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Jeff Fenton
January 3 at 8:07 AM ·

Well, two years after a corrupt judge and several corrupt attornies forced the auction (with no minimum) of our beloved Brentwood home for $300k, it resold a few months later for $550k, and is now worth over $800k!

Our neighborhood has been appreciating about $100k per YEAR the past few years!

While the Court forced us to auction it for $250k LESS than we had invested into it! Just barely covering the mortgages, without a penny for either of us.

It makes me sick! Hopefully they'll get hauled to prison eventually. Then someone in TN will need to take notice.

Corrupt Judge Casey Moreland wasn't THE PROBLEM, he was only a SIGN of a much, much deeper problem, throughout the State.

The MOB is running the Courts! And that isn't an exageration!

Corruption is rappant in Middle Tennessee, as they all get rich on back room deals while brokering Williamson County Real Estate!

They've forced me to study LAW for two years, relentlessly, while they refuse to even apply the slightest bit of common sense and care!

While they are so "connected", that to date no supervisory board in the State of Tennessee, has even accepted and researched my complaint filed a YEAR ago, with hundreds of pages of clear and convincing evidence that approximately a dozen high-ranking "Members of the Court" have committed DOZENS of State and Federal crimes against me, and our family.

Holding secret hearings and refusing to even allow me to participate. While they FRAUDULENTLY cast absolutely UNREASONABLE "Default Judgments" against me.

I hope that TRUTH shall eventually prevail and EXPOSE their CORRUPTION!

I might not be the life of the party, the "best Christian", or even the best husband... anywhere, but tell me that it is REASONABLE that I filed 603-PAGES in the Williamson County Chancery Court, while not ONE WORD has been used to date for my benefit?

Even serial killers get to participate in a hearing, and are provided an opportunity to testify in their own defense. While I have never been arrested or charged with a crime in my life! I didn't even get a single traffic ticket during my 25-YEARS as a peaceful Tennessee resident. Maybe I'm not a "charmer", but I'm a HUMAN who deserves to be treated as a HUMAN by Tennessee Courts.

Only corruption argues against transparency, oversight, and accountability! That alone should make those charged with their oversight, take notice, that they exhibit VERY POOR JUDGMENT!

Deep breaths... happy new year to everyone. I wish that I believed this year will be any different than last... oh me of little faith.

I'm ready for a move of God, Truth, Honor, Honesty, Justice, and FREEDOM!

Eric Sample 10 Comments

Like Comment Share

Eric Sample
I'm bummed about what was done Jeff. Prayers for Gods Justice and blessing you back many times over.❤️🤗🙏

Love · Reply · 1d 1

Eric Sample
Jeff Fenton , yes sir. I do believe this coming year, things that were done in the dark will be coming to light.

Like · Reply · 1d 1

Jeff Fenton
Eric Sample I SURE HOPE SO!!

Like · Reply · 1d 1

Jeff Fenton
Eric Sample If I had a choice between a million dollars cash OR seeing Judge Michael W. Binkley and Attorney Virginia Lee Story arrested, disbarred, and imprisoned, I would die a poor but deeply satisfied man, one day.

One reason I keep fighting, is because I find it so completely UNREASONABLE that unless you have the money, power, and influence to literally FORCE a JUDGE in Middle Tennessee to OBEY THE LAW, then you have absolutely "NO reasonable expectation that the Judge WILL Obey the Law", or provide you a FAIR trial (Binkley told me on Record that "FAIR IS SOMETHING YOU DO IN THE FALL.") Their is literally "No reasonable expectation of obtaining JUSTICE" in Williamson County Chancery Court!

While even if there was an honest "error", it is UNREASONABLE that the Middle Tennessee "Buddy System" hasn't chosen to obey the law, their oaths of office, their supervisory responsibilities, or the Judicial Canons over "COVERING" for their corrupt "friends". Especially with the absurd amount of effort I have made.

While another reason I keep fighting is for something to CHANGE for the benefit of others! To improve Judicial Integrity! To provide SOME simple system of Transparency (like a cheap audio recording of each hearing). While instead they keep NO RECORDS of what is said or done, or by whom, in Chancery Civil Court. I see no reason NOT to, except to intentionally PROMOTE CORRUPTION!

Another reason I refuse to "give up", is because I KNOW that despite not having money, power, or influence, that I am a FIGHTER, and able to advocate for myself far better than many people in my demographic, with similar challenges. While without completely depending upon friends or family to "rescue" me, the Court and Counsel would have sold whatever they could, without a penny to benefit me. Rented a dumpster and threw everything else that I owned into it (literally - they TRIED)! While leaving me homeless, unemployed,

and destitute, with only FIVE-DAYS NOTICE to "transition", before being wrongfully evicted from my own home, by 4-Deputies, who literally had their hands on their guns, in the "ready" position, not knowing whether I was a dangerous menace to society or not, all because of "Fraud Upon the Court by Officer(s) of the Court".

When the police where walking up my driveway, and I saw the cop's hand on his gun, I literally told him, "You're not going to need that today." While his exact reply to me was, "Are you sure?" (With zero arrests or history to suggest otherwise.) That's how people get unnecessarily hurt! Because of the fraudulent BS by Story & Binkley, the cops honestly don't know if I am a dangerous raving lunatic or not. Nor do they know that they are ENFORCING the execution of a CRIME against me, by order of a corrupt judge and his close family friend, my sadistic opposing counsel, under the pretense of some legal action, while wholely and entirely illegal!

The SAME Judge right now (Binkley) is leveraging the Board of Professional Responsibility to attack the attorney he suspects leaked the fact that Binkley got caught in a prostitution sting on Dickerson Road before becoming a judge. Which old buddy

Judge Casey Moreland dismissed and expunged prior his own arrest and imprisonment by the FBI.

While as the Board of Professional Responsibility is busy ENFORCING Binkley's criminal agenda (literally like the "Mob") the same head of the same department has REPEATEDLY REFUSED to even FILE MY COMPLAINT against Attorney Virginia Lee Story, Judge Michael W. Binkley, and a bunch of their "Friends"! Which I also find absolutely absurd and unacceptable!

Further proving that "there is no reasonable expectation for honesty, integrity, impartiality, or justice" within Middle Tennessee Courts! You further have "No Reasonable Expectation that you will not be falsely defamed, conspired against, robbed, or caused criminal harm" by a Judge and his/her buddies, simply by complying with a civil summons and appearing at Court! (Anyone can sue anyone for anything, while the original party filing is given the benefit of doubt, simply for a $100 filing fee).

All in all, I'm just not OK with walking away with the amount of evidence I have showing that multiple high-level "Members of the Court" broke State and Federal Constitutions, the Supreme Law of the Land, acted unbelievably dishonestly, inhumanely, fraudulently, falsifying Court Records, while some

of my more important "evidence" mysteriously disappeared, while incidentally the Clerk & Master for that same Court, Elaine Beeler has literally been close friends with Attorney Virginia Lee Story for FORTY-YEARS! (Since she began law school... I found an old published interview and did the math.)

It is ALL entirely UNREASONABLE!

I can't fathom how many lives they have disredarded, stripped, liquidated, consumed, and discarded. While Attorney Story talks about her ventures as a real estate investor, and Williamson County being the land of opportunity, in that very same published article with Ms. Beeler.

To try to argue that ANYBODY has even a remote chance at a "Fair and Impartial Trial" with Binkley at the bench, Beeler controlling the Records, and Story as the opposing Counsel, exhibits extremely POOR JUDGMENT! (By the way, the "winning" Counsel gets to write the actual Court Order against you too, which IF you can afford an attorney they have approval process, but when you can't afford an Attorney, you have no opportunity to participate in that process.

So the enemy of your life, who is best friends and

family vacationing buddies with the Judge, and has been close friends with the Clerk & Master and her husband for 40-years, gets to literally write the COURT JUDGMENTS AGAINST YOU!

While I have evidence that some things that got written into the Judgments were never even discussed in Court, or were completely "collored" to misrepresent the TRUTH about my coercion to sign a "listing agreement" to auction my home, under the threat of incarceration. Instead "coloring" the Court Orders to read as if I voluntarily chose to auction my home and relocate to Michigan, while choosing not to participate in my own defense in all fraudulent Court actions remaining against me, when I was FORCED off of my property by the police.

It really is that ABSURD! While I have 50 GB of verifiable, cross-referenceable, EVIDENCE to PROVE IT!

I want to see some deep-cleaning and reform in the Middle Tennessee Court System, then I can go to Federal Court and discuss what they owe me and my family for damages!

Maybe I'm just dreaming or "delusional", but it will take a bullet square between my eyes to stop me!

Sorry to seem like a festering wound that won't go away, but I still have business in Tennessee!

Plus, I REALLY HATE BULLIES!!!

Like · Reply · 1d · Edited

1

Eric Sample

Jeff Fenton , well you definitely have got your data and story together. I don't like bullies either. And I wouldn't suggest you give up. But as you know better than anyone, this kind of trauma takes its toll on an individual in all kinds of ways. Just make sure your not drinking poison waiting for these others to die, cuz I promise they have long forgotten. Partner with God and let Him do the heavy lifting:) You have done your research and put in the time and effort. Now just follow due process and pray God supernaturally makes a way for your grievances to be heard. I pray comfort, healing and Gods great grace and covering over you. Enjoy life to the fullest as you can!❤️🤗🙏

Love · Reply · 1d

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Rito Favela

Happy New Year my friend may all things get better for you.

Love · Reply · 22h

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD W. FISHER,	)	
Plaintiff,	)	
	)	
v.	)	**No. 3-15-cv-127**
	)	**Judge Crenshaw**
CHRISTOPHER GATES AND GATES	)	**Magistrate Judge Frensley**
CONSTRUCTION AND DESIGN, LLC,	)	
Defendants.	)	

REPORT AND RECOMMENDATION

Pending before the Court is Defendants' Motion to Vacate Entry of Default (Docket No. 55) and Plaintiff's First Motion for Default Judgment (Docket No. 61). For the reasons stated herein, the undersigned recommends that Defendants' Motion to Vacate Entry of Default (Docket No. 55) be Granted in part and Denied in part; and Plaintiff's First Motion for Default Judgment (Docket No. 61) be Granted in part and Denied in part. Specifically, the undersigned recommends the entry of default as to the individual Defendant, Christopher Gates, be vacated but that the entry of default as to the corporate defendant, Gates Construction and Design, LLC, remain and that the Motion for Default Judgment be Granted as to Gates Construction and Design, LLC only.

Standard of Review

Federal Rule of Civil Procedure 55 (a) requires the clerk of court to enter a party's default when the party "against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend" and "that failure is shown by affidavit or otherwise." Fed. R. Civ. P. 55 (a). Upon entry of default a party may proceed to seek default judgment under Rule 55 (b), either from the clerk of court or the district court. The Sixth Circuit has held that entry of default is a

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prerequisite to a default judgment. *Devlin v. Kalm*, 493 F. App'x 678, 685-686 (6th Cir. 2012). "Once a default is entered against a defendant, that party is deemed to have admitted all the well pleaded allegations in the complaint except those relating to damages." *Microsoft Corp. v. McGee*, 490 F. Supp. 2d 874, 878 (S. D. Ohio 2007)(citations omitted). Rule 55 (c) of the Fed. Rules of Civil Procedure allows the district court to set aside an entry of default for good cause. Fed. R. Civ. P. Rule 55 (c).

DISCUSSION

Defendants' Request to Set Aside Default

Following the entry of default in this case Defendant filed an Answer to the complaint (Docket No. 54) and Motion to Vacate Entry of Default (Docket No. 55). Plaintiff has not filed a response to Defendant's motion to vacate.

The Court acknowledges that Defendants are acting pro se in this matter, and their pro se status is a factor for the court to consider in its good cause determination in setting aside a Defendant's default. *Dessault Systemes S. A. v. Childress*, 663 F. 3d 832, 844 (6th Cir. 2011)(Citing *Shepard Claims Serv., Inc. v. William Darrah and Associates*, 796 F. 2d 190, 194 (6th Cir. 1986). Nevertheless, pro se litigants are not exempt from the requirements of the Federal Rules of Civil Procedure. *McNeill v. United States*, 508 U. S. 106, 133 (1980). The Court also notes that "mere negligence or failure to act reasonably is not enough to sustain a default." *United States v. $22,050.00 in United States Currency*, 595 F. 3d 318, 327 (6th Cir. 2010).

While the failure of the individually named defendant to answer the complaint is clearly negligent, nothing before the court suggests that defendant acted to thwart the judicial proceedings or with reckless disregard for the effect of his conduct on the proceedings. *See, Childress*, 663 F. 3d at 841. It is clear from the pleadings that the defendant wishes to defend

against this action. Therefore, the Court recommends that the default against the individually named defendant be set aside.

With respect to the corporate defendant, the Court has been clear that the defendant corporation must retain an attorney to represent its interest in the case. Docket No. 57. Despite being repeatedly advised of this requirement and its consequences, defendant corporation has not obtained counsel therefore the court recommends that the default as to the defendant corporation remain and not be vacated.

Plaintiff's Motion for Default Judgment

Plaintiff has filed a Motion For Default Judgment (Docket No. 61) based upon the previously issued default (Docket No. 51). Defendants have not responded to the Motion for Default Judgment. Plaintiff contends that default judgment is appropriate based upon the corporate defendant's failure to comply with the Court's previous orders requiring that any pleadings be filed by an attorney admitted to practice before this court and that the Answer filed on behalf of the individually named defendant fails to comply with the pleading requirements of Rule 8 (b) and (c) Fed. R. Civ. P.. Docket No. 61, pp. 1-2.

As noted above, the corporate defendant's failure to comply with the rules supports the entry of default under Rule 55 (a) Fed. R. Civ. P. and likewise the entry of default judgment under Rule 55(b). Therefore, the undersigned recommends that the motion for default judgment be GRANTED as to the corporate defendant, Gates Construction and Design, LLC.

With respect to the individually named defendant, the Answer to the complaint states as follows:

> [t]he Plaintiff and only after refusing to perform additional repairs for free on the pool on areas due to damages caused by the mishandling namely freezing of the pool as maintained by the Plaintiff and his pool man who is a disgruntled former employee of the Defendants who was released from Defendants employ

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> for incompetents (sic) and undesirable conduct, did this action get filed so that the Plaintiff could claim dishonesty on the Defendants part and avoiding the 4 year limitation on his ability to claim.
>
> Defense 1 Failure to State a Claim
>
> Defendant answering the complaint herein, alleges all allegations and counts brought forth therein fails to state a claim for which relief can be granted.
>
> WHEREFORE, Defendant prays that the Plaintiff take nothing and that the Defendant have judgement against the Plaintiff and recover the costs of suit herein, and such other relief that the court may deem proper.

Docket No. 54.

Federal Rules Civil Procedure Rule 8(e) provides that "pleadings must be construed so as to do justice," and the Sixth Circuit has noted that "[t]he drafting of a formal pleading presupposes some degree of legal training or, at least, familiarity with applicable legal principles, and pro se litigants should not be precluded from resorting to the courts merely for want of sophistication." *West v. Adecco Employment Agency*, 124 F. App'x 991, 992-93 (6th Cir. 2005)(quoting *Jourdan v. Jabe*, 951 F. 2d 108, 110 (6th Cir. 1991)).

While it is certainly true that the answer does not respond to each and every specific averment in the complaint, viewing the Defendant's pleadings liberally, as it must for all documents filed by pro se litigants, and mindful of the requirement to do justice, it is clear that the individually named defendant has not failed to plead or otherwise defend against this action and therefore the undersigned recommends that the Motion for Default Judgment for the individually named Defendant, Christopher Gates, be DENIED.

RECOMMENDATION

For the reasons discussed above, the undersigned recommends that the Defendants' Motion to Vacate Entry of Default be Granted as to the individually named defendant, Christopher Gates and be Denied as to the corporate defendant, Gates Construction and Design,

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LLC, and that the Plaintiff's First Motion for Default Judgment be Granted as to the corporate defendant, Gates Construction and Design, LLC, and Denied as to the individual defendant, Christopher Gates.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn,* 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U. S. C. § 636(b)(1); Fed. R. Civ. P. 72.

JEFFERY S. FRENSLEY
U. S. Magistrate Judge

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