[14] Specifically, at all times relevant to the events giving rise to this action, the Plaintiffs manipulated Gracie Baldwin to cease contact with her mother and follow their bizarre and disturbing house rules since Gracie

[14] Ex. B ¶ 7.

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began living with them—without her mother's permission or approval—while still a minor in December 2020.

Ms. Baldwin's interaction with the Plaintiffs began when–recognizing Gracie's behavioral issues and out of concern for Ms. Black's young daughters[15]–Ms. Baldwin contacted Ms. Black on December 4, 2020, to warn Ms. Black against allowing her daughters to spend time with Gracie.[16] When Ms. Black ignored Ms. Baldwin's concerns, Ms. Baldwin became concerned for her own daughter's safety and instructed Ms. Black that she was not permitted to contact Gracie further, who was a minor at the time.[17] Ms. Black agreed to cease contact with Gracie.[18]

Soon after this conversation, though, Ms. Black resumed contact with Gracie against the Plaintiff's instructions. Specifically, while Ms. Baldwin understood that Gracie was staying at another individual's home that Ms. Baldwin had approved and "arranged in advance[,]"[19] Ms. Black snapchatted Gracie repeatedly to try to get Gracie to come stay with Plaintiffs.[20] Ms. Black sent these messages all while knowing that Gracie was staying with a friend with Ms. Baldwin's permission, that Gracie was not "homeless" or "abandoned[.]"[21] When given an opportunity to explain why she invited Gracie to live with her, Ms. Black has attested only that she felt Ms. Baldwin and Gracie needed a "cooling off period"[22] and that she was attempting to "bring some control to the situation[.]"[23]

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[15] Ex. A ¶ 5.
[16] *Id*. at ¶ 5.
[17] *Id*. at ¶ 6.
[18] *Id*. at ¶ 7.
[19] Ex. B ¶ 9.
[20] *Id*.
[21] *Id*.
[22] Black Decl. ¶ 17.
[23] *Id*. at ¶ 16.

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Ms. Black's and Mr. Dozier's attempt at bringing "control" to the situation involved taking Gracie—a minor—across state lines to Florida without Ms. Baldwin's permission and less than a month after Ms. Baldwin instructed Ms. Black to have no further contact with Gracie.[24] As an explanation for this inappropriate conduct, the Plaintiffs have offered three conflicting accounts of their supposed effort to inform Ms. Baldwin of their plan. *See* Black Decl. ¶ 12 ("My husband and Gracie both tried to reach out to Theresa Baldwin[.]"); Dozier Decl. ¶ 11 ("My wife and Gracie both tried to reach out to Theresa Baldwin[.]"); Amended Compl. (not alleging that anyone reached out to Theresa Baldwin prior to taking Gracie to Florida). Conspicuously, though, despite submitting *hundreds* of pages of correspondence between the players in this lawsuit, the purported texts from either Plaintiff or Gracie to Ms. Baldwin have not been produced, because they do not exist and the Plaintiffs are misrepresenting what occurred.[25]

Indeed, Ms. Baldwin learned that Gracie was staying with Plaintiffs for the first time when she saw on social media that Gracie was in the Plaintiffs' car on their way to Florida.[26] Being appropriately concerned that the individuals whom Ms. Baldwin had specifically instructed to stay away from her minor daughter were transporting her to another state without Ms. Baldwin's permission, Ms. Baldwin quickly contacted law enforcement.[27]

In January 2021, after this trip, Gracie returned to her mother's home. Attempting to get their lives back on track and to protect Gracie from the Plaintiffs—Ms. Baldwin sent

[24] Amended Compl. ¶ 10; Ex. A ¶ 6.
[25] *See also* Ex. B ¶ 11 ("When it was time for them to go to Florida they put me in their van and seem to have no fear of my Mom's demands to stay away from me. They did not call her or anyone else to inform anyone they were taking me away without permission.") (emphasis added).
[26] Ex. A ¶ 9.
[27] Amended Compl. ¶ 10-11.

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Gracie to a boarding school in West Virginia.[28]

While at boarding school, Gracie began seeing a licensed clinical therapist, Brooke Modlin, to unpack her time spent with Plaintiffs and her relationship to them.[29] Among other observations, Ms. Modlin noted that Gracie's behavior had become dangerous and unmanageable[30] despite having a "devoted mother who always had [Gracie's] best interest in mind."[31] As for the Plaintiffs, Ms. Modlin concluded that they "have proven themselves to be unsafe and meddlesome"[32] and "have manipulated and controlled Gracie[.]"[33] Based on Ms. Modlin's personal observations and based on information she learned from Gracie, Ms. Modlin recounts that Ms. Baldwin sent Gracie to boarding school in order to keep the Plaintiffs from contacting Gracie,[34] and she believes it may even be appropriate for Ms. Baldwin to apply for temporary guardianship over Gracie "to protect her from [the Plaintiffs]."[35] In summary, Ms. Modlin's professional opinion—upon which Ms. Baldwin relied—was that "Ms. Baldwin has every right to be concerned and frankly fearful for her daughter[,]"[36] and "Gracie needs to stay away from the Black/Dozier family and work to repair her relationship with her mother, which the Black/Dozier family have severely damaged."[37]

When Gracie returned from boarding school, the Plaintiffs did not cease contact with her. Instead, from February 2022 until Gracie escaped from their home a few

[28] Amended Compl. ¶ 14.
[29] Ex. D, Modlin Decl. ¶ 3.
[30] *Id*. at ¶ 4.
[31] *Id*. at ¶ 5.
[32] *Id*. at ¶ 7.
[33] *Id*. at ¶ 6.
[34] *Id*. at ¶ 4.
[35] *Id*. at ¶ 8.
[36] *Id*.
[37] *Id*. at ¶ 9.

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months ago—Gracie went back to live with the Plaintiffs.[38] During that time, the Plaintiffs continued to act in an inappropriate and concerning manner.

Among other unacceptable actions, the Plaintiffs mandated that Gracie—a young and vulnerable minor—participate in nightly prayer in the Plaintiffs' bed.[39] The Plaintiffs also purchased a car and phone for Gracie in order to entice her to remain in their home,[40] and then physically disabled the car to prevent Gracie from escaping.[41]

Eventually—and after the Plaintiffs took the extreme steps of petitioning, baselessly, for emergency custody of Gracie[42] while she was still a minor and later attempting to convince Gracie to change her name in a show of loyalty[43]—Ms. Baldwin knew she "had to do something to protect [her] child's safety and wellbeing[.]"[44] Accordingly, with all other avenues exhausted,[45] Ms. Baldwin began publishing short videos on TikTok detailing the Plaintiffs' disturbing behavior toward her daughter in an effort to protect her child and out of "genuine concern for [Gracie's] safety and wellbeing[.]"[46] Ms. Baldwin also endeavored to "bring awareness – both generally as to the harms of grooming and manipulation, as well as specifically as to Mr. Dozier and Ms. Black's alarming behavior towards [her] minor daughter – so others could navigate similar situations with greater knowledge and understanding."[47]

In these videos—alongside her honest, good faith impressions of her daughter's interactions with the Plaintiffs—Ms. Baldwin recounted true events that actually occurred

[38] Amended Compl. ¶ 16.
[39] Ex. A ¶ 18. *See also* Ex. B ¶ 26.
[40] Ex. A ¶¶ 17, 29, 28.
[41] *Id*. at ¶ 50.
[42] *Id*. at ¶ 19.
[43] *Id*. at ¶ 28.
[44] *Id*. at ¶ 31.
[45] *See generally* Ex. A.
[46] *Id*. at ¶ 31.
[47] *Id*. at ¶ 32.

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as reported to her by individuals, including Gracie herself, who had personal knowledge of the Plaintiffs' disturbing behavior. *See* Ex. A ¶ 33 ("Everything I said in the videos was based on either my own personal observations and interactions with Ms. Black and Mr. Dozier, based on my review of documentary records, or else, based on conversations I had with Gracie, Georgia Kane, Gracie's clinical therapist, and others during which Mr. Dozier's and Ms. Black's disturbing behaviors and actions were explained to me. The videos truthfully recounted my perceptions, understanding, and opinions regarding those behaviors and actions."); Ex. B ¶ 23 ("After my Mom learned they wanted me to give them damaging information about her, that they wanted me to pretend I wasn't living there and even asked me to change my name, my Mom was so worried she created a TikTok account and started posting about the entire ordeal with this family. She told the entire story from the very beginning. Her story is true. It was and still is embarrassing for me, but it's still true.") (emphasis added). Further, at all times when posting these videos, Ms. Baldwin was acting as a "devoted Mother who always had [Gracie's] best interest in mind."[48] Ms. Baldwin was also acting on information that she received from her daughter that she had—and still has—no reason to disbelieve,[49] particularly in light of the Plaintiffs' dishonesty and continued manipulation of Gracie during this lawsuit. *See* Ex. B ¶ 26 ("Gary Blackburn asked me to sign the last sheet of the papers Pepper had me pick up at his office. I was never told I had to read the additional 23 pages. I felt really tricked. Once my boyfriend and I flipped through some of the papers I realized what the papers said weren't true. They said we did not have prayer time in bed. We did. It was a nightly event. It happened and we definitely had to do

[48] Ex. D ¶ 5.
[49] *See generally* Ex. A at Ex. 3. *See also* Ex. B.

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it.") (emphasis added).

Although any of this behavior would be sufficient to warrant Ms. Baldwin's good-faith concern for her daughter's safety, Ms. Baldwin also came to learn that Plaintiff Black was physically abusive toward her own child during outbursts of erratic behavior,[50] and that Plaintiff Black drove drunk with the children in the vehicle.[51] Ms. Baldwin appropriately reported that misconduct to the Department of Children's Services.[52] This retaliatory lawsuit followed quickly thereafter.

As a result of Ms. Baldwin's advocacy for her daughter, and in retaliation for the abovementioned DCS report, the Plaintiffs sued her for a host of tort claims that were premised, at least in part, upon alleged harm *to Gracie*.[53] After Gracie retained her own counsel, dismissed her claims, and extricated herself from this lawsuit, the Plaintiffs were ordered to specify the exact statements they were suing over, to identify which statements they claimed support their respective claims, and to detail their alleged harm with appropriate specificity. Even so, they have since filed an Amended Complaint based on only fragmented quoted statements, and few of the statements are attributed to individual claims. Although there is now one fewer Plaintiff and the Plaintiffs have abandoned at least some of their originally asserted theories of liability, their purported damages also remain unchanged.

Considered comprehensively, the Plaintiffs appear to take issue with all of the following statements and questions: "how is that not grooming?";[54] "it terrifies me to

[50] Ex. A ¶ 52; *id*. at ¶ 14.
[51] *Id*. at ¶ 39.
[52] *Id*. at ¶ 53.
[53] *See generally* Compl.
[54] Amended Compl. ¶ 24.

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think what I would do if I ran into this [Ms. Black.]";[55] "[Gracie was] crawling up in [Plaintiff's] bed" and "[Plaintiffs were] lurking in the dark[]";[56] "[n]othing worse than having your child taken right from under you and basically kidnapped!";[57] "does [Mr. Dozier] have any idea of the laws he's breaking?";[58] "when people take your child that you don't even know";[59] "you groomed my daughter";[60] "you are a fraud and a liar. And I don't know if you are a predator or a pedophile";[61] "You messed with the wrong mom. Both of you!";[62] "[Mr. Dozier] could have taken her to Thailand and just sold her[]" and "could face child endangerment and kidnapping";[63] "[Gracie] does not want to stay with these people!";[64] "when all this started, my daughter was a minor and these people were grooming her…";[65] "[a]nd you're going to tell me this isn't a cult?";[66] "[Ms. Black] basically stole[n] my child!";[67] (referring to Ms. Black) "You are such a pathetic human being! You are just as much a liar and a fraud as your husband!";[68] "[Plaintiffs] should probably be in jail for kidnapping!";[69] "you brainwashed my daughter!";[70] "[w]hy would I not think he's a pedophile? Something sinister going on? You lied to police. You lied to the judge.";[71] "[Gracie is] completely brainwashed";[72] "[Gracie has been] groomed by these people for

[55] *Id*. at ¶ 25.
[56] *Id*. at ¶ 26.
[57] *Id*. at ¶ 27.
[58] *Id*.
[59] *Id*. at ¶ 29.
[60] *Id*. at ¶ 30.
[61] *Id*.
[62] *Id*.
[63] *Id*. at ¶ 31.
[64] *Id*. at ¶ 33.
[65] *Id*. at ¶ 34.
[66] *Id*.
[67] *Id*. at ¶ 35.
[68] *Id*. at ¶ 37.
[69] *Id*. at ¶ 38.
[70] *Id*. at ¶ 39.
[71] *Id*. at ¶ 40.
[72] *Id*. at ¶ 41.

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weeks.";[73] "Does Gracie have Stockholm Syndrome?";[74] "I've threatened her life if she doesn't stay away from my daughter.";[75] "but I'd already lost her to this cult family! In those few days, they ruined everything. They ruined her life. They ruined my life.";[76] "guess who is a diamond member of a multi-level marketing group?";[77] "I hope you're listening, cult leader!"[78] "That house is being ran like a cult!";[79] "[Plaintiffs were] branding the child.";[80] "complete f...ing strangers were able to steal your child.";[81] "[Ms. Black] has whored around her entire life [and is] giving [Gracie] relationship advice!";[82] "You are a criminal. A sociopath. Everything I've said is the truth.";[83] "You obviously have something to hide!";[84] "I know that she's been brainwashed and groomed for a year and a half.";[85] "two f..ing strangers tried to steal my child";[86] "Their house is flat out dangerous!";[87] "[Ms. Black] loses her s... daily, blames the devil, throws her kid out of the car on the side of the road, drinks and drives with her kid, then comes home and beats up her other kid.";[88] "[Mr. Dozier does] all the creepy stuff pedophiles do";[89] "[when Gracie] became of age, you started grooming her again";[90] "[Plaintiffs] groomed my daughter to the point that

[73] *Id*.
[74] *Id*. at ¶ 42.
[75] *Id*. at ¶ 43.
[76] *Id*. at ¶ 44.
[77] *Id*. at ¶ 47.
[78] *Id*. at ¶ 48.
[79] *Id*.
[80] *Id*. at ¶ 48.
[81] *Id*. at ¶ 49.
[82] *Id*.
[83] *Id*. at ¶ 53.
[84] *Id*. at ¶ 55.
[85] *Id*. at ¶ 56.
[86] *Id*. at ¶ 57.
[87] *Id*. at ¶ 58.
[88] *Id*. at ¶ 59.
[89] *Id*. at ¶ 60.
[90] *Id*.

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she now lives with them.";[91] "you steal children!";[92] "I'm telling my story for the rest of my life! You stole her from me! You tear families apart! I won't stop!"[93]

Plaintiffs have also relied on individual words, without context, which Plaintiffs have independently characterized as tortious. They are: "grooming";[94] the hashtags #childendangerment, #abusive, #dangerous, #beware, #protectyourkids, #braddozier, #pepperblack;[95] "brainwash", #ASEA and #nashvilleattorney;[96] "prayer time";[97] "falsified"[98]; "boarding school";[99] "lunatics";[100] "child endangerment";[101] "psycho people";[102] "junior cult member";[103] "grooming prevention story".[104]

Plaintiffs additionally take issue with Ms. Baldwin referring to a screenshot of a Psychology Today article that claimed that multi-level marketing groups "operate much like cults[,]"[105] and displaying an infographic concerning grooming,[106] although neither of these items were appended to their amended complaint.

For all of the reasons detailed below, none of the Plaintiffs' claims is actionable, and this lawsuit should be dismissed.

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[91] *Id*. at ¶ 61.
[92] *Id*.
[93] *Id*. at ¶ 62.
[94] *Id*. at ¶ 17.
[95] *Id*. at ¶ 19; *id*. at ¶ 21; *id*. at ¶ 28.
[96] *Id*. at ¶ 23.
[97] *Id*. at ¶ 22.
[98] *Id*. at ¶ 32.
[99] *Id*. at ¶ 44.
[100] *Id*. at ¶ 46.
[101] *Id*.
[102] *Id*. at ¶ 52.
[103] *Id*. at ¶ 54.
[104] *Id*. at ¶ 57.
[105] *Id*. at ¶ 47.
[106] *Id*. at ¶ 50.

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IV. ARGUMENT

A. THE PLAINTIFF'S COMPLAINT FAILS TO STATE ANY CLAIM UPON WHICH RELIEF CAN BE GRANTED.

1. All of the Plaintiff's claims are inactionable as a matter of law.

For straightforward reasons, none of the claims the Plaintiffs allege are actionable as a matter of law. Accordingly, all of the Plaintiffs claims must fail.

a. As a matter of law, no statement in the Plaintiffs' complaint is actionable as defamation.

The statements with which the Plaintiffs take issue can be summarized substantively into several categories, none of which present an actionable defamation claim. Plaintiffs specifically point to the idea that they groomed Gracie, that they stole or kidnapped Gracie, and that they engaged in pedophilia. As detailed below these non-verbatim characterizations—none of which is presented in appropriate context—are inactionable as a matter of law.

Given the constitutional limitations that govern defamation claims, "ensuring that defamation actions proceed only upon statements which may actually defame a plaintiff is an essential gatekeeping function of the court." *Pendleton v. Newsome*, 772 S.E.2d 759, 763 (Va. 2015) (internal quotation omitted). With this "essential gatekeeping function" in mind, *see id.*, both our Court of Appeals and our Supreme Court have instructed that in defamation cases, "the issue of whether a communication is capable of conveying a defamatory meaning is a question of law for the court to decide in the first instance[.]" *Brown*, 393 S.W.3d at 708. *See also Aegis Scis. Corp. v. Zelenik*, No. M2012-00898-COA-R3CV, 2013 WL 175807, at *6 (Tenn. Ct. App. Jan. 16, 2013) ("[T]he preliminary question of whether a statement 'is capable of conveying a defamatory meaning' presents a question of law." (quoting *Revis v. McClean*, 31 S.W.3d 250, 253 (Tenn. Ct. App.

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2000))), *no app. filed*; *McWhorter v. Barre*, 132 S.W.3d 354, 364 (Tenn. Ct. App. 2003)("The question of whether [a statement] was understood by its readers as defamatory is a question for the jury, but the preliminary determination of whether [a statement] is '*capable* of being so understood is a question of law to be determined by the court.'" (quoting *Memphis Publ'g Co. v. Nichols*, 569 S.W.2d 412, 419 (Tenn. 1978))). If an allegedly defamatory statement is not capable of being understood as defamatory as a matter of law, then a plaintiff's complaint must be dismissed for failure to state a claim. *McWhorter*, 132 S.W.3d at 364. Given this context, the Plaintiffs' allegations that Ms. Baldwin's statements are reasonably capable of conveying a defamatory meaning are questions of law—not fact—that must be decided by this Court without any deference to the Plaintiffs' characterizations of them. *See Brown*, 393 S.W.3d at 708–09 ("The issue of whether a communication is capable of conveying a defamatory meaning is a question of law for the court to decide in the first instance . . . To make this determination, courts 'must look to the words themselves and are not bound by the Plaintiffs' interpretation of them.'"); *Moman*, 1997 WL 167210, at *3 ("If the words are not reasonably capable of the meaning the plaintiff ascribes to them, the court must disregard the latter interpretation."). Additionally, each statement that the Plaintiff deems defamatory "should be read as a person of ordinary intelligence would understand it in light of the surrounding circumstances[,]" rather than read as the Plaintiff does. *Aegis Scis. Corp.*, 2013 WL 175807, at *6 (quoting *Revis*, 31 S.W.3d at 253).

For the reasons provided in the following subsections, none of the statements that form the basis of the Plaintiffs' Complaint clears these hurdles. As such, the Plaintiffs have failed to state a cognizable claim for defamation as a matter of law.

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i. Several statements attributed to Ms. Baldwin are questions that are incapable of defamatory meaning.

A *question*—no matter how unflattering–cannot be defamatory. *See, e.g.*, *Abbas v. Foreign Pol'y Grp., LLC*, 783 F.3d 1328, 1338 (D.C. Cir. 2015) ("[I]t is generally settled as a matter of defamation law in other jurisdictions that a question, 'however embarrassing or unpleasant to its subject, is not accusation.' *Chapin v. Knight–Ridder, Inc.*, 993 F.2d 1087, 1094 (4th Cir. 1993). Questions indicate a defendant's 'lack of definitive knowledge about the issue.'" (quoting *Partington*, 56 F.3d at 1157)). Instead, "questions are questions." *See id.* ("[W]e here follow the widely adopted defamation principle that questions are questions.").

Even so, the Plaintiffs have sued Ms. Baldwin over several statements that are questions. Because questions are inactionable as a matter of law, though, all of the Plaintiffs' claims based on the questions—specifically, the statements: "how is that not grooming?";[107] "does [Mr. Dozier] have any idea of the laws he's breaking?";[108] "And I don't know if you are a predator or a pedophile";[109] "[a]nd you're going to tell me this isn't a cult?";[110] "[w]hy would I not think he's a pedophile? Something sinister going on? You lied to police. You lied to the judge.";[111] "Does Gracie have Stockholm Syndrome?";[112] and "guess who is a diamond member of a multi-level marketing group?"[113]—must be dismissed as incapable of defamatory meaning as a matter of law.

[107] *Id*. at ¶ 24.
[108] *Id*. at ¶ 28.
[109] *Id*. at ¶ 30.
[110] *Id*. at ¶ 34.
[111] *Id*. at ¶ 40.
[112] *Id*. at ¶ 42.
[113] *Id*. at ¶ 47.

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ii. Subjective opinions based on disclosed facts are not capable of conveying a defamatory meaning.

The Plaintiffs have sued Ms. Baldwin over statements to the effect that they "groomed" Gracie,[114] that they "stole" or "kidnapped" Gracie,[115] that their household is like a cult,[116] and based on Ms. Baldwin's negative opinions about Ms. Black.[117]

Considered in the context in which they were presented, though—a necessary requirement when evaluating a defamation claim, *see Evans v. Nashville Banner Pub. Co.*, No. 87-164-II, 1988 WL 105718, at *5 (Tenn. Ct. App. Oct. 12, 1988) ("All parts of a published article should be construed as a whole. . . . Thus, we must view the photograph and its cutline in the context of the entire article." (citing *Black v. Nashville Banner Publishing Co.*, 141 S.W.2d 908, 912 (Tenn. 1939))), *no app. filed*.—all of these statements constitute inactionable opinions based on disclosed, non-defamatory facts. Further, none is "objectively capable of proof or disproof." *See Moses v. Roland*, No. W2019-00902-COA-R3-CV, 2021 WL 1140273, at *11 (Tenn. Ct. App. Mar. 25, 2021) ("[I]n determining whether a statement is capable of being defamatory in this context we should look to 'the

[114] Amended Compl. ¶ 24 ("[H]ow is that not grooming?"); *id*. at ¶ 30 ("you groomed my daughter"); *id*. at ¶ 60 ("[when Gracie] became of age, you started grooming her again"); *id*. at ¶ 61 ("[Plaintiffs] groomed my daughter to the point that she now lives with them."); *id*. at ¶ 48 ("[Plaintiffs were] branding the child"); *id*. at ¶ 41 ("[Gracie is] completely brainwashed"); *id*. at ¶ 41 ("[Gracie has been] groomed by these people for weeks."); *id*. at ¶ 39 ("you brainwashed my daughter!"); *id*. at ¶ 56 ("I know that she's been brainwashed and groomed for a year and a half.").

[115] *Id*. at ¶ 27 ("Nothing worse than having your child taken right from under you and basically kidnapped!"); *id*. at ¶ 35 ("[Ms. Black] basically stolen my child!"); *id*. at ¶ 38 ("[Plaintiffs] should probably be in jail for kidnapping!"); id. at ¶ 53 ("You are a criminal. A sociopath. Everything I've said is the truth."); *id*. at ¶ 61 ("you steal children!"); *id*. at ¶ 62 ("I'm telling my story for the rest of my life! You stole her from me! You tear families apart! I won't stop!"); *id*. at ¶ 49 ("complete f...ing strangers were able to steal your child."); *id*. at ¶ 29 ("when people take your child that you don't even know[.]"); *id*. at ¶ 57 ("two f..ing strangers tried to steal my child[.]").

[116] *Id*. at ¶ 44 ("but I'd already lost her to this cult family! In those few days, they ruined everything. They ruined her life. They ruined my life."); *id*. at ¶ 48 ("That house is being ran like a cult!"); *id*. at ¶ 34 ("[a]nd you're going to tell me this isn't a cult?"); *id*. at ¶ 48 ("I hope you're listening, cult leader!"); that Mr. Dozier's does "stuff pedophiles do[.]" *id*. at ¶ 60 ("[Mr. Dozier does] all the creepy stuff pedophiles do").

[117] *Id*. at ¶ 49 ("[Ms. Black] has whored around her entire life [and is] giving [Gracie] relationship advice!"); *id*. at ¶ 25 ("it terrifies me to think what I would do if I ran into this [Ms. Black.]"); *id*. at ¶ 37 ((referring to Ms. Black) "You are such a pathetic human being! You are just as much a liar and a fraud as your husband!").

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degree to which the statements are verifiable, whether the statement is objectively capable of proof or disproof[.]'" (quoting *Patton Wallcoverings, Inc. v. Kseri*, No. 15-10407, 2015 WL 3915916, at *5 (E.D. Mich. June 25, 2015) (citing *Jolliff v. N.L.R.B.*, 513 F.3d 600, 611–12 (6th Cir. 2008)))), *no app. filed*. As such, none of these statements is capable of a defamatory meaning as a matter of law. *See, e.g.*, *Covenant Presbyterian Church*, 2015 WL 5766685, at *3 ("[C]omments upon true and nondefamatory published facts are not actionable, even though [the comments] are stated in strong or abusive terms.") (cleaned up); *Weidlich v. Rung*, No. M2017-00045-COA-R3-CV, 2017 WL 4862068, at *6 (Tenn. Ct. App. Oct. 26, 2017) (holding that "[a] writer's comments upon true and nondefamatory published facts are not actionable" as a matter of law); *Cummins v. Suntrust Capital Markets, Inc.*, 649 F. Supp. 2d 224, 255 (S.D.N.Y. 2009) ("the characterization of the Plaintiffs' complicity in the June 15 option grants as self-interested, dishonest and unethical was a non-actionable statement of opinion based on fully disclosed facts"), *reconsideration denied*, No. 07 CIV. 4633(JGK), 2010 WL 985222, at *1 (S.D.N.Y. Mar. 17, 2010)*, and aff'd*, 416 F. App'x 101 (2d Cir. 2011); *Clark v. Viacom Int'l Inc.*, 617 F. App'x 495, 508 (6th Cir. 2015) ("[T]he falsity requirement is met only if the statement in question makes an assertion of fact—that is, an assertion that is capable of being proved objectively incorrect.").

For all objectionable categories, Plaintiffs do not appear to dispute most of the non-defamatory facts underlying Ms. Baldwin's the asserted opinion. For instance, the Plaintiffs do not dispute that they took Gracie to Florida with them without Ms. Baldwin's permission.[118] Nor do they dispute that they asked Gracie to live with them,[119] and that

[118] Amended Compl. at ¶ 10.
[119] *Id*. at ¶ 9; *id*. at ¶ 16.

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they did so without Ms. Baldwin's permission and against her wishes.[120] Nor do they dispute that they bought Gracie gifts.[121] Nor do they dispute that they baselessly and unsuccessfully filed for temporary custody of Gracie, although they have since abandoned those details from their Amended Complaint.[122] *See* Black Decl. at ¶ 17 (noting that Plaintiffs filed for temporary custody of Gracie only to afford Gracie and Ms. Baldwin a "cooling off period[,]" not because there was actually an emergency basis for temporary custody). Plaintiffs even agree that they "interfer[ed]" with Ms. Baldwin's parenting Gracie.[123]

Record evidence confirms additional non-defamatory facts that underly Ms. Baldwin's opinions, too. For example, the Plaintiffs provided a car for Gracie to drive, and they co-signed on Gracie's purchase of a car.[124] Plaintiffs also financially supported Gracie[125] even after she became an adult, including by giving her access to their credit card.[126] When Gracie attempted to leave Plaintiffs' home and return to her mother, the Plaintiffs disabled Gracie's car to prevent her from leaving.[127] Gracie was also permitted to live with Plaintiffs despite the negative influence she had on Plaintiff Black's daughters, and even after Plaintiff Black's oldest daughter was sent to live with her father.[128] An independent mental health professional, after treating Gracie for months, has also attested that Plaintiffs "manipulated and controlled Gracie[,]" being "unsafe and

[120] *See* Ex. A at Ex. 1.
[121] *See* Ex. A. at Ex. 1 ("I hope you can forgive me. You needed a friend and a support system not someone pampering Gracie.").
[122] *See generally* Amended Compl. *See also* Ex. A. at Ex. 1 (asking for forgiveness for filing the custody petition).
[123] Ex. A. at Ex. 1.
[124] Ex. B ¶ 2; *id*. at ¶ 16; *id*. at ¶ 21.
[125] *Id*. at ¶ 22.
[126] *Id*. at ¶ 16.
[127] Ex. A at Ex. 3; *See also id*. at ¶ 50.
[128] Ex. A at Ex. 1; Ex. B ¶ 22; Ex. B ¶ 21.

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meddlesome" where Gracie is concerned.[129]

Based on these facts, Ms. Baldwin's resulting opinions are not and cannot be defamatory as a matter of law. Just like calling someone self-interested, dishonest, and unethical is an inactionable opinion, *see Cummins*, 649 F. Supp. 2d at 255, calling someone who took all of these actions with a young girl—including while she was a minor—a "groomer," accusing them of kidnapping, or suggesting that their behavior could be indicative of pedophilia or was cult-like are all opinions based on true and non-defamatory facts.

Nor are any of these opinions "objectively capable of proof or disproof" due to the absence of any universally accepted definition of any of the terms at issue. *See Moses*, 2021 WL 1140273, at *11. For example, while it *could* be possible to determine a universally accepted definition for the term "pedophile[,]" defining what fits into the category of "all the creepy stuff pedophiles do"[130] is not possible. The same is true for both "grooming[,]" "kidnapping[,]" "cult[,]" and "stole" in this context.

As for the allegations specific to Ms. Black, Ms. Baldwin's opinion that Ms. Black "whored around"[131] is specifically in reference to the true and non-defamatory fact that Ms. Black has been married five times. Ms. Black has posted publicly on social media about this fact.[132] Nor is whether Ms. Black "whored around" capable of proof or disproof, since this phrase also lacks an objective or universal definition. *See Moses*, 2021 WL 1140273, at *11.

[129] Ex. D ¶ 6-7.
[130] Amended Compl. ¶ 60.
[131] *Id*. at ¶ 49.
[132] Ex. E at 0014 ("Obviously if you have followed me for any length of time you will see the failed attempt at happiness with all the wrong men.").

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Similarly, Ms. Baldwin's opinion that Ms. Black is a liar or a fraud[133] is based on the true and non-defamatory fact that Ms. Black promised Ms. Baldwin on two separate occasions that Ms. Black would stay away from Gracie and cease contact with her, but then continued to contact Gracie thereafter.[134]

Further, Ms. Baldwin's sentiment that she did not know how she would react if she saw Ms. Black is based on all of the non-defamatory facts concerning Ms. Black's interaction with Gracie over the entirety of the last two years.[135] These statements are all incapable of defamatory meaning as a result.

iii. Ms. Baldwin's statements were, at worst, merely annoying, offensive, or embarrassing.

Tennessee's courts have held that merely "'annoying, offensive or embarrassing'" speech is categorically inactionable as defamation. *Covenant Presbyterian Church*, 2015 WL 5766685, at *3 (quoting *Brown*, 393 S.W.3d at 708). "[T]he crux of free-speech rights is that generally they can be exercised even if (and perhaps especially when) they cause disruption and disharmony." *Bennett v. Metro. Gov't of Nashville & Davidson Cty.*, No. 3:17-CV-00630, 2019 WL 1572932, at *12 (M.D. Tenn. Apr. 11, 2019). Consequently,

> [f]or a communication to be [defamatory], it must constitute a serious threat to the Plaintiffs' reputation. A [defamation] does not occur simply because the subject of a publication finds the publication annoying, offensive or embarrassing. The words must reasonably be construable as holding the plaintiff up to public hatred, contempt or ridicule. They must carry with them an element "of disgrace."

Covenant Presbyterian Church, 2015 WL 5766685, at *3 (quoting *Brown*, 393 S.W.3d at 708).

Several of the statements over which Ms. Baldwin has been sued fit neatly into this

[133] Amended Compl. ¶ 37.
[134] *See* Ex. A. at Ex. 1. *See* also Ex. A ¶ 7.
[135] Amended Compl. ¶ 25.

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inactionable category. For instance, the statements "You messed with the wrong mom. Both of you!",[136] "[Gracie] does not want to stay with these people!",[137] "You obviously have something to hide!",[138] "Their house is flat out dangerous!",[139] and "does [Mr. Dozier] have any idea of the laws he's breaking?",[140] cannot realistically hold Plaintiffs up to public hatred. None of these statements are actionable as defamation as a result, and all claims premised upon them should be dismissed as a result.

iv. The statements attributed to Ms. Baldwin are mere rhetorical hyperbole that cannot reasonably be read as objective assertions of false fact.

The U.S. Supreme Court has emphasized that heated and emotionally charged rhetoric is entitled to free-speech protection under the doctrine of rhetorical hyperbole. For example, in *Old Dominion No. 496, Nat'l Ass'n of Letter Carriers v. Austin*, 418 U.S. 264, 284 (1974), the Supreme Court ruled that labor union members did not defame non-union members when they referred to them as "scabs." *Id.* The Court characterized the use of the term "scab" as "a lusty and imaginative expression of the contempt felt by union members towards those who refuse to join." *Id*. at 286.

Similarly, in *Greenbelt Co-Op. Publ'g Ass'n, Inc. v. Bresler*, 398 U.S. 6, 14 (1970), the U.S. Supreme Court ruled that a newspaper engaged in constitutionally protected rhetorical hyperbole when it referred to a developer's contract with a city as "blackmail." *Id.* The Court reasoned that "even the most careless reader must have perceived that the word was no more than rhetorical hyperbole, a vigorous epithet used by those who considered [the developer's] negotiating position extremely unreasonable." *Id*. at 14.

[136] *Id*. at ¶ 30.
[137] *Id*. at ¶ 33.
[138] *Id*. at ¶ 55.
[139] *Id*. at ¶ 58.
[140] *Id*. at ¶ 28.

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Accordingly, the Court determined that "[n]o reader could have thought that either the speakers at the meetings or the newspaper articles reporting their words were charging [the plaintiff] with the commission of a criminal offense." *Id.*

The Sixth Circuit has similarly held that TripAdvisor's use of the term "dirtiest" to describe a hotel in a review was protected rhetorical hyperbole. *See Seaton v. TripAdvisor LLC*, 728 F.3d 592, 598 (6th Cir. 2013). There, the court explained that: "'Dirtiest' is a loose, hyperbolic term because it is the superlative of an adjective that conveys an inherently subjective concept," and thus, it held that "no reader of TripAdvisor's list would understand Grand Resort to be, objectively, the dirtiest hotel in all the Americas, the North American continent, or even the United States." *Id.* (citing *Greenbelt Coop. Publ'g Ass'n*, 398 U.S. at 14). *See also id*. at 598 ("[S]tatements that cannot 'reasonably [be] interpreted as stating actual facts about an individual because they are expressed in 'loose, figurative or hyperbolic language,' and/or the content and tenor of the statements 'negate the impression that the author seriously is maintaining an assertion of actual fact' about the plaintiff are not provably false and, as such, will not provide a legal basis for defamation.") (quoting *Milkovich,* 497 U.S. at 21, 110 S.Ct. 2695).

For their part, Tennessee's courts have held that a county commissioner claiming that a private citizen was "threatening everybody" during a discussion about security changes at various county buildings in a public meeting was inactionable "rhetorical hyperbole intended to make a point[.]" *Moses v. Roland*, No. W2019-00902-COA-R3-CV, 2021 WL 1140273, at *11 (Tenn. Ct. App. Mar. 25, 2021). As a result, the Court determined that this statement was not defamatory as a matter of law. In making this determination, the Court considered

> [T]he degree to which the statements are verifiable, whether the statement

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> is objectively capable of proof or disproof[.]" *Patton Wallcoverings, Inc. v. Kseri*, No. 15-10407, 2015 WL 3915916, at *5 (E.D. Mich. June 25, 2015) (citing *Jolliff*, 513 F. 3d at 611–12). Thus, when a statement is "rhetorical hyperbole" rather than verifiable or disprovable fact, the statement is not capable of a defamatory meaning.

Id. *See also McCluen v. Roane Cnty. Times, Inc.,* 936 S.W.2d 936, 941 (Tenn. Ct. App. 1996) (recognizing terms such as "pure highway robbery" and "rip-off[]" as constitutionally protected rhetorical hyperbole); *Id*. (citing *Schy v. Hearst Pub. Co.,* 205 F.2d 750 (7th Cir.1953) (charging the plaintiffs with "gestapo-like" tactics not actionable, because it was merely "a somewhat rhetorical way of saying that their conduct was dictatorial")).

Several statements over which Ms. Baldwin has been sued fit squarely into this category, too. For instance, all statements regarding grooming–in addition to not being "objectively capable of proof or disproof" due to the absence of any universally accepted definition of the term, *see Moses*, 2021 WL 1140273, at *11,–are and are presented as rhetorical hyperbole. Not unlike calling someone a "scab" in 1974, equating someone's behavior with that of a "groomer" is "lusty and imaginative" label in 2022 terms. *See Old Dominion No. 496, Nat'l Ass'n of Letter Carriers*, 418 U.S. at 284. Put another way: It is the kind of "heated and emotionally charged rhetoric" that cannot be defamatory as a matter of law. *Id*.

Similarly, questions regarding whether Mr. Dozier might be a pedophile,[141] as well as statements comparing his behavior to that of a pedophile,[142] are not statements capable of conveying defamatory meaning. In several material respects, the Plaintiffs' characterizations of Ms. Baldwin's statements also are not and do not purport to be

[141] *See* Amended Compl. ¶ 30 ("And I don't know if you are a predator or a pedophile[.]"); *id*. at ¶ 40 ("[w]hy would I not think he's a pedophile? Something sinister going on? You lied to police. You lied to the judge.").
[142] *See* Amended Compl. ¶ 60 ("[Mr. Dozier does] all the creepy stuff pedophiles do[.]").

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verbatim recitations of them. For instance, although the Plaintiffs accuse Ms. Baldwin of calling Mr. Dozier a pedophile, the only content that they quote in their Amended Complaint references circumstances in which Ms. Baldwin was expressing concerns that Mr. Dozier's behavior was *similar to* the behavior of a pedophile and wondering about the matter.[143] This is problematic, because a speaker's express indication that she has a "lack of a definitive knowledge" provides essential context that precludes liability. *See, e.g.*, *Partington v. Bugliosi*, 56 F.3d 1147, 1157 (9th Cir. 1995) ("[T]he rhetorical device used by Bugliosi negates the impression that his statement implied a false assertion of fact. Bugliosi's use of a question mark serves two purpose[s]: it makes clear his lack of definitive knowledge about the issue and invites the reader to consider the possibility of other justifications for the defendants' actions.").

Beyond being the kind of "rhetorical device" that "negates the impressions that [her] statement implied a false assertion of fact[,]" *id*., Ms. Baldwin's concern that Mr. Dozier's behavior appeared comparable to that of a pedophile is not materially different from accusing someone of "gestapo-like" behavior, *see Schy,* 205 F.2d at 750—an inactionable allegation that is fundamentally distinct from claiming that someone is a member of the gestapo. Put another way: Ms. Baldwin's statement comparing Mr. Dozier's behavior to that of a pedophile does not indicate or purport to indicate any verifiable or disprovable fact. Such statements are inactionable accordingly. *Moses,* 2021 WL 1140273, at *11.

Additionally, the use of the term "kidnapping" is similar to accusing someone of blackmail. *See Greenbelt Co-Op. Publ'g Ass'n, Inc.*, 398 U.S. at 14. In the same way that

[143] Amended Compl. ¶ 30; *id*. at ¶ 40; *id*. at ¶ 60.

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the term "blackmail" can indicate both criminal and non-criminal behavior, the term "kidnapping"—in the context in which it was presented—represented a mother's understandable and emotionally charged commentary regarding two strangers who took her minor child out of state without her consent. Further still, most of the quoted content in Plaintiffs' complaint regarding kidnapping uses qualifying language–asserting that Plaintiffs "basically" kidnapped Gracie in most instances. *See, e.g.*, Am. Compl. ¶ ¶ 27 ("[n]othing worse than having your child taken right from under you and basically kidnapped!"); *Id*. at ¶ 35 ("[Ms. Black] basically stolen my child!"). The context of these statements is also important. Ms. Baldwin muses that Plaintiffs could have "taken her to Thailand and just sold her[,]" confirming her use of emotionally charged rhetoric to describe Plaintiffs outrageous conduct in taking a minor out of state without her parent's permission, not purported assertions of fact. *See Old Dominion No. 496, Nat'l Ass'n of Letter Carriers*, 418 U.S. at 284. Ms. Baldwin's statements are not actionable as defamation as a result. Further, to the extent the term "kidnapping" has an objective definition, it is difficult to understand how transporting a minor child out of state without parental consent would fail to satisfy it.

The use of the term "cult" encounters similar issues. No reasonably listener would seriously believe that Ms. Baldwin was suggesting that the Plaintiffs were running a literal cult out of their home. Instead, Ms. Baldwin was comparing their behavior to that of a cult. Thus, such a comparison—particularly when considered in the context of the Defendants enticing Gracie to live with them against her mother's wishes while she was still a minor[144]–is non-defamatory "rhetorical hyperbole intended to make a point[.]"

[144] *See* Ex. A at Ex. 1.

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Moses, 2021 WL 1140273, at *11. This is especially evident in Ms. Baldwin's accompanying questions about whether Gracie has "Stockholm Syndrome[,]" that she might be brainwashed, or that Plaintiffs were "lurking in the dark[.]"[145] All such statements are inactionable as a result.

v. Quoted phrases removed from their original sentences and context cannot be properly evaluated by this court.

In evaluating whether a statement is capable of defamatory meaning, courts are specifically instructed to consider the surrounding context of the statement at issue. *See Brown*, 393 S.W.3d at 708–09 ("To make [the determination of whether a communication is capable of conveying a defamatory meaning], courts 'must look to the words themselves and are not bound by the Plaintiffs' interpretation of them.'") (emphasis added); *Moman*, 1997 WL 167210, at *3 ("If the words are not reasonably capable of the meaning the plaintiff ascribes to them, the court must disregard the latter interpretation."). Further, in deciding whether a statement is capable of defamatory meaning, the statement "should be read as a person of ordinary intelligence would understand it in light of the surrounding circumstances[,]" rather than read as the Plaintiffs read it. *Aegis Scis. Corp.*, 2013 WL 175807, at *6 (quoting *Revis*, 31 S.W.3d at 253) (emphasis added).

For several allegations, Plaintiffs have omitted all accompanying context. Instead, Plaintiffs have cited individual words, stripped of essential context, and then independently characterized them. To that end, the hashtags #childendangerment, #abusive, #dangerous, #beware, #protectyourkids, #braddozier, #pepperblack,[146]

[145] Amended Compl. ¶ 42. *Id*. at ¶ 39; *id*. at ¶ 26.
[146] *Id*. at ¶ 19; *id*. at ¶ 21; *id*. at ¶ 28.

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#ASEA and #nashvilleattorney,[147] and the words "prayer time",[148] "falsified"[149], "boarding school",[150] "lunatics",[151] "child endangerment",[152] "psycho people",[153] "junior cult member",[154] "brainwash",[155] "grooming",[156] and "grooming prevention story"[157] cannot be evaluated in their proper context as presented by Plaintiffs, and no reasonable person would construe them as the Plaintiffs request. All allegations premised upon such individual words should be dismissed accordingly.

* * *

For all of these reasons, each statement Plaintiffs presented in their Amended Complaint is incapable of defamatory meaning as a matter of law. To the extent that the Plaintiffs seek to avoid dismissal by maintaining that Ms. Baldwin made literally non-defamatory statements that nonetheless cast the Plaintiffs in a "false light"[158] or that she "omitted facts which, if accurately presented, would not have created a negative impression of the Plaintiffs,"[159] it was also incumbent upon the Plaintiffs to specify how Ms. Baldwin did so and what purportedly material facts were omitted, and after two attempts, the Plaintiffs still have not done so. Thus, the Plaintiffs' defamation, false light, and defamation by implication claims should be dismissed.

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[147] *Id*. at ¶ 23.
[148] *Id*. at ¶ 22.
[149] *Id*. at ¶ 32.
[150] *Id*. at ¶ 44.
[151] *Id*. at ¶ 46.
[152] *Id*.
[153] *Id*. at ¶ 52.
[154] *Id*. at ¶ 54.
[155] *Id*. at ¶ 23.
[156] *Id*. at ¶ 17.
[157] *Id*. at ¶ 57.
[158] *Id*. at p. 13–14.
[159] Id. at ¶ 96.

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b. The Plaintiffs' additional speech-based tort claims are inactionable for the same reasons as their defamation claim.

"A party may not skirt the requirements of defamation law by pleading another, related cause of action." *Boladian v. UMG Recordings, Inc.*, 123 F. App'x 165, 169 (6th Cir. 2005) (unpublished) (citing *Hustler*, 485 U.S. at 53). As a result, a litigant may not seek to "bypass the First Amendment" by asserting claims for torts like intentional interference with business or intentional infliction of emotional distress. *See Seaton v. TripAdvisor LLC*, 728 F.3d 592, 601 n.9 (6th Cir. 2013) ("Seaton's claims for false-light invasion of privacy, trade libel/injurious falsehood, and tortious interference with prospective business relationships appear to be an attempt to bypass the First Amendment." (citing *Compuware Corp. v. Moody's Inv'rs Servs., Inc.*, 499 F.3d 520, 529 (6th Cir. 2007))). Thus, all of the Plaintiffs' additional tort claims are subject to the same heightened constitutional requirements as their defamation claims, *see id.*, because a plaintiff "may not use related causes of action to avoid the constitutional requisites of a defamation claim." *Moldea v. N.Y. Times Co.*, 22 F.3d 310, 319–20 (D.C. Cir. 1994) ("a plaintiff may not use related causes of action to avoid the constitutional requisites of a defamation claim"); *Montgomery v. Risen*, 875 F.3d 709, 713 (D.C. Cir. 2017). *Cf. Loftis v. Rayburn*, No. M2017-01502-COA-R3-CV, 2018 WL 1895842, at *8 (Tenn. Ct. App. Apr. 20, 2018) ("For the reasons we found the statements in Mr. Myers' article fail to imply a defamatory meaning, we also find they are not susceptible to the requisite inferences casting Mr. Loftis in a false light." (citing *West v. Media General Convergence, Inc.*, 53 S.W.3d 640, 645 n.5 (Tenn. 2001))), *no app. filed*.

Given this rule, notwithstanding the Plaintiff's attempt to maintain independent

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claims for "intentional infliction of emotional distress",[160] "false light invasion of privacy",[161] "invasion of privacy by intrusion upon seclusion",[162] "intentional interference with business relationships",[163] those speech-based tort claims are inactionable for the same reason that the Plaintiffs' defamation claim fails. As a result, all of the Plaintiffs' additional tort claims should be dismissed for failure to state a claim as well.

c. The Plaintiffs' IIED claim fails as a matter of law.

On its own terms, the Plaintiffs' IIED claim also fails as a matter of law to meet "the high threshold standard described in the Restatement (Second) of Torts," *see Bain v. Wells*, 936 S.W.2d 618, 622–23 (Tenn. 1997). In particular, the allegations underlying the Plaintiffs' claims do not plausibly support the conclusion that Ms. Baldwin's conduct was "so outrageous that it is not tolerated by civilized society." *See Pagliara v. Moses*, 605 S.W.3d 619, 628 (Tenn. Ct. App. 2020), *appeal denied* (June 4, 2020).

By way of comparison, to the undersigned's knowledge, IIED claims have only been held actionable by Tennessee's appellate courts in the following five circumstances:

1. When a defendant "had not been cremating bodies that were sent to Tri–State for cremation, but rather burying or dumping the bodies in various places on the Tri–State property" and misrepresented potting soil and cement as a loved one's cremated ashes, *see Akers v. Prime Succession of Tenn., Inc.,* 387 S.W.3d 495, 499 (Tenn. 2012);

2. When a defendant "told [the plaintiff] that [plaintiff's] wife was having a seizure; as [plaintiff] was calling 911 for help, [defendant] shot [plaintiff's] wife in the

[160] *Id*. at p. 11.
[161] *Id*. at p. 13.
[162] *Id*. at p. 15.
[163] *Id*. at p. 15.

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head, turned to face [plaintiff], put a pistol to his head, pulled the trigger, and killed himself." *Lourcey v. Est. of Scarlett*, 146 S.W.3d 48, 52 (Tenn. 2004);

3. When a defendant made knowingly false statements that a loved one's corpse had been mutilated after his death, including falsely claiming that his organs and genitals had been harvested, *see Leach v. Taylor*, 124 S.W.3d 87, 89 (Tenn. 2004);

4. When a plaintiff could prove that "male security personnel had access to the concealed cameras and to the recordings of female customers in the women's dressing room, and so they could have recorded what appeared on the cameras and possibly distributed those recordings on the internet or otherwise." *See White v. Target Corp.*, No. W2010-02372-COA-R3CV, 2012 WL 6599814, at *6 (Tenn. Ct. App. Dec. 18, 2012); and

5. When a defendant hospital—after failing to bury or decently dispose of a deceased infant's remains—took the infant's mother "back to a refrigerator, opened the door, took out the jar of formaldehyde containing the floating, shriveled body of her infant and handed it" to her. *Johnson v. Woman's Hosp.*, 527 S.W.2d 133, 140 (Tenn. Ct. App. 1975).

Here, Ms. Baldwin's critical commentary regarding, *inter alia*, the Plaintiffs' treatment of Ms. Baldwin's daughter, their poor professional reputations, and their bizarre behavior does not resemble these scenarios, and the "high threshold standard" for maintaining an IIED claim has not been close to satisfied. *See Bain*, 936 S.W.2d at 622–23 (Tenn. 1997). The Plaintiffs' IIED claim fails as a matter of law as a result.

d. The Plaintiffs' claim for invasion of privacy for intrusion upon seclusion independently fails.

The Plaintiffs' claim that Ms. Baldwin "intruded upon Plaintiffs' private affairs" is

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independently inactionable on its own terms.[164] To prevail on a claim for invasion of privacy for intrusion upon seclusion, a plaintiff must prove that the defendant "intentionally intrude[d], physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, [] if the intrusion would be highly offensive to a reasonable person." *Certain v. Goodwin*, No. M2016-00889-COA-R3-CV, 2017 WL 5515863, at *9 (Tenn. Ct. App. Nov. 17, 2017) (quoting *Roberts v. Essex Microtel Assoc., II, L.P.*, 46 S.W.3d 205, 209–11 (Tenn. Ct. App. 2000)). *See also id*. ("There is ... no liability unless the interference with the plaintiff's seclusion is a substantial one, of a kind that would be highly offensive to the ordinary reasonable man, as the result of conduct to which the reasonable man would strongly object."); *Stein v. Davidson Hotel Co*., No. 01-A-01-9509-CV00407, 1996 WL 230196, at *2 (Tenn. Ct. App. May 8, 1996), *aff'd,* 945 S.W.2d 714 (Tenn. 1997) ("Invasions of privacy involve interferences with an individual's interest "in leading, to some reasonable extent, a secluded and private life, free from the prying eyes, ears and publications of others." *(*quoting RESTATEMENT (SECOND) OF TORTS, § 652A cmt. b (1976))).

The Plaintiffs' behavior *toward Ms. Baldwin's minor daughter* is not a private matter, though; to the contrary, it has been the subject of repeated law enforcement involvement and custody litigation. Nor is Plaintiff Dozier's unethical conduct—which has been the subject of a Tennessee Supreme Court order and accompanying BPR public press release—a private matter.[165] The fact that the public-facing company with which Plaintiff Black is affiliated is a multi-level-marketing entity is not reasonably characterized as a private matter, either. Nor is Ms. Black's history of "inflict[ing]

[164] *Id*. at ¶ 99.
[165] Ex. A at Ex. 1.

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emotional pain on" others, including children, a private matter, having been the subject of public filings in Mr. Dozier's custody litigation with his ex-wife.[166]

Setting aside these fatal problems, the Plaintiffs also are not private people. Indeed, Ms. Baldwin need not broadcast the details of Plaintiff Black's daughters' lives, as Plaintiff Black herself has already done so in a series of Facebook posts throughout the time period at issue here. *See* Ex. E at 0001 (posting a picture of a private note given to Plaintiff Black by her daughter); *id*. at 0009 (posting on Facebook that her daughters go to private school); *id*. at 0011 (posting on Facebook about a private conversation with one of her daughters and including a video of both daughters); *id*. at 0014 (questioning where she has gone wrong with her daughters in a Facebook post); *id*. (detailing the impact her marriages have had on her daughters); *id*. (questioning whether her kids have caused her to lose her salvation because she loses her "s***" on them for the way they talk to her and each other); *id*. at 0016 (posting a picture of her daughters as young children); *id*. at 0017 (posting the details of a private conversation with her daughter); *id*. at 0018 (posting about what her daughters got her for Mother's Day); *id*. at 0020 (posting about how her daughter "loses her way"–and tagging her daughter in the post–while promising to keep the Facebook world "abreast of the details as [she] is able" of the "battles" her family is fighting).

Ms. Black does not limit her Facebook posts to detailing her daughters' lives, either. She has also posted numerous, easily identifiable pictures of her home, even including the realtor that Plaintiffs used to complete the purchase. *Id*. at 0004-0007. She has posted about the details of Plaintiffs' marriage, including an itinerary of their first

[166] Ex. F at 1 ("The emotional abuse that his current wife placed on our children during this time was inexcusable. She went out of her way to inflict emotional pain on our children and myself.").

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year of marriage with numerous otherwise private details. *Id*. at 0002-0003. She has posted details about her own health struggles, both physically and spiritually, as well. *Id*. at 0008-0010; *id*. at 0012; *id*. at 0013. She has even posted about Gracie Baldwin, calling her a "Bonus kid", calling herself a "'second' mom" to Gracie, and celebrating that Gracie is a "gift[] from God who [Plaintiff Black] get[s] to love on the way [Plaintiff Black] has been loved on." *Id*. at 0018–0019.

Considering all of these details that Ms. Black has broadcasted on Facebook about her daughters, herself, her family, and Gracie Baldwin, Plaintiffs cannot seriously assert that they lead a private life or that anything that Ms. Baldwin said intruded upon their private affairs. Nor would a reasonable person find Ms. Baldwin's statements an intrusion upon Plaintiffs' private lives, considering that Ms. Black constantly posts the details of their private lives on Facebook. Indeed, Ms. Black has posted *about this very case* online. *Id*. at 0021. As a result, Plaintiffs' claim in Count IV must be dismissed for this independent reason, as well.

e. *The Plaintiffs' claim for Intentional Interference with Business Relationships also fails on its own terms.*

To maintain a claim for intentional interference with business relationships, a plaintiff must prove the following elements:

> (1) an existing business relationship with specific third parties or a prospective relationship with an identifiable class of third persons; (2) the defendant's knowledge of that relationship and not a mere awareness of the plaintiff's business dealings with others in general; (3) the defendant's intent to cause the breach or termination of the business relationship; (4) the defendant's *improper motive or improper means, see, e.g., Top Serv. Body Shop,* 582 P.2d at 1371; and finally, (5) damages resulting from the tortious interference.

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Trau-Med of Am., Inc. v. Allstate Ins. Co., 71 S.W.3d 691, 701 (Tenn. 2002) (emphases added).

The Plaintiffs' Amended Complaint fails to allege Ms. Baldwin's knowledge of any relationship or specific prospective relationship with "specific" third parties, though, none of whom is identified. *Id.* To the contrary, The Plaintiffs' Amended Complaint is premised explicitly upon claims about Ms. Baldwin's "mere awareness of the plaintiff's business dealings with others in general." *Compare id., with* Amended Compl. ¶ 104. The Plaintiffs' "intentional interference with business" relations claim also necessarily fails as a matter of law because critical commentary regarding a business is protected by the First Amendment even when harm is an intended effect. *See, e.g., Taubman Co. v. Webfeats*, 319 F.3d 770, 778 (6th Cir. 2003) ("[A]lthough economic damage might be an intended effect of Mishkoff's expression, the First Amendment protects critical commentary when there is no confusion as to source, even when it involves the criticism of a business."). Accordingly, even taking Plaintiffs' allegations as true, this claim must fail as a matter of law.

B. THE PLAINTIFFS' COMPLAINT SHOULD BE DISMISSED PURSUANT TO THE TENNESSEE PUBLIC PARTICIPATION ACT.

The Tennessee Public Participation Act (TPPA) separately governs the Plaintiffs' claims. Further, as detailed below, the TPPA mandates that all of Plaintiffs' claims against Ms. Baldwin be dismissed with prejudice; that the Plaintiffs be ordered to pay Ms. Baldwin's attorney's fees and costs; and that the Plaintiffs be subject to discretionary sanctions to deter repetition of their vexatious abuse of the legal process.

1. Applicability of the Tennessee Public Participation Act

The Tennessee Public Participation Act—Tennessee's still-relatively-new anti-

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SLAPP statute—provides that "[i]f a legal action is filed in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may petition the court to dismiss the legal action" subject to the TPPA's specialized provisions. *See* TENN. CODE ANN. § 20-17-104(a).[167] Under Tennessee Code Annotated § 20-17-103(3), "'[e]xercise of the right of free speech' means a communication made in connection with a matter of public concern or religious expression that falls within the protection of the United States Constitution or the Tennessee Constitution." In turn, Tennessee Code Annotated § 20-17-103(6) provides that:

> "Matter of public concern" includes an issue related to:
>
> (A) Health or safety;
> (B) Environmental, economic, or community well-being;
> (C) The government;
> (D) A public official or public figure;
> (E) A good, product, or service in the marketplace;
> (F) A literary, musical, artistic, political, theatrical, or audiovisual work; or
> (G) Any other matter deemed by a court to involve a matter of public concern[.]

Id. (emphases added). Additionally, pursuant to Tennessee Code Annotated § 20-17-103(4):

> "Exercise of the right to petition" means a communication that falls within the protection of the United States Constitution or the Tennessee Constitution and:
>
> (A) Is intended to encourage consideration or review of an issue by a federal, state, or local legislative, executive, judicial, or other governmental body; or
>
> (B) Is intended to enlist public participation in an effort to effect consideration of an issue by a federal, state, or local legislative, executive, judicial, or other governmental body[.]

[167] The petition "may be filed within sixty (60) calendar days from the date of service of the legal action or, in the court's discretion, at any later time that the court deems proper." TENN. CODE ANN. § 20-17-104(b). As a consequence, having been filed within sixty (60) days of service, Ms. Baldwin's TPPA petition to dismiss this action is timely filed. *See id.*

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Id. (emphases added). In a TPPA case, "[t]he petitioning party has the burden of making a prima facie case that a legal action against the petitioning party is based on, relates to, or is in response to that party's exercise of the right to free speech, right to petition, or right of association." TENN. CODE ANN. § 20-17-105(a).

Here, Ms. Baldwin's speech independently qualifies as a matter of public concern under several statutorily enumerated categories. *See* TENN. CODE ANN. § 20-17-103(6)(A), (B), (C), (E), (G). Specifically, alerting the public to a couple transporting a minor across state lines without her mother's permission, interfering with a mother's parenting of a troubled teenager by "pampering" her,[168] abusing their own children,[169] holding nightly prayer sessions in their bedroom and bed with a minor who is not related to them,[170] and removing the starter from a young girl's car in order to prevent her from leaving[171] are all matters related to health and safety. *See* TENN. CODE ANN. § 20-17-103(6)(A). The same circumstances relate to "community well-being" for the same reason. *See* TENN. CODE ANN. § 20-17-103(6)(B). Ms. Baldwin's assertions also relate to services in the marketplace – specifically Mr. Dozier's unethical behavior in his professional life and how that behavior has translated to his interactions with Gracie. *See* TENN. CODE ANN. § 20-17-103(6)(E). Lastly, Plaintiffs made Ms. Baldwin's concerns a matter of public and governmental concern when they petitioned for emergency custody of Gracie despite knowing that she had a capable, competent parent at home. Indeed, Ms. Black later apologized for her actions, realizing "how painful it must have been" and recognizing that

[168] Ex. A at Ex. 1.
[169] *Id*. at Ex. 4.
[170] Ex. B ¶ 26.
[171] Ex. A ¶ 50.

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her apology "doesn't take away the pain[.]"[172] Thus, Plaintiffs utilized the court system to pretend that a child was in danger—all while knowing she had a loving, safe place to stay with her mother[173]—apparently because they enjoyed the popularity that Gracie afforded their own children.[174]

This action is also nakedly retaliatory, and it has been filed in response to Ms. Baldwin's recent exercise of her right to petition, *see* Tennessee Code Annotated § 20-17-103(4)(A), by reporting the Plaintiffs to DCS. Specifically, after receiving information from Gracie that Ms. Black abused her children–*see* Ex. B ¶ 21 ("At one point Pepper was drunk and beat up her daughter. She had also thrown her out of a car[.]"); *see also* Ex. A ¶ 52 ("Shortly before Gracie's escape, Gracie conveyed to me that Ms. Black had gotten drunk and physically assaulted her daughter. Gracie sent me photographic evidence of Cayenne's injuries[.]"); *id*. at Ex. 4– and being extremely and rightfully concerned for the safety of her own daughter,[175] Ms. Baldwin submitted a report to DCS to protect her own child and Cayenne Black from Ms. Black's abuse.[176] Notably, this also is not the first time that Ms. Baldwin has attempted to care for Cayenne Black in the face of Pepper Black's neglect of her daughter, and Ms. Black has personally apologized to Ms. Baldwin for ignoring her attempts to protect Cayenne Black in the past. *See* Ex. A at Ex. 1 ("I didn't understand at the time how much you were trying to protect my girls and I'm so humbled and sad[.]"); *id*. at ¶ 4 ("Gracie had a friend named Cayenne Black who was a few years younger than Gracie. Due to their age gap and Gracie's behavioral issues, I had concerns, among other things, about Gracie's influence on Cayenne. As such, I reached out to her

[172] Ex. A at Ex. 1.
[173] *Id*. at ¶ 19.
[174] Ex. B ¶ 6.
[175] *See, e.g.,* Ex. A ¶ 31; *id*. at ¶ 48; Ex. D ¶ 7; *id*. at ¶ 8.
[176] Ex. A ¶ 53.

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mother Pepper Black to let her know about my concerns for her daughter and to explain why I felt they should no longer spend time with one another."); *id*. at ¶ 5 ("Pepper and I spoke on or around December 4, 2020, regarding out daughters' friendship and Gracie's contact with their family. I informed Ms. Black both via phone call and via text message that I was concerned with our daughters' friendship due to their age gap and Gracie's behavioral issues. Pepper was not concerned for her younger daughter's safety and wanted our daughters to continue to be friends."); *id*. at Ex. 1 ("I want to say from the depths of my soul that I am deeply sorry for not listening to you and causing you and us the pain we all could have avoided if I had just listened.").

Considering Ms. Black has admitted to "not listening to" Ms. Baldwin when it came to Cayenne Black's care, *id.,* Ms. Baldwin, upon learning about Ms. Black's abuse towards Cayenne Black and receiving photographic evidence of Cayenne Black's injuries, had no choice but to alert the appropriate authority, having already tried to resolve the issue of Cayenne's care on a personal level and having her concerns ignored. *Id*. Accordingly, having no other choice, Ms. Baldwin reported Cayenne's injuries to DCS on July 5, 2022.[177] This lawsuit followed just two months later.[178]

A good-faith report to a state agency is protected petitioning activity. *See* T.C.A. § 20-17-103(4)(A) ("Exercise of the right to petition" means a communication that falls within the protection of the United States Constitution or the Tennessee Constitution and [is] intended to encourage consideration or review of an issue by a federal, state, or local legislative, executive, judicial, or other governmental body[.]"). As such, Ms. Baldwin's report to DCS was an exercise of her constitutional and statutory right to petition. *Id.*

[177] Ex. A ¶ 53.
[178] *See* Compl. at 1 ("Filed [] Sep 08 2022").

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With this context in mind, Plaintiffs' retaliatory lawsuit is the exact kind of behavior the TPPA seeks to deter. Specifically, SLAPP suits like this one are:

> [U]sed "as a powerful instrument of coercion or retaliation" against a defendant, George W. Pring & Penelope Canan, *"Strategic Lawsuits Against Public Participation" ("SLAPPS"): An Introduction for Bench, Bar and Bystanders*, 12 BRIDGEPORT L. REV. 937, 942 (1992) (quoting *Bill Johnson's Rests., Inc. v. NLRB*, 461 U.S. 731, 740–41, 103 S.Ct. 2161, 76 L.Ed.2d 277 (1983)), and anti-SLAPP legislation such as the TPPA is designed to counteract such lawsuits and prevent "meritless suits aimed at silencing a plaintiff's opponents, or at least diverting their resources." John C. Barker, *Common-Law and Statutory Solutions to the Problem of SLAPPs*, 26 LOY. L.A. L. REV. 395, 396 (1993).

Doe v. Roe, 638 S.W.3d 614, 617–18 (Tenn. Ct. App. 2021). Ms. Baldwin "may petition the court to dismiss the legal action" subject to the TPPA's specialized provisions, as a result. *See* TENN. CODE ANN. § 20-17-104(a).

Thus, the TPPA applies to this action for several independent reasons. Accordingly, having met her initial burden under Tennessee Code Annotated § 20-17-105(a), this Court "shall dismiss the legal action unless the responding party establishes a prima facie case for each essential element of the claim in the legal action." *See* TENN. CODE ANN. § 20-17-105(b).

2. Ms. Baldwin can establish valid defenses.

"Notwithstanding subsection (b), the court shall dismiss the legal action if the petitioning party establishes a valid defense to the claims in the legal action." *See* TENN. CODE ANN. § 20-17-105(c). Pursuant to this section, Ms. Baldwin expressly incorporates into this Petition each argument set forth in her motion to dismiss in support of her defense that the Plaintiffs have failed to state any cognizable claim for relief against her. Based on facts established through admissible evidence, Ms. Baldwin also establishes the additional valid defenses to liability set forth below.

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a. The Plaintiffs' claims fail for want of actual malice or even negligence.

Where an allegedly defamatory statement involves a matter of public interest, a plaintiff is required to prove actual malice. *See West*, 53 S.W.3d at 647 ("In *Time, Inc. v. Hill*, 385 U.S. 374, 87 S. Ct. 534, 17 L.Ed.2d 456 (1967), the Court extended the actual malice standard to alleged defamatory statements about matters of public interest."). Commentary regarding two adults (among other things) taking a minor on an out of state trip without her mother's permission, buying her elaborate gifts, petitioning for emergency custody of her despite the fact that they knew she had a competent parent to care for her, and holding nightly prayer sessions with her in their bed—all while her mother diligently fought to expose their conduct and save her daughter from their manipulation—is a matter of public interest. As the subject of a Tennessee Supreme Court-ordered suspension for ethical misconduct and an accompanying BPR press release,[179] Mr. Dozier is also, at minimum, at limited-purpose public figure who must prove that Ms. Baldwin spoke with actual malice regarding him. *See Press, Inc. v. Verran*, 569 S.W.2d 435, 441 (Tenn. 1978) (those who "are drawn into public controversies" are limited-purpose public figures).

"To prevail on a defamation claim where the actual malice standard applies, the plaintiff 'must prove by clear and convincing evidence that [the] defendant acted with actual malice.'" *Finney v. Jefferson*, No. M2019-00326-COA-R3-CV, 2020 WL 5666698, at *5 (Tenn. Ct. App. Sept. 23, 2020) (quoting *Jones v. State*, 426 S.W.3d 50, 57 (Tenn. 2013) (citing *New York Times v. Sullivan*, 376 U.S. at 285-86)). "The concept of actual malice in defamation cases connotes more than personal ill will, hatred, spite, or desire

[179] Ex. A at Ex. 2.

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to injure; rather, it is limited to statements made with knowledge that they are false or with reckless disregard to their truth or falsity." *Byrge v. Campfield*, No. E2013-01223-COA-R3CV, 2014 WL 4391117, at *5 (Tenn. Ct. App. Sept. 8, 2014) (quoting *McWhorter v.. Barre,* 132 S.W.3d 354, 365 (Tenn.Ct.App.2003)). Thus, merely repeating the words of another—*even if false*—is not enough to constitute actual malice. *Higgins v. Kentucky Sports Radio, LLC,* 951 F.3d 728, 739 (6th Cir. 2020) ("Merely repeating potentially false reviews generated by other users may be in bad taste. But it cannot by itself constitute defamation. And good thing too. If it could, any news article discussing a tendentious Twitter exchange could land its author in front of a jury. That would make the authors of the First Amendment cringe."). Further, "'[f]ailing to investigate information provided by others before publishing it, even when a reasonably prudent person would have done so, is not sufficient by itself to establish reckless disregard.'" *Finney*, 2020 WL 5666698, at *5 (quoting *Lewis*, 238 S.W.3d at 301) (citing *Harte-Hanks*, 491 U.S. at 688; *McCluen v. Roane Cty. Times, Inc*., 936 S.W.2d 936, 941 (Tenn. Ct. App. 1996))).

Because all of the information that Plaintiffs accuse Ms. Baldwin of publishing came from other people—including, without limitation the Plaintiffs' own daughter, *see* Ex. C—and because Ms. Baldwin reasonably believed that the information she received from others was true, it is impossible for Plaintiffs to prove actual malice under the circumstances of this case. Ms. Baldwin's statements were based on information she received. *See* Ex. A at Ex. 3 ("Her videos describe what I confessed to her back in 2020."); Ex. D ¶ 6 ("Ms. Baldwin is absolutely correct that Pepper Black and her husband Brad Dozier have manipulated and controlled Gracie, and Gracie did report this to me on many occasions.") (emphasis added); Ex. A ¶ 13 ("On January 5, 2021, I got Gracie back. She told me what occurred from December 8, 2020 until that day, January 5,

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2021, while she lived with Mr. Dozier and Ms. Black.") (emphasis added); *Id*. at ¶ 14 ("Gracie explained Pepper Black's erratic outbursts in which she would scream, have a complete meltdown, then beg for forgiveness claiming the devil had entered her body. Gracie described Ms. Black as having these sorts of outbursts daily.") (emphasis added); *id*. at ¶ 15 ("Gracie stated that she and Cayenne were often in trouble and she had experienced Ms. Black being physically violent with her children.") (emphasis added); *Id*. at ¶ 16 ("Gracie also detailed Pepper's outrage and swearing at both Gracie and Cayenne for small mistakes, such as not being in the car ready to leave by an exact time.")(emphasis added); *Id*. at ¶ 18 ("Gracie also informed me of Mr. Dozier and Ms. Black's requirement that Gracie get into their bed with them each night for a group prayer session, which I found disturbing.") (emphasis added). *See also* Ex. B ¶ 11 ("When it was time for them to go to Florida they put me in their van and seemed to have no fear of my mom's demands to stay away from me."); *id*. at ¶ 16 ("[Pepper] was saying I could come back to their house if I was still unhappy. I could have their car to drive. I could even use her credit card while I was at home to order food from door dash. She said I could have all the freedoms again if I could find a way to get back to their house."); *id*. at ¶ 21 ("At one point Pepper was drunk and beat up her daughter."); *id*. at ¶ 26 ("They said we did not have prayer time in bed. We did. It was a nightly event. It happened and we definitely had to do it."). Ms. Baldwin also did not have any reason to disbelieve the detailed information that Gracie, in particular, shared with her, which serves as the basis for the substantial majority of the Plaintiffs' claims. The Plaintiffs cannot sustain their defamation claims as a result.

b. The statements alleged in Plaintiff's Complaint are true or substantially true.

"Truth is an absolute defense to a claim for defamation when the otherwise

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defamatory meaning of the words used turns out to be true." *Sullivan v. Wilson Cty*., No. M2011-00217-COA-R3CV, 2012 WL 1868292, at *12 (Tenn. Ct. App. May 22, 2012), *perm. to app. denied* (Tenn. Sept. 18, 2012). Tennessee law also adheres to the substantial truth doctrine. Thus, Tennessee courts have held that:

> The damaging words must be factually false. If they are true, or essentially true, they are not actionable, even though the published statement contains other inaccuracies which are not damaging. Thus, the defense of truth applies so long as the "sting" (or injurious part) of the statement is true. "... it is not necessary to prove the literal truth of the accusation in every detail, and that it is sufficient to show that the imputation is substantially true, or, as it is often put, to justify the 'gist,' the 'sting,' or the 'substantial truth' of the defamation."

Isbell v. Travis Elec. Co., No. M1999-00052-COA-R3CV, 2000 WL 1817252, at *5 (Tenn. Ct. App. Dec. 13, 2000) *(*quoting *Stones River Motors, Inc.,* 651 S.W.2d at 719-20).

Here, the statements in the Plaintiffs' Amended Complaint are inactionable as defamation because they are true or, at minimum, substantially true. *See, e.g.,* Ex. B ¶ 23 ("After my Mom learned they wanted me to give them damaging information about her, that they wanted me to pretend I wasn't living there and even asked me to change my name, my Mom was so worried she created a TikTok account and started posting about the entire ordeal with this family. She told the entire story from the very beginning. Her story is true. It was and still is embarrassing for me, but it's still true.") (emphasis added). Further, the "gist" or "sting" of the Plaintiffs' claim is their displeasure at Ms. Baldwin's use of the words "pedophile," "grooming," and "kidnapping," and related statements, and the sting underlying each of these allegations is true or substantially true as well.

To begin, the context in which Ms. Baldwin utilized the word "pedophile" was either presented in the form of a genuine question or as an illustrative comparison. *See*

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Amended Compl. ¶ 30 ("I don't know if you are a predator or a pedophile"); *id*. at ¶ 40 ("why would I not think he's a pedophile?"); *id*. at ¶ 60 (Mr. Dozier did "all the creepy stuff pedophiles do"). Considering that—while openly neglecting his own daughter according to public records filed by his ex-wife[180]—Mr. Dozier: (1) held nightly prayer sessions in his bed with Gracie and his stepdaughters;[181] (2) created an environment in which Gracie was afraid to leave the Plaintiffs' home because she worried how Mr. Dozier would react;[182] (3) became extremely angry when Gracie tried to leave;[183] and (4) attempted to spend alone time with Gracie while Ms. Black was out of town,[184] Ms. Baldwin's intimation that Mr. Dozier's behavior appeared similar to that of a pedophile is true or, at minimum, substantially true. The related assertion that "[Gracie was] crawling up in [Plaintiffs'] bed"[185] is also literally true.[186]

Similarly, the gist or sting of Ms. Baldwin's concern that the Plaintiffs were "grooming" Gracie is true, or, at minimum, substantially true based on the factual reality of how the Plaintiffs treated Gracie. The term "grooming" can carry several meanings. Although grooming has no official legal definition, it is often used to describe the "gradual process whereby an abuser wins the trust and cooperation of a potential victim, starting with interactions that seem normal and benign, like paying special attention or offering compliments and gifts." Ann Barnard, *What does grooming mean in sexual abuse cases*?, NEW YORK TIMES (Dec. 2, 2021),

[180] Ex. F, Dozier v. Dozier, Motion to enforce settle of child support/parenting plan and marital dissolution, Davidson Cty Circuit Court Case 17D-1285 (Aug. 3, 2020).
[181] Ex. B ¶ 26.
[182] *Id*. at ¶ 34.
[183] *Id*. at ¶ 35.
[184] *Id*. at ¶ 35.
[185] *Id*. at ¶ 26.
[186] *Id*.

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https://www.nytimes.com/2021/12/02/nyregion/grooming-sexual-abuse.html. Since that is precisely what Plaintiffs did to Gracie, to call them "groomers" or accuse them of "grooming" accurately portrays their conduct. For instance, the Plaintiffs invited Gracie to live with them despite not knowing her,[187] admittedly interfered with Ms. Baldwin's attempts to parent Gracie,[188] "pamper[ed] Gracie,"[189] took Gracie on a trip with their family,[190] filed for emergency custody of Gracie despite knowing she had a capable, competent parent to take care of her,[191] snapchatted Gracie regularly,[192] bought Gracie a car to drive,[193] and brought Gracie into their bedroom for nightly mandatory prayer sessions.[194] This behavior can certainly be compared to—and it is—the behavior of individuals attempting to earn the trust and cooperation of a young girl who did not know what was happening until it was almost too late.[195]

Nor can the Plaintiffs hope to maintain a claim for defamation as it relates to the use of the term "kidnapping" or the related assertions that they "stole" Gracie under the circumstances of this case. Unlike "grooming," "kidnapping" at least arguably has a specific (if not universally accepted) definition, and based on what they did, the Plaintiffs' conduct fits squarely within it. In Tennessee, a person who is guilty of kidnapping "knowingly removes or confines another unlawfully so as to interfere substantially with the other's liberty[,]" and does so "under circumstances exposing the other person to substantial risk of bodily injury." *See* Tenn. Code Ann. § 39-13-302; § 39-13-303. Here,

[187] *Id*. at ¶ 2.
[188] Ex. A at Ex. 1.
[189] *Id*.
[190] Amended Compl. ¶ 10.
[191] Ex. A at Ex. 1.
[192] Ex. B ¶¶ 4, 9.
[193] *Id*. at ¶ 2.
[194] *Id*. at ¶ 7.
[195] *Id*. at ¶ 3 ("As a kid I wasn't seeing the red flags of how strange this was.").

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the Plaintiffs removed Gracie—while she was a minor—from the state without her mother's permission. Further, the Plaintiffs knew that Gracie's mother and legal guardian had expressly prohibited them from even having contact with Gracie, and they were certainly aware that Ms. Baldwin had not afforded them permission to take Gracie on an extended road trip that spanned several states.[196] Consequently, characterizing the Plaintiffs' conduct as "kidnapping" is—at minimum—substantially true.

The specific allegations directed toward Ms. Black to the effect that she is a liar and a fraud are also provably true. Ms. Black agreed with Ms. Baldwin that she would no longer contact Gracie before subsequently inviting Gracie to live with her family and taking Gracie out of the state on a road trip.[197] Promising a young girl's mother that you will not talk to her minor child anymore and then violating that promise by inviting her to live and vacation with the Plaintiffs mere weeks later can accurately be characterized as the behavior of a liar or a fraud.[198]

Ms. Black also does not dispute that she is a member of ASEA,[199] which can only be characterized as a multi-level marketing company, and which markets itself that way.[200] That Ms. Black has a temper with her daughters is also something she has publicly

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[196] Ex. A ¶ 6.
[197] *Id*. at ¶ 6-7. *See* also Amended Compl. ¶ 9-10.
[198] Amended Compl. ¶ 30.
[199] *Id.* at ¶ 47.
[200] On its advice to consumer page, the Federal Trade Commission defines a multi-level marketing company as a business "that involve[s] selling products to family and friends and recruiting other people to do the same." Federal Trade Commission Consumer Advice, *Multi-Level Marketing Businesses and Pyramid Schemes* (July 2022) https://consumer.ftc.gov/articles/multi-level-marketing-businesses-pyramid-schemes. *See also id*. ("MLM companies sell their products or services through person-to-person sales. That means you're selling directly to other people, maybe from your home, a customer's home, or online."). This is the exact business model that ASEA employs. *See* Ex. H at 1, 3, Better Business Bureau, ASEA Business Profile, https://www.bbb.org/us/ut/salt-lake-cty/profile/multilevel-sales/asea-llc-1166-22221325 (last visited April 18, 2023) (marketing itself as a "Multi-Level Sales" company that operates as a "multi-level marketing business").

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posted on social media.[201] Any attempt to hold Ms. Baldwin liable for simply repeating statements that Ms. Black has made herself fails for lack of falsity as a result.[202] Similarly, the pictures of Cayenne Black with bruises on her face and leg as well as Gracie's account of what happened to Ginger Black confirm the truth behind the rest of the allegations Ms. Baldwin presented against Ms. Black.[203]

For all of these reasons, Plaintiffs' claims are inactionable for defamation because Ms. Baldwin's statements were true or substantially true.

c. The Defendant is entitled to immunity based on the common interest privilege.

The Plaintiffs' defamation claim against Ms. Baldwin is also foreclosed from liability by the qualified common interest privilege. *See McGuffey v. Belmont Weekday School,* No. M2019-01413-COA-R3-CV, 2020 WL 2754896, at *15 (Tenn. Ct. App. May 27, 2020) ("Tennessee courts have recognized a common interest privilege as one type of conditional privilege.").

> Our Supreme Court has described the communications covered by a conditional privilege as follows:
>
> > 'Qualified privilege extends to all communications made in good faith upon any subject-matter in which the party communicating has an interest, or in reference to which he has a duty to a person having a corresponding interest or duty; and the privilege embraces cases where the duty is not a legal one, but where it is of a moral or social character of imperfect obligation. . . . The rule announced is necessary in order that full and unrestricted communication concerning a matter in which the parties have an interest or a duty may be had. It is grounded in public policy as well as reason.'

Id. (citing *S. Ice Co. v. Black*, 189 S.W. 861, 863 (Tenn. 1916)). *See also Trotter v. Grand*

[201] Ex. E at 0015 (Admitting that her daughters sometimes "get so far under my skin I want to go postal on them[.]" *Id*. ("I have never in my life lost my s*** so many times in a short period of time. I hardly recognize myself[.]").
[202] *See* Ex. E at 0015. *See also* Amended Compl. ¶ 59.
[203] Amended Compl. ¶ 59. *See also* Ex. A at Ex. 4; Ex. B ¶ 21; Ex. A at Ex. 3.

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Lodge F. & A.M. of Tenn., No. E2005-00416-COA-R3-CV, 2006 WL 538946, at *7 (Tenn. Ct. App. Mar. 6, 2006); *Pate*, 959 S.W.2d at 576.

Here, every video that Ms. Baldwin posted arose from her deep, well-founded, and professionally-supported fear for her daughter's safety. Certainly, while Gracie was a minor, Ms. Baldwin had an affirmative duty to protect her child and ensure that she was in a safe environment. After Gracie became an adult, Ms. Baldwin was still aware—and a professional therapist who worked with Gracie confirmed[204]—that the Plaintiffs were manipulating Gracie, that their home was "unsafe,"[205] and that Gracie needed "protect[ion] from [the Plaintiffs.]"[206] After exhausting all other avenues, posting videos about the Plaintiffs served as Ms. Baldwin's good faith effort to protect Gracie's safety and wellbeing. *See* Ex. A ¶ 31 ("Based on the history of events to this point, because of serious concerns expressed to me by Gracie's licensed clinical therapist about Gracie's safety while in the care of Ms. Black and Mr. Dozier, and due to additional information I learned about Ms. Black and Mr. Dozier that concerned me, I knew I had to do something to protect my child's safety and wellbeing. Accordingly, in an effort to protect my child, and out of genuine concern for her safety and wellbeing, I began to film and publish short videos detailing this series of events on TikTok, a popular social media application.").

For their part, the Plaintiffs do not even appear to allege that Ms. Baldwin posted the videos in bad faith. To the contrary, they allege that her actions are attributable to "psychological issues."[207] Consequently, even if the Plaintiffs could establish a prima

[204] *See generally* Ex. D.
[205] *Id*. at ¶ 7.
[206] *Id*. at ¶ 8.
[207] Amended Compl. ¶ 7.

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facie case of liability for any of their claims, Ms. Baldwin's statements are protected by the conditional common interest privilege, and the TPPA compels their dismissal as a result.

d. Plaintiff Dozier—at minimum—is libel-proof, and the Plaintiffs did not suffer actual damages.

Tennessee recognizes the libel-proof plaintiff doctrine, which provides that a plaintiff with a severely tarnished reputation may not maintain a defamation action. *See Rogers v. Jackson Sun Newspaper*, No. CIV. A. C-94-301, 1995 WL 383000, at *1 (Tenn. Cir. Ct. Jan. 30, 1995) ("This Court finds and holds, as a matter of law, Plaintiff's reputation in the community at the time of the article's publication was so severely tarnished, he is 'libel-proof' and may not maintain this defamation action for an allegedly erroneous report of his criminal record."), *no app. filed*. The doctrine "essentially holds that 'a notorious person is without a "good name" and therefore may not recover for injury to it.'" *Davis*, 83 S.W.3d at 128 (quoting ROBERT D. SACK, SACK ON DEFAMATION: LIBEL, SLANDER AND RELATED PROBLEMS 35 (Cum. Supp. 1998)). The libel-proof plaintiff doctrine is premised upon the notion that "[t]o suffer injury to one's standing in the community, or damage to one's public reputation, one must possess good standing and reputation for good character to begin with." *Id.* at 130. A plaintiff is also "required to prove actual damages in all defamation cases." *Hibdon*, 195 S.W.3d at 68 (citing *Handley*, 588 S.W.2d at 776).

Here, at minimum, Mr. Dozier is libel-proof. His professional reputation has been severely and recently tarnished based on his extensive and adjudicated ethical misconduct. *See, e.g.,* Ex. A at Ex. 2 (noting BPR suspension and corresponding finding that "Mr. Dozier's ethical misconduct violated Rules of Professional Conduct 1.1,

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Diligence; 1.4, Communication; 1.15, Safekeeping Property and Funds; 8.4, Misconduct."). Client reviews of his poor performance are also plentiful.[208] His personal reputation—particularly when it comes to children for whom he is responsible for caring—is similarly abysmal. *See* Ex. F, Dozier v. Dozier, Motion to enforce settle of child support/parenting plan and marital dissolution, Davidson Cty Circuit Court Case 17D-1285 (Aug. 3, 2020).

The Plaintiffs' claims of damages—unsupported by any documentary evidence to date—are similarly unbelievable. Although one plaintiff has dropped out of this action, and although the Plaintiffs have modified or dropped some of their claims since initiating this lawsuit, their claimed damages remain identical to the penny. *Compare* Compl., *with* Amended Compl. The Plaintiffs' Amended Complaint also alleges in several places that *Gracie Baldwin*—who is not a party to this action—was the one injured by Ms. Baldwin's conduct, not the Plaintiffs. *See* Amended Compl. ¶ 67 ("Ms. Baldwin intentionally interfered with Gracie Baldwin's relationship with her lawyers."); *Id* at ¶ 70 ("[T]he lawyer forbade communication between Gracie and her attorneys[.]"); *Id*. at ¶ 99 ("Defendant intentionally intruded upon Plaintiff's private affairs or concerns by posting on social media false details of Gracie's history[.]") (emphasis added). Further, following his suspension from the practice of law, Plaintiff Dozier's pre-existing financial problems—including foreclosures, repossession of property, massive debt, failure to satisfy his alimony and support obligations, and a federal tax lien—were also detailed at length by his ex-wife during custody proceedings almost a year before this lawsuit was initiated.[209]

For all of these reasons—and because the Plaintiffs lacked any good reputation to

[208] *See* Ex. G, Avvo.com reviews.
[209] Ex. F at p. 5–7.

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begin with—the Plaintiffs claims should be dismissed for lack of actual damage and because abundant evidence demonstrates that they were not, in fact, damaged as claimed.

C. PLAINTIFFS HAVE FAILED TO SPECIFY WHICH STATEMENTS CORRESPOND TO WHICH TORT CLAIMS AND WHICH PLAINTIFF IS ASSERTING WHICH TORT CLAIM.

Prior to the hearing on Plaintiff's Motion to Dismiss and TPPA Petition based on the original complaint filed in this case, Ms. Baldwin filed a Motion for a More Definite Statement. In that motion, Ms. Baldwin requested: (1) that Plaintiffs "[s]pec[ify] which statements are associated with which tort claims; (2) [s]pec[ify] which tort claims are being asserted by which plaintiff;" and (3) "that the actual statements complained of–in their full context–be appended to the Plaintiffs' Complaint in compliance with Tenn. R. Civ. P. 10.03. After granting this motion, this court ordered Plaintiffs to amend their complaint. Plaintiffs have now amended their complaint, but they have failed to adhere to any of the three directives requested in Ms. Baldwin's Motion or to cure the problems identified by it.

Instead, Plaintiffs have re-pleaded their allegations into five counts; asserted that they are suing over dozens of haphazardly identified, unquoted or only partially quoted statements that remain devoid of essential context; and continued to fail to specify which Plaintiff is maintaining which claim based on which statement identified in their Amended Complaint. For example, Plaintiffs once again allege that Ms. Baldwin defamed Plaintiff Dozier by calling him a pedophile, though Ms. Baldwin did not actually do so, and the Plaintiffs have omitted essential context that precludes liability. *See supra* at 29–30.[210] They also appear to assert that Ms. Baldwin stated that Ms. Black

[210] *See* Amended Compl. ¶ 94, *contra id.* at ¶ 60 ("[Mr. Dozier does] all the creepy stuff pedophiles do."); *id.* at ¶ 30 ("And I don't know if you are a predator or a pedophile[.]"); *id.* at ¶ 40 ("Why would I not think he's a pedophile?").

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was a pedophile, something that never happened and that no statements quoted throughout their complaint support.[211] Additionally, despite having dropped all references to Ms. Baldwin's statements about Mr. Dozier's professional reputation, Plaintiffs still assert that Ms. Baldwin is liable for statements regarding Mr. Dozier "being dishonest in [his] professional li[fe]" and "conducting [his] business affairs unethically"[212]—something that the Tennessee Supreme Court indicated well before Ms. Baldwin did.[213]

Finally, despite quoting numerous statements within the facts section of the Amended Complaint, Plaintiffs have failed to incorporate those statements by reference as to each individual claim, leaving Ms. Baldwin to conduct the impossible task of determining which statements correspond to which claim, and how each such statement purportedly damaged the Plaintiffs under their theory of the case. This task is also made even more difficult considering that Plaintiffs have yet again failed to comply with Tenn. R. Civ. P. 10.03 by appending the statements over which they are suing, in their full context, as exhibits to their complaint. As a result, because the Plaintiffs have already been afforded an opportunity to bring their complaint into compliance with Tenn. R. Civ. P. 10.03 and have failed to do so, the proper remedy at this juncture is dismissal. See *Clear Water Partners, LLC v. Benson*, No. E2016-00442-COA-R3-CV, 2017 WL 376391 at *8 (Tenn. Ct. App. Jan. 26, 2017) ("Rule 41.02(1) provides that a Plaintiff's complaint may be dismissed if the plaintiff fails to comply with the rules set forth in the Tennessee Rules of Civil Procedure." (citing Tenn. R. Civ. P. 41.02(1))).

[211] *See* Amended Compl. ¶ 94.
[212] *Id*. at ¶ 82.
[213] Ex. A at Ex. 2.

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V. COSTS, ATTORNEY'S FEES, & SANCTIONS

Under Tennessee Code Annotated § 20-17-107(a):

> If the court dismisses a legal action pursuant to a petition filed under this chapter, the court shall award to the petitioning party:
>
> > (1) Court costs, reasonable attorney's fees, discretionary costs, and other expenses incurred in filing and prevailing upon the petition; and
> >
> > (2) Any additional relief, including sanctions, that the court determines necessary to deter repetition of the conduct by the party who brought the legal action or by others similarly situated.

Id.

Here, the Plaintiffs' prosecution of this retaliatory action merits costs, fees, and severe sanctions. Considering the numerous categorical bars to the Plaintiffs' claims, and in light of the $3 million in factually non-existent damages that the Plaintiffs pretend to have suffered, no litigant or attorney acting in good faith could reasonably believe that the Plaintiffs' claims in this lawsuit have merit. Accordingly, the Plaintiffs should be ordered to pay mandatory costs and attorney's fees in addition to discretionary sanctions of not less than $90,000.00—amounting to a mere 3% of the amount the Plaintiffs have placed in controversy—to deter future misconduct and misconduct by others similarly situated.

VI. CONCLUSION

For the foregoing reasons, the Defendant's Tenn. R. Civ. P. 12.02(6) Motion to Dismiss and Tennessee Public Participation Act Petition to dismiss this action should be GRANTED; the Plaintiffs should be ordered to pay the Defendant's court costs, reasonable attorney's fees, and discretionary costs pursuant to Tennessee Code Annotated § 20-12-119(c) and § 20-17-107(a)(1); and this Court should assess severe sanctions against the Plaintiffs as necessary to deter repetition of their conduct pursuant to Tennessee Code Annotated § 20-17-107(a)(2).

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Respectfully submitted,

By: /s/ Lindsay Smith_____

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CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of April, 2023, a copy of the foregoing was transmitted via hand-delivery, via the Court's electronic filing system, via USPS mail, and/or via email to the following parties or their counsel:

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Exhibit A

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DECLARATION OF THERESA BALDWIN

1. My name is Theresa Baldwin, I have personal knowledge of the facts set forth in this Declaration, and I am competent to testify regarding them.

2. I am Gracie Baldwin's mother.

3. During her teenage years, Gracie and I had a contentious relationship at times as she struggled with following rules and adhering to the boundaries that I set for her.

4. Gracie had a friend named Cayenne Black who was a few years younger than Gracie. Due to their age gap and Gracie's behavioral issues, I had concerns, among other things, about Gracie's influence on Cayenne. As such, I reached out to her mother Pepper Black to let her know about my concerns for her daughter and to explain why I felt they should no longer spend time with one another.

5. Pepper and I spoke on or around December 4, 2020, regarding our daughters' friendship and Gracie's contact with their family. I informed Ms. Black both via phone call and text message that I was concerned with our daughters' friendship due to their age gap and Gracie's behavioral issues. Pepper was not concerned for her younger daughter's safety and wanted our daughters to continue to be friends.

6. At this point, I told Pepper that she was not to have any further contact with my daughter based on concerns that I had developed about her and Mr. Dozier's interest in Gracie.

7. Pepper responded that she understood and would have no further contact with Gracie.

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8. However, on December 6, 2020, Gracie contacted me and asked to move in to live with Mr. Dozier and Ms. Black, having been invited to do so by them.

9. Despite having been told to cease all contact with my minor daughter, I learned through social media that Gracie was at that moment in a van with Mr. Dozier and Ms. Black traveling to Florida.

10. I did not give Mr. Dozier or Ms. Black permission to transport my minor daughter to Florida.

11. After repeated attempts to contact them, Mr. Dozier finally answered my call. After pleading with him to return Gracie to Tennessee and Mr. Dozier's refusal to do so, I told him I would be contacting police, to which he responded: "Go for it."

12. I did contact the police because Gracie was a minor and I, her parent, had not given Ms. Black or Mr. Dozier permission to leave the State of Tennessee with her. Ms. Black had also been explicitly instructed to have no further contact with Gracie. Ultimately, charges were not filed, though I did advocate for kidnapping charges.

13. On January 5, 2021, I got Gracie back. She told me what occurred from December 8, 2020 until that day, January 5, 2021, while she lived with Mr. Dozier and Ms. Black.

14. During that time, Gracie explained Pepper Black's erratic outbursts in which she would scream, have a complete meltdown, then beg for forgiveness claiming the devil had entered her body. Gracie described Ms. Black as having these sorts of outbursts daily.

15. Gracie stated that she and Cayenne were often in trouble and she had experienced Ms. Black being physically violent with her children.

16. Gracie also detailed Pepper's outrage and swearing at both Gracie and

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Cayenne for small mistakes, such as not being in the car ready to leave by an exact time.

17. While home with me, Gracie drove my car, but she had been previously grounded from driving it due to behavioral issues. In an effort to convince Gracie to live with them, Mr. Dozier and Ms. Black had purchased an additional car in early December 2020, separate from each of their own personal vehicles, and allowed Gracie to drive it. Because Gracie was a bit older than Mr. Dozier and Ms. Black's children, Gracie often drove them around and ran errands for the family.

18. Gracie also informed me of Mr. Dozier and Ms. Black's requirement that Gracie get into their bed with them each night for a group prayer session, which I found disturbing. Gracie tolerated the discomfort of these sessions out of a sense of obligation, knowing that Mr. Dozier and Ms. Black had spent money on her. Eventually, Mr. Dozier and Ms. Black told Gracie that she had been "saved" by these in-bed prayer sessions.

19. During this time, Mr. Dozier and Ms. Black had also filed an emergency petition for custody of Gracie, which was granted. The petition included multiple falsities, including that I was mentally ill, that Gracie was neglected, and that Gracie was abandoned. None of those statements were true, the petition was dismissed, and full custody was returned to me.

20. On January 13, 2021, I went to pick Gracie up from school. While I waited, Gracie exited the school with Pepper and Cayenne Black. Pepper had come to request from the school guidance counselor that our daughters be allowed to speak and remain friends.

21. Based on this continued interaction and communication against my explicit wishes, I made the decision to remove Gracie from Davidson Academy and enroll her at a boarding school in West Virginia.

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22. On January 25, 2021, Gracie began attending Greenbrier Academy in West Virginia, where she began to unpack her relationship with Mr. Dozier and Ms. Black. While at Greenbrier, Gracie told me numerous times that she had come to understand how abnormal Mr. Dozier and Ms. Black were and that she had no intention of having contact with them ever again.

23. In April of 2021, Pepper Black sent me a handwritten apology letter, an authentic copy of which is attached hereto as **Ex. 1**. Ms. Black admitted, among other things, that the entire situation, including the custody matters, could have been avoided if she had listened to my concerns about my own daughter from the outset. She also assured me that her family would no longer interfere with my parenting of Gracie.

24. In January of 2022, Gracie went to live with her friend Georgia Kane for a short time. By this point, Gracie was eighteen years old and, thus, legally an adult.

25. In early February of 2022, I received paperwork in the mail demonstrating that Gracie had changed her address to that of Brad Dozier and Pepper Black.

26. Having become concerned about Gracie's well-being, Georgia Kane reached out to me and we discussed the situation.

27. I learned from Georgia that Georgia took Gracie to move in with Mr. Dozier and Ms. Black at the beginning of February. Georgia told me that the girls were greeted by Pepper at the door, instructed to shut off their cell phones, and given a set of stipulations if Gracie was going to move in with them. Georgia was present to hear those stipulations conveyed.

28. These stipulations included that Gracie would: (1) "go off the grid" and delete all social media; (2) have no contact with me or my family; (3) no longer use her current cell phone, and instead use only the phone Mr. Dozier left to purchase during this

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meeting; (4) act as if she was still living with Georgia when speaking with her boyfriend; (5) provide Pepper with any negative videos or information about me to be used against me in the future; (6) post negative things about me on social media; and (7) show loyalty to Mr. Dozier and Ms. Black by legally changing her last name.

29. At this time, Pepper also promised to co-sign on a new car for Gracie if she would agree to the stipulations. Gracie acquiesced, which is why she changed her address and I received those documents in the mail in early February.

30. When I attempted to reach out to Gracie at this time, I received no response at all.

31. Based on the history of events to this point, because of serious concerns expressed to me by Gracie's licensed clinical therapist about Gracie's safety while in the care of Ms. Black and Mr. Dozier, and due to additional information I learned about Ms. Black and Mr. Dozier that concerned me, I knew I had to do something to protect my child's safety and wellbeing. Accordingly, an effort to protect my child, and out of genuine concern for her safety and wellbeing, I began to film and publish short videos detailing this series of events on TikTok, a popular social media application.

32. The purpose of these videos was to bring awareness—both generally, as to the harms of grooming and manipulation, as well as specifically, as to Mr. Dozier and Ms. Black's alarming behaviors toward my minor daughter—so others could navigate similar situations with greater knowledge and understanding.

33. Everything I said in the videos was based on either my own personal observations and interactions with Ms. Black and Mr. Dozier, based on my review of documentary records, or else, based on conversations I had with Gracie, Georgia Kane, Gracie's clinical therapist, and others during which Mr. Dozier's and Ms. Black's

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disturbing behaviors and actions were explained to me. The videos truthfully recounted my perceptions, understanding, and opinions regarding those behaviors and actions.

34. For instance, I stated I thought Mr. Dozier and Ms. Black were "branding" Gracie based on a request that she change her last name as a demonstration of loyalty in order to live with them. This reminded me of a famous cult leader physically branding girls with his initials, which is why I referred to it as branding.

35. I also stated that Ms. Black had multiple broken marriages, because I had acquired personal knowledge of her previous marriages to Ted Aulds and Jamie Higdon, both of whom I met or had spoken to prior to publishing the TikTok videos.

36. I also stated that Ms. Black is a diamond member of a multi-level marketing group because she is a diamond member of ASEA, a direct-sales supplement company that maximizes profits by encouraging existing members to bring in new recruits, which become the existing member's new downline, with new recruits similarly incentivized to recruit new members as well. In other words, ASEA is a multi-level marketing company.

37. I also stated that Brad Dozier is an unethical lawyer because I had acquired personal knowledge of his Tennessee bar license having been suspended due to unethical conduct toward multiple clients. *See* **Ex. 2**.

38. I also stated that Brad Dozier and Pepper Black controlled Gracie's access and opened her packages because a package that I sent to her was via FedEx was intercepted by someone else, and Gracie later texted me not to send any more packages to Mr. Dozier and Ms. Black's home. Gracie was told multiple times to cut off all contact with me, and once she came home, I learned that my email had been blocked so she received none of my electronic correspondence during that time.

39. I also stated that Pepper Black had thrown her own child out of her car

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because, in May, Gracie told me the story of Ms. Black becoming so enraged with Cayenne that she kicked her out of her vehicle on the side of the road and subsequently kicked her out of her home for being disrespectful. Gracie also recounted that Pepper has driven drunk in the past.

40. I also expressed concern that Mr. Dozier and Ms. Black's actions gave rise to genuine fears about pedophilia, kidnapping, and grooming based, among other things, on Mr. Dozier and Ms. Black requiring my young daughter to get into their bed at night, based on my own observations of their behavior toward Gracie, based on Gracie's statements about the trauma they have inflicted, and based on their own words and actions in my own conversations with them, in which I have repeatedly asked them to cease contact with my young daughter.

41. I also stated that Mr. Dozier and Ms. Black had become unnaturally fixated on Gracie due to text messages Gracie showed me just days after having met the two adults in which they already invited her to live with them. Additionally, despite having been told by me—the mother of a young daughter they were communicating with—that they should have no further contact with Gracie, they continued to do so and went as far as inviting her to live with them as well as leave the state with them. I also based this statement off of Ms. Black's admissions of wrongdoing in her April 28, 2021 apology letter to me and her contradictory actions that followed thereafter.

42. I further stated that Mr. Dozier and Ms. Black attempted to brainwash Gracie because Gracie's behavior changed significantly once she met Mr. Dozier and Ms. Black. Not only did her behavior reflect some sort of manipulation, but Mr. Dozier and Ms. Black's continued involvement and communication with Gracie after explicitly being told to cease all contact left me alarmed that they had ulterior or nefarious motives with

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my minor child.

43. I stated that Mr. Dozier could have taken Gracie to Thailand and sold her based on Gracie living in his home and being under his influence in control, including while traveling out of the state without my consent. I never stated that Mr. Dozier *did* or even *attempted to* take Gracie to Thailand to sell her, only that he *could have*.

44. Any and all statements referring to Mr. Dozier and/or Ms. Black as a "psycho," "sociopath," or the like were my opinions based on my own observations of and interactions with them.

45. With respect to the information that Gracie conveyed to me about her time spent with Mr. Dozier and Ms. Black, I asked follow-up questions about the information she shared with me and had no reason not to believe her.

46. With respect to the information that Georgia Kane conveyed to me about her interactions with Mr. Dozier and Ms. Black, I asked follow-up questions about the information and had no reason not to believe her.

47. With respect to the information that Gracie's clinical therapist conveyed to me about her concerns about Mr. Dozier and Ms. Black and Gracie's safety in their care, I trusted her professional opinion and had no reason not to do so.

48. Mr. Dozier and Ms. Black's refusal to stop communicating with my minor daughter after repeated demands to do so—as well as their inappropriate actions toward Gracie while she lived with them—caused me to reasonably fear for my daughter's safety. These actions have placed increased strain on my relationship with Gracie. I have consistently reached out to Gracie's teachers and coaches for support and guidance on how to handle the situation, and I have seen a therapist weekly since January of 2021.

49. I do not and did not have any reason to believe that any of the statements in

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the videos were false. I also did not publish anything in the videos with reckless disregard for the contents' falsity or with negligence in failing to ascertain its truth.

50. After Mr. Dozier and Ms. Black sued me, Gracie escaped from their home and returned to my home. To prevent her from escaping, Mr. Dozier and Ms. Black had removed the car's starter fuse, a photo of which Gracie sent me while she was trying to escape. An authentic copy of that photo is copied below:



Gracie was forced to call 911 to leave the home once she realized they disabled the car, as she was afraid how Pepper's brother or Brad might react if they caught her trying to escape before an Uber could get to her.

51. After escaping and arriving home, Gracie recounted further details about her experience with Mr. Dozier and Ms. Black that left me more concerned than ever

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about her safety with them. She also confirmed anew—and informed Mr. Dozier and Ms. Black's attorneys in writing—that the information that I had recounted in my TikToks was true, an authentic copy of which is attached to this Declaration as **Ex. 3**. Accordingly, I have no reason to doubt or disbelieve the information even now. Gracie additionally conveyed to me that she realized she was being groomed when Mr. Dozier and Ms. Black attempted to send her to California until the October 4, 2022 court date in Case No. 74CC1-2022-CV-247.

52. Shortly before Gracie's escape, Gracie conveyed to me that Ms. Black had gotten drunk and physically assaulted her daughter. Gracie sent me photographic evidence of Cayenne's injuries, an authentic copy of which is attached to this Declaration as **Ex. 4**.

53. I accordingly submitted a report with the Department of Children's Services regarding the incident on July 5, 2022. I did not submit the report anonymously. The report was assigned Referral ID #1405231106. After submitting the report, I took a photograph of the confirmation page, an authentic copy of which is attached to this Declaration as **Ex. 5**.

54. After I submitted the report, it is my understanding that the report was investigated by DCS. Ms. Pepper and Mr. Dozier filed their lawsuit against me thereafter.

Pursuant to Tennessee Rule of Civil Procedure 72, I declare under penalty of perjury that the foregoing is true and correct.

Theresa A. Baldwin
Theresa A. Baldwin (Oct 11, 2022 16:48 CDT)

Theresa Baldwin, Declarant

Date Executed: Oct 11, 2022

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Exhibit #1

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4/28/21

Theresa- 1 of 6

I've tried to put this behind me. Cayenne, Ginger and I are still dealing with the aftermath Gracie left behind. I don't know what you had to send me that required a fed ex but I will say this... I don't want to see anymore pictures of Cayenne vaping, or flipping people off, or whatever it is inside this envelope.

What I do want is for us to part ways permanently. Before we do I want to say from the depths of my soul I am deeply sorry for not listening to you and causing you and us the

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pain we all could have avoided if I had just listened.

I am sorry for trusting and believing Gracie over her adult mother who obviously loves her more than anything.

You have had to make tough decisions and I am sincerely and duply sorry for the pain you have had to endure. ~~[illegible]~~

Brad and I want you to know that we nor our children will be interfering in any way with your parenting of Gracie and what she needs going forward

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as she prpares to become an adult. We were fooled by her when she lived with us into believing she was someone else.

We have found out the girls snuck boys in to our home and they actually snuck out while Gracie was living with us. I cannot deal with that. I should have listened to you. I made a huge mistake, there has been a lot we have learned.

Cayenne has been to the Doctor and thank God is still a virgin no thanks to Gracies influencing her to do the opposite.

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I am not blaming Gracie I am blaming myself for not listening to you and allowing myself to be totally manipulated by the girls.

I hope you can find it in your heart to forgive me, you needed a friend and a support system not someone pampering Gracie.

I didn't understand at the time just how much you were trying to protect my girls and I'm so humbled and sad, what happened as a result will haunt our family forever.

I can't say I wasn't warned because you tried and we are still suffering as a

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consequence that is all my fault.

Also, please forgive me for filing the custody papers... Gracie... Im not going to go into it, just know I realize how painful it must have been. Hindsight might be 20/20 but it doesnt take away the pain. Maybe you can send comfort in the knowledge our lives have been severely damaged as a result of me not listening to you. I will be dealing with the consequences for years.

As far as Gracie coming home, she contacted Cayenne last month. Would you please give her the enclosed letter.

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I hope you and Stacie have the peace you were looking for before we met.

Again, I hope you can forgive a foolish naive woman who obviously had no idea what you were dealing with.

Sincerely

Pippa

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Exhibit #2

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BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: S. BRAD DOZIER, BPR #24959
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 20, 2017

WILLIAMSON COUNTY LAWYER SUSPENDED

On June 20, 2017, S. Brad Dozier was suspended from the practice of law by Order of the Tennessee Supreme Court for two (2) years, with thirty (30) days active suspension and the remainder on probation. The suspension is to take effect immediately. As conditions of his suspension, Mr. Dozier must engage a practice monitor, undergo an evaluation by Tennessee Lawyers Assistance Program (TLAP) and enter into a monitoring agreement if deemed appropriate by TLAP, and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. Dozier must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

In the representation of six (6) clients, Mr. Dozier failed to act with diligence in handling client matters and failed to adequately communicate with the clients. In one matter, he failed to deposit an unearned fee in a trust account.

Mr. Dozier's ethical misconduct violated Rules of Professional Conduct 1.1, Diligence; 1.4, Communication; 1.15, Safekeeping Property and Funds; and 8.4, Misconduct.

Mr. Dozier must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30 regarding the obligations and responsibilities of suspended attorneys.

Dozier 2642-6 rel.doc

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FILED
06/20/2017
Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: S. BRAD DOZIER, BPR #24959
An Attorney Licensed to Practice Law in Tennessee
(Williamson County)

No. M2017-01191-SC-BAR-BP
BOPR No. 2016-2642-6-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against S. Brad Dozier on October 7, 2016; upon the Response to Petition for Discipline filed by Mr. Dozier on November 15, 2016; upon entry of a Revised Conditional Guilty Plea filed by Mr. Dozier on May 30, 2017; upon an Order Recommending Approval of Revised Conditional Guilty Plea entered on May 31, 2017; upon consideration and approval by the Board on June 9, 2017; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) S. Brad Dozier is suspended for two (2) years with thirty (30) days to be served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder to be served on probation, pursuant to Tenn. Sup. Ct. R. 9, § 14.1, subject to the following conditions of probation:

(a) Mr. Dozier shall engage a practice monitor for the entire period of probation who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). Mr. Dozier shall provide a list of potential practice monitors for selection by the Board within fifteen (15) days of entry of this order.

(b) The Practice Monitor shall meet with Mr. Dozier monthly and assess Mr. Dozier's case load, timeliness of performing tasks and adequacy of communication with clients and provide a monthly written report of Mr. Dozier's progress to Disciplinary Counsel.

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(c) Mr. Dozier shall contact the Tennessee Lawyers Assistance Program (TLAP) for evaluation. If TLAP determines that a monitoring agreement is appropriate, Mr. Dozier shall comply with the terms and conditions of the TLAP monitoring agreement. Mr. Dozier shall give TLAP permission to communicate with the Board regarding any monitoring agreement.

(d) During the period of suspension and probation, Mr. Dozier shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which results in the recommendation by the Board that discipline be imposed.

(2) In the event Mr. Dozier fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2.

(3) Prior to seeking reinstatement, Mr. Dozier must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Additionally, Mr. Dozier shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Dozier shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of $173.11 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

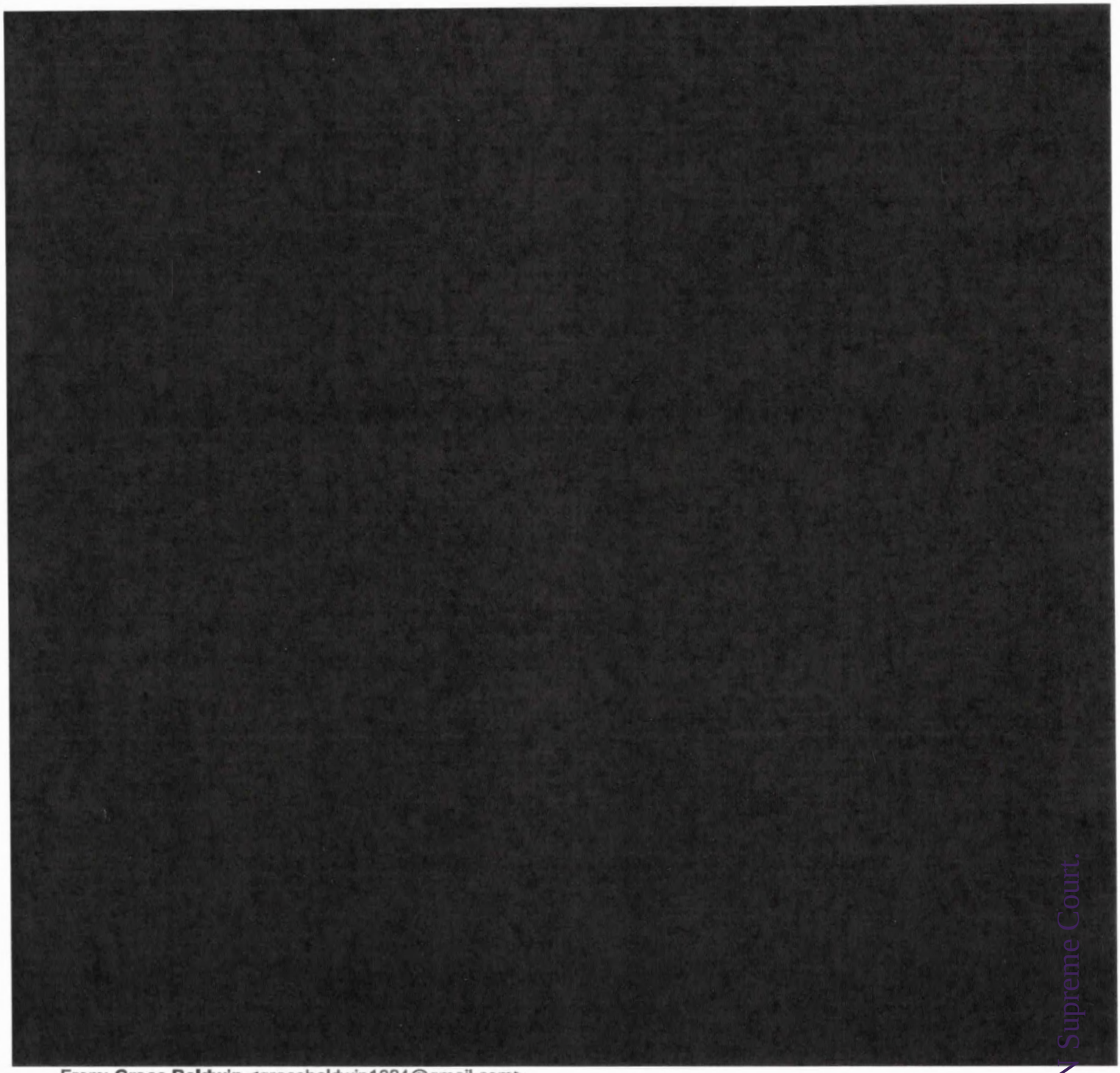
(7) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

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Exhibit #3

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From: **Grace Baldwin** <gracebaldwin1024@gmail.com>
Date: Thu, Sep 15, 2022 at 1:51 PM
Subject: Grace Baldwin
To: <bdozier@dozierlaw.net>, <pepperblack317@aol.com>, <info@wgaryblackburn.com>, <gary@wgaryblackburn.com>

Pepper and Brad,

Thank you for allowing me to stay in your home but after months of questions and concerns, I realize nothing was what it seemed. From the beginning, you asked me to go off the grid, never have contact with anyone in my family and reluctantly to change my name. This just wasn't normal. I wasn't seeing the true picture because at the time I needed a place to stay and you offered everything I wanted. I wanted a co-signer on a car but now I've learned it does not appear you are a co-signer you are a co-owner.

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You stated repeatedly yesterday on our call that the car is yours. You've just been letting me use it. You are the owner and you pay the insurance. I was led to believe the car was mine you only helped by cosigning. I know now that is not true. After spending time with others outside of your home where I have been so isolated from everyone and recently realizing you were pushing me to go live in California with strangers I know that I wasn't making my own decisions and I wasn't doing what I wanted to do. You were only trying to keep me from my Mom until the court date. You are convinced my Mom is crazy but she wasn't any different than you trying to control situations. But she's my Mom and it makes sense for her to control me. You are my friend's Mom who offered me a place to stay and didn't have the right to control me and take away access to a car that I pay for. I felt like a hostage.

I did not want to supply you with information against my Mom when I first came to your home and I certainly did not want to sue my Mom over some videos. Her videos describe what I confessed to her back in 2020. She felt she had to share her story. I am firing Gary as my lawyer and will not partake in this lawsuit as I was pressured to do so and was not given the opportunity to read the 23 pages of information. My Mom told me if I left your home you would be mad - you were. Then you would start the very nice sweet loving messages when being angry didn't work to get me back. And that is what has happened. I believe we all need to go our separate ways and agree to leave each other alone.

Feeling like I would have nowhere to live or a car to drive if I didn't do as you requested with the lawsuit is overwhelming for a young adult who doesn't make enough money to live on their own. I shouldn't have been asked to change my name or be a part of this legal matter. You chose to take me in and you knew my Mom was still worried and questioned both of your motives, especially after the letter you wrote her. She had every reason to believe something may be wrong. Imagine if Cayenne had to have prayer time in a man's bed that wasn't her Dad. Why would my Mom read the letters you wrote and ever understand why you let me back in again unless something was going on. I see that now.

I am happy to be home and reunited with my Mom where I realize now she simply had the same rules you did. The same consequences, but you made me believe she was crazy for having them. You had the same rules; they were just easier to break at your house. I realize now you think my Mom is crazy for not accepting disrespect, but you acted the same way my Mom always has - you said it clearly yesterday - you are grounded for 3 weeks - Brad said you cannot leave. I'm a grown woman. You said if you leave, pack your stuff and you can't live here. That's the exact statement my Mom has said to me. And I chose to leave. You expected the same behavior (no disrespect) that my Mom also expected so it makes no sense that it's ok for you to tell me to leave but tell people my Mom is crazy when she said I would have to leave if I didn't follow the rules. And both times I stayed with you I was able to do more and more under your roof than I could ever have done living with my Mom. Yes, we had our arguments but the fights in your home were much worse than anything that happened in my Mother's home. I know now Mothers have to have the freedom to parent as they choose. Outsiders should not be interfering. I'm a 19-year-old woman and yes I have a lot to learn, but I won't be grounded or held hostage while parts of my car are taken to keep me isolated. I see now the extremes you were going to and I needed to get out.

After being with people like my boyfriend and other friends I realized you were wrong on the phone yesterday when you stated no one has fought for you but me and Brad - that is incorrect. My Mother has been fighting for me since the day I was born. I struggle with rules and consequences but my Mom tried to warn you of that many times. I pushed her boundaries and caused her frustration and we will work through that but if I won't allow her to take my car as a minor of a car she owns I am certainly not going to allow you to "ground" me as an adult from a car I pay for and have a man without a license drive me to work. That is not normal.

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I appreciate you helping me but the stipulations to receive the help weren't right. Asking me to sue my Mom wasn't right. Asking me to change my name wasn't right. Telling me I can't drive a car I pay for and was led to believe I own is not right. I'm not 12. I am not going to be grounded and held hostage where I cannot leave in a car I have made every payment on. Disabling the car so it would not start preventing me from leaving your home was an awakening. I felt like a hostage. None of it was right.I have pictures of the missing part. This wasn't the first time you prevented me from leaving by disabling my car. Seeing Brad turn on me instantly when I wanted to leave telling the police I was an alcoholic was disturbing. That is not true and I see now what I didn't see before.

I left my Moms earlier this year because she was handing out rules and consequences and I struggle with following boundaries. You made me believe she was crazy for having these rules, but your rules and consequences for me at 19 were more like being in a commune I could not escape.

My Mom shared her story of heartbreak on TikTok and I'm sorry that hurt you but what she says did happen and I can't move forward saying it didn't. Prayer time in bed did happen.You know it happened every night. I have to be honest. My Mom has no way of knowing the truth but she does know about the prayer time because I did give her specific details of everything she talks about. I won't lie. Now that I have had the chance to read the 23 pages of documents I know what you are saying in these pages is not true. I was asked to sign that form without reading all 23 pages and had no idea that we were not being honest about things that did happen. You also tried to manipulate me by telling me you would share a million dollars with me.

I do not plan to pursue the car. You made it very clear on the phone yesterday that it was YOUR car and YOU paid the insurance. That I could NOT take it. I could NOT drive it. Attempting to make me feel guilty because you pay for my tampons and shampoo was manipulation.

I cannot at this time qualify for a loan to pay this car off so I will respect your wishes that it is your car and leave it up to you to handle. As I stated earlier you led me to believe I was the owner and you cosigned the day I received it and I now know that is not the case. I'm currently unemployed so making this payment is something I am unable to do.

Thank you for your hospitality while I stayed in your home but if I'm honest with myself, if I believed my home was toxic for arguing with my Mom for her trying to have rules. Your home was very toxic as well, if not more. It was extremely toxic the night you drove Ginger to Miss Jennifer's house when you were drunk and then came home and physically attacked Cayenne. I believe it would be beneficial if we all stop communicating due to all of the legal issues currently pending. My Mom will remove her posts about what you did to her if the case is dropped and we can all go our separate ways and live in peace. Deep down when I think of the emotional distress and hardship my Mom has endured from your interference from day one I do believe she's the true victim. I hope we can all move forward without spending the next year in court. I don't want to see anyone else spend more money on issues that revolve around me. Let's move forward separately and all have the peace you have been stating you want.

Sincerely,
Gracie.

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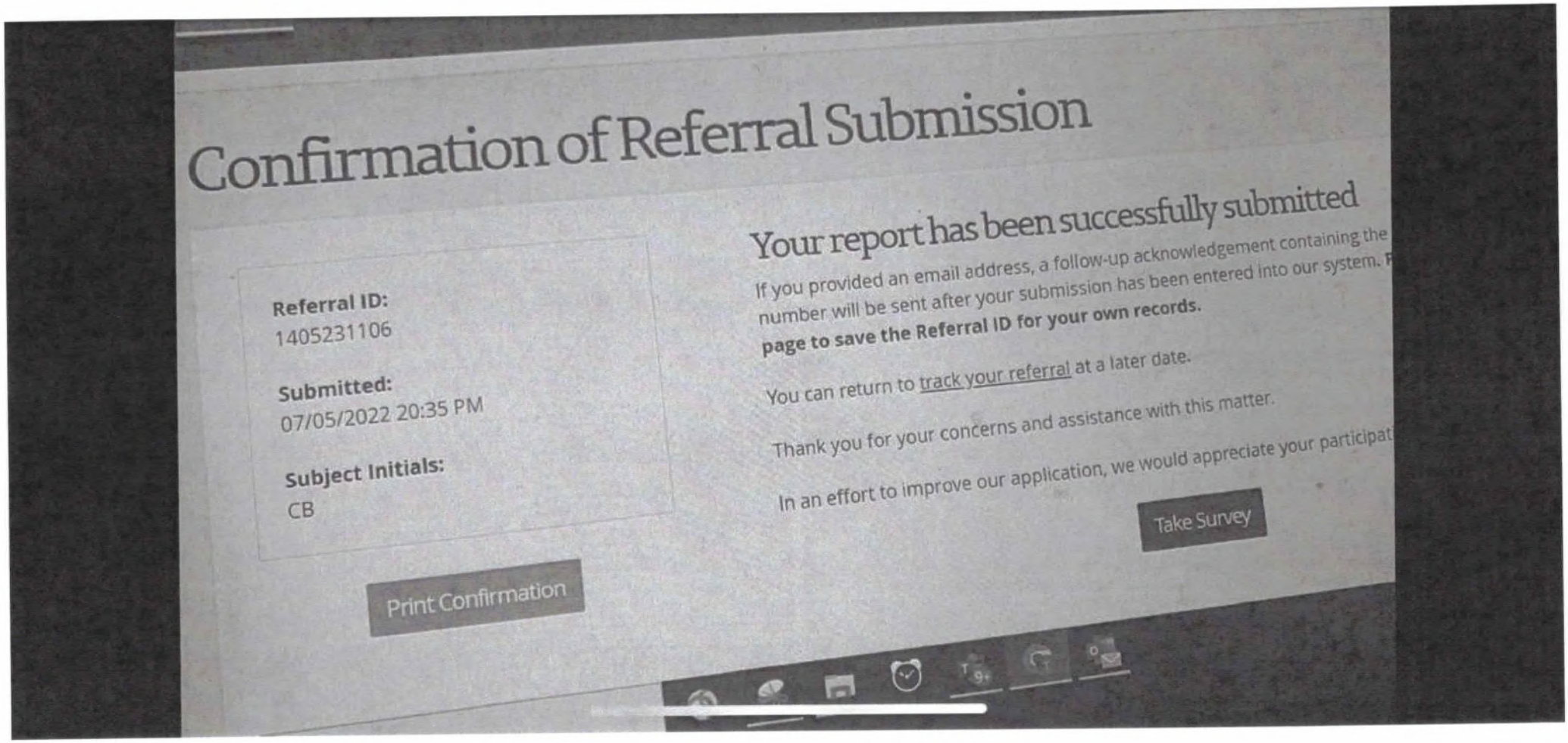
Exhibit #4

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Exhibit #5

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Declaration of Theresa Baldwin + Exs. 1–5

Final Audit Report 2022-10-11

Created:	2022-10-11
By:	Horwitz Law PLLC (daniel@horwitz.law)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAPhMJc6gTFQz7Nr3jq9BJCHg2ggU-lqx

"Declaration of Theresa Baldwin + Exs. 1–5" History

Document created by Horwitz Law PLLC (daniel@horwitz.law)
2022-10-11 - 9:42:50 PM GMT- IP address: 69.226.239.171

Document emailed to theresabaldwin@att.net for signature
2022-10-11 - 9:43:54 PM GMT

Email viewed by theresabaldwin@att.net
2022-10-11 - 9:48:08 PM GMT- IP address: 155.190.21.4

Signer theresabaldwin@att.net entered name at signing as Theresa A. Baldwin
2022-10-11 - 9:48:44 PM GMT- IP address: 155.190.21.4

Document e-signed by Theresa A. Baldwin (theresabaldwin@att.net)
Signature Date: 2022-10-11 - 9:48:46 PM GMT - Time Source: server- IP address: 155.190.21.4

Agreement completed.
2022-10-11 - 9:48:46 PM GMT

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Exhibit B

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DECLARATION OF GRACIE BALDWIN

1. My name is Gracie Baldwin, I have personal knowledge of the facts affirmed in this Declaration, I am competent to testify regarding them, and I swear under penalty of perjury that they are true.

2. On or around December 2020 I met Cayenne Black when I was in between friend groups. After visiting her home once or twice her Mom Pepper Black and stepdad Brad Dozier really took an interest in me. At the time I didn't notice how odd it was. It was more like I hit the lottery. When I would complain about my mom and her rules Pepper would suggest I live with them. She didn't seem to have many rules and her and her husband Brad said if I was grounded from my car they would get me a car to drive. It sounded too good to be true but it wasn't. They went out and got me a car. It was really unbelievable.

3. As a kid I wasn't seeing the red flags of how strange this was. My Mom would never get a car for any of my friends no matter how long she had known them or how much she liked them.

4. Within a few days Pepper was snapchatting me and texting me she would like to help me come live with them. I hate now that I entertained this because my Mom was a great Mom. I just hated her rules. I know now that her rules were the same rules all my other friends had. Pepper and Brad just seemed different. I hate to admit it but as strange as it was they were almost acting like they liked me more than their own kids.

5. I was loving all the attention and freedom I had. It's strange looking back. From the day I started going to their house I was always getting both of their kids in

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trouble, and they always overlooked it. They didn't parent like normal parents.

6. My Mom had told them I would get their kids in trouble and Pepper did not seem to even car. She continued to push for me to come live with them. At that time, I just wanted to get away from my mom's rules. I know now they were really way too interested in me for not knowing me but a few days. I think her Mom really liked that I was making her kids more popular.

7. At some point my Mom and I got in an argument because I wanted to go to their house. Now I realize Pepper's interference caused so many arguments in my home. My Mom thought they were so intrusive and so strange for having such an interest in me. Even after I got caught skipping school and was pulled over by the police with Pepper's daughter after her daily meltdown of screaming and yelling and then begging for forgiveness she still wanted me to stay at their house. Things were weird there. They had prayer time every night where we all sat in Brad and Pepper's bed each night and Pepper ranted to the Lord and begged him to forgive our sins. Honestly, I thought it was strange but at the time Cayenne and I were sneaking out and having so much fun I overlooked it. I'm sorry now but at the time I was 17 and had not been able to do these things at my mom's house.

8. Pepper and Brad while appearing so generous and nice to me at the time were clueless. They had no idea what was going on in or out of their house. We snuck out. We snuck boys into their home. We drank so much liquor they left unlocked. One night we invited another girl to stay over after they went to bed. When Pepper woke up and caught her there – she went crazy. Calling the girl a crackhead and trash. She yelled at her for what seemed like forever. She was just a kid. And then in the middle of the night threw her out on the street. Looking back this wasn't right. She should have let her stay until

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morning. Why was she letting me stay and I was getting her kids in trouble all the time but this girl she treated like dirt screaming and yelling at her calling her names and all she did was try to spend the night. I did realize at this time they had some sort of obsession with me. It did not make sense but I was having so much fun I overlooked it. That was wrong and I should have woken up. Rachel wasn't a crackhead. Pepper was so verbally abusive to her. When I did something wrong she would just say things like there are no bad kids only bad decisions but that was not how she acted to Rachel when she caught her there.

9. They pushed for me to come to their home all the time. When I was supposed to be staying with a friend I snuck over to their house because Pepper snapchatted me, I should be with them instead. They knew my Mom told them repeatedly to stay away from me but they didn't care. They knew I was not rendered homeless or abandoned. When Pepper was pushing me to come to her house I was staying with Jason Crabb's daughter and it was all arranged in advance. Jason Crab is a famous Christian music singer who lives in a million dollar home. I did go to Pepper and Brad's home willingly but they knew I wasn't homeless. They knew I was not abandoned. But the truth is and I'm ashamed to say this now I couldn't sneak out at Jason's house so I wanted to go to Pepper's house so Cayenne and I could get away with more.

10. They did lie to the police when my Mom was pushing the police to have them arrested. I did not show up at their house homeless. They knew I was at my friends and Pepper said I needed to come be with them instead.

11. When it was time for them to go to Florida they put me in their van and seem to have no fear of my Mom's demands to stay away from me. They did not call her or anyone else to inform anyone they were taking me away without permission. I think

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GP

because Brad was a lawyer they thought they could do whatever they wanted. They convinced me it was fine. I knew it was wrong. I knew my Mom was going to freak out if she found out but the trip was only for a few days and I thought she would think I was at the Crabb house. I don't know why I did that to my Mom. I know she was terrified when she found out. I was very rebellious.

12. When my Mom found out she lost her mind. She was so scared. I felt bad but I knew I was going to be in so much trouble. Brad and Pepper convinced me if I went home my Mom would send me to a boarding school and I should allow them to do some temporary thing where I could stay with them a few more weeks so my Mom had time to cool down. They were demanding I give them an answer before I could ride a rollercoaster because were at an amusement park. I just said yes to get them to leave me alone.

13. A few days later I realized the seriousness of what had happened. I wanted to go home. I kept telling Pepper I wanted to go home and she told me that it was too late. They had already spent money on a lawyer and I couldn't go home. I was freaking out. I was calling my Mom telling her how sorry I was that I let this happen and I wanted to come home. She explained we had to wait for court, but I was not to worry she would NEVER let these people have custody of me.

14. I find it funny now when she was caught on a recording cussing and ranting and calling me names saying she wanted me out of her house she was able to let me go home by dismissing the case. But when I was telling her days earlier, I didn't understand what they did, and I wanted to go home to my Mom she said it was too late and it couldn't be dismissed. So, in a sense they were holding me against my will. Their court papers saying I was staying there voluntarily but I was asking to go home. They knew I wanted to go home.

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GB

15. My Mom got a lawyer and fought to get me home but the day before there was an actual hearing my Mom recorded Pepper calling me a f---ing bitch, saying she was done with me, that she realized why my Mom needed a break from me and she wanted me out of her house. I was calling my mom and at that particular time Pepper was having one of her meltdowns and luckily my Mom was at her lawyer's office preparing for court the next day and recorded her meltdown.

16. This ended the custody battle. Brad and Pepper did not want to go to court and have a judge hear that recording. I went home. But then I was upset because my mom was still punishing me for my former behavior and for allowing this horrible mess to happen by not telling everyone she was a good but strict Mom. I was mad at her. Even though she had just saved me from these people I was blinded and manipulated when the next day Pepper started contacting me again to check on me. She was saying I could come back to their house if I was still unhappy. I could have their car to drive. I could even use her credit card while I was at home to order food from door dash. She said I could have all the freedoms again if I could find a way to get back to their house. She recommended I call my CPS worker assigned to the custody case and tell them I wanted them to be my foster parents. I even told my Mom I wanted to go back. It was horrible. My Mom was so devastated. She was in bed for days crying her eyes out. I can't believe I did that. It was terrible. Pepper and Brad had a strange hold over me with all of their promises of cars, trips and freedoms. I've never really figured out what they wanted from me other than being their personal nanny and uber driver for the kids.

17. A few days later My Mom sent me to a boarding school because Pepper and Brad continued to reach out and my Mom was truly scared these people were dangerous. Pepper even came to my school and set up a meeting for me and my friend Cayenne so

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she could ensure we stayed friends. They were not worried about getting in trouble. It's really strange when I think about it now.

18. My Mom really felt like they belonged in jail for kidnapping. I didn't know until I started therapy a few weeks later that what they did taking me to Florida really was against the law. At the time I just thought I was going to Florida with a friend and her parents. But they knew they were not supposed to be around me. They didn't care. They took me anyway. They really do do whatever they want.

19. After boarding school I was losing my way again. I flunked out of college and begged my Mom to let me come back and live at home. When I got there, I was still demanding things of her. I wanted a new car. She is very smart and good with money and she said no. She said I had to work for it. I had to earn it. This made me mad. I went to stay with a friend named Georgia Kane for a few days. During that time, I reconnected with Cayenne Black. She told her parents I was wanting a new car and didn't want to wait on my Mom to make me save a down payment. They said I could live with them.

20. It was like I forgot everything that happened before. I forgot how much pain it caused my Mom in December of 2020. I was really selfish, and I know that I need to work on my impulse control and understand when I am being manipulated. Pepper and Brad gave me anything I wanted. I don't know why. Again, I got to their home and immediately started getting their daughters in trouble. Every night I thought tomorrow they will kick me out, but they never did.

21. Now I know that's not normal. At one point Pepper was drunk and beat up her daughter. She had also thrown her out of a car and then the house for weeks maybe months to live with her Dad but they still treated me like I was their favorite. They had gotten me the new car I wanted after only a few days of staying with them. They appeared

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CTB

to overlook everything I did wrong. I know now that's not how normal parents should act. I really don't know what they wanted from me. I don't know why they were so obsessed with me, but they were. There is no way they weren't. I caused a lot of trouble and they just overlooked it because I was their live in nanny who drove their two kids everywhere and ran all the house errands.

22. They gave me free rent in a million-dollar home, the ability to drive a new car, always bought everything I needed and always overlooked that I wasn't a good influence on her daughters. I feel bad about that now, but I wasn't a good influence either time I stayed with them. They knew and didn't seem to care.

23. After my Mom learned they wanted me to give them damaging information about her, that they wanted me to pretend I wasn't living there and even asked me to change my name, my Mom was so worried she created a TikTok account and started posting about the entire ordeal with this family. She told the entire story from the very beginning. Her story is true. It was and still is embarrassing for me, but it's still true.

24. I wasn't happy but I knew my Mom was convinced these people were crazy. She always said they were crazy and we had so many discussions about how they were not normal in therapy sessions while I was at boarding school. Deep down I knew something wasn't normal but they gave me whatever I wanted. I have no idea why. I was a smart kid. I should have realized I was being manipulated.

25. Once they started suing my Mom they convinced me to join them so the videos would be taken down and I wouldn't be embarrassed anymore. They said it was a request to make me take them down and also that they would share any money they won with me. my mom GB.

26. I do not know what I was thinking. I signed a paper having no idea the

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GB

severity of the lawsuit. Gary Blackburn asked me to sign the last sheet of the papers Pepper had me pick up at his office. I was never told I had to read the additional 23 pages. I felt really tricked. Once my boyfriend and I flipped through some of the papers I realized what the papers said weren't true. They said we did not have prayer time in bed. We did. It was a nightly event. It happened and we definitely had to do it.

27. I knew at that point my Mom may be right about these people. They really are manipulative. They were also trying to make me go live in CA until our court date on 10/4/22. When that didn't work they told me I couldn't drive my car until the court date. I had finally woken up that this house was like a cult. They were trying to hold me there. They were taking away my rights until I would go to court with them.

28. I went to bed, and I thought about everything that had happened since day one. How they pushed me to live with them and they had never even met my Mom. They tried to become my legal guardians when I was getting their own kids in trouble. I was now a pawn in their game of another lawsuit when they dismissed their last lawsuit stating I was uncredible. Nothing added up. My Mom was right. They were manipulating me. They were using me. They were forcing me to do things I did not want to do. All this time I was doing things I did not want to do because I wanted to stay with my best friend. It was like I finally woke up and realized I had my own Mom and I needed to escape this nightmare.

29. At this time they were restricting my ability to drive. I'm a grown woman who can't drive a car she pays for? It was nuts. I plotted all night how to escape. I went to work. They made Pepper's brother drive me to control me even more. He doesn't even have a license. The extremes they were going to control me were so clear on this day. (Sept 13, 2022).

GB

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30. I called my Mom and told her how sorry I was for everything I had done but I was leaving this house whether I could come home or not. I called an Uber and went back to the house. I had to sneak in between trees trying to hide from Pepper's brother who was mowing the grass. No one else was home. It was my only chance to load my car and get out of there.

31. Pepper and Brad are always normally both home and today they were both gone. It was the only day I had to get out of there. I left my Mom on the phone the entire time. I wanted a witness if I got caught. I made many trips up and down the stairs getting my belongings. I won't lie, I was really scared. I was not sure what was going to happen if I got caught. Would they just yell or would they keep me from leaving? This is when I realized how right my Mom was about everything. I should not be terrified in the home where I live. I should not be sneaking between trees to get into the home without being seen. It really was like a movie.

32. What had I been thinking all of this time? After what seemed like forever loading my car and my heart pounding through my chest, I got everything in the car – and told my Mom I was about to start the car and take off down the driveway. As I pushed the button the car did not start. They had disabled the car. Now I knew they were holding me there. They were keeping me captive.

33. I was really scared. At this point Pepper's brother had seen me and he was calling Pepper. Pepper called me and started her mind games telling me that I needed to think really really hard if I wanted to leave? Telling me if I left I could not come back. She pretended she had no idea what was wrong with the car. She was lying. I told her I called the police. I told her they were not keeping me there. She told me it was a really big mistake that I called the police.

GB

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34. I was nervous Brad would get home before I could figure out how to fix the car. I was taking pictures and videos and sending them to my Mom and her friend, Crissy. Crissy looked up my car and was able to see from the pictures I was sending them that they had removed my starter fuse from under the hood of my car. They literally disabled my car. I knew at that moment I was in a cult-like environment, and I was being manipulated to sue my Mom and not leave them. I realized they were keeping me isolated and brainwashing me to believe I needed to be a part of ASEA which is all they talk about and keep their secrets of gardens and chickens in the backyard so we had food when the world fell apart. Their house really was like a commune. I was just loving living with my best friend. I had overlooked all the craziness that went along with living there. I didn't see it before because I was agreeable to everything they wanted. Now that I was pushing back and disagreeing with them it was a problem and they could not control me.

35. I waited for the police. Brad got home first and was so angry I was trying to leave. He also pretended like he had no idea what was wrong with the car. When the police arrived, Brad showed me his true colors immediately. The night before he was asking me to have dinners with him alone and texting me we should go downtown and ride go karts in Nashville (just the two of us while Pepper was out of town) and all of a sudden when he saw the police he started staying I was a troubled teen and an alcoholic who they were glad to see leave. Finally, the lightbulb went off. They really were grooming me. They were lying to me. They were manipulating me. They were using me to sue my Mom.

36. My Mom had called me an uber and at the same time my boyfriend got there. I left as fast as I could. And their actions did not change. The same story played out just like before. The next day Pepper was snapchatting me "loving messages" trying to get me to believe it was all a misunderstanding. That they loved me, and everything would be

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okay. They did not know at this time I was back with my Mom I believe they thought they could still win me back because they thought I had only gone to my boyfriends. She said things like I hope Maddox provided you comfort last night. I know it was a hard day for you. It was a hard day. They were basically holding me hostage.

37. I love Cayenne and she is my friend, but their parents fight with everyone. They were always having issues with Brad's ex wife, Pepper's ex husband and my Mom. They love having issues. I know that now. I know I should have done more when she drove drunk with Ginger Black and I know I should have done more when she beat up Cayenne. Cayenne and Ginger deserve better than this.

Pursuant to Tenn R. Civ. P. 72, I declare under penalty of perjury that the foregoing is true and correct.

Gracie Baldwin

Gracie Baldwin

Executed on: 10/17/22

State of Tennessee
County of Sumner

Before me, [illegible]
on the 17th day of October, 20[illegible]
appeared Grace Baldwin
who has signed and sworn in my presence to declare the validity of the above document.

ADDISON RIGGINS
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY
My Commission Expires February 26, 2024

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Exhibit C

Document received by the TN Supreme Court.

Gmail [redacted]

Fw: gracie

[redacted]

----- Forwarded Message -----
From: Cayenne Aulds-Black <cayenne.aulds-black@davidsonacademy.com>
To: "theresabaldwin@att.net" <theresabaldwin@att.net>
Sent: Tuesday, January 5, 2021 at 02:28:13 PM CST
Subject: gracie

miss theresa, its cayenne. dcs just showed up at my house looking for gracie. she still doesnt have her phone and neither do i. i dont know what is gonna happen but gracie wants to be with you. ill try my best to keep you updated.

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Exhibit D

Document received by the TN Supreme Court.

DECLARATION OF BROOKE MODLIN

1. My name is Brooke Modlin, I have personal knowledge of the facts asserted in this Declaration, and I am competent to testify regarding them.

2. I am a licensed clinical therapist and have been a therapist for approximately 30 years.

3. I was Gracie Baldwin's primary therapist during her time at Greenbrier Academy (GBA) for girls—a therapeutic boarding school.

4. Gracie came to GBA because her behavior had become dangerous and unmanageable. Her Mother, Theresa Baldwin, felt this was her only option to keep the Black/Dozier family from continuing to contact her.

5. I found Gracie to be a wonderful girl with a devoted Mother who always had her best interest in mind.

6. Theresa Baldwin is a great Mom. Ms. Baldwin is absolutely correct that Pepper Black and her husband Brad Dozier have manipulated and controlled Gracie, and Gracie did report this to me on many occasions.

7. In my opinion, Pepper Black and Brad Dozier through their actions with Gracie have proven themselves to be unsafe and meddlesome.

8. Ms. Baldwin has every right to be concerned and frankly fearful for her daughter. I would even support her in applying for temporary guardianship over Gracie to protect her from this family. I have believed this since the beginning of Gracie's treatment, due to the instances with the Black family reported to me by Gracie.

9. Per client confidentiality, I cannot disclose specifics without a court order,

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but I can state my professional recommendation: Gracie needs to stay away from the Black/Dozier family and work to repair her relationship with her mother, which the Black/Dozier family have severely damaged.

10. I have discussed this and my professional opinion expressed in this Declaration with Theresa Baldwin many times.

11. I am available to offer this opinion under oath if legal proceedings develop.

Pursuant to Tennessee Rule of Civil Procedure 72, I declare under penalty of perjury that the foregoing is true and correct.

Brooke Modlin (Oct 7, 2022 17:39 EDT)

Brooke Modlin, Declarant

Oct 7, 2022

Date Executed

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Brooke Modlin Declaration

Final Audit Report 2022-10-07

Created:	2022-10-06
By:	Horwitz Law PLLC (daniel@horwitz.law)
Status:	Signed
Transaction ID:	CBJCHBCAABAAySFYVqISe_cy3NF8T_K-UPIElOxsAKKB

"Brooke Modlin Declaration" History

Document created by Horwitz Law PLLC (daniel@horwitz.law)
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2022-10-06 - 7:58:14 PM GMT

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2022-10-06 - 7:58:15 PM GMT- IP address: 66.249.92.53

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2022-10-07 - 9:35:56 PM GMT- IP address: 66.102.8.165

Signer bmodlin@greenbrieracademy.com entered name at signing as Brooke Modlin
2022-10-07 - 9:39:50 PM GMT- IP address: 107.77.203.188

Document e-signed by Brooke Modlin (bmodlin@greenbrieracademy.com)
Signature Date: 2022-10-07 - 9:39:52 PM GMT - Time Source: server- IP address: 107.77.203.188

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2022-10-07 - 9:39:52 PM GMT

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Exhibit E

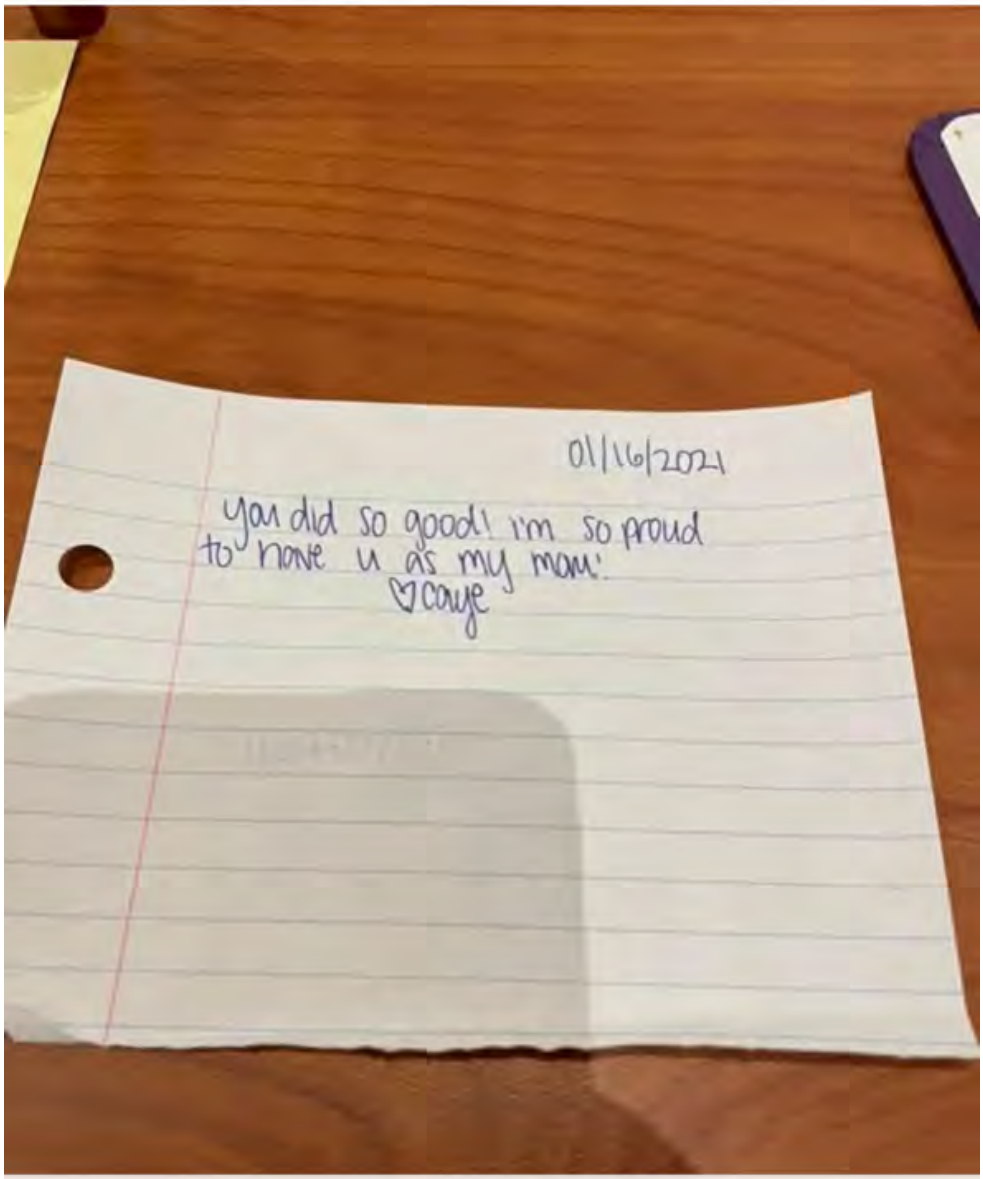
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Pepper Black

Pepper Black
Jan 16, 2021 ·

When I sat down after speaking at our super Saturday in Dallas this was on my desk. It doesn't mean as much when someone who doesn't know me well tells me how amazing I am (because i know all my warts). It means EVERYTHING to me that my daughter feels this way. (She knows all my warts as well!).



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Pepper Black is with **Brad Dozier**.
Feb 20, 2021 ·

Brad Dozier Happy 1 year anniversary! And what a year it has been. We've been through getting Covid twice, heart attacks, tornados, car stolen, blending families, "crazy" trying to disrupt our mojo, trips to Florida , Washington , and Idaho. We've had good friends die, a nephew and a sister too. You got your pilots license and we bought a plane. We have flown to the Carolinas, Virginia, Alabama, and Kentucky together. Not to mention all over Tennessee!! We've attended weddings, and funerals, birthdays, baptisms and holidays with our amazing families. We've continued to grow our businesses and start another one to compliment what we were already doing. We have laughed, cried and everything in between. It's hard to believe all of that with a Global shut down too brought us even closer. I said it this morning and I will say it again I knew marriage could be wonderful if I just found my person. You are my person. The best is yet to come my love.
For those of you long term friends and family members who prayed I would meet someone who would love me and my girls well ... your prayers and mine were answered. We are better together. When I think about all that Bradley and I were able to accomplish with all the "stuff" 2020 threw at us, I am super excited to enjoy 2021 ... especially when it feels so so good so far!!

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grow our businesses and start another one to compliment what we were already doing. We have laughed, cried and everything in between. It's hard to believe all of that with a Global shut down too brought us even closer. I said it this morning and I will say it again I knew marriage could be wonderful if I just found my person. You are my person. The best is yet to come my love.
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HAPPY ANNIVERSARY TO MY LOVE!!





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4:12

Pepper Black

Pepper Black is with **Brad Dozier**.
Mar 19, 2021 ·

Well, we finally did it. Bradley and i have been wanting to buy a house and have some land to call our own. So today we signed the papers on our Goshen, a place of comfort and plenty. We have a lot to do to make it "ours" and the next few weeks will be stressful as we move in but I am confident this will be our haven. The best part is we are off the beaten path and in a safe place.



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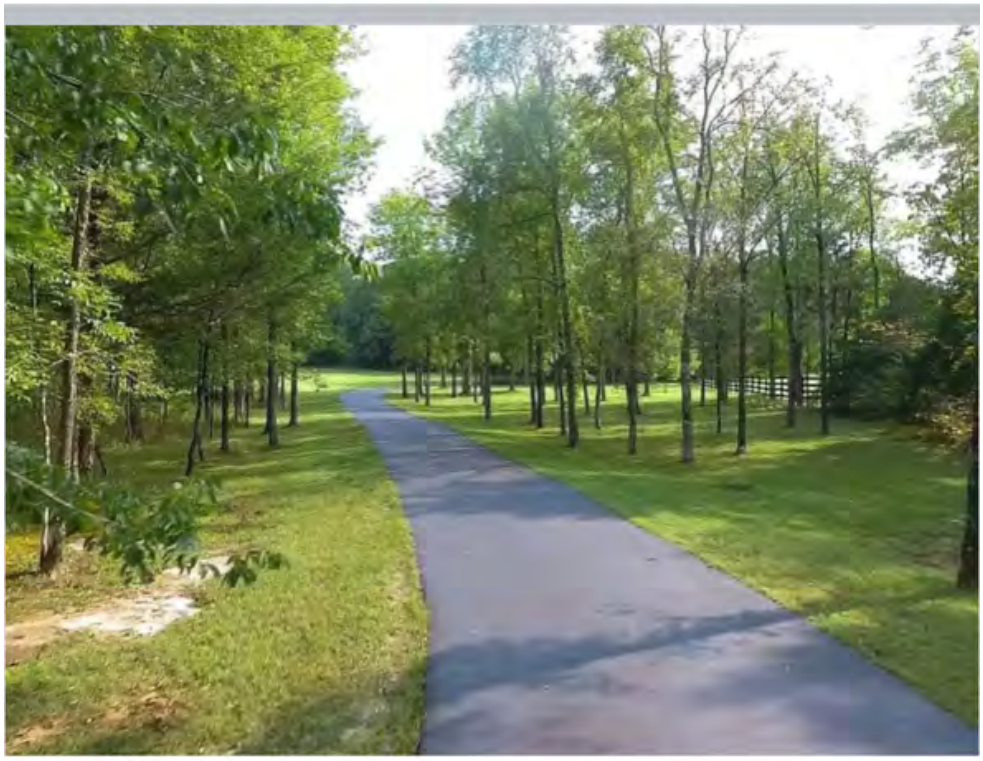


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Pepper Black is with **Terry Latham** and **Brad Dozier**.

Dec 5, 2021

Today 9 years ago December 5, 2012 ...

I was 2 years into a 5 year doom and gloom health diagnoses. I was spiritually, emotionally, physically, and financially destitute.

I had been selling furniture, clothes, jewelry, basically anything that would help me pay my bills in order to keep our house running.

I was in a deep depression, no hope whatsoever. I was coping with the day to day praying for a miracle. I needed a physical healing and a financial healing. I needed emotional healing and a revival in my heart spiritually.

It was the worst time of my life. I knew I wasn't long for this world, my girls would be left without a mother. I could feel myself slipping, falling, failing. I didn't know what to do but pray.

I had no idea how God would answer my prayers, only that I trusted him to do it.

God loves miracles. He really does. He loves to show up when everything seems to be lost and there is no where else to turn

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God loves miracles. He really does. He loves to show up when everything seems to be lost and there is no where else to turn.

This time he came with Redox. Made from salt and water. Brought to me by a tall Texan whose zeal for life and promise was infectious.

I started taking Redox 9 years ago today. It took about 2 months before I could without a doubt say my body was healing itself. I didn't tell anyone just used the product and decided to share it with everyone I knew.

Within 18 months I had grown my business to a Gold level which just means I had shared it with enough people that my income was about $6000 a month. I took 3.5 years off and just lived with my girls. Those of you who have followed my life know what it was all about, but bottom line ASEA paid for my girls to go to private school for 7 years. Paid for me to build a house for us to live in. Paid for us to go on vacations, to the theatre, concerts, buy cars, food, clothing.

ASEA has helped me grow emotionally into someone I am proud to be. I am Spiritually where I a strong and focused, determined and setting myself free. I am confident, courageous and excited.

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9:47

← **Pepper Black**

ASEA has helped me grow emotionally into someone I am proud to be. I am Spiritually where I a strong and focused, determined and setting myself free. I am confident, courageous and excited.

Life is certainly not perfect but ASEA is definitely perfecting me. I have made incredible friendships, traveled and experienced an incredible journey thus far. I met Bradley along the way and so many more fantastic folks.

I am committed to ASEA like I am committed to my marriage and my family. I am blessed to be a part of a ground breaking technology that is changing so many peoples lives just like mine.

Stay tuned. This April we are going to launch additional Redox products that are designed to help the body.

If you want a life lift, I can show you the way. As an ASEA DIAMOND Its miraculous!



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3:55

Pepper Black

Pepper Black shared a memory.
Jan 14, 2022 ·

This is always a great reminder.

Pepper Black
Jan 14, 2017 ·

5 years ago Cayenne came home and told me she was a loser. I was like "WHAT???" So I developed what I called the truth tellers. It's a list of adjectives describing who she and Ginger ARE and who they WILL BECOME!!!!. It has transformed their opinions about themselves in wonderful ways.
(Sorry about blowing up Facebook this morning!)



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← Pepper Black

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Pepper Black
Feb 5, 2022 ·

I don't share many posts, but this really resonated with me. I actually was having a bit of a meltdown last night with Bradley regarding all the balls i have in the air. Never feeling like i do enough, or have enough time to get everything done. I cannot tell you how many times during the day I'm praying before calls, or on the fly. All the time thinking"I need to get more alone time with God". Thank you **Linda Norton Smith** for this post. God meets us where we are. Finds us in the midst of getting it done. I'm so grateful for a God who knows who we are and what we need.

Linda Norton Smith
Feb 4, 2022 ·

Mandy Mitchell
16 January at 19:48 ·
THIS HIT ME HARD.
Have you ever noticed how in the scriptures men are always going up into the mountains to commune with the Lord?
Yet in the scriptures we hardly ever hear of women going to the moun... See more



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3:54

Pepper Black



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Pepper Black is feeling grateful.
Mar 8, 2022 ·



333

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Pepper Black
Feb 21, 2022 ·

Oh yeah100%! I consider it a true

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Pepper Black
Apr 12, 2022 ·

(This post is for all the people who struggle with their lives not being as perfect as everyone else's on social media. This is an unfiltered post).

Over the past few months I have been especially preoccupied with the posts I've seen written by parents of teens turning 15,16,17,18.

I'm reading these incredible post about how sweet and thoughtful and amazing these girls are. And all I keep thinking is where did I go wrong? (I mean which wrong did I do so wrong?)

Obviously if you have followed me for any length of time you will see the failed attempt at happiness with all the wrong men. My girls obviously were impacted by their departure. But what about the things I did right?

Like shouldn't it balance a little? I had one of my sweet gifts God gave me say to me this weekend "at least your girls know you love them, I question every day if my Mom actually loves me".

I do love my girls. I even like my girls. I think they will be incredible humans one day and I enjoy watching them interact with other family members, friends, teachers and coaches.

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I do love my girls. I even like my girls. I think they will be incredible humans one day and I enjoy watching them interact with other family members, friends, teachers and coaches.

But I do not enjoy the way they talk to me. I do not enjoy the way they talk to each other. I don't like it. In fact there are times they get so far under my skin I want to go postal on them 🤣🤣🤣.

I have never in my life lost my s*** 😤 so many times in a short period of time. I hardly recognize myself (like am I truly a Christian or are these kids causing me to lose my salvation?) 😬🥴 and majority of the time it is they was they back talk!

So for the Moms out there struggling getting through the ups and downs and sideways of parenting teens in 2022 I want to tell you ME TOO! I'm struggling.

My Father John told me a few weeks ago when I called for advice that I needed to just get them through. So I'm focusing on doing that most of the time.

Parenting teens with all the Covid crap and the smart phones and gender confusion and everything else this world is throwing at them is just plain TOUGH.

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← Pepper Black

Hang in there with me. We've got this. We will one day be posting pictures of our kids with their spouses, and our grandchildren. And we will look back and know it was all worth it. (I hope 🙏😂).



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3:50

Pepper Black

Pepper Black
May 11, 2022 ·

I'm so grateful for good friends who become family. We had a great Mothers Day weekend with Prom Saturday and Dinner with friends on Sunday. Our lives are full I'm grateful for the Moms in my life. **Darlene Paugstat** isn't in these photos but she's been a constant in my life for almost 30 years "mothering" me through life's up and downs. Carol has been a life saver on multiple occasions. Terry (**Doug Floyd**) is always quick to keep me in check. I don't know what I would do with out the Moms in my life. It isn't always your biological Mom you reasonate most with. Sometimes God sends you other mothers to fill in the gaps. NO ONE can take the place of my biological Mom or fill in the void but these ladies sure do help when I need it. I'm grateful to be a "second" Mom to others the way these ladies are to me. My niece **Shasta Charlton** and Bonus kid Gracie are additions to our lives, gifts from God who I get to love on the way I've been loved on. **Adriana Sage** always makes me feel special on Moms day this time with a spa package and Ginger bought me Jewlery. Cayenne was exhausted from Prom but still managed to brighten the day. We sure missed Brads mom **Betty Dozier** this weekend she's one of the best Moms around!!!



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Pepper Black

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Pepper Black shared a memory

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Pepper Black
Nov 19, 2022 ·

I love this little lady. **Cayenne Black** has great depth and even though she loses her way sometimes she always figures it out and comes home.

We have been enduring the worst of times.

When the world tries to pull at your children and take them where they should not go, be at peace. I have been praying fervently for my girls especially my **Cayenne Black** and thankfully God is faithful and turns everything into something good.

Yesterday and the day before were tough on this Mamas heart but today we are better than we have been in a really long time and for that I am so incredibly grateful.

I have three amazing children who love each other and stand by one another. I have an incredible husband who is supportive, kind, patient and discerning in the midst of confusion.

We have battles we are still fighting and I will keep you all abreast of the details as I am able.

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One of the most important things we all are realizing is our love and commitment to this family is stronger than any battle we face. We all have been rattled by the evil that continues to poison the internet with vileness and negativity but we are focusing on the good, learning the true meaning of loving our enemies and praying for those who despitefully use us.

The character of our faith is chiseled by the masters hand. Sometimes it's the violent blows that knock off the unnecessary pieces of ourselves we hold onto. Sometimes its the soft tapping of a master mason intending to create the details and curves of his masterpiece.

Pray I will, we will stand still and allow God to finish what he started. For we are his workmanship created in his image. God isn't finished with us yet. So appreciative of God's willingness to stay with us and give beauty for ashes, strength for fear.

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Exhibit F

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IN THE 4TH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Jennifer Faoro Dozier
Petitioner

Vs.

Steven Bradshaw Dozier
Respondent

Case No. 17D-1285

MOTION TO ENFORCE SETTLE OF CHILD SUPPORT/PARENTING PLAN AND MARITAL DISOLUTION AGREEMENT

Comes now Petitioner, Jennifer Faoro Dozier, pursuant T.C.A. 34-1-101 et seq., and moves this Honorable Court to enforce the Parenting Plan and Marital Dissolution Agreement specified below, so as to seek financial recovery and compliance to items outlined of Respondent Steven Bradshaw Dozier.

Honorable Court, I have exhausted all of my efforts. The divorce was in May 2018 and the mediation to enforce the MDA and Parenting Plan took place in November (2020) nothing was solved and Mr. Dozier still has not completed his obligations inside the Parenting Plan and Marital Dissolution Agreement. I would like to close this chapter of my life but I am unable to proceed forward until Mr. Dozier complies with what the court has asked him to do. My children and myself have been harassed repeatedly by his current wife Ms. Pepper Black via phone calls, emails, social media post, derogatory comments about me to my children in front of Mr. Dozier, text messages and even sending letters to my home.

I also want to point out that there was an episode in the spring 2021, which was concerning regarding Mr. Dozier health which leads me to want to protect our children from any further emotional and mental harm. We will always love and want Brad Dozier home, to restore our family, and this past spring he was hospitalized for a severe case of bacterial spinal meningitis and there were moments we did not know if he was alive. The fear of not knowing what was going on with their dad was very unsettling for our children. The emotional abuse that his current wife placed on our children during this time was inexcusable. She went out of her way to inflict emotional pain on our children and myself. We were not even told what hospital he was in nor could I get any information to relay to our children to help them process this scary time. Thankfully, when I was able to talk with Mr. Dozier, while in the hospital after having to track him down, he was kind and loving to myself and the children. That is what our children need to witness, as they do not remember him in this manner. I want to foster positive co-parenting for our young adult children as they have requested it repeatedly. Mr. Dozier is missing so many amazing

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family moments, as he feels, he is unable to have a relationship with our young adult children.

Our life began back in 1993, and we lived an amazing life, we waited almost 7 years to have children, he supported me through my Masters, I supported him through law school. He cared and loved me unconditionally when I was going through chemotherapy and I loved him and was his rock when his father passed away. He was my best friend and the only person I ever felt truly safe with. He made me feel like I truly mattered and showed me unconditional love and support even when there were times I was more difficult to love. All I ever wanted was a life with Mr. Dozier and I was blessed to have that for 25 years, and still today I know he will always be the only husband I will ever want. We had everything, a fairytale love story. I was so blessed to stay home and raise our amazing children and today I will be forever grateful for that; but the financial strain that was placed on him was overwhelming and coupled with the lack of communication between us, while I focused on the kids (and not him) and he focused on providing financially, it took a toll on him. We failed ourselves and we failed our children. We both did not put our marriage first and made poor decisions which affected our family.

Our children today even as young adult starting their own journey feel the pain of our divorce and are asking for Brad and I to work as a team. Co-parenting does not stop at 18, and we will always be a family and I would hate for Brad to continue to miss out on life events with our children due to the inability to communicate.

I respectfully ask that the items outlined below be completed:

1. The children do not have private insurance. Per parenting plan, Mr. Dozier was responsible for this. When he did not complete this I placed them on state coverage. This is a direct violation of the parenting plan. I paid the Golden Rule Costs were $350 per month for four months or a total of $1400. Mr. Dozier has been given this invoice several times already. Mr. Dozier needs to reimburse Ms. Dozier for coverage. The children are of age and will remain on state coverage until out of school or at an employer that provides coverage.

2. The children do not have dental, orthodontic or optical insurance. There have been dental, orthodontic and optical expenses that I paid for our minor children. Invoices were given at time of service. Outlined below are the expenses that need to be paid immediately to the Ms. Dozier. The outstanding bills need to be paid to the providers, as it has been three years, and show written proof to Ms. Dozier it has been completed.
    a. Dermatologist $350.00 (Alex)
    b. Dermatologist $300.00 (Bailey)
    c. Dentist $348.11 (Alex)
    d. Alex Physical $75 (Alex)

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e. Southern Pediatrics $93.75 (Alex)
f. Dr. Vanhoven and glasses $158 (Bailey)

These above items plus the health coverage $1400 totally $2,724.86 needs to be paid to Ms. Dozier within 10 days.

a. Alex braces $2450.00 Dr. West (wife has paid her portion)
b. Bailey braces $1800.00 (repayment to Mike Faoro $1800) (wife paid her portion)
c. Hermitage learning (repayment to Mike Faoro $585)

These above items need to be paid to the provider within 10 days and show written proof they have been paid to Ms. Dozier.

Both adult children need to have their wisdom teeth removed and due to their age he is not responsible to cover any of that cost. The kids are currently covered under state insurance which does not cover any dental. I respectfully ask that Mr. Dozier and myself work out a plan to cover these cost for our children.

3. In respect to Right of the Parents via the Parenting Plan it specifically states that: "The right to be free of unwarranted derogatory remarks made about such parent or such parents family by the other parent to or in the person of the child". Mr. Dozier has allowed his current wife Ms. Black to harass our son and daughter through making derogatory comments via phone calls, emails, mailed letters, social media post, and making horrific comments about me to my children in front of Mr. Dozier. She even read a heartfelt email I sent to Mr. Dozier around a bonfire to their friends taunting me not realizing my son was listening. This needs to stop immediately.

Our daughter has blocked Ms. Black and Mr. Dozier from contact of any kind. This has emotionally damaged our children. Co-parenting our adult children are important to their mental health. Both of our children have stated they will not have anything to do with Ms. Black or any of her children. Ms. Black is very manipulative, has documented mental health issues and is erratic with her behavior. We (myself and the children) have asked to meet with just Mr. Dozier to rebuild a foundation and it has been denied several times.

Our children desperately wanted to have a dad but do not want to be a part of his new wife Ms. Pepper Black's life. Mr. Dozier has chosen that would not work for him. He has not put his needs of his children first so at this point while he is married to Ms. Black our daughter will not engage his in life. I have encouraged a relationship with her father for years but she is a young adult now and I cannot force that anymore. Mr. Dozier harassed our daughter by showing up at her apartment and scaring her friends, cornered her at her collegiate football game

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where she is a collegiate cheerleader (after he was asked not to show to any games), Ms. Black will take pictures of her at the game and most recent he would not give her any Christmas gifts unless she was willing to come and open them in front of Ms. Pepper Black. It has gotten so uncomfortable for our daughter that she has alerted security any place she is located so if either Mr. Dozier or Ms. Black are near her she can feel safe. If they approach her again she has been instructed, by the local authorities, to file orders of protection against them both. This is incredibly unfair to our daughter to be put in the middle to feel safe from her own father.

This past weekend (9/4/21), Ms. Black spoke horrific things, about me, to my son in front of Mr. Dozier and once again nothing was said. Our son has voiced to me and his father that he is very uncomfortable around Ms. Black and was deeply saddened that his father would allow Ms. Black to speak about me in such a horrific manner. Our son should not have to be put in this position. Our children did not ask nor want Ms. Black in their lives and should not have to endure her manipulative behavior and lack of self-control. This clearly is a violation of the MDA. I respectfully ask for this to stop immediately so our children can heal.

4. As part of the MDA the husband shall maintain a separate life insurance policy naming the Wife as beneficiary for the <u>remainder of his life</u> in the amount of $100,000.00 and shall provide the Wife proof of coverage and beneficiary designation annually of the 15th day of January each year. This has never been provided. It has been three years and I still do not have written proof of the life policy showing me as the beneficiary.

   The second life policy is $4,000,000.00 that was taken out during our marriage for our family. This marital asset, per Mr. Dozier, this policy is in a trust <u>solely</u> to our children, Bailey and Alex Dozier. Neither the children nor myself have seen any document. Due to the nature of the relationship with his current wife, and his past health issues, I request written proof of this document showing our children are the sole beneficiary of this policy within 10 days.

5. Photographs of our children. I have given him pictures of the children but he has not given me the digital copies of our children that he has on his computer. This was supposed to be completed in 2018. I do not have baby pictures that only he has on his computer. I respectfully ask that this be completed within 10 days. I even gave him a new expensive portrait of our children for Christmas 2020 that hangs in his house with Ms. Black. Again, I try to cultivate a positive co-parenting environment for our children and it is constantly greeted with hostility.

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6. Per the MDA, Mr. Dozier agrees to be solely and separately responsible for payment of all debts heretofore contracted for incurred solely by him and further agrees to hold Ms. Dozier harmless and indemnify her from any liability for said debts. Additionally, the Husband agrees to be solely and separately responsible for payment of his two (2) Tennessee credit cards, debts from Mooseherd Airsoft and /or any credit card relating to his former business, Federal Tax Liens for all years of the parties' marriage, and any loans that Husband has obtained for any purpose since moving from the martial residence, and agrees to hold Wife harmless and indemnify her from any liability for all such listed additional depts.

   The debt owed to Pinnacle Bank/Smythe and Huff in the amount of $89,984.35 was incurred by the Husband during the marriage. Additionally, the parties owe $102,514.42 to Simms and Associates, Account Number [redacted] on property of Fieldcrest, $89,984.36 from the Farrell Property, and $49,536.92 with NCI Account Number [redacted] for the Ashwood Property, and any other properties formerly owned by the parties that were foreclosed. The Husband shall be solely and separately responsible for payment of the Pinnacle Bank/Smythe debt, Simms and Associates debt., Fieldcrest property debt and NCI debt sand Husband further agrees to hold Wife harmless and indemnify Wife from any liability for said debts.

   These houses were our children's college fund. When Mr. Dozier filed for divorce, everything we owned had been foreclosed or repossessed. I need written proof that my name has been removed from these debts. Husband needs to show proof that he has notified each creditor that these debts are his sole responsibility. This is what was agreed upon.

7. Federal Tax Lien that was due to filing a joint federal tax return has place financial hardship on
   myself. Due to this large federal tax lien I cannot purchase a house, or car or even get a credit card. He is placing all his purchases in Ms. Pepper Black's name so it does not show as an asset to him. Mr. Dozier is making a great income as an attorney and working in Multi-Level Marketing Company ASEA, making over $10,000 monthly. While he can continue with his life I am held captive and can't move forward.

   The MDA states that Mr. Dozier is responsible for the repayment of these tax liens and he shall indemnify and hold harmless the Wife from an repayment of these tax liens and shall indemnify an and hold harmless the Wife from repayment thereof since the tax liability is a result of the Husband's business. The IRS tax liens have not been resolved. Wife has always paid her taxes and any refund from her filings has been retained by the IRS and applied to his tax lien due to Husbands failure to relieve her of this federal tax lien.

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I respectfully demand written proof that my name has been removed from this federal tax lien as this impacts my, my brothers and my children's, future inheritance upon the death of my parents. As it stands today when my parents die their hard work would go to pay his federal tax lien. He claims he has tried to remove my name and it is not possible. Written proof needs to be presented of how he attempted this and written proof of completion.

Mr. Dozier needs to offer written proof that he has made it clear that he has the sole responsibility of the unpaid taxes. As of this date Wife's tax refunds for the years stated below amounts and should be indemnified immediately the Husband:

1) 2013 - $ 4,682
2) 2014 - $ 4,320
3) 2015 - $ 3,066
4) 2016 - $ 3,080
5) 2017 - $ 2,331
6) 2018 - $ 3,263
7) 2019-`$ 817
8) 2020- extension filed
9) Stimulus check $600
10) Stimulus check $1200

Total= $23,359

This needs to be paid today or I need written proof that this will be paid over the next six months.

8. Alimony for a long term marriage states that it is for life without stipulation. We were married in 1995 and when he decided to divorce me there was nothing to divide. All of our homes had been foreclosed on, the cars repossessed, no retirement to split, no savings to split. I will not get his social security as he has been a 1099 employee and does not pay into social security. I supported him through law school, while caring for his young children and with a 23 year marriage I am entitled to alimony for life not just five years and since his obligation to the parenting plan and MDA are not completed, I want the document to reflect the change of alimony requirements for life.

SUMMATION

Respondent pays no college expenses for his daughter or son, did not purchase their cars, does not pay their health or car insurance, cell phone and did not pay for their high school tuition, but took flying lessons and became a private pilot, purchased a plane, a million dollar home and purchased a car, purchased a Time share, became a master diver and

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takes scuba trips and travels extensively while not attending to his agreed upon financial responsibilities. In the divorce proceeding (marital dissolution agreement) there was no retirement/ pension to divide or assets to divide as he did not have any, but within less than a year he has acquired a plane, car, Disney timeshare, scuba trips and investments.

Total owed to Petitioner 100 % of the following items

a. Health coverage $ 1,400
b. IRS $23,359
c. Medical bills $2,724.86

Total $27,483.86

DEMAND

Mr. Dozier needs to fulfill his emotional and financial obligations that are outlined in the MDA and Parenting Plan. Due to his inability to comply written proof of all items outlined needs to be submitted.

At this point, Mr. Dozier and myself need to attend private co-parenting therapy together with a trained therapist, this was even requested via our adult children as they want to have peace. We have not completed anything with co-parenting to date. We need a therapist to help navigate this so the cycle stops. I am prayerfully requesting therapy once a week for 3 months minimum, (I will pay for the therapy), so the cycle stops. This time frame (3 months) will allow true learning that has not occurred in over three years for our children. I also pray this will help heal the painful relationship between Mr. Dozier and his daughter. There is no doubt in my mind Mr. Dozier loves his children and would agree to attending therapy together to foster a stronger union for our children as we navigate their adult life. This can only make relationships stronger for our children.

That Husband immediately contact other debtors listed to acknowledge debts and make arrangements to satisfy each financial obligation. Receipts have been given to him as required in parenting plan at time of event.

Total owed 100% to following people:

a. Alex braces $2450 Dr. West (wife has paid her portion)
b. Bailey braces (repayment to Mike Faoro $1800) (wife paid her portion)
c. Hermitage learning (repayment to Mike Faoro $585)

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PETITIONER

913 Fireside Court
Brentwood, TN 37027

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2021, a phone call was also made to his office number 615-259-2670 on September 12th, 2021 informing him of the court date and a copy of the foregoing Motion was mailed to Respondent at:

Steven Bradshaw Dozier
PO Box 2787
Brentwood, TN 37024

Deputy Clerk

I expect this motion to be heard on October 1, 9:00 in: Fourth Circuit Court at 9:00 am. Metro Courthouse, 1 Public Square, 6th Floor, Nashville TN 37201

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IN THE 4TH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Jennifer Faoro Dozier, PhD
Petitioner

Vs.

Case No. 17D-1285

Steven Bradshaw Dozier
Respondent

MOTION TO ENFORCE SETTLE OF CHILD SUPPORT/PARENTING PLAN AND MARITAL DISOLUTION AGREEMENT

The mediation did not take place due to not being able to talk to Mr. Dozier across the table, to resolve the open items on my response to his motion to end support payments under the parenting plan. It continues that the only person that text or communicate with me is his current wife. Nothing has been resolved. I asked early in the 60 day period of attempting to set up the mediation date, of the June 5, 2020 hearing, to have it scheduled. The mediator indicated it writing that she could not get Mr. Dozier to return her phone calls. I received an email in late July indicating that it was now scheduled for Monday, August 3 at 9:30 AM. Late on Friday afternoon when I was with patients, I received notice from the mediator that things had changed. When I asked the mediator questions, I was informed that that the mediation format had changed and that she needed prepayment by credit card immediately to keep the mediation appointment, I asked if I could pay on Monday, and was informed NO. It was needed now as I was not represented by an attorney. Thus the when I showed discontent for this change in format not allowing us to sit at the same table together with the mediator and resolve things, the mediator cancelled the appointment. I sent the mediator both an email and a text still on Friday afternoon indicating I wanted the mediation appointment to continue even with the new room isolation and I would bring my credit card information, she texted me while I was in church on Sunday indicting that the mediation had been cancelled and Mr. Dozier advised of such. (Written documentation can be provided to confirm what the mediator's initial format of the mediation would be as well as cost as to what the mediator changed her cost and format.)

Nothing below has been resolved and another tax year has passed and I have paid again money into his financial tax lien. While he has purchased a plane and a new truck and taken many vacation trips. I respectfully ask for time to get these items below resolved with written proof from Mr. Dozier that my name has been removed from federal tax liens, commercial loans, life insurance policies and other financial matters. This financial matter could impact my future inheritance of my parents that could be used to pay his tax liens and loan debts which is not fair.

Mr. Dozier has not paid child support since May, and he has not seen his kids since May. He had an opportunity to see his daughter for her surgery, her recovery, an invitation for his son's graduation

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and a celebration for his son's graduation. He appeared to nothing. At a family funeral (on his side), I attended with the children. He looked right at his children and never even said hello to them. I have emailed him per the judge's request and he will not respond and I remain blocked. His current wife will text me and continues to bash my character on social media. He continues to not help with anything college related for both children. I am begging to have this stop. I need my name removed from what he claimed as his financial obligations in the Marriage Dissolution Agreement and have written acknowledgment from those creditors and the IRS. He needs to have a written agreement with my parents on his debts to them along with payment terms. I also have requested to have a Life insurance policy taken out on Mr. Dozier for the benefit of his children, but I need to speak to him in order to have this arranged.

Comes now Petitioner, Jennifer Faoro Dozier, pursuant T.C.A. 34-1-101 et seq., and moves this Honorable Court to enforce the Parenting Plan and Marital Dissolution Agreement in sections specified below, so as to seek financial recovery, insurance and relief of financial debts of Respondent (Husband).

III. FINANCIAL SUPPORT (of Parenting Plan)

C. PROOF OF INCOME AND WORK-RELATED CHILD CARE EXPENSES

1. Tax returns where never provided by the father that could have indicated he was making more money and thus the child support could have been increased.

D. HEALTH AND DENTAL INSURANCE

1. Health insurance was not paid by father per parenting plan (Mother paid for several months to Golden Rule Insurance Company. He was furnished amounts, but refused to pay. Dependent children have been placed back on TENNCARE which violates the parenting plan).
   a. Golden Rule Costs were $350 per month for four months or a total of $1400. Father needs to reimburse Mother for coverage and provide Health Insurance going forward until children reach age of 26 or can provide same coverage for themselves.
2. "The children had no dental, orthodontic or optical insurance. There, any dental, orthodontic, or optical expenses incurred by the children we be paid pro rata by the parties with the other parent paying his or her share within 30 days of receipt of the bill. The pro rata father 88% mother 12%. Medical, dental and eye care bills paid by the Mother when children where minor see attachment. Father has not paid his portion."
   a. Alex braces $2450.00 Dr. West (wife has paid her portion)
   b. Bailey braces $1800.00 (repayment to Mike Faoro $1800) (wife paid her portion)
   c. Dermatologist $350.00 (Alex)
   d. Dermatologist $300.00 (Bailey)
   e. Dentist $348.11 (Alex)

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f. Tumbling classes $75 x 13=$975.00 (Alex)
g. Hermitage learning $585.00(Alex-repayment to Mike Faoro $585)
h. ACT prep $50.50 (Alex)
i. Alex Physical $75 (Alex)
j. Southern Pediatrics $93.75 (Alex)
k. Dr. Vanhoven and glasses $158 (Bailey)

E. LIFE INSURANCE

1. "The father shall insure his own life in the minimum amount of $250,000 by whole life or term insurance. Until the child support obligation has been completed, each policy shall name the child as sole irrevocable primary beneficiary, with the other $250,000 shall remain in effect until the emancipation of both children naming the children as beneficiaries, with Michael Faoro and Dana Reeves as an alternate, as trustee for the use and benefit of the children, to serve without bond or accounting. The Father shall provide proof of life insurance coverage and beneficiary designation annual."

a. This was never completed.

As part of the MARITAL DISSOULTION AGREEMENT OF THE SAME NUMBER 17D-1285

5. MEDICAL / LIFE INSURANCE

"Further, the Husband shall maintain a separate life insurance policy naming the Wife as beneficiary for the remainder of his life in the amount of $100,000.00and shall provide the Wife proof of coverage and beneficiary designation annually of the 15th day of January each year."

a. This has not been accomplished to date. (Husband hasa$4,000,000.00 Life Insurance Policy on himself and has named his new wife as the sole beneficiary.)

8. DEBTS

"The Husband agrees to be solely and separately responsible for payment of all debtsheretofore contracted for incurred solely by him and further agrees to hold Wife harmless and indemnify her from any liability for said debts. Additionally, the Husband agrees to be solely and separately responsible for payment of his two (2) Tennessee credit cards, debts from Mooseherd Airsoft and /or any credit card relating to his former business, Federal Tax Liens for all years of the parties' marriage, and any loans that Husband has obtained for any purpose since moving from the martial residence, and agrees to hold Wife harmless and indemnify her from any liability for all such listed additional depts.

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Likewise the Wife agrees to be solely and separately responsible for payment of all debts heretofore contracted for or incurred by her and further agrees to hold Husband harmless and indemnify him from any liability for said debts. Additionally, the Wife agrees to be solely and separately responsible for her student loans and the Disney Credit Card and further agrees to hold Husband harmless and indemnify him from any liability for this debt.

The debt owed to Pinnacle Bank/Smythe and Huff in the amount of $89,984.35 was incurred by the Husband during the marriage. Additionally, the parties owe $102,514.42 to Simms and Associates, Account Numbe[redacted]n property of Fieldcrest, $89,984.36 from the Farrell Property, and $49,536.92 with NCI Account Number [redacted] for the Ashwood Property, and any other properties formerly owned by the parties that were foreclosed. The Husband shall be solely and separately responsible for payment of the Pinnacle Bank/Smythe debt, Simms and Associates debt., Fieldcrest property debt and NCI debt sand Husband further agrees to hold Wife harmless and indemnify Wife from any liability fro said debts.

The parties have various medical debts with Dr. Patton for $600.00, Mid-State for $300.00, and various medical bills in collection with NABC for $1,600.00. These various medical bills shall be the sole and separate responsibility of the Wife and Wife further agrees to hold Husband harmless and indemnify Husband from any liability for said debts. Additionally, the parties owe a debt to Dr. West (orthodontist) for $3,900.00 for which the parties equally divide this debt and agree to hold the other party harmless and indemnify from payment of the other parties' one-half of the debt."

a. This has not been taken care of by husband and as a result wife and daughter have had their bank accounts swiped. Both have had to change accounts to keep this from recurring.
b. Husband needs to show proof that he has notified each creditor that these debts are his sole responsibility.
c. Alimony was reduced in time frame and amount and Petitioner asks that alimony now be paid in one lump sum. The remaining balance is 42 months x $1500 = $63,000
d. Daughter graduation high school party not reimbursed equally. Amount due $1,300 Husband paid $450.00 owes wife $425.00.
e. Daughter needed new tires and brakes on her car. Respondent paid nothing and pays nothing for her college expenses, but expects her to admire him as her father. ($1300.00 owes repayment to Mike Faoro)
f. Daughter had major car repair ($2600.00 owes repayment to Mike Faoro)
g. Respondent owes over $206,000 for past debt to respondents family (Mike Faoro). These were not gifts they were loans.
h. Fees of $17,638.95 were paid to Baxter & Baxter, PLLC for the divorce by the Petitioner and the Respondent only paid his portion of mediation and court cost as he represented himself.

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12. TAX RETURNS

"The parties acknowledge that they filed joint federal tax returns through the tax year of 2014 and any refunds received have been divided between the parties. The parties have filed individual (married filing separately status) tax returns for the tax year 2015 and each year after. Any tax refund associated therewith for the tax year 2015 forward shall be awarded to the [party filing the tax return and will be free and clear of any claims by either party. Any tax liability associated with the individual tax returns from 2015 forward shall also be the liability of the party filing the tax return and shall indemnify and hold the other party harmless for payment thereof.

Additionally, any and all tax liens that exist, including but not limited to the tax years 2005, 2006, 2008, 2009, and 2013, the Husband shall be solely responsible for the repayment of these tax liens and he shall indemnify and hold harmless the Wife from an repayment of these tax liens and shall indemnify an and hold harmless the Wife from repayment thereof since the tax liability is a result of the Husband's business. If any federal tax lien is filed for tax years 2015 forward when the parties filed separate returns, the party who return is associated with the tax lien shall be solely and separately responsible for such future tax lien and shall hold harmless and indemnify the other party from liability thereof. Each party will execute all Internal Revenue Service or other documents necessary to carry out the intent of this paragraph"

A. **A reduction in alimony was agreed upon during mediation for Husband to remove wife's name from federal tax lien as she was not working at the time that these occurred. This has not happened and the legal fees to indemnify wife and hold wife harmless is $7000.00 from a another law firm that specializes in income tax issues with the IRS.**
B. **The IRS tax liens have not been resolved. Wife has always paid her taxes and her accounts have been retained by the IRS and applied to his tax lien due to Husbands failure to relieve her of this federal tax lien. Husband needs to offer proof that he has made it clear that he has the sole responsibility of the unpaid taxes. As of this date Wife's tax refunds for the years stated below amounts and should be indemnified immediately the Husband:**
    1) **2013 - $ 4,682**
    2) **2014 - $ 4,320**
    3) **2015 - $ 3,066**
    4) **2016 - $ 3,080**
    5) **2017 - $ 2,331**
    6) **2018 - $ 3,263**
    7) **2019-`$ extension filed**

    Total= $20,742

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SUMMATION

Respondent pays no college expenses for his daughter, did not purchase their cars, does not pay their health or car insurance, cell phones and did not pay for their high school tuition, but takes flying lessons and became a private pilot, purchased a plane and purchased a car, purchased a Disney Time share, became a master diver and takes scuba trips and travels extensively while not attending to his agreed upon financial responsibilities. In the divorce proceeding (marital dissolution agreement) there was no retirement/ pension to divide or assets to divide as he did not have any, but within less than a year he has acquired a plane, car, Disney timeshare, scuba trips and investments.

Total owed to Petitioner 100 % of the following items

a. **Back child support $ 988 He did not pay in June, July or August**
b. **Health coverage $ 1,400**
c. **IRS $20,742**
d. **Daughter graduation $ 425**
e. **Alimony $63,000**

Total $86,555

In addition, total owed to Petitioner pro rata 88% of the following items

a. **Dermatologist $308 (Alex)**
b. **Dermatologist $264 (Bailey)**
c. **Dentist $306(Bailey and Alex)**
d. **Tumbling classes $858 (Alex)**
e. **ACT prep $ 44 (Alex)**
f. **Alex Physical $ 64 (Alex)**
g. **Southern Pediatrics $81 (Bailey)**
h. **Dr. Vanhoven glasses $139 (bailey)**

Total $1,925 Respondents portion = $1,833.04

Grand Total $88,.00

DEMAND

That Husband immediately pay the above total to Wife. That Husband immediately contact other debtors listed below to acknowledge debts and make arrangements to satisfy each financial obligation.

Total owed 100% to following people:

a. **Alex braces $2450 Dr. West (wife has paid her portion)**
b. **Bailey braces (repayment to Mike Faoro $1800) (wife paid her portion)**
c. **Hermitage learning (repayment to Mike Faoro $585)**
d. **Mike Faoro Loans for cars and house improvements, tuition, cell phones, $206,000.**

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e. **Mike Faoro for Bailey's tires and brakes $1300.00**
f. **Mike Faoro for Bailey's car repair $2600.00**

Petitioner states that all court costs associated with matter be paid by the Respondent.

PETITIONER

913 Fireside Court

Brentwood , TN 37027

(Address)

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2020, a copy of the foregoing Motion was mailed to Respondent at:

Steven Bradshaw Dozier
PO Box 2787
Brentwood, TN 37024

Jennifer Dozier

I expect this motion to be heard on August 21, 2020 in: Fourth Circuit Court at 9:00 am. Metro Courthouse, 1 Public Square, 6th Floor, Nashville TN 37201

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EFILED 10/27/21 03:12 PM CASE NO. 17D1285 Richard R. Rooker, Clerk

IN THE FOURTH CIRCUIT COURT FOR COUNTY, TENNESSEE AT NASHVILLE

STEVEN BRADSHAW DOZIER, **PLAINTIFF,**	)	
	)	**DAVIDSON**
VS.	)	**CIRCUIT**
	)	**NO. 17D1285**
JENNIFER FAORO DOZIER, **DEFENDANT.**	)	

PLAINTIFF RESPONSE TO DEFENDANT'S MOTION

Plaintiff/Respondent, S. Brad Dozier, provides this response to the motion filed by the Defendant and would state as follows:

Most of the rhetoric and accusations made in the motion filed by the Defendant on September 13, 2021 is irrelevant for purposes of a formal court proceeding. The Defendant has successfully rewritten history and made false allegations while not providing any proof or evidence to her claims. Plaintiff will not waste the Court's time responding to these frivolous and false accusations and statements.

However, there are several issues that actually relate to the final Marital Dissolution Agreement and Parenting plan that need to be addressed.

1. Insurance for Minor Children. It is correct that I was to pay for the children's health insurance. At the time of the court's order I was recovering financially and was unable to pay for this coverage, but was aware that their Mother secured them the required coverage.

   I have had previously had conversations with the Defendant's attorney back when this issue came up several years ago and repeatedly asked for the invoices to verify coverage and payments. It is stated in the Motion that these invoices were provided, but they never broke down the actual cost for the children, only the total plan premium. I was asking for verification as to the actual cost for the children and never received this information.

2. Requested Reimbursement for Payments Made on Behalf of Children. My daughter graduated high school on Saturday, May 18, 2019. My requirement to continue child support should have ended at that time as she had already turned age eighteen. Again, in a previous conversation with Defendant's attorney at the time, we agreed to continue the child support payments calculating both children until my son graduated the following year.

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Based on the original calculation, the total to be paid for both children was $1,538.24 (see exhibit A). I actually paid $1,550 for the entire time I paid the support payments. The calculation for the monthly payment for just one child would have been $1,158.08. This was an overpayment of $380.16 for a period of twelve months equaling $4,561.92.

It was decided at the time that it would be in everyone's best interest to not go back to court and argue about these extra expenses that were being demanded at the time and then drop the child support payment, but rather just continue to make the higher payment and use that to write off the extra costs. This is what was done and the child support payments did not stop until my son graduated high school in May of 2020.

Furthermore, my son came to live with me in months prior to his graduation and I continued to make the child support payments even though he was not living with the Defendant.

3. Life Insurance Policy. This information was previously provided to Defendant's attorney. However, in the interest of compliance with this court proceeding, I have attached a copy of the declaration page as Exhibit C and the Current Beneficiary Designations as Exhibit D.

   The system does not allow a dollar amount designation for beneficiaries, only percentages. So the 2.5% designation for the Defendant equals the $100,000 requirement for the insurance coverage ($4,000,000 * .025 = $100,000).

4. Assumption of Marital Liabilities. First, it needs to be pointed out that this assumption of all of the marital debts was only agreed to as part of the plan for child visitation. It needs to be acknowledge that the children were never allowed to fulfill the requirements of the agreed parenting plan. But again, the Court is not going to be concerned with this past drama.

   Plaintiff will offer to the Court that the divorce agreement does not specify a time to complete the process of paying off all of these debts. While the Plaintiff has begun to work with these creditors to pay off and negotiate these debts, it took over a decade to accumulate these problems and it is going to take time to get them paid off.

   It also needs to be clarified that the Defendant may be confused about how this assumption of the liabilities works. Even though the Plaintiff has accepted the liability, the various creditors cannot be forced to release her from the liability on the accounts. The notice on page 10 of the decree that was both signed and initialed on that page by the Defendant, clearly outlines this issue.

   Finally, Plaintiff would submit that in the Court ordered mediation that occurred after the divorce was finalized and this issue was brought up, Plaintiff requested a copy of the Defendant's credit report to confirm any items still listed there and this request was denied.

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5. Federal Tax Lien Liabilities. Plaintiff has been trying to get this issue resolved. The 2020 pandemic shut down the IRS offices and they are still playing catch up. I am attempting to complete an Offer and Compromise to resolve the tax years that were filed jointly. This requires completion of a form 656 by both parties to the compromise. Once this request is approved, a payment is established based on the ability to pay, and Plaintiff will take responsibility for those payments as agreed to in the divorce decree.

   There is a substantial amount of information required by both parties to complete this application. A copy of the complete form 656 booklet is attached as Exhibit E. Again, there is no specific deadline required to resolve this issue in the decree, however, Plaintiff would request this completed information back from the Defendant within 60 days to allow this to be filed right after the first of the year.

Respectfully Submitted:

S Brad Dozier, Pro Se
PO Box 2787
Brentwood, TN 37024
615.259.2670 Ext 5

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CERTIFICATE OF SERVICE

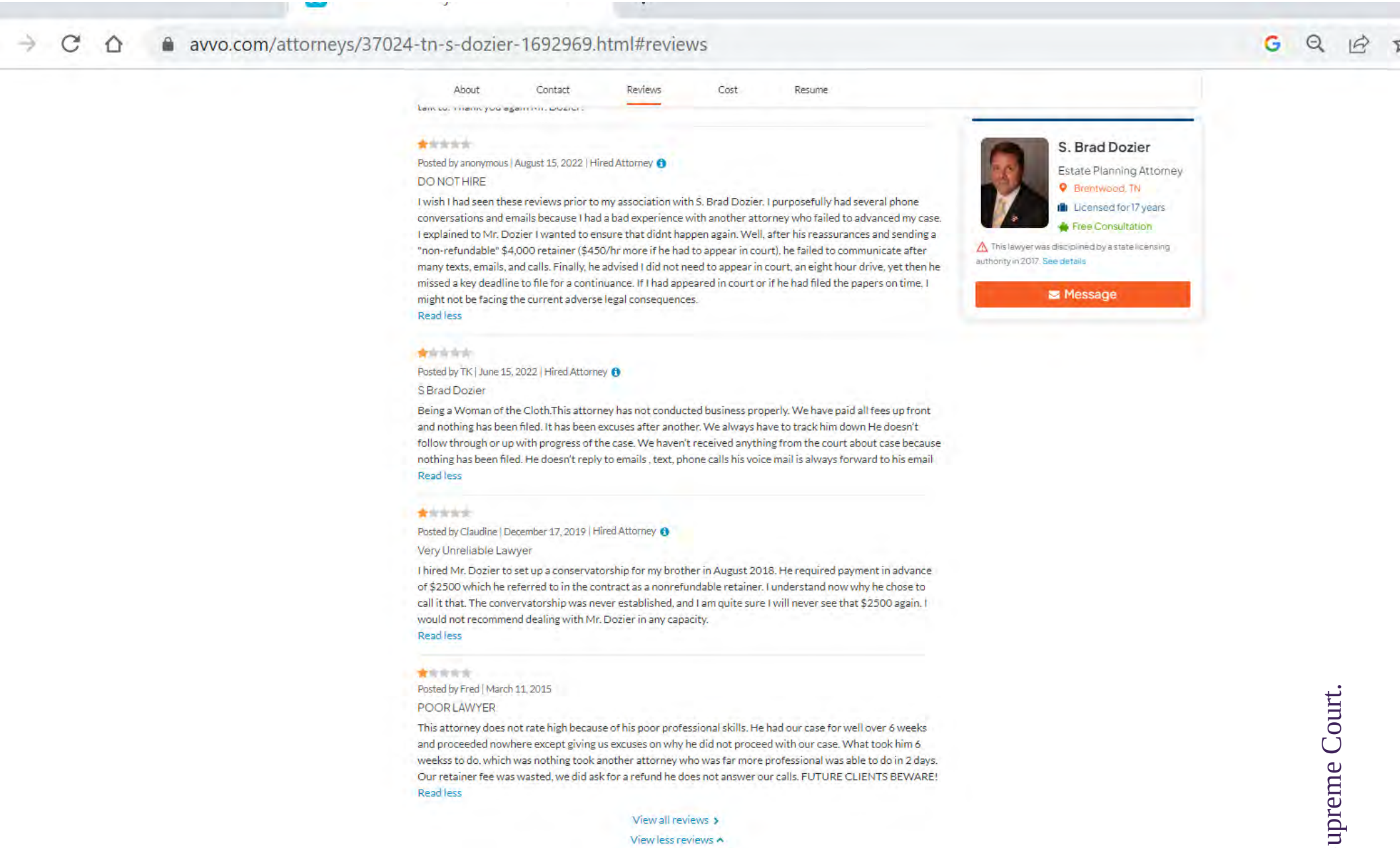
I hereby certify that I have mailed by overnight FedEx a true and exact copy of the foregoing Response to the Defendant, Jennifer Dozier, at 931 Fireside Court, Brentwood, TN 37027 on this the 27 day of October, 2021,

S Brad Dozier

Document received by the TN Supreme Court.

Exhibit G

Document received by the TN Supreme Court.



y the TN Supreme Court.

Exhibit H

Document received by the TN Supreme Court.

ASEA

Business Profile

ASEA, LLC

Multi-Level Sales

Multi Location Business

ACCREDITED BUSINESS

Contact Information

6550 S Millrock Dr Ste 100
Salt Lake Cty, UT 84121-2319

Visit Website

(801) 928-2100

BBB Rating & Accreditation

ACCREDITED BUSINESS

A+

Accredited Since: 6/19/2015
Years in Business: 15

Customer Reviews are not used in the calculation of BBB Rating

Overview of BBB Rating

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Customer Reviews

This business has 0 reviews

Read Reviews

Be the First to Review!

Customer Complaints

This business has 0 complaints

File a Complaint

Related Categories

Multi-Level Sales • Health Products

Overview

Industry Tip

BBB Tip: Multilevel marketing

Read More

Customer Complaints

0 Customer Complaints

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Customer Reviews

0 Customer Reviews

What do you think? Be the first to review!
How BBB Processes Complaints and Reviews

Start a Review

Products & Services

This company is a multi-level marketing business.

Business Details

This is a multi-location business.

Location of This Business
6550 S Millrock Dr Ste 100, Salt Lake Cty, UT 84121-2319

BBB File Opened:7/25/2008

Years in Business:15

Business Started:9/15/2007

Business Incorporated:9/10/2007

Accredited Since:6/19/2015

Type of Entity: Limited Liability Company (LLC)

Business Management
Mr. Jarom Webb, Manager

Contact Information
Principal
Mr. Jarom Webb, Manager

Additional Contact Information
Fax Numbers
(801) 590-6595 Primary Fax

Local BBB

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BBB Mountain West

More Info on Local BBB

BBB Reports On

BBB reports on known marketplace practices.

See What BBB Reports On

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