IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT CHATTANOOGA

ROY L. DENTON,	*	**Case No. 1:07-cv-211**
Plaintiff	*	
	*	**Chief Judge Curtis L. Collier**
v.	*	
	*	
STEVE RIEVLEY,	*	
in his individual capacity	*	
Defendant	*	
	*	***JURY DEMAND***
	*	

PLAINTIFF ROY L. DENTON'S RESPONSE TO STEVE RIEVLEY'S MOTION FOR A PROTECTIVE ORDER

Comes now, Plaintiff Roy L. Denton, *pro se*, and hereby responds to the defendant's instant motion as follows:

The two attorneys for the defendant Steve Rievley, being Ronald D. Wells and Bonnie E. Dickson, seemingly misunderstand what it is they seek. Federal Rules of Civil Procedure Rule 45 is certainly full of provisions applicable to the issuance of a subpoena, it's mandates, requirements and so forth, but offers them no relief whatsoever for this defendant. The problem is, the Rule 45 cited does not provide for any relief for what the defendant seeks. In that light alone, the motion is improper as a matter of law and is essentially frivolous.

No such subpoena has been filed or even served by me. Likewise, if the plaintiff did have a subpoena issued then perhaps the defendant may properly move the court using Rule 45, but such reliance is not proper at this point. But for lawyers to file some sort of "Rule 45" motion for a protective order for something that ***they merely speculate in their own minds*** that "could"

happen is frivolous and in actuality, should be deemed contemptuous upon this court.

Now, based purely upon a jury verdict in an equity action, where a judge can easily use his discretion and overturn the verdict of the jury, lawyers for the defendant want to go on some sort of "protective order" expedition that is not only unwarranted, it is not proper. The defendant's lawyer's strongly suggest that the court order someone from doing something that someone else merely "thinks" they may do in the future. Such reasoning is nonsense. Whether it be a subpoena today, or at some other point in future concern, the plaintiff has a legal right to pursue his case and the fact of a jury verdict in a court of equity doesn't conclude anything, as the defendant points out. To the contrary, it starts a whole new ball game on a whole new playing field.

The defendant's motion is not a valid motion for this court to even consider. It isn't proper for the defendant's lawyers to file for Rule 45 protection on something (*a subpoena*) that simply does not exist. To ask the court to somehow "*order*" me to "*not*" do something, before the plaintiff even does it, just because the lawyers are afraid, in primary part, that their very own Topix.com comments as alleged, would be uncovered and exposed, is not within the discretion of this court. Simply put, Rule 45(a)(1)(A) (I) and (ii) does not remotely apply and no relief can even be had because the plaintiff **has not issued any subpoena** at all. Furthermore, there are no preemptory or peremptory provisions under Rule 45, hence the defendant's motion must fail.

The lawyers for the defendant are confused concerning a "jury verdict" in a court of equity. The defendant is wrong as well, in stating to this court for a fact that "*this matter was concluded on August 25, 2010 when the jury returned an unanimous verdict in favor of Steve Rievley*". Surely, the lawyers for the defendant must know, or should know, that the proper method to seek some sort of "relief from something that *might or could* happen" would be found

somewhere under Rule 26 (5)(c) where the "Protective Order" provisions are found. The defendant did not file his instant motion under Rule 26 and therefore is moot, further requiring a denial of their motion. As a matter of law, Rule 45 offers no relief for what the defendant requests. The Rule deals with subpoenas, not mind reading techniques.

The plaintiff Roy L. Denton takes great exception and objects to a disrespectful and unfair depiction of me in their motion. The entire second page of their motion describes the plaintiff (Me) in layman's words, as some sort of "sneak" that somehow wants to secretly charm the court clerks to issue me lots of blank subpoenas, where I could then serve subpoenas to everyone I wanted to, at my will and leisure. And then the people of whom I served all these subpoenas on would be subjected to what would amount to be an ILLEGAL activity as the lawyers for the defendant describe. Then after completing that part of the nonsensical "James Bond" plan, plaintiff would then scurry out and scare them all with court headings, fancy legal words, maybe even a few Latin phrases, and conjure the issued subpoenas in such way so as to force the unwary victims to an atrocious legal abuse forcing their compliance, or else. Such outrageous proposition is an insult, a disgrace and a total disrespect and the attorneys Wells and Dickson, lawful officers of the court, should be admonished by this court.

With that said, this matter is not "over" as asserted in their motion. In fact, it is far from it. The defendant was not entitled any constitutional right to a jury trial and neither was the plaintiff. This was not a criminal trial. The renewal of Rule 50 motions, motions for new trial, mistrial declarations, and eventually in all likelihood, an appeal of this entire matter, a matter that from it's very inception has been built upon a foundation or "words" fully expecting to lose, but planning to win. The defendant has attempted to go down this "protective order" road once before and this tactic should not be allowed to be attempted again. *See Court Doc. No. 95.*

The defendant's motion is nothing more than an extension of the same gamesmanship as before. In any event, the plaintiff ***has not issued any subpoena*** to anyone and if he does, he will continue to have a "*court from which it is issued*" as well as a "*title of the action*" and at that point in time, if ever, the defendant can file for whatever relief he deems proper. But as a matter of law, the defendant is not entitled to any relief sought in his motion.

Therefore, for all the herein stated reasons, the plaintiff Roy L. Denton moves the court to DENY the defendant's Motion for a Protective Order and to rule that the motion was filed frivolously. Additionally, the plaintiff moves this matter be adjudicated without a hearing as any such hearing on this motion would be a waste of the court's resources.

Respectfully submitted this 9th day of September 2010.

BY: _____

Roy L. Denton
120 6th Ave.
Dayton, TN 37321
423-285-5581

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to it's destination, on this 9th day of September, 2010.

_____
Roy L. Denton

Copy mailed to:

Ronald D. Wells, BPR# 011185
Suite 700 Republic Centre
633 Chestnut Street
Chattanooga, TN 37450 ~~~ Phone:423-756-5051