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CHERYL J. CASTLE
CIRCUIT CO-CLERK
BY: *MA*
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No.: _____

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Clarksville City Council.

4. The Clarksville Leaf Chronicle is a newspaper of general circulation in the Clarksville area, having significant circulation, and being read daily by a large percentage of the citizens in the Clarksville and Montgomery County, Tennessee. The Saturday newspaper was distributed with the advertisement attached as Exhibit 1.

5. Within the advertisement attached hereto as Exhibit 1 the Defendants did, jointly and severally, communicate a statement that refers specifically to Richard Swift and Wayne Wilkinson. In the advertisement Mr. Wilkinson's name is misspelled "Wilkerson." It was clear that Wayne Wilkinson is the individual intended to be mentioned in the advertisement.

6. The statements made within the advertisement were made to persons other than the Plaintiffs, by general distribution in the Clarksville Leaf Chronicle.

7. The statements made in the advertisement are libelous. Specifically, the advertisement states, in part that:

Hundreds of homeowners and property owners have voiced their opposition to this Plan, but our concerns are being ignored. No one supports this Plan except a few in the development community, those who expect to benefit from it. Mayor Piper has done everything possible to exclude opponents from the process. When a public hearing had to be scheduled, *the public wasn't even allowed to speak.* This redevelopment Plain is about *private* development. Our City Government is controlled by developers. This redevelopment plan is *of the developers, by the developers and for the developers.* Mayor Johnny Piper, Councilman Swift, and DDP member Wayne P. Wilkerson *are all developers.* They all own development property in the Plan area.

8. The statement is intended to convey that Plaintiffs Richard Swift and Wayne Wilkinson are attempting to direct City political action for personal gain. This allegation is false. The false statements are intended to convey, and do convey, that Richard Swift and Wayne Wilkinson are engaged in actions to undermine the democratic processes undertaken by elected officials. This allegation is false. The allegations are intended to infer that Richard Swift and Wayne Wilkinson “control” City Government because they are “Developers.” This allegation is false. The allegations go to the very heart of the professional reputations enjoyed by both Richard Swift and Wayne Wilkinson and were intended to damage both Plaintiffs personally and professionally.

9. The statements made in the advertisement are designed to, and do, falsely attack the good reputations of Wayne Wilkinson and Richard Swift. The statements are intended to expose Richard Swift and Wayne Wilkinson to rath, public hatred, contempt and ridicule, and deprive them of the benefits of the public confidences which they have developed through their years of honorable business activities and volunteer civic activities and, in the case of Richard Swift, honorable and faithful service as an elected Official.

10. The advertisement was read by members of the general public who understood its libelous meaning and understood that the statement referred specifically to Plaintiff Wayne Wilkinson and Plaintiff Richard Swift in a negative, libelous way.

11. The Defendants knew, or should have known, that the statements were false before they were communicated. The Defendants acted recklessly in failing to make any attempt to determine whether the statements were true before communicating those statements.

12. No member of the CPRC ever contacted Richard Swift to determine the accuracy of the advertisement.

13. No member of the CPRC ever contacted Wayne Wilkinson to determine the accuracy of the advertisement.

14. Plaintiff Wayne Wilkinson's reputation and public standing have been damaged and Wayne Wilkinson will be deprived of the benefits and the public confidences he has enjoyed personally, and in business transactions, by the communication of the advertisement.

15. Plaintiff Richard Swift's reputation and public standing have been damaged and Richard Swift will be deprived of the benefits and the public confidences he has enjoyed personally, and in business transactions, by the communication of the advertisement.

16. The statements made by the Defendants were false, were known to be false, and were intended to, and did cause damage to both Plaintiffs. Further, they were simply one of many false and intentionally incorrect statements made during the CPRC's opposition to the Redevelopment District.

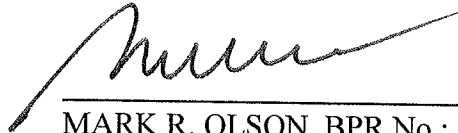
17. Discovery has been undertaken with the filing of this Complaint. Additional Defendants, being individual members of the CPRC, will be added as Defendants, pursuant to Rule 15, *Tennessee Rules of Civil Procedure*, as the names, addresses and involvement of all members in publishing the false advertisement are discovered.

18. The actions of the Defendants constitute the tort of invasion of privacy for which damages, and punitive damages, are sought.

19. The actions of the Defendants were intentional, false, and intended to Cause harm. Punitive damages are appropriate and should be awarded.

WHEREFORE, premises considered, Plaintiffs sue the Defendants, jointly and severally, for the penal sum of two hundred fifty thousand dollars (\$250,000.00) plus additional punitive damages in an amount not less than two hundred fifty thousand dollars (\$250,000.00) plus the costs of this cause and such other recovery as this Court finds to be appropriate.

Respectfully submitted,



MARK R. OLSON, BPR No.: 11630
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Facsimile (931) 648-9186
Email: molson@olsonplc.com
Attorney for the Plaintiffs

COST BOND

I am surety for any ordinary Court costs in this civil action assessed against the Plaintiffs.

OLSON & OLSON, PLC

BY: 

MARK R. OLSON,
As a Member of Olson & Olson, PLC,
and Individually

8783:COMPLAINT.5.9.2008

EXHIBIT 1

**"It creates \$41.5 million in tax breaks for developers
and places the threat of condemnation on homeowners...
...that's what we believe the Redevelopment Plan does."**

No other city in the United States has included its entire downtown area in a Redevelopment Plan. But Clarksville's Redevelopment Plan does.

Nashville has eight Redevelopment Plans. None of Nashville's Plans applies to residential homeowners. But Clarksville's Redevelopment Plan does.



Hundreds of homeowners and property owners have voiced their opposition to this Plan, but our concerns are being ignored. No one supports this Plan except a few in the development community, those who expect to benefit from it. Mayor Piper has done everything possible to exclude opponents from the process. When a public hearing had to be scheduled, *the public wasn't even allowed to speak.*

This Redevelopment Plan is about *private* development. Our City government is controlled by developers. This Redevelopment Plan is *of the developers, by the developers, and for the developers.* Mayor Johnny Piper, Councilman Richard Swift, and DDP Member Wayne Wilkerson, *are all developers.* They all own development property in the Plan area.

**Our Council Member Marc Harris supports us in opposing this Plan.
It's *YOUR* Council member who is not listening to our concerns.
That's why we are pleading for your help.
Please call or e-mail your Council member now.
Tell them to vote **NO** on Piper's Redevelopment Plan on final reading.**

Clarksville
Property
Rights
Coalition

contact us at:
980-2387 or 647-6922

dhunt@gatewayconnections.com

The Council members who voted FOR the Redevelopment Plan on first reading. Tell them to vote NO on final reading.

Ward 1 Barbara Johnson (H) 431-4673 ward1@cityofclarksville.com

Ward 2 Deanna McLaughlin (H) 645-0315 ward2@cityofclarksville.com

Ward 3 James Lewis (H) 648-8603 ward3@cityofclarksville.com

Ward 4 Wallace Redd (H) 647-8965 ward4@cityofclarksville.com

Ward 5 Diana Ward (H) 552-6721 ward5@cityofclarksville.com

Ward 7 Geno Grubbs (H) 648-9524 ward7@cityofclarksville.com

Ward 9 Richard Swift (H) 647-7447 ward9@cityofclarksville.com

Ward 10 Bill Summers (H) 358-3579 ward10@cityofclarksville.com

Ward 11 William Forrester (H) 552-1998 ward11@cityofclarksville.com

**Thank you Council members Marc Harris, James Doyle, and
Wayne Harrison for supporting the homeowners by voting NO.**

Paid for by the Clarksville Property Rights Coalition, Pam Vandever, Treasurer