

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

VS

CAUSE NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

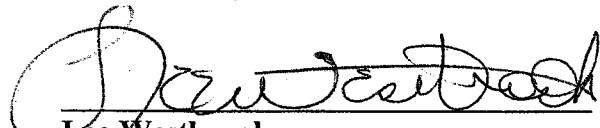
VS

LESLIE LAMPTON, DUNNICA
LAMPTON, DARLENE BALLARD,
AND JOHN DOES 1-15 IN THEIR
PERSONAL AND INDIVIDUAL
CAPACITIES

STATE OF MISSISSIPPI
COUNTY OF MADISON

I, LEE WESTBROOK, Clerk of the Circuit and County Court in and for the said State and County, do hereby certify that the attached is a true and correct copy of the entire Court file and the same is of record in this office in Canton, Mississippi, Madison County, Mississippi .

Given under my hand and seal of office this the 2nd day of June, 2009.


Lee Westbrook
Madison County Circuit Clerk

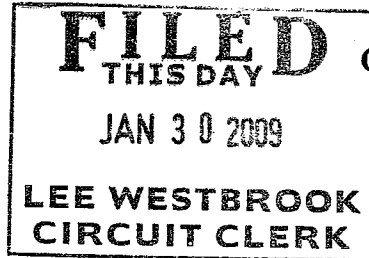
(SEAL)

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.



CIVIL ACTION NO. CJ 2009-0030

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Leslie B. Lampton ("Lampton") files this Complaint for Declaratory Judgment against Defendants, Oliver E. Diaz, Jr. and Jennifer Diaz (collectively, "the Diazes"), pursuant to Rule 57 of the Mississippi Rules of Civil Procedure seeking a judgment as to the rights, status, and other legal relations between the parties and in support of same would show the following:

PARTIES

1.

Plaintiff Leslie B. Lampton is an adult resident citizen of the state of Mississippi residing at 3965 Stuart Place, Jackson, Mississippi 39211.

2.

Defendants, Oliver E. Diaz, Jr. and Jennifer Diaz, are adult resident citizens of the state of Mississippi who may be served with process at their home address of 241 Highland Hills Lane, Flora, Mississippi 39071 in accordance with the Mississippi Rules of Civil Procedure.

JURISDICTION

3.

This Court has jurisdiction over this civil action pursuant to *Miss. Code Ann.* §§ 9-7-81 (Supp. 2005).

VENUE

4.

Venue in this Court is proper pursuant to *Miss. Code Ann.* § 11-11-3 inasmuch as Defendants reside in Madison County.

FACTS

5.

From June 15, 2001 through May 1, 2008, Plaintiff Lampton was a member of the Mississippi Commission on Judicial Performance (“the Commission”) as established by *Miss. Code Ann.* § 9-19-1, et seq. and section 177A of the Mississippi Constitution.

6.

As part of his duties with the Commission, Lampton participated in the investigation of Oliver Diaz--then a justice with the Mississippi Supreme Court. In accordance with *Miss. Code Ann.* § 9-19-21, certain documents and records of Justice Diaz were subpoenaed and furnished to the Commission in an effort to determine whether there had been a violation under section 177A of the Mississippi Constitution.

7.

Plaintiff Lampton played a limited role in the initial investigation and ultimately voluntarily recused himself from participating.

8.

Nevertheless, the Diazes have retained counsel and threatened to file suit against Lampton based on alleged actions performed in connection with the Commission's investigation. Copies of correspondence from counsel for the Diazes to Lampton are attached hereto as collective Exhibit "A". The Diazes have threatened to file both state and federal law claims under a variety of novel theories. See Ex. "A".

9.

Pursuant to *Miss. Code Ann.* § 9-19-29, Lampton enjoys complete and absolute immunity for any conduct arising out of the performance of his official duties with the Commission. Likewise, Lampton enjoys complete and absolute immunity from any suit under 42 U.S.C. § 1983 and other federal statutes, as he was at all times relevant hereto acting in his capacity with the Commission which is a quasi-judicial agency performing functions similar to those of judges and prosecutors.

DECLARATORY JUDGMENT

10.

Plaintiff Lampton seeks a declaratory judgment from this Court as to his immunity from any suit by the Diazes related to any conduct arising out of the performance of his official duties with the Commission. Plaintiff further requests that the Court order a speedy hearing on same and advance it on the calendar pursuant to MRCP 57(a).

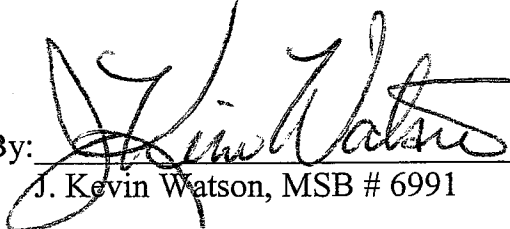
WHEREFORE, PREMISES CONSIDERED, Plaintiff Leslie B. Lampton respectfully requests that this Court enter a declaratory judgment recognizing and finding

absolute immunity from any suit by the Diazes related to any conduct arising out of the performance of his official duties with the Commission on Judicial Performance. Plaintiff further seeks all costs and fees associated with filing the present action.

THIS, the 30th day of January, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By: 
J. Kevin Watson, MSB # 6991

OF COUNSEL:

J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310- HERITAGE BUILDING
401 EAST CAPITOL STREET**

Reply To:

P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008
cmcrae@bellsouth.net

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACSIMILE 866.236.7731

January 20, 2009

Leslie B. Lampton
P. O. Drawer 1639
Jackson, MS 39215-1639

Re: Oliver E. Diaz, Jr.

Dear Mr. Lampton:

This is to inform you that this firm represents Oliver E. Diaz, Jr., concerning your involvement and procurement of his banking and income tax records in violation of 26 USC 6103 and 26 USC 7213, abuse of process, conspiracy, 1983 and 1985 actions, as well as, misprison, tort of outrage, bringing charges against him while your relative was the complaining witness, and conspiring with others and continued voting against Oliver Diaz.

If you care to resolve this matter without the necessity of litigation, please contact this writer within the next ten (10) days of receipt of this letter. Otherwise, we will be forced to institute necessary legal proceedings.

Very Truly Yours



Chuck McRae

EXHIBIT "A"

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310- HERITAGE BUILDING
401 EAST CAPITOL STREET**

Reply To:
P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008
cmcrae@bellsouth.net

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACSIMILE 866.236.7731

January 20, 2009

Leslie B. Lampton
P. O. Drawer 1639
Jackson, MS 39215-1639

Re: Jennifer Diaz

Dear Mr. Lampton:

This is to inform you that this firm represents Jennifer Diaz concerning your involvement and procurement of her banking, business and income tax records in violation of 26 USC 6103 and 26 USC 7213, invasion of privacy, abuse of process, conspiracy, 1983 and 1985 actions, as well as, misprison, tort of outrage, using her private records to bring charges against her husband in order to get him removed from office and destroy their family life, and conspiring with others to get then Justice Diaz removed from office.

If you care to resolve this matter without the necessity of litigation, please contact this writer within the next ten (10) days of receipt of this letter. Otherwise, we will be forced to institute necessary legal proceedings.

Very Truly Yours


Chuck McRae

WATSON & JONES, P.A.

COUNSELLORS AT LAW

J. KEVIN WATSON
W. ROBERT JONES, III
DAVID S. HUMPHREYS
G. STEPHEN STACK, JR.
ELIZABETH MILLS BOONE*

SUITE 1502 • MIRROR LAKE PLAZA
2829 LAKELAND DRIVE
JACKSON, MISSISSIPPI 39232
www.watsonjoneslaw.com

MAILING ADDRESS:
P.O. Box 23546
JACKSON, MS 39225-3546
TELEPHONE: (601) 939-8900
FACSIMILE: (601) 932-4400
WRITER'S DIRECT NUMBER

*ALSO ADMITTED IN TN

January 30, 2009

Lee Westbrook
Madison County Circuit Clerk
128 W. North Street
Canton, MS 39046

RE: *Leslie B. Lampton vs. Oliver E. Diaz, Jr. and Jennifer Diaz*
In the Circuit Court of Madison County, Mississippi

Dear Ms. Westbrook:

Enclosed please find the following documents in regard to the above-referenced matter:

1. Original and three (3) copies of a Complaint;
2. Original and three copies of each Summons (2);
3. Civil Cover sheet; and
4. This firm's check in the amount of \$121.00, which amount represents the filing fee.

Please issue the Summons and return them to me for service and file the original Complaint and return the copies stamped "filed" to us via our messenger.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me.

Sincerely yours,

WATSON & JONES, P.A.



Cindy Cutrer
Legal Assistant

:cc
Enclosures

STATE OF MISSISSIPPI
MADISON COUNTY

SEE BILL, CIVIL CASES, CIRCUIT COURT
IN CIRCUIT COURT

48745
CK# 5787

Case No. CS-2009-30

Lexi Hampton
vs
Oliver & Jennifer Diaz

Court Administrator	\$ 2.00
Jury Tax	3.00
Steno Tax	10.00
Law Library	2.50
Court Education	2.00
Clerk's Fee	85.00
37-26-9(4) CC50
Legal Assistance Fund	5.00
Electronic Court Fund	10.00
Sub-Total	120.00
Sheriff's Fee	
Fees of other Sheriff's	
State Comm. or Officers	
Motion to Renew Judgments	
Other	
Marriage Licenses (Domestic Violence Tax \$14.00, Clerks Fee \$6.00, State Statistical Fee \$1.00, Records Management Program \$2.00)	
TOTAL	
Amount Paid	
Amount Due	

121.00
121.00

How Paid: Cash

Check

Money Order

Payment received from Watson & Jones

this the 20 day of Jan

A.P. # 2009

By: James Baden D.C.

Dollars \$ 121

LEE WESTBROOK, Circuit Clerk

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

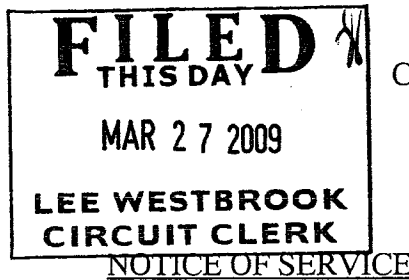
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS




NOTICE IS HEREBY given that Defendant, Oliver E. Diaz, Jr., by and through counsel, has this date served counsel opposite in the above styled cause with a copy of each of the following:

1. Defendant's First Set of Interrogatories to Plaintiff;
2. Notice of Deposition of Plaintiff;
3. Subpoena Duces Tecum for Plaintiff;
4. Request for Admissions;
5. Defendant, Oliver Diaz's, First Request for Production of Documents to Plaintiff.

The originals of the above listed documents are being filed this date with the Madison County Circuit Clerk.

THIS 27th day of March, 2009.


CHUCK McRAE, MSB #2804


CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy
of the above and foregoing Notice of Service to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

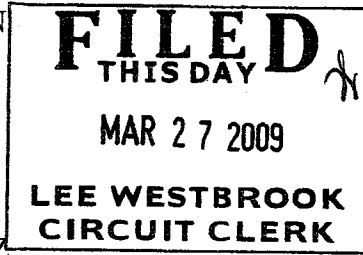
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

COMES NOW Defendant, Oliver E. Diaz, Jr., by and through counsel, and files this First Set of Interrogatories to Plaintiff as follows:

INTERROGATORY NO. 1: Identify by full name, address and telephone number, all persons you believe may have knowledge of any discoverable matter falling within the scope of the Mississippi Rules of Civil Procedure that are relevant to the issues raised by the claims or defenses asserted in the Complaint filed in this action against Defendants.

INTERROGATORY NO. 2: Identify all documents and/or tangible items you believe may be or contain discoverable matter within the scope of the Mississippi Rules of Civil Procedure that are relevant to the issues raised by the claims or defenses asserted in the Complaint filed against Defendants in this action.

INTERROGATORY NO. 3: Identify any written or recorded statements of which you are aware including, but not limited to, declarations, witness statements, affidavits, depositions, or interviews that refer to, relate to or have as part of their subject matter any event relevant to the issues raised by the claims or defenses asserted in the Complaint against Defendants in this action, and as to each such statement, identify the person making the statement, the person taking the statement, the contents of the statement, all persons in possession of a copy of the statement, and the date on which the statement was made.

INTERROGATORY NO. 4: Identify each person whom you will or may call as a witness at the trial or any other hearing in this action, and provide a brief summary of the topics on which the witness is expected to testify.

INTERROGATORY NO. 5: Identify all documents or other tangible things you intend to introduce into evidence at the trial or any other hearing in this action.

INTERROGATORY NO. 6: Identify any written or oral admissions which you contend any party, or anyone acting on a party's behalf, has made relevant to the issues raised by the claims or defenses asserted against Defendants in the Complaint filed against them in this action, and as to each such admission, identify the person making the admission, the contents of the admission, the person to whom the admission was made, the date on which the admission was made, and any person in possession of a copy of the admission if it is contained within a written document.

INTERROGATORY NO. 7: Explain in detail all facts which support your contention, if any, that you are entitled to a declaratory judgment against Defendants and identify all witnesses and documents that support or relate to this contention.

INTERROGATORY NO. 8: If you contend you have suffered any mental anguish or emotional distress that should be compensated in this lawsuit, explain all such mental anguish or emotional distress in detail including, but not limited to, all symptoms, manifestations, and believed causes thereof, and identify all witnesses and documents referring or relating thereto.

INTERROGATORY NO. 9: Identify, by full name, address and telephone number, all medical personnel, mental health professionals, and/or any other counselor from whom you have sought advice and/or treatment for any emotional distress and/or mental anguish at any time from 1999 to the present, and describe any related diagnoses and/or prognoses.

INTERROGATORY NO. 10: Identify each and every expert witness that you expect to call at the trial of this matter, including

- (a) the speciality, field or expertise of the expert;
- (b) the subject matter on which the expert is expected to testify;
- (c) the substance of the facts to which the expert is expected to testify;
- (d) the substance of the opinion as to which the expert is expected to testify; and
- (e) the grounds and basis for each opinion.

INTERROGATORY NO. 11: If there are any statements, written or verbal, obtained from any person by you or any source, relative to the allegations in the Complaint:

- (a) Identify the person whose statement was taken;
- (b) State the date and place taken;
- (c) Identify the person who either recorded or wrote the statement; and
- (d) Identify the present location of the statement and the custodian of the statement.

INTERROGATORY NO. 12: If you intend to rely on any local, state or federal statutes, ordinances, codes, regulations or guidelines to support any of your allegations charged against Defendants in the Complaint filed against them, then identify each such specific statute, ordinance, code regulation or guideline.

INTERROGATORY NO. 13: Please state your full name, address, date of birth and social security number.

INTERROGATORY NO. 14: Please list and identify any and all evidence or exhibits you may use or introduce at the trial of this matter.

INTERROGATORY NO. 15: Please list every person that you have discussed matters concerning Oliver Diaz with since your appointment to the Mississippi Commission on Judicial Performance providing dates and details of your discussions.

INTERROGATORY NO. 16: Please provide specific reasons for each of your denials in the attached Request for Admissions.

Respectfully submitted,
OLIVER E. DIAZ, JR. AND
JENNIFER DIAZ

BY: 
CHUCK McRAE, MSB #2804


CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.246.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Defendant's First Set of Interrogatories to Plaintiff to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

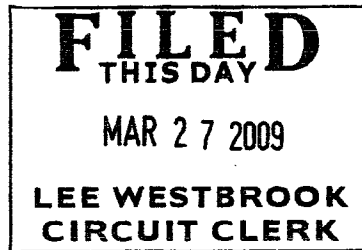
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



NOTICE OF DEPOSITION

To: All counsel of record

PLEASE TAKE NOTICE that Defendant, Oliver E. Diaz, Jr., in the above styled and numbered cause will take the video and/or stenographic deposition upon oral examination of the following:

Leslie Lampton
3965 Stuart Place
Jackson, MS 39211

The deposition of the above named individual will take place on the 23rd day of April, 2009 at 9:00 o'clock a. m. The deposition will take place at the law offices of Chuck McRae, 401 East Capitol Street, Suite 310, Heritage Building, Jackson, Mississippi, before an officer authorized to administer oaths.

Mr. Lampton is directed to bring a copy of any and all documents, as directed in the Subpoena Duces Tecum served together with this Notice of Deposition, in your possession or in the possession of anyone under your authority or control or employment including any agency, bureau or service working in conjunction with you concerning the allegations in the Complaint filed by you. Documents are to include all photographs, video recordings, audio recordings, personal notes or writings and electronic data including e-mails and computer data which may be in the possession of you or your agents, employees or cohorts. These documents are to be produced to Chuck McRae,

Esq., at the above listed address on the 13th day of April, 2009 which is ten days prior to your scheduled deposition in this matter.

The oral examination will continue from day to day until completed.

You are invited to attend, if you so desire, as attorney of record.

Respectfully submitted,
OLIVER E. DIAZ, JR., Defendant

BY: Chuck McRae
CHUCK McRAE, MSB #2804

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Notice of Deposition to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.

Chuck McRae
CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

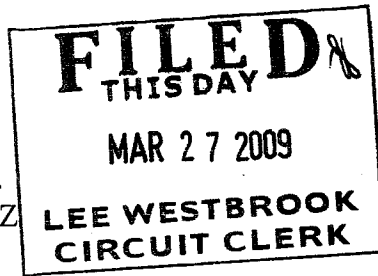
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



REQUEST FOR ADMISSIONS

COMES NOW Defendant, Oliver E. Diaz, Jr., by and through counsel, and files this Request for Admissions as follows:

Request for Admission Number 1: Admit that you obtained and/or possessed income tax records of Defendant for the purpose of inducing malicious prosecution upon he and his wife.

Request for Admission Number 2: Admit that you reside in the First Judicial District of Hinds County, Mississippi.

Request for Admission Number 3: Admit that you have discussed with others the removal of Oliver Diaz from the Mississippi Supreme Court.

Request for Admission Number 4: Admit that you are legally related to Dunnica Lampton.

Request for Admission Number 5: Admit that you wanted Oliver Diaz removed from the Mississippi Supreme Court for personal reasons.

Request for Admission Number 6: Admit that you voted on Oliver Diaz's judicial performance matters.

Request for Admission Number 7: Admit that you would have continued to vote on Oliver Diaz's judicial performance matters before the commission or any matters that may have come before the commission without recusing yourself if you had not been approached about it.

Request for Admission Number 8: Admit that you had discussions with Dunnica Lampton regarding matters before the judicial performance commission as they related to Oliver Diaz.

Request for Admission Number 9: Admit that you had *ex parte* communications with others regarding Oliver Diaz while the subject of a judicial performance complaint against him was pending before the commission.

Request for Admission Number 10: Admit that the Mississippi Code of Judicial Conduct prohibits *ex parte* communications between judges and lawyers on matters pending before them.

Request for Admission Number 11: Admit that you filed this lawsuit improperly in the Circuit Court of Madison County, Mississippi.

Request for Admission Number 12: Admit that you filed this lawsuit only out of fear of what might be uncovered if the records that Defendants requested on February 4, 2009 from the Mississippi Judicial Performance Commission were actually produced.

Request for Admission Number 13: Admit that you played a role in the prosecution of the judicial performance complaint(s) filed against Oliver Diaz.

Request for Admission Number 14: Admit that you have no immunity for the actions you took by making the defendant's private income tax records public.

Request for Admission Number 15: Admit that you conspired with others against Oliver Diaz.

Request for Admission Number 16: Admit that you voted and encouraged others to vote on matters pending at the Mississippi Commission on Judicial Performance against Diaz.

Request for Admission Number 17: Admit that you curried favor with certain judges by participating in the malicious prosecution of Oliver Diaz.

Request for Admissions Number 18: Admit that you procured the banking, business and income tax records of Oliver Diaz.

Request for Admissions Number 19: Admit that it was your intention to destroy the family lives of Oliver and Jennifer Diaz and their two children by using your influence to assist your relative in reaching the outcome he desired through the prosecution of the judicial performance complaint against Oliver Diaz.

Request for Admission Number 20: Admit that you made public the Defendant's private information herein.

Request for Admission Number 21: Admit that you brought false charges against Oliver Diaz by participating in the investigation of him by the commission.

Request for Admission Number 22: Admit that this matter is not filed in the proper jurisdiction.

Request for Admission Number 23: Admit that you released private information of the defendants to members of the Mississippi Supreme Court.

Request for Admission Number 24: Admit that your actions in the prosecution of Defendants included activities in which you were not a state actor.

Request for Admission Number 25: Admit that you communicated with Dunnica Lampton about a judicial performance complaint against Oliver Diaz prior to the filing of a Complaint against Oliver Diaz by Dunnica Lampton.

Request for Admission Number 26: Admit that you communicated with Dunnica Lampton about a judicial performance complaint against Oliver Diaz while the complaint was pending before the Mississippi Commission on Judicial Performance.

Request for Admission Number 27: Admit that you communicated with Dunnica Lampton about a judicial performance complaint against Oliver Diaz after the complaint was dismissed.

Request for Admission Number 28: Admit that you have discussed with persons outside of the Mississippi Commission on Judicial Performance regarding a complaint filed with the commission against Oliver Diaz.

Request for Admission Number 29: Admit that your relative, Dunnica Lampton, provided to the Mississippi Commission on Judicial Performance copies of Oliver Diaz's income tax and personal finance records.

Request for Admission Number 30: Admit that as a member of the Mississippi Commission on Judicial Performance, you had access to Oliver Diaz's income tax and personal finance records?

Request for Admission Number 31: Admit that as a member of the Mississippi Commission on Judicial Performance, you were provided copies of Oliver Diaz's income tax and personal finance records.

Request for Admission Number 32: Admit that you distributed or caused to be distributed to others the income tax and personal finance records of Oliver Diaz.

Request for Admission Number 33: Admit that it is a violation of federal law to unlawfully possess and/or distribute income tax returns without the consent of the tax payer.

Request for Admission Number 34: Admit that it is a violation of federal law to possess and or distribute documents provided as a result of a federal grand jury subpoena.

Request for Admission Number 35: Admit that you have possessed and/or distributed documents produced as a result of a federal grand jury subpoena concerning Oliver Diaz.

Request for Admission Number 36: Admit that you assisted your relative, Dunnica Lampton, in the filing of a Mississippi Judicial Performance Complaint against Oliver Diaz.

Request for Admission Number 37: Admit that you participated in discussions with others about a Mississippi Judicial Performance Complaint filed against Oliver Diaz.

Request for Admission Number 38: Admit that you were informed by Brant Brantley, Director of the Mississippi Commission on Judicial Performance, that you should not participate in Mississippi Commission on Judicial Performance matters filed by your relative.

Request for Admission Number 39: Admit that you did in fact participate in matters pending before the Mississippi Commission on Judicial Performance which were filed by your relative.

Request for Admission Number 40: Admit that you did participate in Mississippi Commission on Judicial Performance meetings concerning Oliver Diaz after you were informed by Brant Brantley that you should not participate in Mississippi Commission on Judicial Performance matters filed by your relative.

Request for Admission Number 41: Admit that you did not recuse from participation in Oliver Diaz's judicial performance matters until you were questioned about it.

Request for Admission Number 42: Admit that you are a member of the Mississippi Chamber of Commerce.

Respectfully submitted,
OLIVER E. DIAZ, JR. AND
JENNIFER DIAZ

BY: 
CHUCK McRAE, MSB #2804


CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy
of the above and foregoing Request for Admissions to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.



CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

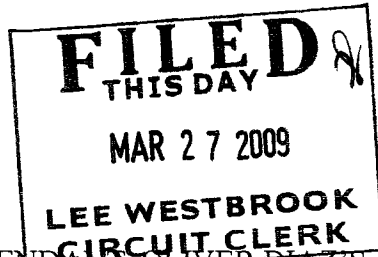
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



DEFENDANT, OLIVER DIAZ'S, FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF

COMES NOW Defendant, by and through counsel, and files this First Request for Production of documents to Plaintiff as follows:

Request for Production Number 1: Please list each witness you intend to call to support the allegations contained in the Complaint and provide for each such witness, their full name, address, and telephone numbers including, but not limited to, their home, office and cellular telephone numbers.

Request for Production Number 2: Please provide in type-written form a brief summary detailing and outlining the testimony you expect from each such witness listed in the response to Request for Production Number 1.

Request for Production Number 3: Please provide a copy of all documents and exhibits you intend to use to support the allegations contained in each paragraph of the Complaint filed herein.

Request for Production Number 4: Please provide copies of all investigative notes, memoranda, interviews or recordings, both audio and video, compiled to support the allegations contained in the Complaint.

Request for Production No. 5: Produce all documents referenced in, identified by, or relied upon in preparing your Complaint, initial disclosures and/or your responses to the Interrogatories propounded by Defendant, Oliver Diaz.

Request for Production No. 6: Produce all documents that relate to your claim for costs and fees associated with filing the Complaint in this action.

Request for Production No. 7: Produce any statement of loss, proof of loss, or other list of damages you allege to have suffered as a result of this action.

Request for Production No. 8: Produce all documents that you have provided to any expert in connection with any opinion or report developed in connection with this lawsuit.

Request for Production No. 9: Produce all documents containing any opinion or report developed by any expert in connection with this lawsuit.

Request for Production No. 10: Produce all diaries, calendars, notes, emails, or other documents kept by you to record any facts or events at issue in this action.

Request for Production No. 11: Produce all documents, tangible materials, or demonstrative evidence which you intend to introduce and/or use as evidence at the trial of any other hearing in this action.

Request for Production No. 12: Produce all documents containing any admission you contend any party, or anyone acting on a party's behalf, has made relevant to the issues raised by the claims you asserted in this action.

Respectfully submitted,
OLIVER E. DIAZ, JR., Defendant

BY: 
CHUCK McRAE, MSB #2804

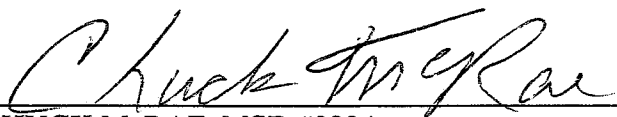
CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Defendant, Oliver Diaz's, First Request for Production of Documents to Plaintiff to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.



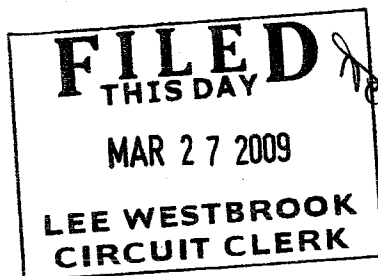
CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.



CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

MOTION TO CHANGE VENUE OR,
IN THE ALTERNATIVE, TO STAY THE PROCEEDINGS
TO ALLOW THE PARTIES TO CONDUCT DISCOVERY

COMES NOW Defendant, Oliver E. Diaz, Jr., by and through counsel, and files this Motion to Change Venue or, in the Alternative, to Stay the Proceedings to Allow the Parties to Conduct Discovery and would show unto the Court the following:

That the Complaint filed herein against Defendant is incorrectly before this Court as the actions alleged in the Complaint accrued in the First Judicial District of Hinds County, Mississippi. Further, necessary parties and witnesses to this cause of action are all situated in the First Judicial District of Hinds County, Mississippi. The actions of the Plaintiff that form the basis of these proceedings concern his duties, and breach thereof, as a member of the Mississippi Commission on Judicial Performance as well as his tortious conduct concerning the constitutional rights of defendant and plaintiff's tortious interference with defendant's employment of which all events occurred in the First Judicial District of Hinds County, Mississippi. The offices and all of the personnel of the Mississippi Commission on Judicial Performance are all located in the First Judicial District of Hinds County, Mississippi. Further, the claims that form the basis of this cause of action are that the United States Attorney for the Southern District of Mississippi, Dunnica Lampton, a relative of the Plaintiff, illegally and without authority of law distributed to the Plaintiff, and others, the private

and protected tax returns and other personal information of the Defendant, all in direct violation of federal and state statutes. The office of the United States Attorney, and its personnel who are witnesses to this action, are located in the First Judicial District of Hinds County, Mississippi. All of the actions of the United States Attorney and his personnel took place in the First judicial District of Hinds County, Mississippi. Finally, this cause of action deals with acts and procedures of the Mississippi Commission on Judicial Performance and its members and employees. All causes of action regarding state agencies such as the Mississippi Commission on Judicial Performance are properly heard in the First Judicial District of Hinds County, Mississippi.

If this matter is not transferred to the First Judicial District of Hinds County, Mississippi, then the Defendant would request that this matter be held in abeyance until the parties have had an opportunity to conduct discovery. This court is unable to rule on the allegations of the Complaint until discovery is conducted. The allegations in the Complaint are fact based and can't be decided until the completion of discovery.

Should the court deny these motions, then this defendant would request an additional twenty days from any order entered on this motion in which to file an answer to the Complaint.

Respectfully submitted,
OLIVER E. DIAZ, JR. Defendant

BY: 
CHUCK McRAE, MSB #2804

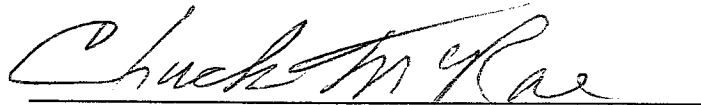
CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Motion to Change Venue Or, in the Alternative, to Stay the Proceedings to Allow the Parties to Conduct Discovery to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.


CHUCK McRAE, MSB #2804

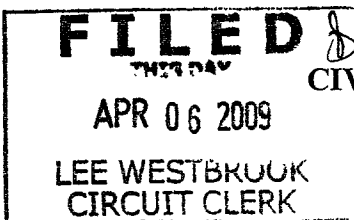
IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ



CIVIL ACTION NO. CI 2009-0030-R

DEFENDANTS

MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENA

Plaintiff Leslie B. Lampton ("Lampton") files this motion seeking a protective order pursuant to MRCP 26(d) from written discovery and an order quashing the subpoena duces tecum and notice of deposition served by Defendant, Oliver E. Diaz, Jr. ("Defendant") and in support of same would respectfully show unto the Court the following:

PROTECTIVE ORDER

1.

Defendant Diaz has served the following items on Plaintiff: (1) First Set of Interrogatories; (2) Notice of Deposition; (3) Subpoena Duces Tecum; (4) Requests for Admissions; and (5) Requests for Production of Documents, all of which are attached hereto as collective Exhibit "A". This discovery has been served for two impermissible reasons. First, Defendant is conducting a "conspiracy theory" fishing expedition in an effort to obtain information for a possible counterclaim. This is not a proper basis for discovery. See *Poindexter v. Southern United Fire Ins. Co.*, 880 So.2d 373, 377 (Miss.Ct.App. 2004) ("[Plaintiff] had an obligation to provide specific facts, which indicated that his claim was viable, rather than depending upon a fishing expedition, in hopes of establishing a claim."). See also *Harold's Auto*

Parts, Inc. v. Mangialardi, 889 So.2d 493, 494 (Miss. 2004) (“Complaints should not be filed in matters where plaintiffs intend to find out in discovery whether or not, and against whom, they have a cause of action.”).

2.

Second, the discovery is being submitted to annoy and harass Plaintiff. A brief perusal of the discovery submitted reveals a wild goose chase based on unfounded allegations and personal attacks. See, e.g., Ex. “A”, Requests for Admissions Nos. 5, 12, and 15 (“Admit that you wanted Oliver Diaz removed from the Mississippi Supreme Court for personal reasons.”) (“Admit that you filed this lawsuit only out of fear of what might be uncovered if the records Defendants requested on February 4, 2009 from the Mississippi Judicial Performance Commission were actually produced.”) (“Admit that you conspired with others against Oliver Diaz.”). These requests obviously were submitted for purposes of annoyance and harassment—not for legitimately narrowing issues for trial. See *Haley v. Harbin*, 933 So.2d 261, 262-63 (Miss. 2005) (“The purpose of requests for admissions is to narrow and define issues for trial....Requests for admissions should not be of such great number and broad scope as to cover all the issues [even] of a complex case, and [o]bviously ... should not be sought in an attempt to harass an opposing party.”)(internal citations and quotations omitted).¹

3.

Plaintiff, who is 83 years of age, should not bear the burden and/or expense of answering these ridiculous requests...or sitting for a deposition wherein defense counsel intends only to badger him about such nonsense. See MRCP 26(d) (“The Court...may make any order which

¹ Plaintiff would note, too, that the Interrogatories and Requests for Production appear to have been similarly sent for purposes of annoyance and harassment as many are “form” questions which have no applicability to this case. See, e.g., Int. Nos. 8 and 9 (inquiring about “mental anguish or emotional distress”) and Req. for Pro. No. 7 (asking for a “statement of loss, proof of loss, or other list of damages”).

justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense....”). The Court should accordingly enter a protective order and quash the subpoena duces tecum served on Plaintiff.²

4.

Finally, even if the Court were to find the discovery submitted otherwise proper, it is premature. Defendant has filed a *Motion to Change Venue or, in the Alternative, to Stay the Proceedings to Allow the Parties to Conduct Discovery* to which Plaintiff has this day responded. Until the Court has ruled on both the venue issue and whether or not to even permit discovery, defendant’s discovery, at the very least, should be held in abeyance.

WHEREFORE, Plaintiff Leslie B. Lampton respectfully requests that this Court enter a protective order as to the written discovery submitted by Defendant Oliver E. Diaz, Jr. finding no requirement on the part of Plaintiff to respond to either the Interrogatories, Requests for Production, or Requests for Admissions as propounded (or, alternatively, at this time) and further requests that the Court enter an order quashing the subpoena duces tecum and notice of deposition as served.

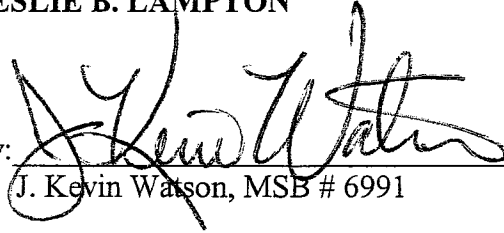
THIS, the 2nd day of April, 2009.

² The subpoena duces tecum is in essence a combination of the notice of deposition and requests for production of documents served by Defendant (apparently wanting to circumvent the 30 days plaintiff normally would have to respond to such). The subpoena is vague, overly broad and somewhat nonsensical in that it requests “[a]ll documents in your possession or in the possession of anyone under your authority or control or employment including any agency, bureau or service working in conjunction with you concerning the allegations in the Complaint filed by you.” See Ex. “A”. It should be quashed for this additional reason.

Respectfully submitted,

LESLIE B. LAMPTON

By:



J. Kevin Watson, MSB # 6991

OF COUNSEL:

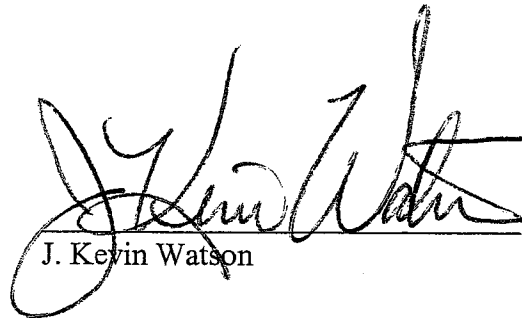
J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

CERTIFICATE OF SERVICE

I, J. Kevin Watson, do hereby certify that I have this day served a true and correct copy of the above document via United States Mail, first class postage pre-paid, to the following counsel of record:

Chuck R. McRae, Esq.
P.O. Box 565
Ridgeland, MS 39158

This the 2nd day of April, 2009.



J. Kevin Watson

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

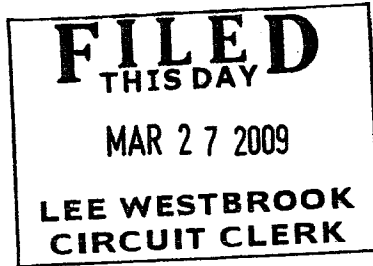
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



NOTICE OF SERVICE

NOTICE IS HEREBY given that Defendant, Oliver E. Diaz, Jr., by and through counsel, has this date served counsel opposite in the above styled cause with a copy of each of the following:

1. Defendant's First Set of Interrogatories to Plaintiff;
2. Notice of Deposition of Plaintiff;
3. Subpoena Duces Tecum for Plaintiff;
4. Request for Admissions;
5. Defendant, Oliver Diaz's, First Request for Production of Documents to Plaintiff.

The originals of the above listed documents are being filed this date with the Madison County Circuit Clerk.

THIS 27th day of March, 2009.

CHUCK McRAE, MSB #2804


CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy
of the above and foregoing Notice of Service to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI

MADISON COUNTY

TO: ANY LAWFUL OFFICER OR OTHER PERSON AUTHORIZED TO SERVE
SUBPOENAS:

Pursuant to the applicable provisions of the Rules of Procedure for this court, we command
you to summon:

Leslie Lampton
3965 Stuart Place
Jackson, MS 39211

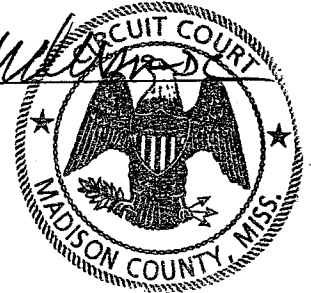
commanding him to be and appear at the Law Offices of Chuck McRae, 401 East Capitol
Street, Suite 310, Heritage Building, on the 23rd day of April, 2009 at 9:00 o'clock a. m., and to bring
the following pursuant to this subpoena duces tecum:

Provide a copy of any and all documents in your possession or in the possession of anyone
under your authority or control or employment including any agency, bureau or service working in
conjunction with you concerning the allegations in the Complaint filed by you. Documents are to
include all photographs, video recordings, audio recordings, personal notes or writings and electronic
data including e-mails and computer data which may be in the possession of you or your agents,
employees or cohorts. These documents are to be produced to Chuck McRae, Esq., at the above

listed address on the 13th day of April, 2009, which is ten days prior to your scheduled deposition in this matter.

LEE WESTBROOK,
MADISON COUNTY CIRCUIT CLERK

BY: Monica Henderson
DEPUTY CLERK



CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Subpoena Duces Tecum to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.

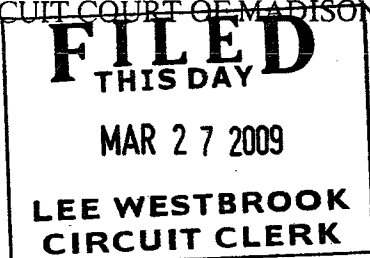
Chuck McRae
CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

VS.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ



PLAINTIFF

CIVIL ACTION NO. CI 2009-0030-R

DEFENDANTS

DEFENDANT, OLIVER DIAZ'S, FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF

COMES NOW Defendant, by and through counsel, and files this First Request for Production of documents to Plaintiff as follows:

Request for Production Number 1: Please list each witness you intend to call to support the allegations contained in the Complaint and provide for each such witness, their full name, address, and telephone numbers including, but not limited to, their home, office and cellular telephone numbers.

Request for Production Number 2: Please provide in type-written form a brief summary detailing and outlining the testimony you expect from each such witness listed in the response to Request for Production Number 1.

Request for Production Number 3: Please provide a copy of all documents and exhibits you intend to use to support the allegations contained in each paragraph of the Complaint filed herein.

Request for Production Number 4: Please provide copies of all investigative notes, memoranda, interviews or recordings, both audio and video, compiled to support the allegations contained in the Complaint.

Request for Production No. 5: Produce all documents referenced in, identified by, or relied upon in preparing your Complaint, initial disclosures and/or your responses to the Interrogatories propounded by Defendant, Oliver Diaz.

Request for Production No. 6: Produce all documents that relate to your claim for costs and fees associated with filing the Complaint in this action.

Request for Production No. 7: Produce any statement of loss, proof of loss, or other list of damages you allege to have suffered as a result of this action.

Request for Production No. 8: Produce all documents that you have provided to any expert in connection with any opinion or report developed in connection with this lawsuit.

Request for Production No. 9: Produce all documents containing any opinion or report developed by any expert in connection with this lawsuit.

Request for Production No. 10: Produce all diaries, calendars, notes, emails, or other documents kept by you to record any facts or events at issue in this action.

Request for Production No. 11: Produce all documents, tangible materials, or demonstrative evidence which you intend to introduce and/or use as evidence at the trial of any other hearing in this action.

Request for Production No. 12: Produce all documents containing any admission you contend any party, or anyone acting on a party's behalf, has made relevant to the issues raised by the claims you asserted in this action.

Respectfully submitted,
OLIVER E. DIAZ, JR., Defendant

BY: 
CHUCK McRAE, MSB #2804


CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Defendant, Oliver Diaz's, First Request for Production of Documents to Plaintiff to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.



CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

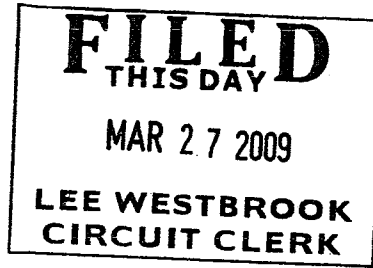
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

COMES NOW Defendant, Oliver E. Diaz, Jr., by and through counsel, and files this First Set of Interrogatories to Plaintiff as follows:

INTERROGATORY NO. 1: Identify by full name, address and telephone number, all persons you believe may have knowledge of any discoverable matter falling within the scope of the Mississippi Rules of Civil Procedure that are relevant to the issues raised by the claims or defenses asserted in the Complaint filed in this action against Defendants.

INTERROGATORY NO. 2: Identify all documents and/or tangible items you believe may be or contain discoverable matter within the scope of the Mississippi Rules of Civil Procedure that are relevant to the issues raised by the claims or defenses asserted in the Complaint filed against Defendants in this action.

INTERROGATORY NO. 3: Identify any written or recorded statements of which you are aware including, but not limited to, declarations, witness statements, affidavits, depositions, or interviews that refer to, relate to or have as part of their subject matter any event relevant to the issues raised by the claims or defenses asserted in the Complaint against Defendants in this action, and as to each such statement, identify the person making the statement, the person taking the statement, the contents of the statement, all persons in possession of a copy of the statement, and the date on which the statement was made.

INTERROGATORY NO. 4: Identify each person whom you will or may call as a witness at the trial or any other hearing in this action, and provide a brief summary of the topics on which the witness is expected to testify.

INTERROGATORY NO. 5: Identify all documents or other tangible things you intend to introduce into evidence at the trial or any other hearing in this action.

INTERROGATORY NO. 6: Identify any written or oral admissions which you contend any party, or anyone acting on a party's behalf, has made relevant to the issues raised by the claims or defenses asserted against Defendants in the Complaint filed against them in this action, and as to each such admission, identify the person making the admission, the contents of the admission, the person to whom the admission was made, the date on which the admission was made, and any person in possession of a copy of the admission if it is contained within a written document.

INTERROGATORY NO. 7: Explain in detail all facts which support your contention, if any, that you are entitled to a declaratory judgment against Defendants and identify all witnesses and documents that support or relate to this contention.

INTERROGATORY NO. 8: If you contend you have suffered any mental anguish or emotional distress that should be compensated in this lawsuit, explain all such mental anguish or emotional distress in detail including, but not limited to, all symptoms, manifestations, and believed causes thereof, and identify all witnesses and documents referring or relating thereto.

INTERROGATORY NO. 9: Identify, by full name, address and telephone number, all medical personnel, mental health professionals, and/or any other counselor from whom you have sought advice and/or treatment for any emotional distress and/or mental anguish at any time from 1999 to the present, and describe any related diagnoses and/or prognoses.

INTERROGATORY NO. 10: Identify each and every expert witness that you expect to call at the trial of this matter, including

- (a) the speciality, field or expertise of the expert;
- (b) the subject matter on which the expert is expected to testify;
- (c) the substance of the facts to which the expert is expected to testify;
- (d) the substance of the opinion as to which the expert is expected to testify; and
- (e) the grounds and basis for each opinion.

INTERROGATORY NO. 11: If there are any statements, written or verbal, obtained from any person by you or any source, relative to the allegations in the Complaint:

- (a) Identify the person whose statement was taken;
- (b) State the date and place taken;
- (c) Identify the person who either recorded or wrote the statement; and
- (d) Identify the present location of the statement and the custodian of the statement.

INTERROGATORY NO. 12: If you intend to rely on any local, state or federal statutes, ordinances, codes, regulations or guidelines to support any of your allegations charged against Defendants in the Complaint filed against them, then identify each such specific statute, ordinance, code regulation or guideline.

INTERROGATORY NO. 13: Please state your full name, address, date of birth and social security number.

INTERROGATORY NO. 14: Please list and identify any and all evidence or exhibits you may use or introduce at the trial of this matter.

INTERROGATORY NO. 15: Please list every person that you have discussed matters concerning Oliver Diaz with since your appointment to the Mississippi Commission on Judicial Performance providing dates and details of your discussions.

INTERROGATORY NO. 16: Please provide specific reasons for each of your denials in the attached Request for Admissions.

Respectfully submitted,
OLIVER E. DIAZ, JR. AND
JENNIFER DIAZ

BY: 
CHUCK McRAE, MSB #2804

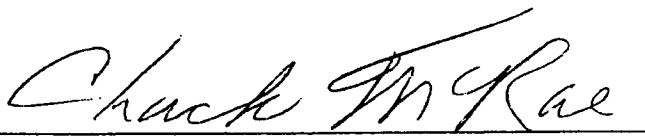
CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.246.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Defendant's First Set of Interrogatories to Plaintiff to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

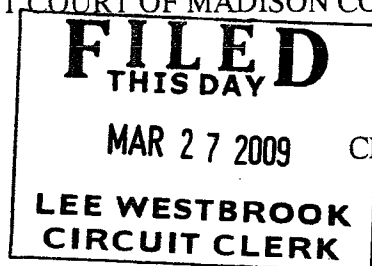
PLAINTIFF

VS.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

CIVIL ACTION NO. CI 2009-0030-R

DEFENDANTS



NOTICE OF DEPOSITION

To: All counsel of record

PLEASE TAKE NOTICE that Defendant, Oliver E. Diaz, Jr., in the above styled and numbered cause will take the video and/or stenographic deposition upon oral examination of the following:

Leslie Lampton
3965 Stuart Place
Jackson, MS 39211

The deposition of the above named individual will take place on the 23rd day of April, 2009 at 9:00 o'clock a. m. The deposition will take place at the law offices of Chuck McRae, 401 East Capitol Street, Suite 310, Heritage Building, Jackson, Mississippi, before an officer authorized to administer oaths.

Mr. Lampton is directed to bring a copy of any and all documents, as directed in the Subpoena Duces Tecum served together with this Notice of Deposition, in your possession or in the possession of anyone under your authority or control or employment including any agency, bureau or service working in conjunction with you concerning the allegations in the Complaint filed by you. Documents are to include all photographs, video recordings, audio recordings, personal notes or writings and electronic data including e-mails and computer data which may be in the possession of you or your agents, employees or cohorts. These documents are to be produced to Chuck McRae,

Esq., at the above listed address on the 13th day of April, 2009 which is ten days prior to your scheduled deposition in this matter.

The oral examination will continue from day to day until completed.

You are invited to attend, if you so desire, as attorney of record.

Respectfully submitted,
OLIVER E. DIAZ, JR., Defendant

BY: Chuck McRae
CHUCK McRAE, MSB #2804

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Notice of Deposition to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.

Chuck McRae
CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

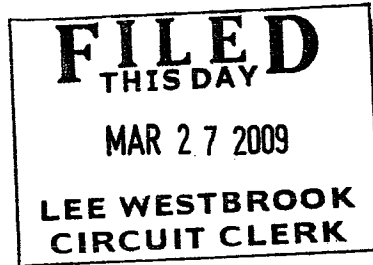
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



REQUEST FOR ADMISSIONS

COMES NOW Defendant, Oliver E. Diaz, Jr., by and through counsel, and files this Request for Admissions as follows:

Request for Admission Number 1: Admit that you obtained and/or possessed income tax records of Defendant for the purpose of inducing malicious prosecution upon he and his wife.

Request for Admission Number 2: Admit that you reside in the First Judicial District of Hinds County, Mississippi.

Request for Admission Number 3: Admit that you have discussed with others the removal of Oliver Diaz from the Mississippi Supreme Court.

Request for Admission Number 4: Admit that you are legally related to Dunnica Lampton.

Request for Admission Number 5: Admit that you wanted Oliver Diaz removed from the Mississippi Supreme Court for personal reasons.

Request for Admission Number 6: Admit that you voted on Oliver Diaz's judicial performance matters.

Request for Admission Number 7: Admit that you would have continued to vote on Oliver Diaz's judicial performance matters before the commission or any matters that may have come before the commission without recusing yourself if you had not been approached about it.

Request for Admission Number 8: Admit that you had discussions with Dunnica Lampton regarding matters before the judicial performance commission as they related to Oliver Diaz.

Request for Admission Number 9: Admit that you had *ex parte* communications with others regarding Oliver Diaz while the subject of a judicial performance complaint against him was pending before the commission.

Request for Admission Number 10: Admit that the Mississippi Code of Judicial Conduct prohibits *ex parte* communications between judges and lawyers on matters pending before them.

Request for Admission Number 11: Admit that you filed this lawsuit improperly in the Circuit Court of Madison County, Mississippi.

Request for Admission Number 12: Admit that you filed this lawsuit only out of fear of what might be uncovered if the records that Defendants requested on February 4, 2009 from the Mississippi Judicial Performance Commission were actually produced.

Request for Admission Number 13: Admit that you played a role in the prosecution of the judicial performance complaint(s) filed against Oliver Diaz.

Request for Admission Number 14: Admit that you have no immunity for the actions you took by making the defendant's private income tax records public.

Request for Admission Number 15: Admit that you conspired with others against Oliver Diaz.

Request for Admission Number 16: Admit that you voted and encouraged others to vote on matters pending at the Mississippi Commission on Judicial Performance against Diaz.

Request for Admission Number 17: Admit that you curried favor with certain judges by participating in the malicious prosecution of Oliver Diaz.

Request for Admissions Number 18: Admit that you procured the banking, business and income tax records of Oliver Diaz.

Request for Admissions Number 19: Admit that it was your intention to destroy the family lives of Oliver and Jennifer Diaz and their two children by using your influence to assist your relative in reaching the outcome he desired through the prosecution of the judicial performance complaint against Oliver Diaz.

Request for Admission Number 20: Admit that you made public the Defendant's private information herein.

Request for Admission Number 21: Admit that you brought false charges against Oliver Diaz by participating in the investigation of him by the commission.

Request for Admission Number 22: Admit that this matter is not filed in the proper jurisdiction.

Request for Admission Number 23: Admit that you released private information of the defendants to members of the Mississippi Supreme Court.

Request for Admission Number 24: Admit that your actions in the prosecution of Defendants included activities in which you were not a state actor.

Request for Admission Number 25: Admit that you communicated with Dunnica Lampton about a judicial performance complaint against Oliver Diaz prior to the filing of a Complaint against Oliver Diaz by Dunnica Lampton.

Request for Admission Number 26: Admit that you communicated with Dunnica Lampton about a judicial performance complaint against Oliver Diaz while the complaint was pending before the Mississippi Commission on Judicial Performance.

Request for Admission Number 27: Admit that you communicated with Dunnica Lampton about a judicial performance complaint against Oliver Diaz after the complaint was dismissed.

Request for Admission Number 28: Admit that you have discussed with persons outside of the Mississippi Commission on Judicial Performance regarding a complaint filed with the commission against Oliver Diaz.

Request for Admission Number 29: Admit that your relative, Dunnica Lampton, provided to the Mississippi Commission on Judicial Performance copies of Oliver Diaz's income tax and personal finance records.

Request for Admission Number 30: Admit that as a member of the Mississippi Commission on Judicial Performance, you had access to Oliver Diaz's income tax and personal finance records?

Request for Admission Number 31: Admit that as a member of the Mississippi Commission on Judicial Performance, you were provided copies of Oliver Diaz's income tax and personal finance records.

Request for Admission Number 32: Admit that you distributed or caused to be distributed to others the income tax and personal finance records of Oliver Diaz.

Request for Admission Number 33: Admit that it is a violation of federal law to unlawfully possess and/or distribute income tax returns without the consent of the tax payer.

Request for Admission Number 34: Admit that it is a violation of federal law to possess and or distribute documents provided as a result of a federal grand jury subpoena.

Request for Admission Number 35: Admit that you have possessed and/or distributed documents produced as a result of a federal grand jury subpoena concerning Oliver Diaz.

Request for Admission Number 36: Admit that you assisted your relative, Dunnica Lampton, in the filing of a Mississippi Judicial Performance Complaint against Oliver Diaz.

Request for Admission Number 37: Admit that you participated in discussions with others about a Mississippi Judicial Performance Complaint filed against Oliver Diaz.

Request for Admission Number 38: Admit that you were informed by Brant Brantley, Director of the Mississippi Commission on Judicial Performance, that you should not participate in Mississippi Commission on Judicial Performance matters filed by your relative.

Request for Admission Number 39: Admit that you did in fact participate in matters pending before the Mississippi Commission on Judicial Performance which were filed by your relative.

Request for Admission Number 40: Admit that you did participate in Mississippi Commission on Judicial Performance meetings concerning Oliver Diaz after you were informed by Brant Brantley that you should not participate in Mississippi Commission on Judicial Performance matters filed by your relative.

Request for Admission Number 41: Admit that you did not recuse from participation in Oliver Diaz's judicial performance matters until you were questioned about it.

Request for Admission Number 42: Admit that you are a member of the Mississippi Chamber of Commerce.

Respectfully submitted,
OLIVER E. DIAZ, JR. AND
JENNIFER DIAZ

BY: 
CHUCK McRAE, MSB #2804

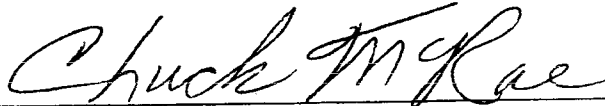
CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy
of the above and foregoing Request for Admissions to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.



CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

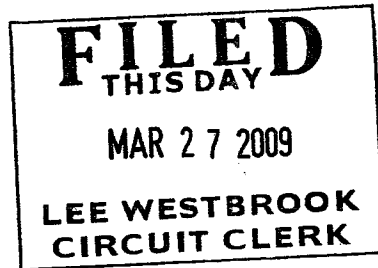
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



MOTION TO CHANGE VENUE OR,
IN THE ALTERNATIVE, TO STAY THE PROCEEDINGS
TO ALLOW THE PARTIES TO CONDUCT DISCOVERY

COMES NOW Defendant, Oliver E. Diaz, Jr., by and through counsel, and files this Motion to Change Venue or, in the Alternative, to Stay the Proceedings to Allow the Parties to Conduct Discovery and would show unto the Court the following:

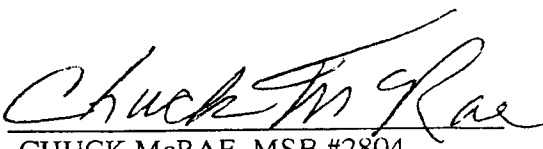
That the Complaint filed herein against Defendant is incorrectly before this Court as the actions alleged in the Complaint accrued in the First Judicial District of Hinds County, Mississippi. Further, necessary parties and witnesses to this cause of action are all situated in the First Judicial District of Hinds County, Mississippi. The actions of the Plaintiff that form the basis of these proceedings concern his duties, and breach thereof, as a member of the Mississippi Commission on Judicial Performance as well as his tortious conduct concerning the constitutional rights of defendant and plaintiff's tortious interference with defendant's employment of which all events occurred in the First Judicial District of Hinds County, Mississippi. The offices and all of the personnel of the Mississippi Commission on Judicial Performance are all located in the First Judicial District of Hinds County, Mississippi. Further, the claims that form the basis of this cause of action are that the United States Attorney for the Southern District of Mississippi, Dunnica Lampton, a relative of the Plaintiff, illegally and without authority of law distributed to the Plaintiff, and others, the private

and protected tax returns and other personal information of the Defendant, all in direct violation of federal and state statutes. The office of the United States Attorney, and its personnel who are witnesses to this action, are located in the First Judicial District of Hinds County, Mississippi. All of the actions of the United States Attorney and his personnel took place in the First judicial District of Hinds County, Mississippi. Finally, this cause of action deals with acts and procedures of the Mississippi Commission on Judicial Performance and its members and employees. All causes of action regarding state agencies such as the Mississippi Commission on Judicial Performance are properly heard in the First Judicial District of Hinds County, Mississippi.

If this matter is not transferred to the First Judicial District of Hinds County, Mississippi, then the Defendant would request that this matter be held in abeyance until the parties have had an opportunity to conduct discovery. This court is unable to rule on the allegations of the Complaint until discovery is conducted. The allegations in the Complaint are fact based and can't be decided until the completion of discovery.

Should the court deny these motions, then this defendant would request an additional twenty days from any order entered on this motion in which to file an answer to the Complaint.

Respectfully submitted,
OLIVER E. DIAZ, JR. Defendant

BY: 
CHUCK McRAE, MSB #2804


CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Motion to Change Venue Or, in the Alternative, to Stay the Proceedings to Allow the Parties to Conduct Discovery to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.



CHUCK McRAE, MSB #2804

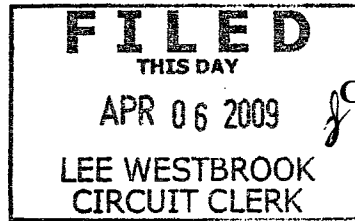
IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ



CIVIL ACTION NO. CI 2009-0030-R

DEFENDANTS

RESPONSE TO DEFENDANT'S MOTION TO CHANGE VENUE OR, IN THE
ALTERNATIVE, TO STAY THE PROCEEDINGS TO ALLOW THE PARTIES TO
CONDUCT DISCOVERY

Plaintiff Leslie B. Lampton ("Lampton") files this response to the Motion to Change Venue or, in the alternative, to stay the proceedings to allow the parties to conduct discovery filed by Defendant, Oliver E. Diaz, Jr. ("Defendant" or "Diaz") and would respectfully show unto the Court the following:

DEFENDANT'S MOTION TO CHANGE VENUE

1.

Defendant asks this Court to transfer this matter to Hinds County and states that "the Complaint filed herein against Defendant is incorrectly before this Court as the actions alleged in the Complaint accrued in the First Judicial District of Hinds County, Mississippi." Def. Motion, p. 1. This statement totally ignores the applicable venue statute which states in relevant part:

(1) (a)(i) Civil actions of which the circuit court has original jurisdiction shall be commenced in the county **where the defendant resides**, or, if a corporation, in the county of its principal place of business, or in the county where a substantial alleged act or omission occurred or where a substantial event that caused the injury occurred [emphasis added].

Miss. Code Ann. § 11-11-3

2.

Plaintiff alleges in his Complaint that both Defendant Diaz and his wife Jennifer are adult resident citizens of Flora, Madison County, Mississippi. Defendant does not dispute this fact in his motion. As such, Madison County is a proper venue. Whether Hinds County might also qualify as a proper venue is irrelevant, as “[p]ursuant to statute, a plaintiff selects among permissible venues, and...the plaintiff's choice must be sustained unless, upon judicial scrutiny, it is determined that there is no factual basis for the claim of venue.” *Austin v. Wells*, 919 So.2d 961, 964 (Miss. 2006) (citing *Flight Line, Inc. v. Tanksley*, 608 So.2d 1149, 1155 (Miss.1992).

3.

As the Court in *Wells* noted, the only exception to this rule is that a court may transfer a matter otherwise properly venued on the basis of forum non-conveniens pursuant to Rule 82(e) of the Mississippi Rules of Civil Procedure. *Id.* at 964, n.5.¹ This rule provides:

(e) Forum Non-conveniens. With respect to actions filed in an appropriate venue where venue is not otherwise designated or limited by statute, the court may, for the convenience of the parties and witnesses or in the interest of justice, transfer any action or any claim in any civil action to any court in which the action might have been properly filed and the case shall proceed as though originally filed therein.

4.

Although there have been no cases discussing the application of Rule 82(e) since its effective date of February 20, 2004, the *Wells* court noted that “the Comment under Rule 82

¹ Defendant Diaz does not specifically reference Rule 82(e) or otherwise argue its applicability in his motion. He does, however, argue for transfer based upon the fact that “[t]he office of the United States Attorney, and it’s [sic] personnel who are witnesses to this action, are located in the First Judicial District of Hinds County, Mississippi.” Def. Motion, p. 2. Plaintiff will assume for the sake of argument that this constitutes a request to transfer “for the convenience of the parties and witnesses” under that rule and address such.

discusses in detail the addition and effect of Rule 82(e)” *Id.* at 964, n.5. The Comment to Rule 82 states in pertinent part regarding subsection (e):

The rule recognizes that venue is essentially a legislative matter. However, where there are multiple venues which are all allowable under the statutes, and there are circumstances under which the inconvenience or disadvantage to one or more parties is substantial and a transfer to another county will not work a substantial hardship on the plaintiff, the court will now transfer the case or claim to the more convenient county. The doctrine is one of reason and common sense to be applied to avoid significant geographical disadvantage.... [T]he costs of travel, housing, the proximity of parties, witnesses, and non-trial staff and records remain factors for consideration in determining whether the burdens imposed by the plaintiff’s choice of venue justify transfer.

5.

Likewise, the forum non conveniens statute, which is codified as Miss. Code Ann. § 11-11-3(4)(a) provides:

If a court of this state, on written motion of a party, finds that in the interest of justice and for the convenience of the parties and witnesses a claim or action would be more properly heard in a forum outside this state or in a different county of proper venue within this state, the court shall decline to adjudicate the matter under the doctrine of forum non conveniens. As to a claim or action that would be more properly heard in a forum outside this state, the court shall dismiss the claim or action. As to a claim or action that would be more properly heard in a different county of proper venue within this state, the venue shall be transferred to the appropriate county. **In determining whether to grant a motion to dismiss an action or to transfer venue under the doctrine of forum non conveniens, the court shall give consideration to the following factors:**

- (i) Relative ease of access to sources of proof;**
- (ii) Availability and cost of compulsory process for attendance of unwilling witnesses;**
- (iii) Possibility of viewing of the premises, if viewing would be appropriate to the action;**
- (iv) Unnecessary expense or trouble to the defendant not necessary to the plaintiff’s own right to pursue his remedy;**

- (v) Administrative difficulties for the forum courts;**
- (vi) Existence of local interests in deciding the case at home;**
- and**
- (vii) The traditional deference given to a plaintiff's choice of forum.**

[emphasis added]

6.

Defendant Diaz has alleged no substantial inconvenience or disadvantage which he or any potential witnesses in this action might experience by litigating in Madison County as opposed to neighboring Hinds County. Any witnesses to be called by either side likely live in the tri-county (Jackson metropolitan) area. Any increased costs of travel would be negligible, and the proximity to Canton versus Jackson some 25 miles away can hardly be considered the type of "significant geographical disadvantage" necessary to warrant the disregard for plaintiff's choice of forum here.

7.

Likewise, applying the factors of § 11-11-3(4), all of them are either neutral, given the close proximity of Madison and Hinds County, or weigh in favor of Plaintiff's choice of Madison County (See, e.g., "The traditional deference given to a plaintiff's choice of forum"). Defendant has provided no legitimate basis for transfer of venue.²

² Defendant also asserts without citation to any authority that "[a]ll causes of action regarding state agencies such as the Mississippi Commission on Judicial Performance are properly heard in the First Judicial District of Hinds County, Mississippi." Def. Motion, p. 2. Plaintiff's research reveals no basis in law whatsoever for this statement. Moreover, the Mississippi Commission on Judicial Performance is not even a party to this action, and the assertion that any cause of action "regarding" any such agency must necessarily be filed in Hinds County is quite frankly ludicrous.

REQUEST FOR STAY TO CONDUCT DISCOVERY

8.

Defendant Diaz in the alternative seeks a stay or abatement of the proceedings in order to conduct discovery claiming that “[t]his court is unable to rule on the allegations of the Complaint until discovery is conducted.” Def. Motion, p.2.³ In actuality, Defendant simply wants an opportunity to conduct a “fishing expedition” in hopes of drumming up something to support a counterclaim against Plaintiff. This is not a proper basis for discovery. See *Poindexter v. Southern United Fire Ins. Co.*, 880 So.2d 373, 377 (Miss.Ct.App. 2004) (“[Plaintiff] had an obligation to provide specific facts, which indicated that his claim was viable, rather than depending upon a fishing expedition, in hopes of establishing a claim.”). See also *Harold's Auto Parts, Inc. v. Mangialardi*, 889 So.2d 493, 494 (Miss. 2004) (“Complaints should not be filed in matters where plaintiffs intend to find out in discovery whether or not, and against whom, they have a cause of action.”).

9.

Moreover, no discovery is necessary. The facts pertinent to this declaratory judgment are straightforward. As set forth in the Complaint, Plaintiff Lampton from June 15, 2001 through May 1, 2008 was a member of the Mississippi Commission on Judicial Performance (“the Commission”). As part of his duties with the Commission, Lampton participated in the investigation of Oliver Diaz--then a justice with the Mississippi Supreme Court. He simply seeks a declaratory judgment that he is immune from suit based upon his actions taken as a

³ Plaintiff is somewhat confused as to how the Court would “stay proceedings to allow the parties to conduct discovery”. It would seem that this motion would have been more properly urged (if at all) as a Rule 56(f) motion for additional time to conduct discovery after Plaintiff filed either a Rule 12(c) Motion for Judgment on the Pleadings or Rule 56 Motion for Summary Judgment. See, e.g. *Johnston v. Palmer*, 963 So.2d 586, 595-96

member of that Commission during that investigation pursuant to *Miss. Code Ann.* § 9-19-29 and federal law interpreting 42 U.S.C. § 1983 and other federal statutes. To the extent Defendant has any defenses to such a declaratory judgment being entered, those should be asserted in a responsive pleading along with any counterclaim **for which there is a good faith basis**. See *Mangialardi*, 889 So.2d at 494 (“[C]ounsel should not file a complaint until sufficient information is obtained, and [he] believes in good faith that...plaintiff has an appropriate cause of action to assert against a defendant.... To do otherwise is an abuse of the system, and is sanctionable.”). Plaintiff would submit that Defendant has no basis upon which to defend against the Complaint or otherwise file a counterclaim...but simply hopes to find something through discovery. This is not permissible. See *Poindexter, supra*; also cf. *Johnston*, 963 So.2d at 596 (“A party who opposes a motion for summary judgment may not rely on vague assertions that discovery will produce needed, but unspecified, facts.”) (citing *McQueen v. Williams*, 587 So.2d 918, 923 (Miss.1991)). No “stay of proceedings” is necessary or warranted here.

10.

There is one additional reason why this discovery should not be allowed. It is clearly being sought for vindictive and retributive reasons simply to harass, annoy and burden Plaintiff Lampton who is an 83 year-old man. Plaintiff is entitled to a protective order from any such discovery and is this day filing a separate motion requesting such. See MRCP 26(d) (“The Court...may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense....”). See also *Haley v. Harbin*, 933 So.2d 261, 262 (Miss. 2005) (“Discovery methods, including but not limited to, interrogatories and requests for admissions, are not to be used as a ruse or stratagem to obfuscate the truth....

(Miss.Ct.App. 2007). Regardless, Defendant is not entitled to conduct the requested discovery for the reasons discussed *infra*.

When justice requires, a protective order shall be entered 'to protect a party ... from annoyance, embarrassment, oppression, or undue burden or expense'" (citing M.R.C.P. 26(d)).

WHEREFORE, Plaintiff Leslie B. Lampton respectfully requests that this Court deny Defendant Diaz's Motion to Change Venue and alternative motion to stay these proceedings for the reasons stated above and further requests that the Court order a speedy hearing on Plaintiff's Complaint and advance it on the calendar pursuant to MRCP 57(a).

THIS, the 2nd day of April, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By: 

J. Kevin Watson, MSB # 6991

OF COUNSEL:

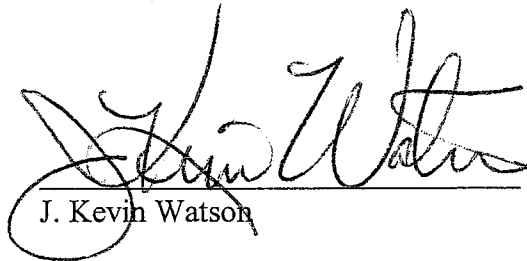
J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

CERTIFICATE OF SERVICE

I, J. Kevin Watson, do hereby certify that I have this day served a true and correct copy of the above document via United States Mail, first class postage pre-paid, to the following counsel of record:

Chuck R. McRae, Esq.
P.O. Box 565
Ridgeland, MS 39158

This the 2nd day of April, 2009.



J. Kevin Watson

WATSON & JONES, P.A.

COUNSELLORS AT LAW

J. KEVIN WATSON
W. ROBERT JONES, III
DAVID S. HUMPHREYS
G. STEPHEN STACK, JR.
ELIZABETH MILLS BOONE*

SUITE 1502 • MIRROR LAKE PLAZA
2829 LAKELAND DRIVE
JACKSON, MISSISSIPPI 39232
www.watsonjoneslaw.com

MAILING ADDRESS:
P.O. Box 23546
JACKSON, MS 39225-3546
TELEPHONE: (601) 939-8900
FACSIMILE: (601) 932-4400
WRITER'S DIRECT NUMBER

*ALSO ADMITTED IN TN

April 2, 2009

Lee Westbrook
Madison County Circuit Clerk
P.O. Box 1626
Canton, MS 39046

RE: *Leslie B. Lampton vs. Oliver E. Diaz, Jr. and Jennifer Diaz*
Civil Action No. 2009-0030-R

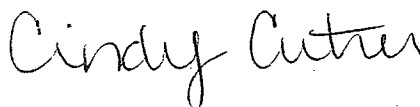
Dear Ms. Westbrook:

Enclosed for filing please find an original and one copy of Leslie B. Lampton's Motion for Protective Order and To Quash Subpoena and Response to Defendant's Motion to Change Venue or, In the Alternative, To Stay The proceedings To Allow the Parties To Conduct Discovery in the above-referenced matter. Please return the stamped "filed" copies in the self-addressed, postage prepaid envelope provided herein for your convenience.

Thank you for your assistance regarding this matter.

Sincerely yours,

WATSON & JONES, P.A.



Cindy Cutrer
Legal Assistant

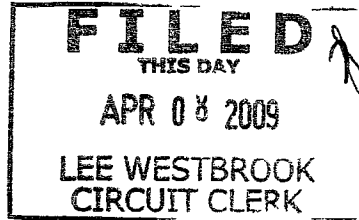
: cc
Enclosures

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.



CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI

MADISON COUNTY

TO: ANY LAWFUL OFFICER OR OTHER PERSON AUTHORIZED TO SERVE
SUBPOENAS:

Pursuant to the applicable provisions of the Rules of Procedure for this court, we command
you to summon:

Leslie Lampton
3965 Stuart Place
Jackson, MS 39211

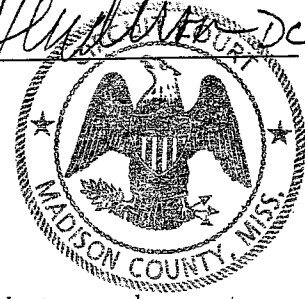
commanding him to be and appear at the Law Offices of Chuck McRae, 401 East Capitol
Street, Suite 310, Heritage Building, on the 23rd day of April, 2009 at 9:00 o'clock a. m., and to bring
the following pursuant to this subpoena duces tecum:

Provide a copy of any and all documents in your possession or in the possession of anyone
under your authority or control or employment including any agency, bureau or service working in
conjunction with you concerning the allegations in the Complaint filed by you. Documents are to
include all photographs, video recordings, audio recordings, personal notes or writings and electronic
data including e-mails and computer data which may be in the possession of you or your agents,
employees or cohorts. These documents are to be produced to Chuck McRae, Esq., at the above

listed address on the 13th day of April, 2009, which is ten days prior to your scheduled deposition in this matter.

LEE WESTBROOK,
MADISON COUNTY CIRCUIT CLERK

BY: Monica Henderson-De
DEPUTY CLERK



CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date hand delivered a true and correct copy of the above and foregoing Subpoena Duces Tecum to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 27th day of March, 2009.

Chuck McRae
CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.

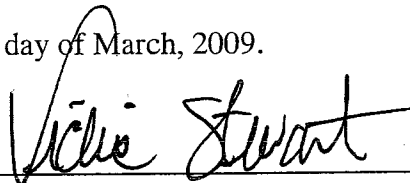
CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

PROOF OF SERVICE

I acknowledge that I have served a copy of the subpoena duces tecum in the above referenced matter upon J. Kevin Watson, Esq., on the 27th day of March, 2009.

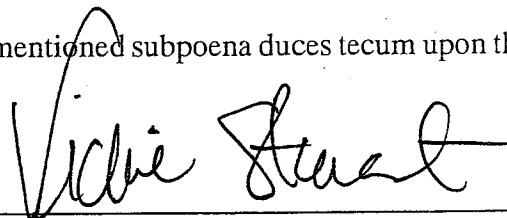


VICKIE STEWART

STATE OF MISSISSIPPI

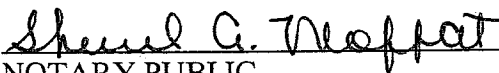
COUNTY OF HINDS

PERSONALLY CAME AND APPEARED Before me, the undersigned authority in and for the jurisdiction aforesaid, the within named VICKIE STEWART who, after being by me first duly sworn, states on oath that she served the aforementioned subpoena duces tecum upon the individual listed thereon.



VICKIE STEWART

SWORN TO AND SUBSCRIBED Before me, this 7th day of April, 2009.



NOTARY PUBLIC

MY COMMISSION EXPIRES:



**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310 HERITAGE BUILDING
401 EAST CAPITOL STREET
JACKSON, MS 39205**

REPLY TO:
P. O. BOX 565
RIDGELAND, MISSISSIPPI 39158
601.944.1008
866.236.7731
crmcrac@bellsouth.net

**FORMER PRESIDING
JUSTICE OF THE
MISSISSIPPI SUPREME COURT**

April 7, 2009

Madison County Circuit Clerk
P. O. Drawer 1626
Canton, MS 39046

Re: *Lampton v. Diaz, et ux.*;
No. 2009-0030-R

Dear Mr. Westbrook:

Enclosed are an original Proof of Service together with its accompanying Subpoena Duces Tecum and one copy of the Proof of Service. Please file the originals in the court file and return the copy of the Proof of Service stamped "filed" in the enclosed envelope.

Sincerely,



Enclosures

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

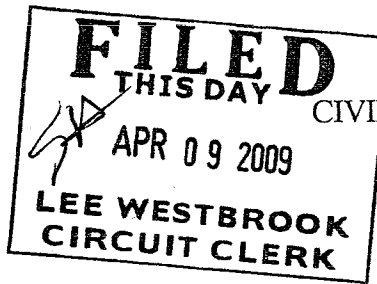
PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

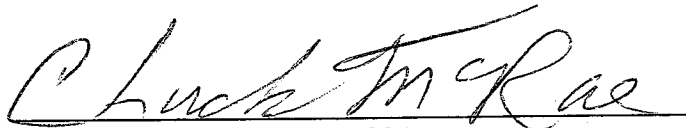


NOTICE OF SERVICE

NOTICE IS HEREBY given that Defendant, Oliver E. Diaz, Jr., by and through counsel, has this date mailed counsel opposite in the above styled cause a copy of each of the following:

1. Subpoena Duces Tecum for Luther T. Brantley, III;
2. Notice of Deposition of Luther T. Brantley, III.

THIS 9th day of April, 2009.


CHUCK McRAE, MSB #2804

CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date mailed VIA U.S. Mail, postage pre-paid, a true and correct copy of the above and foregoing Notice of Service to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 9th day of April, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

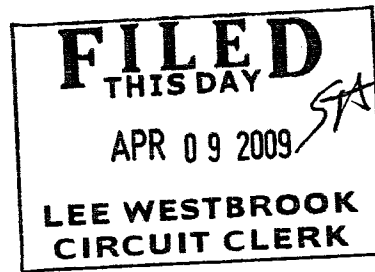
PLAINTIFF

VS.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

CIVIL ACTION NO. CI 2009-0030-R

DEFENDANTS



NOTICE OF DEPOSITION

To: All counsel of record

PLEASE TAKE NOTICE that Defendant, Oliver E. Diaz, Jr., in the above styled and numbered cause will take the video and/or stenographic deposition upon oral examination of the following:

Luther T. Brantley, III
Executive Director
Mississippi Commission on Judicial Performance
455 North Lamar Street
Barefield Complex Building
Suite 201
Jackson, Mississippi

The deposition of the above named individual will take place on the 22nd day of April, 2009 at 9:00 o'clock a. m. The deposition will take place at the law offices of Chuck McRae, 401 East Capitol Street, Suite 310, Heritage Building, Jackson, Mississippi, before an officer authorized to administer oaths.


Mr. Brantley is directed to bring a copy of any and all documents, as directed in the Subpoena Duces Tecum served together with this Notice of Deposition, in your possession or in the possession of anyone under your authority or control or employment including any agency, bureau or service working in conjunction with you concerning the allegations in the Complaint filed by Leslie Lampton in this cause. A copy of said Complaint is attached hereto as Exhibit "A." Documents are

to include all photographs, video recordings, audio recordings, personal notes or writings and electronic data including e-mails and computer data which may be in the possession of you or your agents, employees or cohorts. These documents are to be produced to Chuck McRae, Esq., at the above listed address on the 21st day of April, 2009.

The oral examination will continue from day to day until completed.

You are invited to attend, if you so desire, as attorney of record.

Respectfully submitted,
OLIVER E. DIAZ, JR., Defendant


BY: 
CHUCK McRAE, MSB #2804

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date mailed, VIA U. S. Mail, postage pre-paid, a true and correct copy of the above and foregoing Notice of Deposition to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 9th day of April, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

v.

CIVIL ACTION NO. CF 2009-00302

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Oliver E. Diaz, Jr.
241 Highland Hills Lane
Flora, Mississippi 39071

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response of the Complaint to the attorney for the Plaintiff, J. Kevin Watson, WATSON & JONES, PA, 2829 Lakeland Drive, Suite 1502 Mirror Lake Plaza, Jackson, Mississippi 39232, Post Office Box 23546, Jackson, Mississippi 39225-3546.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND THE SEAL of said Court, this 30 day of January, 2009.

LEE WESTBROOK, CLERK
MADISON COUNTY, MISSISSIPPI

(Seal)

By:  D.C.

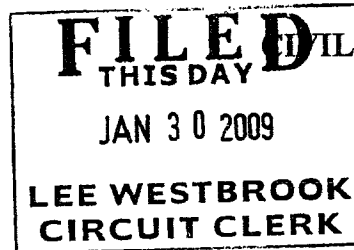
Exhibit "A"

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.



ACTION NO. *CT 2009-0030-R*

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Leslie B. Lampton ("Lampton") files this Complaint for Declaratory Judgment against Defendants, Oliver E. Diaz, Jr. and Jennifer Diaz (collectively, "the Diazes"), pursuant to Rule 57 of the Mississippi Rules of Civil Procedure seeking a judgment as to the rights, status, and other legal relations between the parties and in support of same would show the following:

PARTIES

1.

Plaintiff Leslie B. Lampton is an adult resident citizen of the state of Mississippi residing at 3965 Stuart Place, Jackson, Mississippi 39211.

2.

Defendants, Oliver E. Diaz, Jr. and Jennifer Diaz, are adult resident citizens of the state of Mississippi who may be served with process at their home address of 241 Highland Hills Lane, Flora, Mississippi 39071 in accordance with the Mississippi Rules of Civil Procedure.

JURISDICTION

3.

This Court has jurisdiction over this civil action pursuant to *Miss. Code Ann.* §§ 9-7-81 (Supp. 2005).

VENUE

4.

Venue in this Court is proper pursuant to *Miss. Code Ann.* § 11-11-3 inasmuch as Defendants reside in Madison County.

FACTS

5.

From June 15, 2001 through May 1, 2008, Plaintiff Lampton was a member of the Mississippi Commission on Judicial Performance (“the Commission”) as established by *Miss. Code Ann.* § 9-19-1, et seq. and section 177A of the Mississippi Constitution.

6.

As part of his duties with the Commission, Lampton participated in the investigation of Oliver Diaz--then a justice with the Mississippi Supreme Court. In accordance with *Miss. Code Ann.* § 9-19-21, certain documents and records of Justice Diaz were subpoenaed and furnished to the Commission in an effort to determine whether there had been a violation under section 177A of the Mississippi Constitution.

7.

Plaintiff Lampton played a limited role in the initial investigation and ultimately voluntarily recused himself from participating.

8.

Nevertheless, the Diazes have retained counsel and threatened to file suit against Lampton based on alleged actions performed in connection with the Commission's investigation. Copies of correspondence from counsel for the Diazes to Lampton are attached hereto as collective Exhibit "A". The Diazes have threatened to file both state and federal law claims under a variety of novel theories. See Ex. "A".

9.

Pursuant to *Miss. Code Ann.* § 9-19-29, Lampton enjoys complete and absolute immunity for any conduct arising out of the performance of his official duties with the Commission. Likewise, Lampton enjoys complete and absolute immunity from any suit under 42 U.S.C. § 1983 and other federal statutes, as he was at all times relevant hereto acting in his capacity with the Commission which is a quasi-judicial agency performing functions similar to those of judges and prosecutors.

DECLARATORY JUDGMENT

10.

Plaintiff Lampton seeks a declaratory judgment from this Court as to his immunity from any suit by the Diazes related to any conduct arising out of the performance of his official duties with the Commission. Plaintiff further requests that the Court order a speedy hearing on same and advance it on the calendar pursuant to MRCP 57(a).

WHEREFORE, PREMISES CONSIDERED, Plaintiff Leslie B. Lampton respectfully requests that this Court enter a declaratory judgment recognizing and finding

absolute immunity from any suit by the Diazes related to any conduct arising out of the performance of his official duties with the Commission on Judicial Performance. Plaintiff further seeks all costs and fees associated with filing the present action.

THIS, the 30th day of January, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By: 

J. Kevin Watson, MSB # 6991

OF COUNSEL:

J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310- HERITAGE BUILDING
401 EAST CAPITOL STREET**

Reply To:

P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008
cmcrae@bellsouth.net

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACSIMILE 866.236.7731

January 20, 2009

Leslie B. Lampton
P. O. Drawer 1639
Jackson, MS 39215-1639

Re: Oliver E. Diaz, Jr.

Dear Mr. Lampton:

This is to inform you that this firm represents Oliver E. Diaz, Jr., concerning your involvement and procurement of his banking and income tax records in violation of 26 USC 6103 and 26 USC 7213, abuse of process, conspiracy, 1983 and 1985 actions, as well as, misprison, tort of outrage, bringing charges against him while your relative was the complaining witness, and conspiring with others and continued voting against Oliver Diaz.

If you care to resolve this matter without the necessity of litigation, please contact this writer within the next ten (10) days of receipt of this letter. Otherwise, we will be forced to institute necessary legal proceedings.

Very Truly Yours



Chuck McRae

EXHIBIT "A"

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310- HERITAGE BUILDING
401 EAST CAPITOL STREET**

Reply To:

P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008
cmcrae@bellsouth.net

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACSIMILE 866.236.7731

January 20, 2009

Leslie B. Lampton
P. O. Drawer 1639
Jackson, MS 39215-1639

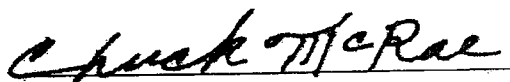
Re: Jennifer Diaz

Dear Mr. Lampton:

This is to inform you that this firm represents Jennifer Diaz concerning your involvement and procurement of her banking, business and income tax records in violation of 26 USC 6103 and 26 USC 7213, invasion of privacy, abuse of process, conspiracy, 1983 and 1985 actions, as well as, misprison, tort of outrage, using her private records to bring charges against her husband in order to get him removed from office and destroy their family life, and conspiring with others to get then Justice Diaz removed from office.

If you care to resolve this matter without the necessity of litigation, please contact this writer within the next ten (10) days of receipt of this letter. Otherwise, we will be forced to institute necessary legal proceedings.

Very Truly Yours

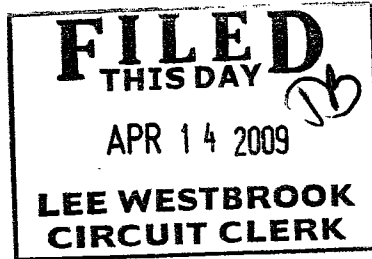

Chuck McRae

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.



CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

NOTICE OF HEARING

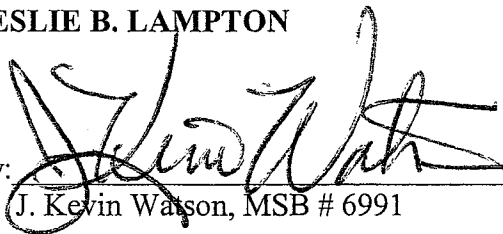
PLEASE TAKE NOTICE that Plaintiff, Leslie B. Lampton, by and through undersigned counsel, will bring on for hearing its Motion for Protective Order and to Quash Subpoena and Defendants Motion to Change Venue or, in the Alternative to Stay the Proceedings to Allow the Parties to Conduct Discovery **on Monday, April 27, 2009, at 1:30 p.m.**, before the Honorable Samac S. Richardson at the Madison County Courthouse, 128 W. North Street, Canton, Mississippi, or as soon as counsel may be heard.

This the 13th day of April, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By:


J. Kevin Watson, MSB # 6991

OF COUNSEL:

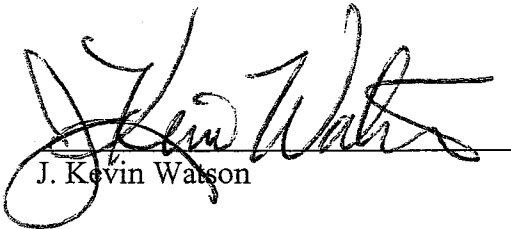
J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

CERTIFICATE OF SERVICE

I, J. Kevin Watson, do hereby certify that I have this day served a true and correct copy of the above document via United States Mail, first class postage pre-paid, to the following counsel of record:

Chuck R. McRae, Esq.
P.O. Box 565
Ridgeland, MS 39158

This the 13th day of April, 2009.


J. Kevin Watson

WATSON & JONES, P.A.

COUNSELLORS AT LAW

J. KEVIN WATSON
W. ROBERT JONES, III
DAVID S. HUMPHREYS
C. STEPHEN STACK, JR.
ELIZABETH MILLS BOONE*

SUITE 1502 • MIRROR LAKE PLAZA
2829 LAKELAND DRIVE
JACKSON, MISSISSIPPI 39232
www.watsonjoneslaw.com

MAILING ADDRESS:
P.O. Box 23546
JACKSON, MS 39225-3546
TELEPHONE: (601) 939-8900
FACSIMILE: (601) 932-4400
WRITER'S DIRECT NUMBER

*ALSO ADMITTED IN TN

April 13, 2009

Lee Westbrook
Madison County Circuit Clerk
P.O. Box 1626
Canton, MS 39046

RE: *Leslie B. Lampton vs. Oliver E. Diaz, Jr. and Jennifer Diaz*
Civil Action No. 2009-0030-R

Dear Ms. Westbrook:

Enclosed for filing please find an original and one copy of Plaintiffs Notice of Hearing on in the above-referenced matter. Please return the stamped "filed" copy in the self-addressed, postage prepaid envelope provided herein for your convenience.

Thank you for your assistance regarding this matter.

Sincerely yours,

WATSON & JONES, P.A.



Cindy Cutrer
Legal Assistant

:cc
Enclosures

cc: Chuck R. McRae, Esq.

CHUCK MCRAE
ATTORNEY AT LAW
Suite 100-M HERITAGE BUILDING
401 EAST CAPITAL STREET

Reply To:

P. O. BOX 33

JACKSON, MISSISSIPPI 39205

601.944.1008

cmcrae@bellsouth.net

Luther T. Brantley

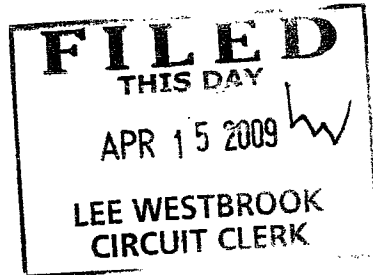
Executive Director

Mississippi Commission on Judicial Performance

455 N. Lamar St. Ste. 201

P.O. Box 22527

Jackson, MS 39225-2527



FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACIMILIE 866.236.7731

April 14, 2009

Dear Mr. Brantley,

It has been brought to your attention that a former member of the Mississippi Commission on Judicial Performance, Leslie Lampton, has breached the confidentiality of the Commission by initiating a lawsuit in the Circuit Court of Madison County, Mississippi against my clients Oliver and Jennifer Diaz. The lawsuit lists the details of a confidential matter that was pending against my client before the Commission. As you know, that matter was filed by Dunnica Lampton, a relative of Leslie Lampton. That matter was dismissed by the Commission on its own motion with no discipline being imposed upon my client. That matter was confidential pursuant to the rules of the Commission until such time as Mr. Lampton decided to breach this confidentiality by initiating his lawsuit.

Please accept this letter as a formal complaint against Leslie Lampton for violation of the confidentiality of the proceedings at the Commission. If I am required to file additional forms in order to initiate a complaint please let me know immediately.

I am aware that the Commission may be limited in its options to enforce the confidentiality of proceedings on a former member. Therefore, I ask that the Commission consider entering an appearance in the matter filed in the Circuit Court of Madison County for the purpose of seeking sanctions against Mr. Lampton. The Circuit Court of Madison is capable of imposing sanctions for this very serious breach.

Please contact me at your earliest convenience to discuss this matter.

Very Truly Yours,

Chuck McRae

cc Kevin Watson, Esq.

Circuit Clerk Madison No.# 2009 -0030-R

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310 HERITAGE BUILDING
401 EAST CAPITOL STREET
JACKSON, MS 39205**

**FORMER PRESIDING JUSTICE OF THE
MISSISSIPPI SUPREME COURT**

REPLY TO:
P. O. BOX 565
RIDGELAND, MISSISSIPPI 39158
601.944.1008
866.236.7731
cmcrae@bellsouth.net

April 14, 2009

Madison County Circuit Clerk
P. O. Drawer 1626
Canton, MS 39046

Re: *Lampton v. Diaz, et ux.*;
No. 2009-0030-R

Dear Mr. Westbrook:

Enclosed is a letter to be filed in the above styled matter.

Sincerely,



Enclosures
Letter to Brantley
Judicial Performance Commission

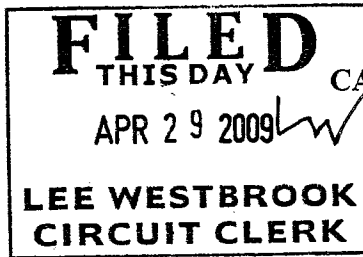
cc: Kevin Watson, Esq.

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE E. LAMPTON

PLAINTIFF

V.



CAUSE NUMBER - CI2009-0030R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

ORDER

THIS CAUSE HAVING COME ON for hearing on a Motion for Protective Order and to Quash Subpoena filed on behalf of Plaintiff, Leslie B. Lampton, a Motion for Protective Order filed on behalf of Luther T. Brantley, III, a Motion for Change of Venue or in the Alternative to Stay Proceedings to Allow the Parties to Conduct Discovery, and a Motion to Strike Correspondence and the parties being represented by counsel as follows: Lampton - J. Kevin Watson, Diaz(s) - Chuck McRae, Brantley - Mikel Buckley; the court having heard and considered the said motions, heard arguments of counsel and reviewed the appropriate statutory and case law and the Mississippi Rules of Civil Procedure finds as follows:

- 1) Plaintiff Lampton has filed a Complaint for Declaratory Judgment herein on January 30, 2009, naming Oliver E. and Jennifer Diaz as defendants.
- 2) Neither defendant had filed an answer to the complaint as of the day of the hearing.
- 3) Neither defendant has filed a verified petition as required by MRCP 27.
- 4) The defendants voluntarily abandoned the Motion for Change of Venue and proceeded on the alternative Motion to Stay Proceedings and Allow Discovery.
- 5) The defendants represented to the court that they intended to file an answer, cross claim, counter claim and other pleadings as deemed necessary.
- 6) The court recognizing that all permissible discovery is not necessarily admissible as

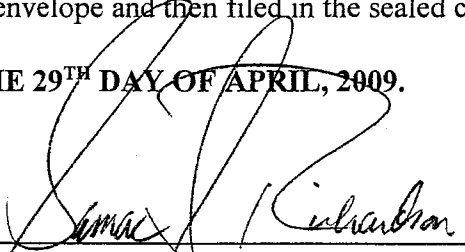
evidence, until the court is made aware of all the allegations of the parties, if the court is called upon to rule on discovery issues, it would be difficult to make proper and reasonable rulings on what discovery would or should be allowed.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion for Change of Venue is abandoned by the defendants, the Motion in the Alternative to Stay Proceedings to Allow the Parties to Conduct Discovery is denied, the Motion to Strike Correspondence is granted to the extent that the parties by agreement requested the court to seal said correspondence within the court file, Motion for Protective Order and to Quash Subpoena filed on behalf of Plaintiff, Leslie B. Lampton, is granted and the Motion for Protective Order filed on behalf of Luther T. Brantley, III, is granted.

IT IS FURTHER ORDERED AND ADJUDGED and the intent of this court that subsequent to the filing of all responsive pleadings, discovery in this case shall proceed pursuant to the Mississippi Rules of Civil Procedure.

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to agreement of counsel that the court file herein be sealed and not to be opened and the contents therein not to be viewed by any person other than the attorneys of record, their staff and/or clients, except upon the filing of a written motion and written order of the court; the correspondence which is the subject of the Motion to Strike Correspondence shall be sealed in a separate envelope and then filed in the sealed court file.

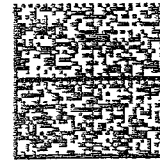
SO ORDERED AND ADJUDGED THIS THE 29TH DAY OF APRIL, 2009.



CIRCUIT JUDGE

LEE WESTBROOK

Circuit Clerk Madison County
P. O. Drawer 1626
CANTON, MISSISSIPPI 39046



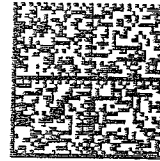
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J. Kevin Watson
Suite 1502 Mirror Lake Plaza
Jackson MS 39232

LEE WESTBROOK

Circuit Clerk Madison County
P. O. Drawer 1626
CANTON, MISSISSIPPI 39046



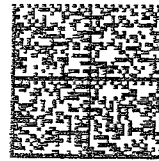
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Chuck McRae
PO Box 565
Ridgeland MS 39158

LEE WESTBROOK

Circuit Clerk Madison County
P. O. Drawer 1626
CANTON, MISSISSIPPI 39046



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Irene Mikell Buckley
MS Commission of Judicial Performance
P O Box 22527
Jackson MS 39225-2527

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

FILED
THIS DAY

PLAINTIFF

VS.

APR 16 2009 *W*

CIVIL ACTION NO. 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

LEE WESTBROOK
CIRCUIT CLERK

DEFENDANTS

NOTICE OF HEARING

TO: **Chuck McRae**
401 E. Capitol Street
Suite 310
Jackson, MS 39205

PLEASE TAKE NOTICE that Luther T. Brantley, III, Executive Director of the Mississippi Commission on Judicial Performance will bring on for hearing his Motion for Protective Order before Circuit Court Judge Samac Richardson on Monday, April 27, 2009 at 1:30 o'clock p.m., or as soon thereafter as counsel may be heard, at the Madison County Circuit Courthouse, Canton, Mississippi 39064.

RESPECTFULLY SUBMITTED, this the 14th day of April, 2009.

MISSISSIPPI COMMISSION ON
JUDICIAL PERFORMANCE

BY: 

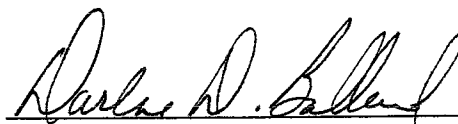
Luther T. Brantley, III
Executive Director

Luther T. Brantley, Esquire
Mississippi Bar # 4328
P.O. Box 22527
Jackson, Mississippi
Telephone: 601-359-1273
Facsimile: 601-354-6277

CERTIFICATE OF SERVICE

I, Darlene D. Ballard, Senior Staff Attorney of the Mississippi Commission on Judicial Performance, do hereby certify that I have mailed via U.S. mail, postage pre-paid, a copy of the Notice of Hearing to counsel for the Plaintiff, J. Kevin Watson, Watson & Jones, Post Office Box 23546, Jackson, MS 39225-3546, counsel for the Defendants, Chuck R. McRae, 401 E. Capitol Street, Suite 310, Jackson, MS 39205 and to the Commission Chairman, Henry L. Lackey, Post Office Drawer T, Calhoun City, Mississippi 38916.

WITNESS MY SIGNATURE this the 14th day of April 2009.



DARLENE D. BALLARD

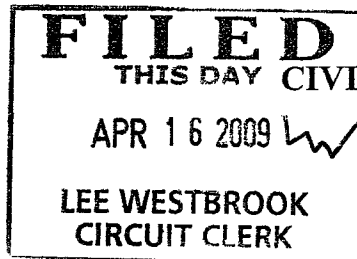
IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ



CIVIL ACTION NO. 2009-0030-R

DEFENDANTS

MOTION FOR PROTECTIVE ORDER

COMES NOW the undersigned Executive Director of the Mississippi Commission on Judicial Performance, ("Commission"), and files this Motion for Protective Order and requests that the Court issue an order to deny, or in the alternative, to stay the deposition of Luther T. Brantley, III, Executive Director of the Commission, and in support thereof would show the following:

1. On Friday, April 10, 2009, Luther T. Brantley, III, was served with a Notice of Deposition and Subpoena Duces Tecum by the Defendants directing him to appear at 9:00 a.m. on the 22nd day of April, 2009 at the offices of Chuck McRae, counsel for Defendants, to be deposed and also to bring certain documents included in the subpoena duces tecum. A copy of the notice and subpoena duces tecum is attached hereto as Exhibit "A".

2. No effort was made to coordinate the date and time with the potential deponent and the date is inconvenient for the potential deponent as he is scheduled to attend a judge's conference on the date selected.

3. It is believed that the Defendants seek to depose Luther T. Brantley, III, solely for the purpose of annoyance and harassment of the Commission and its Executive Director

and that the information requested would not lead to add any relevant evidence being produced in this matter.

4. The Complaint for Declaratory Judgment filed in this matter seeks a finding that the Plaintiff, Leslie B. Lampton, has complete immunity as a result of any actions or conduct arising from his tenure as a member of the Mississippi Commission on Judicial Performance pursuant to Mississippi Code Annotated, Section 9-19-29 and 42 U.S.C. Section 1983, et. seq. If this Court finds that Leslie B. Lampton is entitled to such immunity, the finding would be dispositive of the issues involved in this litigation. The testimony sought by Defendants and the documents sought to be produced are not relevant to the issue of immunity. As a result, prior to a finding by this Court as to the immunity issue, the deposition of Luther T. Brantley and the production of the documents sought by the subpoena duces tecum are premature.

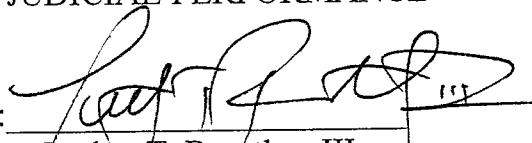
5. The documentation sought by Defendants is not specific as to Leslie B. Lampton, but seeks information regarding attendance and travel of other Commission members who are not litigants in this proceeding. All such documents, as well as the other documents sought by Defendants, are confidential in nature pursuant to the Mississippi Constitution of 1890, as amended, Section 177A, Rule 4 of the Rules of the Commission on Judicial Performance and Mississippi Code Annotated Section 9-19-19. The only documents relating to the Defendant, Oliver E. Diaz, Jr., which have been made public are those relating to the interim suspension of Oliver E. Diaz, Jr. in Mississippi Commission on Judicial Performance vs. Diaz, Miss. Supreme Court No. 2003-JP-1653, such documents

being available via the Supreme Court Clerk's office.

6. That to allow the production of the documentation sought by the Defendant as well as the deposition of the Executive Director for the Commission would place an unnecessary burden on him as he is bound by the confidentiality provisions regarding Commission business and subject to termination by the Commission if a violation of the provisions is committed.

WHEREFORE, PREMISES CONSIDERED, Luther T. Brantley, III, Executive Director of the Mississippi Commission on Judicial Performance, respectfully requests that the Court issue a Protective Order disallowing the deposition, or in the alternative, that the deposition be stayed until such time as the date and time is convenient for the potential deponent and the Court has determined if the issue of immunity for the Plaintiff is dispositive of the issues involved in this litigation, thereby rendering the need for deposition moot.

Respectfully Submitted
MISSISSIPPI COMMISSION
ON JUDICIAL PERFORMANCE

BY: 
Luther T. Brantley, III
Executive Director

Luther T. Brantley, Esquire
Mississippi Bar # 4328
P.O. Box 22527
Jackson, Mississippi
Telephone: 601-359-1273
Facsimile: 601-354-6277

CERTIFICATE OF SERVICE

I, Darlene D. Ballard, Senior Staff Attorney of the Mississippi Commission on Judicial Performance, do hereby certify that I have mailed via U.S. mail, postage pre-paid, a copy of the Motion for Protective Order to counsel for the Plaintiff, J. Kevin Watson, Watson & Jones, Post Office Box 23546, Jackson, MS 39225-3546, counsel for the Defendants, Chuck R. McRae, 401 E. Capitol Street, Suite 310, Jackson, MS 39205 and to the Commission Chairman, Henry L. Lackey, Post Office Drawer T, Calhoun City, Mississippi 38916.

WITNESS MY SIGNATURE this the 14th day of April 2009.



DARLENE D. BALLARD

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.

CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI

MADISON COUNTY

TO: ANY LAWFUL OFFICER OR OTHER PERSON AUTHORIZED TO SERVE
SUBPOENAS:

Pursuant to the applicable provisions of the Rules of Procedure for this court, we command
you to summon:

Luther T. Brantley, III
Executive Director
Mississippi Commission on Judicial Performance
455 North Lamar Street
Barefield Complex Building
Suite 201
Jackson, Mississippi

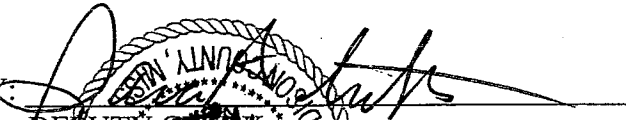
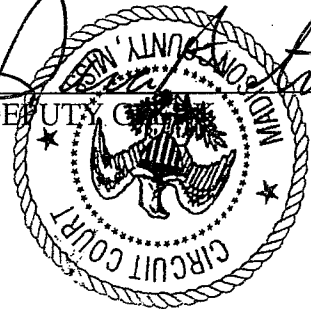
commanding him to be and appear at the Law Offices of Chuck McRae, 401 East Capitol
Street, Suite 310, Heritage Building, on the 22nd day of April, 2009 at 9:00 o'clock a. m., and to
bring the following pursuant to this subpoena duces tecum:

Provide a copy of any and all documents in your possession or in the possession of anyone
under your authority or control or employment including any agency, bureau or service working in
conjunction with you concerning the allegations in the Complaint filed by Leslie Lampton in this
cause. A copy of said Complaint is incorporated herein by reference. Documents are to include all

Exhibit "A"

photographs, video recordings, audio recordings, personal notes or writings and electronic data including, but not limited to, e-mails, computer data and/or newspaper articles concerning Oliver and Jennifer Diaz which may be in the possession of you or your agents, employees or cohorts. Further, produce copies of all files and documents dating back to 2000 concerning Oliver E. Diaz, Jr., or Jennifer Diaz. as well as the attendance records of anyone and everyone present at meetings concerning Oliver E. Diaz, Jr., or Jennifer Diaz. Additionally, produce each and every note, vote and minutes of each meeting concerning Oliver E. Diaz, Jr., or Jennifer Diaz. Finally, produce copies of any and all expenditure records of commissioners present at any meeting concerning Oliver E. Diaz, Jr., or Jennifer Diaz. Lastly, produce copies of any and all agendas wherein Oliver E. Diaz, Jr.'s or Jennifer Diaz's name appears. **These documents are to be produced to Chuck McRae, Esq., at the above listed address on the 21st day of April, 2009.**

LEE WESTBROOK,
MADISON COUNTY CIRCUIT CLERK

BY: 


IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

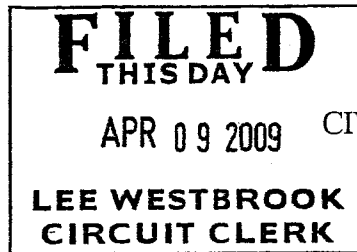
PLAINTIFF

VS.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

CIVIL ACTION NO. CI 2009-0030-R

DEFENDANTS



NOTICE OF DEPOSITION

To: All counsel of record

PLEASE TAKE NOTICE that Defendant, Oliver E. Diaz, Jr., in the above styled and numbered cause will take the video and/or stenographic deposition upon oral examination of the following:

Luther T. Brantley, III
Executive Director
Mississippi Commission on Judicial Performance
455 North Lamar Street
Barefield Complex Building
Suite 201
Jackson, Mississippi

The deposition of the above named individual will take place on the 22nd day of April, 2009 at 9:00 o'clock a. m. The deposition will take place at the law offices of Chuck McRae, 401 East Capitol Street, Suite 310, Heritage Building, Jackson, Mississippi, before an officer authorized to administer oaths.

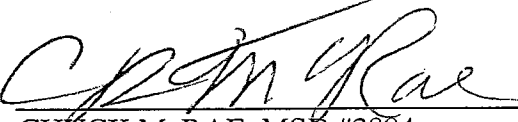
Mr. Brantley is directed to bring a copy of any and all documents, as directed in the Subpoena Duces Tecum served together with this Notice of Deposition, in your possession or in the possession of anyone under your authority or control or employment including any agency, bureau or service working in conjunction with you concerning the allegations in the Complaint filed by Leslie Lampton in this cause. A copy of said Complaint is attached hereto as Exhibit "A." Documents are

to include all photographs, video recordings, audio recordings, personal notes or writings and electronic data including e-mails and computer data which may be in the possession of you or your agents, employees or cohorts. These documents are to be produced to Chuck McRae, Esq., at the above listed address on the 21st day of April, 2009.

The oral examination will continue from day to day until completed.

You are invited to attend, if you so desire, as attorney of record.

Respectfully submitted,
OLIVER E. DIAZ, JR., Defendant

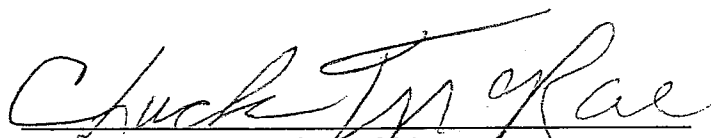
BY 
CHUCK McRAE, MSB #2804

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this date mailed, VIA U. S. Mail, postage pre-paid, a true and correct copy of the above and foregoing Notice of Deposition to:

J. Kevin Watson, Esq.
WATSON & JONES, P.A.
Suite 1502 Mirror Lake Plaza
Jackson, MS 39232

THIS 9th day of April, 2009.


CHUCK McRAE, MSB #2804

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.

CIVIL ACTION NO. CF2009-00302

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Oliver E. Diaz, Jr.
241 Highland Hills Lane
Flora, Mississippi 39071

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response of the Complaint to the attorney for the Plaintiff, J. Kevin Watson, WATSON & JONES, PA, 2829 Lakeland Drive, Suite 1502 Mirror Lake Plaza, Jackson, Mississippi 39232, Post Office Box 23546, Jackson, Mississippi 39225-3546.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND THE SEAL of said Court, this 30 day of January, 2009.

LEE WESTBROOK, CLERK
MADISON COUNTY

(Seal)

By:  D.C.

Exhibit "A"

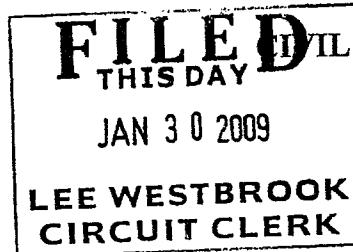
IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ



ACTION NO. *CT 2009-0036-R*

DEFENDANTS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Leslie B. Lampton ("Lampton") files this Complaint for Declaratory Judgment against Defendants, Oliver E. Diaz, Jr. and Jennifer Diaz (collectively, "the Diazes"), pursuant to Rule 57 of the Mississippi Rules of Civil Procedure seeking a judgment as to the rights, status, and other legal relations between the parties and in support of same would show the following:

PARTIES

1.

Plaintiff Leslie B. Lampton is an adult resident citizen of the state of Mississippi residing at 3965 Stuart Place, Jackson, Mississippi 39211.

2.

Defendants, Oliver E. Diaz, Jr. and Jennifer Diaz, are adult resident citizens of the state of Mississippi who may be served with process at their home address of 241 Highland Hills Lane, Flora, Mississippi 39071 in accordance with the Mississippi Rules of Civil Procedure.

JURISDICTION

3.

This Court has jurisdiction over this civil action pursuant to *Miss. Code Ann.* §§ 9-7-81 (Supp. 2005).

VENUE

4.

Venue in this Court is proper pursuant to *Miss. Code Ann.* § 11-11-3 inasmuch as Defendants reside in Madison County.

FACTS

5.

From June 15, 2001 through May 1, 2008, Plaintiff Lampton was a member of the Mississippi Commission on Judicial Performance (“the Commission”) as established by *Miss. Code Ann.* § 9-19-1, et seq. and section 177A of the Mississippi Constitution.

6.

As part of his duties with the Commission, Lampton participated in the investigation of Oliver Diaz--then a justice with the Mississippi Supreme Court. In accordance with *Miss. Code Ann.* § 9-19-21, certain documents and records of Justice Diaz were subpoenaed and furnished to the Commission in an effort to determine whether there had been a violation under section 177A of the Mississippi Constitution.

7.

Plaintiff Lampton played a limited role in the initial investigation and ultimately voluntarily recused himself from participating.

8.

Nevertheless, the Diazes have retained counsel and threatened to file suit against Lampton based on alleged actions performed in connection with the Commission's investigation. Copies of correspondence from counsel for the Diazes to Lampton are attached hereto as collective Exhibit "A". The Diazes have threatened to file both state and federal law claims under a variety of novel theories. See Ex. "A".

9.

Pursuant to *Miss. Code Ann.* § 9-19-29, Lampton enjoys complete and absolute immunity for any conduct arising out of the performance of his official duties with the Commission. Likewise, Lampton enjoys complete and absolute immunity from any suit under 42 U.S.C. § 1983 and other federal statutes, as he was at all times relevant hereto acting in his capacity with the Commission which is a quasi-judicial agency performing functions similar to those of judges and prosecutors.

DECLARATORY JUDGMENT

10.

Plaintiff Lampton seeks a declaratory judgment from this Court as to his immunity from any suit by the Diazes related to any conduct arising out of the performance of his official duties with the Commission. Plaintiff further requests that the Court order a speedy hearing on same and advance it on the calendar pursuant to MRCP 57(a).

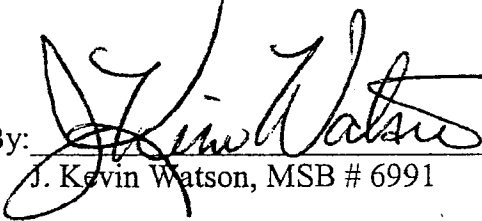
WHEREFORE, PREMISES CONSIDERED, Plaintiff Leslie B. Lampton respectfully requests that this Court enter a declaratory judgment recognizing and finding

absolute immunity from any suit by the Diazes related to any conduct arising out of the performance of his official duties with the Commission on Judicial Performance. Plaintiff further seeks all costs and fees associated with filing the present action.

THIS, the 30th day of January, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By: 
J. Kevin Watson, MSB # 6991

OF COUNSEL:

J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310- HERITAGE BUILDING
401 EAST CAPITOL STREET**

Reply To:

P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008
cmcrae@bellsouth.net

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACSIMILE 866.236.7731

January 20, 2009

Leslie B. Lampton
P. O. Drawer 1639
Jackson, MS 39215-1639

Re: Oliver E. Diaz, Jr.

Dear Mr. Lampton:

This is to inform you that this firm represents Oliver E. Diaz, Jr., concerning your involvement and procurement of his banking and income tax records in violation of 26 USC 6103 and 26 USC 7213, abuse of process, conspiracy, 1983 and 1985 actions, as well as, misprison, tort of outrage, bringing charges against him while your relative was the complaining witness, and conspiring with others and continued voting against Oliver Diaz.

If you care to resolve this matter without the necessity of litigation, please contact this writer within the next ten (10) days of receipt of this letter. Otherwise, we will be forced to institute necessary legal proceedings.

Very Truly Yours



Chuck McRae

EXHIBIT "A"

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310- HERITAGE BUILDING
401 EAST CAPITOL STREET**

Reply To:

P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008
cmcrae@bellsouth.net

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACSIMILE 866.236.7731

January 20, 2009

Leslie B. Lampton
P. O. Drawer 1639
Jackson, MS 39215-1639


Re: Jennifer Diaz

Dear Mr. Lampton:

This is to inform you that this firm represents Jennifer Diaz concerning your involvement and procurement of her banking, business and income tax records in violation of 26 USC 6103 and 26 USC 7213, invasion of privacy, abuse of process, conspiracy, 1983 and 1985 actions, as well as, misprison, tort of outrage, using her private records to bring charges against her husband in order to get him removed from office and destroy their family life, and conspiring with others to get then Justice Diaz removed from office.

If you care to resolve this matter without the necessity of litigation, please contact this writer within the next ten (10) days of receipt of this letter. Otherwise, we will be forced to institute necessary legal proceedings.

Very Truly Yours


Chuck McRae



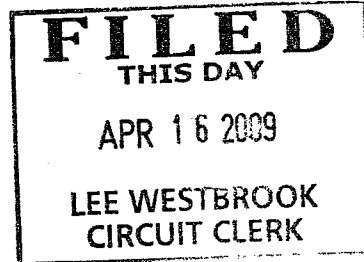
MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

P.O. BOX 22527

JACKSON, MISSISSIPPI 39225-2527

TELEPHONE: (601) 359-1273

FAX: (601) 354-6277



April 14, 2009

Lee Westbrook, Circuit Clerk
Madison County Circuit Court
Post Office Box 1626
Canton, MS 39046

Re: Lampton vs. Diaz, Cause No. 2009-0030-R

Dear Ms. Westbrook:

Enclosed please find a Motion for Protective Order and Notice of Hearing to be filed in the above described matter. Please stamp the enclosed copies "filed" and return them in the envelope provided.

Your assistance in this matter is greatly appreciated.

Very Truly Yours,

A handwritten signature in cursive script that reads "Darlene D. Ballard".

Darlene D. Ballard
Senior Staff Attorney

Enclosures (2)

cc: Chuck McRae, Esq.
J. Kevin Watson, Esq.

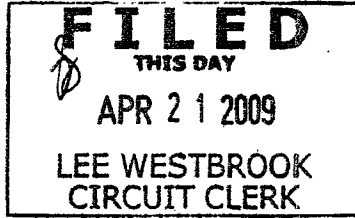
455 N. LAMAR STREET
BAREFIELD COMPLEX BUILDING
SUITE 201
JACKSON, MISSISSIPPI 39201

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.



CIVIL ACTION NO. CJ009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Jennifer Diaz
241 Highland Hills Lane
Flora, Mississippi 39071

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response of the Complaint to the attorney for the Plaintiff, J. Kevin Watson, WATSON & JONES, PA, 2829 Lakeland Drive, Suite 1502 Mirror Lake Plaza, Jackson, Mississippi 39232, Post Office Box 23546, Jackson, Mississippi 39225-3546.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

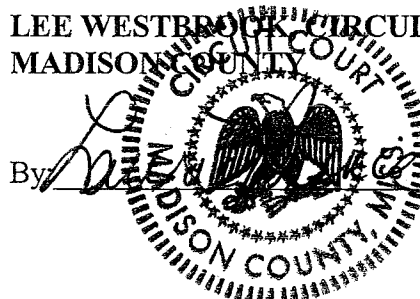
You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND THE SEAL of said Court, this 30 day of January, 2009.

LEE WESTBROOK CIRCUIT CLERK
MADISON COUNTY

(Seal)

By



D.C.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

I, the undersigned process server, served the Summons and Complaint upon the person named herein by personally delivering copies to Jenniter Diaz on the 25th day of March, 2009, where I found said person in Madison County of the State of Mississippi.

At the time of service I was at least 18 years of age and not a party to this action.

Name: Fred Lovett

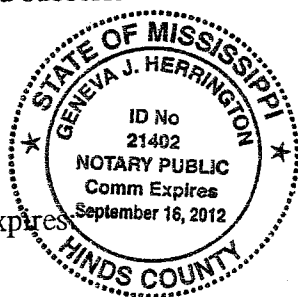
Address: 6036 N. 18
Jackson, MS

STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Fred Lovett, who being first by me duly sworn, states an oath that the matters and facts set forth in the foregoing "Proof of Service - Summons and Complaint" are true and correct as therein stated.

[Signature]
Signed

Sworn to and subscribed before me this the 25th day of MARCH, 2009.



My Commission Expires _____

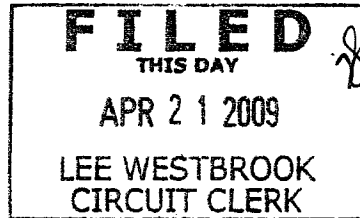
[Signature]
Notary Public

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.



CIVIL ACTION NO. CI 2009-030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Oliver E. Diaz, Jr.
241 Highland Hills Lane
Flora, Mississippi 39071

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response of the Complaint to the attorney for the Plaintiff, J. Kevin Watson, WATSON & JONES, PA, 2829 Lakeland Drive, Suite 1502 Mirror Lake Plaza, Jackson, Mississippi 39232, Post Office Box 23546, Jackson, Mississippi 39225-3546.

Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND THE SEAL of said Court, this 30 day of January, 2009.

LEE WESTBROOK, CIRCUIT CLERK
MADISON COUNTY COURT

(Seal)

By:  D.C.


PROOF OF SERVICE - SUMMONS AND COMPLAINT

I, the undersigned process server, served the Summons and Complaint upon the person named herein by personally delivering copies to Oliver Diaz on the 26th day of February, 2009, where I found said person in Hinds County of the State of Mississippi.

At the time of service I was at least 18 years of age and not a party to this action.

Name: Fred Lovett

Address: 6036 11/18

Jackson, MS

STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Fred Lovett, who being first by me duly sworn, states an oath that the matters and facts set forth in the foregoing "Proof of Service - Summons and Complaint" are true and correct as therein stated.

[Signature]
Signed

Sworn to and subscribed before me this the 27 day of February, 2009.

[Signature]
Notary Public

My Commission Expires:



WATSON & JONES, P.A.

COUNSELLORS AT LAW

J. KEVIN WATSON
W. ROBERT JONES, III
DAVID S. HUMPHREYS
C. STEPHEN STACK, JR.
ELIZABETH MILLS BOONE*

SUITE 1502 • MIRROR LAKE PLAZA
2829 LAKELAND DRIVE
JACKSON, MISSISSIPPI 39232
www.watsonjoneslaw.com

MAILING ADDRESS:
P.O. Box 23546
JACKSON, MS 39225-3546
TELEPHONE: (601) 939-8900
FACSIMILE: (601) 932-4400
WRITER'S DIRECT NUMBER

*ALSO ADMITTED IN TN

April 20, 2009

Lee Westbrook
Madison County Circuit Clerk
P.O. Box 1626
Canton, MS 39046

RE: *Leslie B. Lampton vs. Oliver E. Diaz, Jr. and Jennifer Diaz*
Civil Action No. 2009-0030-R

Dear Ms. Westbrook:

Enclosed please find an original and one copy each of Proof of Service on Oliver E. Diaz, Jr. and Jennifer Diaz to be filed in the above-referenced matter. Please return the copies stamped "filed" in the self-addressed, postage prepaid envelope provided herein for your convenience.

Thank you for your assistance regarding this matter.

Sincerely yours,

WATSON & JONES, P.A.


Cindy Cutrer
Legal Assistant

Enclosures

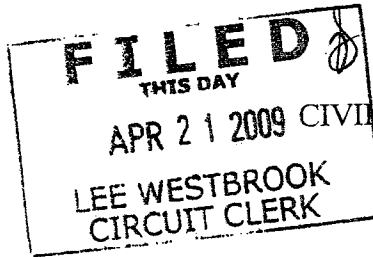
cc: Check McRae, Esq.

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.



CIVIL ACTION NO. CI 2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

NOTICE OF HEARING ON DEFENDANTS' MOTION TO CHANGE VENUE OR,
IN THE ALTERNATIVE, TO STAY PROCEEDINGS TO ALLOW THE
PARTIES TO CONDUCT DISCOVERY

PLEASE TAKE NOTICE that the undersigned counsel of record for the Defendants will bring on for hearing Defendants' Motion to Change Venue or, in the Alternative, to Stay Proceedings to Allow the Parties to Conduct Discovery on the 27th day of April, 2009 at 1:30 p.m., before the Honorable Samac Richardson in Madison, Mississippi.

Respectfully submitted,
OLIVER DIAZ, JR. AND
JENNIFER DIAZ, Defendants

BY: Chuck McRae
CHUCK McRAE, MSB #2804

CHUCK McRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008
866.236.7731


CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this day faxed to 601.932.4400 and mailed, postage pre-paid, a true and correct copy of the above and foregoing Notice of Hearing on

Defendants' Motion to Change Venue or, in the Alternative, to Stay Proceedings to Allow the Parties
to Conduct Discovery to the following counsel of record:

J. Kevin Watson, Esq.
Watson & Jones, P.A.
P. O. Box 23546
Jackson, MS 39225

THIS 20th day of April, 2009.



CHUCK McRAE, MSB #2804

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310 HERITAGE BUILDING
401 EAST CAPITOL STREET
JACKSON, MS 39205**

REPLY TO:
P. O. BOX 565
RIDGELAND, MISSISSIPPI 39158
601.944.1008
866.236.7731
cmcrae@bellsouth.net

**FORMER PRESIDING
JUSTICE OF THE
MISSISSIPPI SUPREME COURT**

April 20, 2009

Madison County Circuit Clerk
P. O. Drawer 1626
Canton, MS 39046

Re: *Lampton v. Diaz, et ux*;
No. 2009-0030-R

Dear Ms. Westbrook:

Enclosed for filing is a Notice of Hearing on Defendants' Motion to Change Venue together with one copy of the first page of same. Please file the original and return the copy to me in the enclosed envelope.

Thank you for your assistance.

Sincerely,

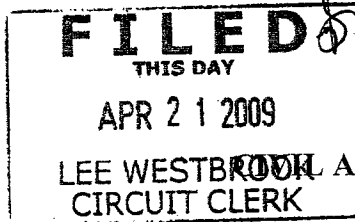


IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.



BOOK ACTION NO. CI 2009-0030-R
CIRCUIT CLERK

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS

MOTION TO STRIKE CORRESPONDENCE

Plaintiff Leslie B. Lampton ("Lampton") files this motion seeking to have the Court strike a letter from counsel for Defendant, Oliver E. Diaz, Jr. ("Defendant") to Luther T. ("Brant") Brantley, the executive director of the Mississippi Commission on Judicial Performance, which counsel has attempted to file of record herein and in support of same would respectfully show unto the Court the following:

1.

Counsel for Defendant Diaz wrote a letter to Luther T. ("Brant") Brantley, the executive director of the Mississippi Commission on Judicial Performance, in which he accuses Plaintiff of improperly breaching his oath of confidentiality by filing this lawsuit. A copy of the correspondence is attached hereto as Exhibit "A". Counsel, however, was not satisfied simply sending the letter. He has forwarded it to the clerk and asked that it be made a part of the pleadings filed herein.

2.

This is improper. A letter...especially from defense counsel to a third party...does not constitute a pleading and should not be considered by this Court. See *Reed v. Mississippi Farm*

Bureau Mut. Ins. Co., 299 B.R. 804, 809 (S.D.Miss.2003) (Court struck letter attached to Motion to Remand noting it was not an affidavit or anything otherwise proper for consideration); *DeLoach v. McRae's, Inc.*, 1997 WL 87647, *4 (N.D.Miss.1997) (striking letter submitted in support of summary judgment).

3.

If defense counsel wishes to put something before this Court, he should do so in a proper manner via motion or other pleading. See MRCP 7(b) ("An application to the court for an order shall be by motion which...shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought."). This attempt to surreptitiously file what amounts to nothing more than libelous hearsay should not be sanctioned or otherwise condoned by this Court.

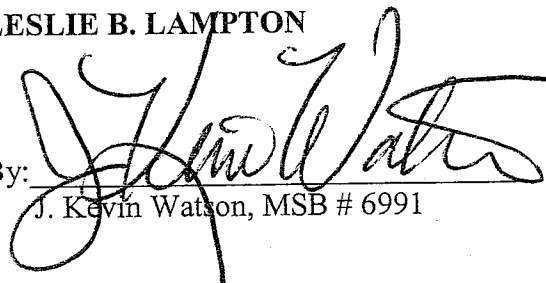
WHEREFORE, Plaintiff Leslie B. Lampton respectfully requests that this Court strike the letter from defense counsel to the executive director of the Mississippi Commission on Judicial Performance which counsel has attempted to file of record herein.

THIS, the 20th day of April, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By:


J. Kevin Watson, MSB # 6991

OF COUNSEL:

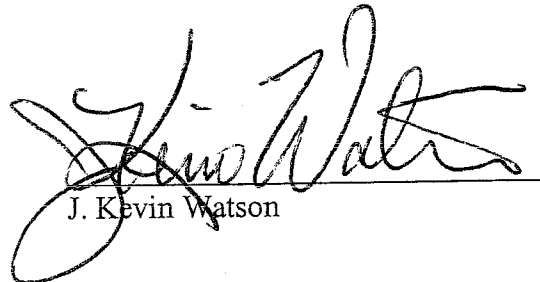
J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

CERTIFICATE OF SERVICE

I, J. Kevin Watson, do hereby certify that I have this day served a true and correct copy of the above document via United States Mail, first class postage pre-paid, to the following counsel of record:

Chuck R. McRae, Esq.
P.O. Box 565
Ridgeland, MS 39158

This the 20th day of April, 2009.


J. Kevin Watson

**CHUCK MCRAE
ATTORNEY AT LAW
SUITE 310 HERITAGE BUILDING
401 EAST CAPITOL STREET
JACKSON, MS 39205**

**FORMER PRESIDING JUSTICE OF THE
MISSISSIPPI SUPREME COURT**

REPLY TO:
P. O. BOX 565
RIDGELAND, MISSISSIPPI 39158
601.944.1008
866.236.7731
cmcrae@bellsouth.net

April 14, 2009

Madison County Circuit Clerk
P. O. Drawer 1626
Canton, MS 39046

Re: *Lampton v. Diaz, et ux.*;
No. 2009-0030-R

Dear Mr. Westbrook:

Enclosed is a letter to be filed in the above styled matter.

Sincerely,



Enclosures
Letter to Brantley
Judicial Performance Commission

cc: Kevin Watson, Esq.

EXHIBIT "A"

CHUCK MCRAE
ATTORNEY AT LAW
Suite 100-M HERITAGE BUILDING
401 EAST CAPITAL STREET

Reply To:
P. O. BOX 33
JACKSON, MISSISSIPPI 39205
601.944.1008

cmcrae@bellsouth.net
Luther T. Brantley
Executive Director
Mississippi Commission on Judicial Performance
455 N. Lamar St. Ste. 201
P.O. Box 22527
Jackson, MS 39225-2527

FORMER PRESIDING JUSTICE
THE MISSISSIPPI SUPREME COURT
FACIMILIE 866.236.7731

April 14, 2009

Dear Mr. Brantley,

It has been brought to your attention that a former member of the Mississippi Commission on Judicial Performance, Leslie Lampton, has breached the confidentiality of the Commission by initiating a lawsuit in the Circuit Court of Madison County, Mississippi against my clients Oliver and Jennifer Diaz. The lawsuit lists the details of a confidential matter that was pending against my client before the Commission. As you know, that matter was filed by Dunnica Lampton, a relative of Leslie Lampton. That matter was dismissed by the Commission on its own motion with no discipline being imposed upon my client. That matter was confidential pursuant to the rules of the Commission until such time as Mr. Lampton decided to breach this confidentiality by initiating his lawsuit.

Please accept this letter as a formal complaint against Leslie Lampton for violation of the confidentiality of the proceedings at the Commission. If I am required to file additional forms in order to initiate a complaint please let me know immediately.

I am aware that the Commission may be limited in its options to enforce the confidentiality of proceedings on a former member. Therefore, I ask that the Commission consider entering an appearance in the matter filed in the Circuit Court of Madison County for the purpose of seeking sanctions against Mr. Lampton. The Circuit Court of Madison is capable of imposing sanctions for this very serious breach.

Please contact me at your earliest convenience to discuss this matter.

Very Truly Yours,



Chuck McRae

cc Kevin Watson, Esq.
Circuit Clerk Madison No.# 2009 -0030-R

WATSON & JONES, P.A.

COUNSELLORS AT LAW

J. KEVIN WATSON
W. ROBERT JONES, III
DAVID S. HUMPHREYS
C. STEPHEN STACK, JR.
ELIZABETH MILLS BOONE*

SUITE 1502 • MIRROR LAKE PLAZA
2829 LAKELAND DRIVE
JACKSON, MISSISSIPPI 39232
www.watsonjoneslaw.com

MAILING ADDRESS:
P.O. Box 23546
JACKSON, MS 39225-3546
TELEPHONE: (601) 939-8900
FACSIMILE: (601) 932-4400
WRITER'S DIRECT NUMBER

*ALSO ADMITTED IN TN

April 20, 2009

Lee Westbrook
Madison County Circuit Clerk
P.O. Box 1626
Canton, MS 39046

RE: *Leslie B. Lampton vs. Oliver E. Diaz, Jr. and Jennifer Diaz*
Civil Action No. 2009-0030-R

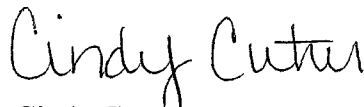
Dear Ms. Westbrook:

Enclosed please find an original and one copy of Leslie B. Lampton's Motion to Strike Correspondence to be filed in the above-referenced matter. Please return the copy stamped "filed" in the self-addressed, postage prepaid envelope provided herein for your convenience.

Thank you for your assistance regarding this matter.

Sincerely yours,

WATSON & JONES, P.A.



Cindy Cutrer
Legal Assistant

Enclosures

cc: Check McRae, Esq.

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF/COUNTER-DEFENDANT

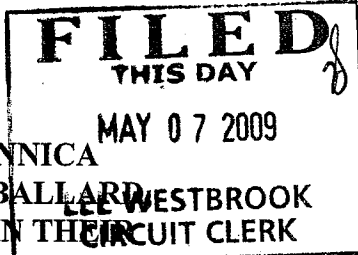
VS.

CIVIL ACTION NO. CI-2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS/COUNTER-PLAINTIFFS/
THIRD-PARTY PLAINTIFFS

VS.



LESLIE LAMPTON, DUNNICA
LAMPTON, DARLENE BALLARD
AND JOHN DOES 1-15, IN THEIR
PERSONAL AND INDIVIDUAL
CAPACITIES

THIRD-PARTY DEFENDANTS

ENTRY OF APPEARANCE

Please take notice that Dennis L. Horn, Shirley Payne, and Horn & Payne, PLLC, hereby enter an appearance for the Third-Party Defendant, Dunnica Lampton.

Respectfully submitted,

Dennis L. Horn (MSB #2645)
Attorney for Third-Party Defendant,
Dunnica Lampton

Dennis L. Horn (MSB #2645)
Shirley Payne (MSB #4071)
HORN & PAYNE, PLLC
P. O. Box 2754
Madison, MS 39130-2754
telephone: 601-853-6090
fax: 601-853-2878
hpattys@aol.com

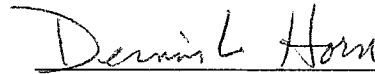
CERTIFICATE OF SERVICE

I, Dennis L. Horn, hereby certify that I have this date mailed, by United States Mail, postage prepaid, a true and correct copy of the above and foregoing Entry of Appearance to the following:

Hon. Chuck McRae
P. O. Box 565
Ridgeland, MS 39158

Hon. J. Kevin Watson
P. O. Box 23546
Jackson, MS 39225

This the 7th day of May, 2009.



Dennis L. Horn

HORN & PAYNE, PLLC

Attorneys at Law

1300 Highway 51
Madison, Mississippi 39110
(601) 853-6090
Fax (601) 853-2878
e-mail: hpattys@aol.com

Dennis L. Horn
Shirley Payne

Post Office Box 2754
Madison, Mississippi 39130

May 7, 2009

(by hand delivery)

Hon. Lee Westbrook, Clerk
Circuit Court of Madison County
P.O. Drawer 1626
Canton, Mississippi 39046

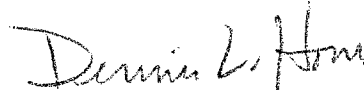
Re: *Leslie B. Lampton, Plaintiff/Counter-Defendant vs.
Oliver E. Diaz, Jr. and Jennifer Diaz, Defendants/Counter-Plaintiffs vs.
Leslie Lampton, Dunnica Lampton, Darlene Ballard, and John Does 1-15,
in Their Personal and Individual Capacities, Third Party Defendants
Circuit Court of Madison County, Mississippi
Civil Action No. CI-2009-0030-R*

Dear Ms. Westbrook:

Enclosed please find the original and one copy of the Entry of Appearance by Dennis L. Horn, Shirley Payne, and Horn & Payne, PLLC, for the Third-Party Defendant, Dunnica Lampton.

Thank you for your assistance in this matter.

Sincerely,



Dennis L. Horn

DLH/lc

Enclosures

cc Hon. Chuck McRae
Hon. J. Kevin Watson
Hon. Dunnica Lampton

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI



COPY

LESLIE B. LAMPTON

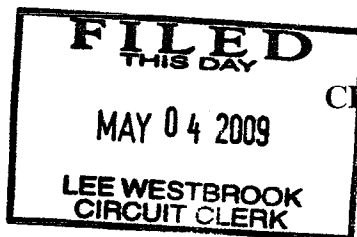
PLAINTIFF

VS.

CIVIL ACTION NO. CI-2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS



**ANSWER OF DEFENDANT, JENNIFER DIAZ, TO COMPLAINT
FOR DECLARATORY JUDGMENT, COUNTER-CLAIM AND
THIRD PARTY CLAIM**

COMES NOW Defendant, Jennifer Diaz, by and through counsel, and files this Answer to the Complaint for Declaratory Judgment filed against her in the above entitled action and answers as follows:

DEFENSES

First Defense: The Complaint for Declaratory Judgment does not state a claim for relief against Jennifer Diaz who is a private citizen and is not subject to proceedings or causes of actions pending at the Mississippi Commission on Judicial Performance.

Second Defense: The Mississippi Commission on Judicial Performance lacks personal jurisdiction over Jennifer Diaz and therefore, the actions of Leslie Lampton and his status on the Mississippi Commission on Judicial Performance is not applicable to this Defendant.

Third Defense: The Mississippi Commission on Judicial Performance lacks subject matter jurisdiction over Jennifer Diaz and, therefore the actions of Leslie Lampton and his status on the Mississippi Commission on Judicial Performance is not applicable to this Defendant.

Fourth Defense: The actions of Leslie Lampton as it pertains to this Defendant were illegal and in violation of Federal and State criminal statutes including, but not limited to, § 42 USC 1983,

§ 42 USC 1985, § 26 USC 6103 and § 26 USC 7213, along with Mississippi State statutes including, but not limited to, civil conspiracy and common law.

1.

Defendant, Jennifer Diaz, is not informed as to the residential address of Plaintiff, Leslie B. Lampton, but accepts as true the address stated by him in paragraph number one of the Complaint for Declaratory Judgment.

2.

Admitted.

3.

Admitted.

4.

Admitted.

5.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to the dates that Plaintiff asserts that he was a member of the Mississippi Commission on Judicial Performance and, therefore, is unable to admit or deny that Plaintiff was a member of the Mississippi Commission on Judicial Performance pursuant to *Miss. Code Ann. § 9-19-1, et seq.*, and §177A of the Mississippi Constitution and, therefore, denies paragraph five.

6.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff's alleged "duties" with the Mississippi Commission on Judicial Performance but admits that Plaintiff participated in an investigation against her husband, Oliver E. Diaz, Jr. Defendant, Jennifer Diaz,

further admits that her husband was an elected Justice of the Mississippi Supreme Court. Defendant, Jennifer Diaz, denies that Plaintiff obtained certain documents and records of Justice Diaz in accordance with *Miss. Code Ann. § 9-19-21*. Defendant, Jennifer Diaz, denies that the documents procured by Plaintiff were legally obtained under the guise of “determining” whether a violation had occurred pursuant to § 177A of the Mississippi Constitution. Defendant, Jennifer Diaz, denies that any such violation had occurred and that the procurement of these documents was nothing more than a “fishing expedition” for information to bring charges against her husband all to her invasion of privacy and constitutional rights.

7.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff’s role in the charges being brought against her husband and therefore denies paragraph seven but asserts that Plaintiff’s role was not limited and further that Plaintiff admits in the Complaint for Declaratory Judgment that he participated in the investigation and influence against Oliver E. Diaz, Jr., to their detriment.

8.

Admitted.

9.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff’s alleged immunity defense as he claims in his Complaint for Declaratory Judgment under *Miss. Code Ann. § 9-19-29* and therefore, denies same. Furthermore, Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff’s alleged immunity defense as he claims in his

Complaint for Declaratory Judgment under 42 U.S.C. §1983 and any other federal statutes and, therefore, denies that Plaintiff is entitled to such immunity. Plaintiff as a member of the Mississippi

Commission on Judicial Performance did not have subject matter or personal jurisdiction over Defendant, Jennifer Diaz.

10.

Defendant, Jennifer Diaz, denies that Plaintiff is entitled to a declaratory judgment and denies that Plaintiff's conduct arose or was required due to his position and or affiliation with the Mississippi Commission on Judicial Performance.

As to the paragraph beginning with "WHEREFORE, PREMISES CONSIDERED," Defendant, Jennifer Diaz, denies that Plaintiff's prayer for relief should be granted. Further, that Plaintiff does not enjoy absolute immunity from this or any other suit filed by Defendants herein. Defendant, Jennifer Diaz, denies that Plaintiff should be entitled to costs and fees.

AND NOW, having answered Plaintiff's Complaint for Declaratory Judgment paragraph by paragraph, Defendant, Jennifer Diaz, prays for such other relief, either general or special, to which the Court deems equitable.

COUNTER-CLAIM

COMES NOW Defendant and Counter-Claimant, Jennifer Diaz, by and through counsel, and files this Counter-Claim against Plaintiff, Leslie B. Lampton. Jennifer Diaz adopts each and every defense and allegation heretofore set forth in the above Answer and makes said defenses and allegations a part hereof by reference. Jennifer Diaz has a cause of action against Plaintiff and

Counter-Defendant hereinafter referred to as “Lampton” and as such, would show unto the Court the following:

1.

That Lampton procured, aided and caused the banking, business and income tax records of Jennifer Diaz to be produced without proper authority. The procurement of these records were made in violation of Federal and State law including, but not

limited to, § 42 USC 1983, § 42 USC 1985, § 26 USC 6103 and § 26 USC 7213, along with Mississippi State statutes and common law.

2.

That Lampton committed an invasion of privacy against Jennifer Diaz.

3.

That Lampton committed an abuse of process against Jennifer Diaz.

4.

That Lampton committed conspiracy against Jennifer Diaz.

5.

That Lampton committed misprison against Jennifer Diaz.

6.

That Lampton committed tort of outrage against Jennifer Diaz.

7.

That Lampton used Jennifer Diaz’s, private records in order to bring charges against her

husband, Oliver Diaz, in an effort to have him removed from public office. Furthermore, the efforts of Lampton were in a reckless disregard against Jennifer Diaz and amounted to an effort to destroy her family life, cause her unrest, turmoil, stress and humiliation for which she is entitled to recover damages of and from Lampton.

8.

That Lampton used his influence upon his family member, Dunnica Lampton, the complaining witness against Oliver Diaz to conspire, bring false charges, degrade, humiliate and ultimately influence the vote of the Mississippi Commission on Judicial Performance in bringing charges against Oliver Diaz, which ultimately caused Jennifer Diaz to suffer damages as set forth herein and for which she is entitled to recover damages of and from Lampton.

9.

That Lampton violated the rights of Jennifer Diaz under § 42 USC 1983 and § 42 USC 1985 for which she prays that this Court address in an amount to compensate her for Lampton's flagrant, wilful and uncaring disregard for the disruption of her life. Lampton in his position on the Mississippi Commission on Judicial Performance did not have personal or subject matter jurisdiction over Jennifer Diaz.

10.

Leslie Lampton civilly conspired with Dunnica Lampton and Darlene Ballard against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages.

11.

That Jennifer Diaz has suffered mentally, physically and emotionally due to the actions of

Lampton and she prays that this Court order damages for said mental, physical and emotional distress in an amount this Court deems equitable. Jennifer Diaz further prays for such other relief, either general or special, which this Court deems appropriate.

WHEREFORE, PREMISES CONSIDERED, Jennifer Diaz prays for compensatory and punitive damages together with attorney's fees, costs and interest.

THIRD PARTY CLAIM

COMES NOW Third Party Plaintiff, Jennifer Diaz, by and through counsel, and files this Third Party Claim against Leslie Lampton, Dunnica Lampton and Darlene Ballard and John Does 1-15 in their personal and in individual capacities as set forth below. Jennifer Diaz adopts by reference each and every defense and allegation heretofore set forth in the above and foregoing Answer and Counter-Claim and makes a part hereof by reference. A copy of this shall be personally served upon Dunnica Lampton by delivering a copy of same to him at 115 Cherry Hills Drive, Jackson, Mississippi 39211. Jennifer Diaz has a cause of action against said Third Party Defendant, Dunnica Lampton, personally and in his individual capacity and as such would show unto the Court the following:

1.

That Dunnica Lampton brought libelous charges against Oliver Diaz through his personal and individual capacity with the Mississippi Commission on Judicial Performance in an effort to unseat Oliver Diaz from his position on the Mississippi Supreme Court which ultimately caused and contributed to Jennifer Diaz's suffering, destruction of her family life, unrest, turmoil, stress and humiliation for which she is entitled to recover damages of and from Lampton.

2.

7

That through his personal and individual capacity, Dunnica Lampton was able to exert many unfounded accusations against Oliver Diaz for which action Jennifer Diaz was caused to suffer mental, physical, emotional and monetary damages, general and special, at the hands of Dunnica Lampton. This outrageous conduct caused her to suffer unrest, loss of enjoyment of family life, loss of quality of life as well as humiliation.

3.

That Dunnica Lampton, through his personal and individual capacity, illegally obtained, copied, possessed and distributed private income tax records, banking records and business records Jennifer Diaz. Dunnica Lampton civilly conspired with Leslie Lampton and Darlene Ballard against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages.

Jennifer Diaz, by and through counsel, and files this Third Party Claim against Darlene Ballard, personally and in her individual capacity. Darlene Ballard who is being served in her personal and individual capacity shall be personally served at 335 Devonport Circle, Raymond, Mississippi 39154. Darlene Ballard, Dunnica Lampton and Leslie Lampton and/or John Does 1-15 civilly conspired against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages. Jennifer Diaz has a cause of action against said Third Party Defendant, Darlene Ballard, personally and in her individual capacity and as such would show unto the Court the following:

1.

That Darlene Ballard, through her personal and individual capacity, illegally obtained, copied, possessed and distributed private income tax records of Jennifer Diaz.

2.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard procured the banking, business and income tax records of Jennifer Diaz. The procurement of these records were made in violation of Federal and State law including, but not limited to, § 42 USC 1983, § 42 USC 1985, § 26 USC 6103 and § 26 USC 7213, along with Mississippi State statutes and common law.

3.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed an invasion of privacy against Jennifer Diaz.

4.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed an abuse of process against Jennifer Diaz.

5.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed conspiracy against Jennifer Diaz.

6.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed misprison against Jennifer Diaz.

7.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed tort of outrage against Jennifer Diaz.

8.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard used Jennifer Diaz's, private

9

records in order to bring charges against her husband, Oliver Diaz, in an effort to have him removed from public office. Furthermore, the efforts of Dunnica Lampton, Leslie Lampton and Darlene Ballard against Jennifer Diaz was an effort to destroy her family life, cause her unrest, turmoil, stress and humiliation for which she is entitled to recover damages of and from Dunnica Lampton, Leslie Lampton and Darlene Ballard.

9.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard by acting in their personal and individual capacities against Oliver Diaz to conspire, bring false charges, degrade, humiliate and ultimately influence the vote of the Mississippi Commission on Judicial Performance in bringing charges against Oliver Diaz, which ultimately caused Jennifer Diaz to suffer damages as set forth herein and for which she is entitled to recover damages of and from Dunnica Lampton, Leslie Lampton and Darlene Ballard.

10.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard violated the rights of Jennifer Diaz under § 42 USC 1983 and § 42 USC 1985 for which she prays that this Court address in an amount to compensate her for Dunnica Lampton's, Leslie Lampton's and Darlene Ballard's flagrant, wilful and uncaring disregard for the disruption of her life. Dunnica Lampton, Leslie Lampton and Darlene Ballard did not have personal or subject matter jurisdiction over Jennifer Diaz.

11.

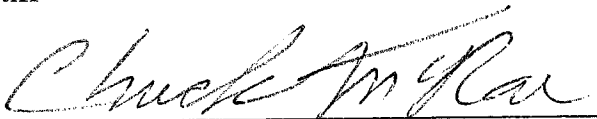
Leslie Lampton civilly conspired with Dunnica Lampton and Darlene Ballard against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages.

12.

That Jennifer Diaz has suffered mentally, physically and emotionally due to the actions of Dunnica Lampton, Leslie Lampton and Darlene Ballard and she prays that this Court order damages for said mental, physical and emotional distress in an amount this Court deems equitable. Jennifer Diaz further prays for such other relief, either general or special, which this Court deems appropriate.

WHEREFORE, PREMISES CONSIDERED, Jennifer Diaz prays for compensatory and punitive damages together with attorney's fees, costs and pre-judgment and post-judgment interest.

Respectfully submitted,
JENNIFER DIAZ, Defendant
(As to Answer to Declaratory Judgment)
And
JENNIFER DIAZ, Counter-Claimant and Third Party
Plaintiff

BY: 

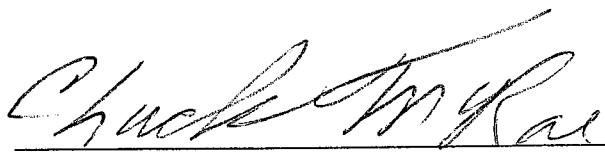
CHUCK MCRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008 (VOICE)
866.236.7731 (FAX)

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this day mailed, VIA U. S. Mail, postage pre-paid, a true and correct copy of the above and foregoing Answer of Jennifer Diaz to Complaint for Declaratory Judgment, Counterclaim and Third Party Claim to the following counsel of record:

J. Kevin Watson, Esq.
P. O. Box 23546
Jackson, MS 39225

THIS 4th day of May, 2009.



CHUCK MCRAE, MSB #2804

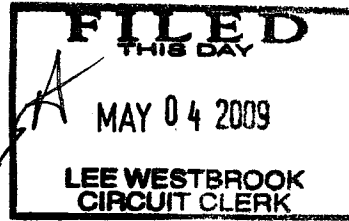
IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

VS.

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ



CIVIL ACTION NO. CI-2009-0030-R

DEFENDANTS

ANSWER OF DEFENDANT, JENNIFER DIAZ, TO COMPLAINT
FOR DECLARATORY JUDGMENT, COUNTER-CLAIM AND
THIRD PARTY CLAIM

COMES NOW Defendant, Jennifer Diaz, by and through counsel, and files this Answer to the Complaint for Declaratory Judgment filed against her in the above entitled action and answers as follows:

DEFENSES

First Defense: The Complaint for Declaratory Judgment does not state a claim for relief against Jennifer Diaz who is a private citizen and is not subject to proceedings or causes of actions pending at the Mississippi Commission on Judicial Performance.

Second Defense: The Mississippi Commission on Judicial Performance lacks personal jurisdiction over Jennifer Diaz and therefore, the actions of Leslie Lampton and his status on the Mississippi Commission on Judicial Performance is not applicable to this Defendant.

Third Defense: The Mississippi Commission on Judicial Performance lacks subject matter jurisdiction over Jennifer Diaz and, therefore the actions of Leslie Lampton and his status on the Mississippi Commission on Judicial Performance is not applicable to this Defendant.

Fourth Defense: The actions of Leslie Lampton as it pertains to this Defendant were illegal and in violation of Federal and State criminal statutes including, but not limited to, § 42 USC 1983,

§ 42 USC 1985, § 26 USC 6103 and § 26 USC 7213, along with Mississippi State statutes including, but not limited to, civil conspiracy and common law.

1.

Defendant, Jennifer Diaz, is not informed as to the residential address of Plaintiff, Leslie B. Lampton, but accepts as true the address stated by him in paragraph number one of the Complaint for Declaratory Judgment.

2.

Admitted.

3.

Admitted.

4.

Admitted.

5.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to the dates that Plaintiff asserts that he was a member of the Mississippi Commission on Judicial Performance and, therefore, is unable to admit or deny that Plaintiff was a member of the Mississippi Commission on Judicial Performance pursuant to *Miss. Code Ann. § 9-19-1, et seq.*, and §177A of the Mississippi Constitution and, therefore, denies paragraph five.

6.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff's alleged "duties" with the Mississippi Commission on Judicial Performance but admits that Plaintiff participated in an investigation against her husband, Oliver E. Diaz, Jr. Defendant, Jennifer Diaz,

further admits that her husband was an elected Justice of the Mississippi Supreme Court. Defendant, Jennifer Diaz, denies that Plaintiff obtained certain documents and records of Justice Diaz in accordance with *Miss. Code Ann. § 9-19-21*. Defendant, Jennifer Diaz, denies that the documents procured by Plaintiff were legally obtained under the guise of “determining” whether a violation had occurred pursuant to § 177A of the Mississippi Constitution. Defendant, Jennifer Diaz, denies that any such violation had occurred and that the procurement of these documents was nothing more than a “fishing expedition” for information to bring charges against her husband all to her invasion of privacy and constitutional rights.

7.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff’s role in the charges being brought against her husband and therefore denies paragraph seven but asserts that Plaintiff’s role was not limited and further that Plaintiff admits in the Complaint for Declaratory Judgment that he participated in the investigation and influence against Oliver E. Diaz, Jr., to their detriment.

8.

Admitted.

9.

Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff’s alleged immunity defense as he claims in his Complaint for Declaratory Judgment under *Miss. Code Ann. § 9-19-29* and therefore, denies same. Furthermore, Defendant, Jennifer Diaz, is without sufficient knowledge or information as to Plaintiff’s alleged immunity defense as he claims in his

Complaint for Declaratory Judgment under 42 U.S.C. §1983 and any other federal statutes and, therefore, denies that Plaintiff is entitled to such immunity. Plaintiff as a member of the Mississippi

Commission on Judicial Performance did not have subject matter or personal jurisdiction over Defendant, Jennifer Diaz.

10.

Defendant, Jennifer Diaz, denies that Plaintiff is entitled to a declaratory judgment and denies that Plaintiff's conduct arose or was required due to his position and or affiliation with the Mississippi Commission on Judicial Performance.

As to the paragraph beginning with "WHEREFORE, PREMISES CONSIDERED," Defendant, Jennifer Diaz, denies that Plaintiff's prayer for relief should be granted. Further, that Plaintiff does not enjoy absolute immunity from this or any other suit filed by Defendants herein. Defendant, Jennifer Diaz, denies that Plaintiff should be entitled to costs and fees.

AND NOW, having answered Plaintiff's Complaint for Declaratory Judgment paragraph by paragraph, Defendant, Jennifer Diaz, prays for such other relief, either general or special, to which the Court deems equitable.

COUNTER-CLAIM

COMES NOW Defendant and Counter-Claimant, Jennifer Diaz, by and through counsel, and files this Counter-Claim against Plaintiff, Leslie B. Lampton. Jennifer Diaz adopts each and every defense and allegation heretofore set forth in the above Answer and makes said defenses and allegations a part hereof by reference. Jennifer Diaz has a cause of action against Plaintiff and

Counter-Defendant hereinafter referred to as "Lampton" and as such, would show unto the Court the following:

1.

That Lampton procured, aided and caused the banking, business and income tax records of Jennifer Diaz to be produced without proper authority. The procurement of these records were made in violation of Federal and State law including, but not

limited to, § 42 USC 1983, § 42 USC 1985, § 26 USC 6103 and § 26 USC 7213, along with Mississippi State statutes and common law.

2.

That Lampton committed an invasion of privacy against Jennifer Diaz.

3.

That Lampton committed an abuse of process against Jennifer Diaz.

4.

That Lampton committed conspiracy against Jennifer Diaz.

5.

That Lampton committed misprison against Jennifer Diaz.

6.

That Lampton committed tort of outrage against Jennifer Diaz.

7.

That Lampton used Jennifer Diaz's, private records in order to bring charges against her

husband, Oliver Diaz, in an effort to have him removed from public office. Furthermore, the efforts of Lampton were in a reckless disregard against Jennifer Diaz and amounted to an effort to destroy her family life, cause her unrest, turmoil, stress and humiliation for which she is entitled to recover damages of and from Lampton.

8.

That Lampton used his influence upon his family member, Dunnica Lampton, the complaining witness against Oliver Diaz to conspire, bring false charges, degrade, humiliate and ultimately influence the vote of the Mississippi Commission on Judicial Performance in bringing charges against Oliver Diaz, which ultimately caused Jennifer Diaz to suffer damages as set forth herein and for which she is entitled to recover damages of and from Lampton.

9.

That Lampton violated the rights of Jennifer Diaz under § 42 USC 1983 and § 42 USC 1985 for which she prays that this Court address in an amount to compensate her for Lampton's flagrant, wilful and uncaring disregard for the disruption of her life. Lampton in his position on the Mississippi Commission on Judicial Performance did not have personal or subject matter jurisdiction over Jennifer Diaz.

10.

Leslie Lampton civilly conspired with Dunnica Lampton and Darlene Ballard against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages.

11.

That Jennifer Diaz has suffered mentally, physically and emotionally due to the actions of

Lampton and she prays that this Court order damages for said mental, physical and emotional distress in an amount this Court deems equitable. Jennifer Diaz further prays for such other relief, either general or special, which this Court deems appropriate.

WHEREFORE, PREMISES CONSIDERED, Jennifer Diaz prays for compensatory and punitive damages together with attorney's fees, costs and interest.

THIRD PARTY CLAIM

COMES NOW Third Party Plaintiff, Jennifer Diaz, by and through counsel, and files this Third Party Claim against Leslie Lampton, Dunnica Lampton and Darlene Ballard and John Does 1-15 in their personal and in individual capacities as set forth below. Jennifer Diaz adopts by reference each and every defense and allegation heretofore set forth in the above and foregoing Answer and Counter-Claim and makes a part hereof by reference. A copy of this shall be personally served upon Dunnica Lampton by delivering a copy of same to him at 115 Cherry Hills Drive, Jackson, Mississippi 39211. Jennifer Diaz has a cause of action against said Third Party Defendant, Dunnica Lampton, personally and in his individual capacity and as such would show unto the Court the following:

1.

That Dunnica Lampton brought libelous charges against Oliver Diaz through his personal and individual capacity with the Mississippi Commission on Judicial Performance in an effort to unseat Oliver Diaz from his position on the Mississippi Supreme Court which ultimately caused and contributed to Jennifer Diaz's suffering, destruction of her family life, unrest, turmoil, stress and humiliation for which she is entitled to recover damages of and from Lampton.

2.

That through his personal and individual capacity, Dunnica Lampton was able to exert many unfounded accusations against Oliver Diaz for which action Jennifer Diaz was caused to suffer mental, physical, emotional and monetary damages, general and special, at the hands of Dunnica Lampton. This outrageous conduct caused her to suffer unrest, loss of enjoyment of family life, loss of quality of life as well as humiliation.

3.

That Dunnica Lampton, through his personal and individual capacity, illegally obtained, copied, possessed and distributed private income tax records, banking records and business records Jennifer Diaz. Dunnica Lampton civilly conspired with Leslie Lampton and Darlene Ballard against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages.

Jennifer Diaz, by and through counsel, and files this Third Party Claim against Darlene Ballard, personally and in her individual capacity. Darlene Ballard who is being served in her personal and individual capacity shall be personally served at 335 Devonport Circle, Raymond, Mississippi 39154. Darlene Ballard, Dunnica Lampton and Leslie Lampton and/or John Does 1-15 civilly conspired against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages. Jennifer Diaz has a cause of action against said Third Party Defendant, Darlene Ballard, personally and in her individual capacity and as such would show unto the Court the following:

1.

That Darlene Ballard, through her personal and individual capacity, illegally obtained, copied, possessed and distributed private income tax records of Jennifer Diaz.

2.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard procured the banking, business and income tax records of Jennifer Diaz. The procurement of these records were made in violation of Federal and State law including, but not limited to, § 42 USC 1983, § 42 USC 1985, § 26 USC 6103 and § 26 USC 7213, along with Mississippi State statutes and common law.

3.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed an invasion of privacy against Jennifer Diaz.

4.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed an abuse of process against Jennifer Diaz.

5.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed conspiracy against Jennifer Diaz.

6.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed misprison against Jennifer Diaz.

7.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard committed tort of outrage against Jennifer Diaz.

8.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard used Jennifer Diaz's, private

9

records in order to bring charges against her husband, Oliver Diaz, in an effort to have him removed from public office. Furthermore, the efforts of Dunnica Lampton, Leslie Lampton and Darlene Ballard against Jennifer Diaz was an effort to destroy her family life, cause her unrest, turmoil, stress and humiliation for which she is entitled to recover damages of and from Dunnica Lampton, Leslie Lampton and Darlene Ballard.

9.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard by acting in their personal and individual capacities against Oliver Diaz to conspire, bring false charges, degrade, humiliate and ultimately influence the vote of the Mississippi Commission on Judicial Performance in bringing charges against Oliver Diaz, which ultimately caused Jennifer Diaz to suffer damages as set forth herein and for which she is entitled to recover damages of and from Dunnica Lampton, Leslie Lampton and Darlene Ballard.

10.

That Dunnica Lampton, Leslie Lampton and Darlene Ballard violated the rights of Jennifer Diaz under § 42 USC 1983 and § 42 USC 1985 for which she prays that this Court address in an amount to compensate her for Dunnica Lampton's, Leslie Lampton's and Darlene Ballard's flagrant, wilful and uncaring disregard for the disruption of her life. Dunnica Lampton, Leslie Lampton and Darlene Ballard did not have personal or subject matter jurisdiction over Jennifer Diaz.

11.

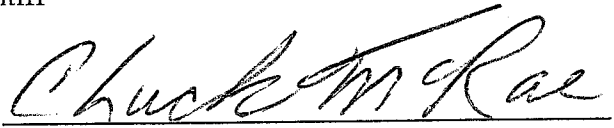
Leslie Lampton civilly conspired with Dunnica Lampton and Darlene Ballard against Jennifer Diaz to possess and distribute her tax, business and banking records illegally and without authority which she prays that this Court order damages.

12.

That Jennifer Diaz has suffered mentally, physically and emotionally due to the actions of Dunnica Lampton, Leslie Lampton and Darlene Ballard and she prays that this Court order damages for said mental, physical and emotional distress in an amount this Court deems equitable. Jennifer Diaz further prays for such other relief, either general or special, which this Court deems appropriate.

WHEREFORE, PREMISES CONSIDERED, Jennifer Diaz prays for compensatory and punitive damages together with attorney's fees, costs and pre-judgment and post-judgment interest.

Respectfully submitted,
JENNIFER DIAZ, Defendant
(As to Answer to Declaratory Judgment)
And
JENNIFER DIAZ, Counter-Claimant and Third Party
Plaintiff

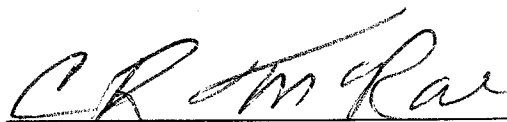
BY: 
CHUCK MCRAE, MSB #2804
P. O. BOX 565
RIDGELAND, MS 39158
601.944.1008 (VOICE)
866.236.7731 (FAX)

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that I have this day mailed, VIA U. S. Mail, postage pre-paid, a true and correct copy of the above and foregoing Answer of Jennifer Diaz to Complaint for Declaratory Judgment, Counterclaim and Third Party Claim to the following counsel of record:

J. Kevin Watson, Esq.
P. O. Box 23546
Jackson, MS 39225

THIS 4th day of May, 2009.



CHUCK MCRAE, MSB #2804

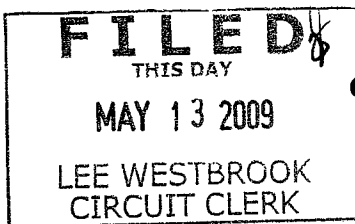
IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF

V.

OLIVER E. DIAZ, JR. and
JENNIFER DIAZ



CIVIL ACTION NO. CI2009-0030-R

DEFENDANTS

**ANSWER AND AFFIRMATIVE DEFENSES OF LESLIE B. LAMPTON
TO DEFENDANT JENNIFER DIAZ'S COUNTERCLAIM AND
MOTION TO STRIKE THIRD PARTY CLAIM**

COMES NOW Plaintiff/Counter-defendant, Leslie B. Lampton ("Counter-defendant") and submits this Answer and Affirmative Defenses to the Counterclaim filed by Defendant/Counter-plaintiff, Jennifer Diaz ("Counter-plaintiff") and shows as follows:

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Counterclaim should be dismissed because Counter-plaintiff has failed to state a claim against this Counter-defendant upon which relief may be granted.

Second Affirmative Defense

The Counterclaim does not state a cause of action for fraud with the specificity required by Miss.R.Civ.P. 9(b).

Third Affirmative Defense

Counter-plaintiff's claims are barred by comparative and/or contributory negligence.

Fourth Affirmative Defense

Counter-plaintiff's claims are barred, in whole or in part, by the doctrines of failure of consideration or performance, fraud, illegality, mistake, unclean hands, set-off or recoupment and/or bad faith.

Fifth Affirmative Defense

Counter-plaintiff has no damages in this matter.

Sixth Affirmative Defense

Counter-plaintiff failed to take reasonable steps to mitigate any alleged damages.

Seventh Affirmative Defense

If any injuries or damages alleged in the Counterclaim were incurred by Counter-plaintiff, which is denied, such injuries or damages were caused or contributed to by independent, intervening or superseding acts or omissions of others for whose acts Counter-defendant has no liability, vicarious or otherwise.

Eighth Affirmative Defense

If any injuries or damages alleged in the Counterclaim were incurred by Counter-plaintiff, which is denied, then such injuries or damages were caused, solely or in part, by acts or omissions of others for whom Counter-defendant has no liability, thus reducing recovery against Counter-defendant under Miss. Code Ann. § 85-5-7 (1972), as amended.

Ninth Affirmative Defense

Any injuries or damages incurred by Counter-plaintiff were caused, solely or in part, by acts or omissions of the Counter-plaintiff, thus reducing any recovery against Counter-defendant under Miss. Code Ann. § 11-7-15 (1972), as amended.

Tenth Affirmative Defense

Pursuant to *Miss. Code Ann.* § 9-19-29, Counter-defendant enjoys complete and absolute immunity for any conduct arising out of the performance of his official duties with the Mississippi Commission on Judicial Performance.

Eleventh Affirmative Defense

All or parts of the state law claims alleged in the Counterclaim are preempted by applicable federal law.

Twelfth Affirmative Defense

Any award of punitive damages against Counter-defendant would be an unconstitutional violation of the provisions of the United States Constitution, including, but not limited to, the Fifth, Seventh, Eighth, and Fourteenth Amendments and would also violate provisions of the Constitution of Mississippi, including, but not limited to, Article III, §§ 14, 28, and 31.

Thirteenth Affirmative Defense

The facts not having been fully developed, Counter-defendant pleads all applicable affirmative defenses enumerated in Rule 8(c) of the Mississippi Rules of Civil Procedure.

Fourteenth Affirmative Defense

Pursuant to *Miss. Code Ann.* § 11-1-65, punitive damages may not be awarded in this case, as Counter-defendant has not acted with actual malice, gross negligence which evidences a willful, wanton or reckless disregard for the safety of others, or otherwise committed actual fraud.

Fifteenth Affirmative Defense

Counter-defendant enjoys complete and absolute immunity from any suit under 42 U.S.C. § 1983 and the other federal statutes cited by Counter-plaintiff, as he was at all times relevant hereto

acting in his capacity with the Mississippi Commission on Judicial Performance which is a quasi-judicial agency performing functions similar to those of judges and prosecutors.

Sixteenth Affirmative Defense

Mississippi does not recognize a tort or crime of misprision, and Counter-defendant therefore cannot be held liable for same.

Seventeenth Affirmative Defense

Counter-plaintiff's claims are barred by the applicable statute(s) of limitation.

And now, answering the Counterclaim, paragraph by paragraph, Counter-defendant pleads as follows:

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.

Counter-defendant denies each and every allegation in the unnumbered paragraph of the Complaint entitled WHEREFORE, PREMISES CONSIDERED, and would reassert and re-allege each and every denial and defense previously set forth herein.

MOTION TO STRIKE THIRD-PARTY CLAIM

Counter-defendant is improperly named as a third-party defendant in Counter-plaintiff's Third Party Claim. The Mississippi Rules of Civil Procedure do not permit such, and Counter-defendant moves to strike that portion of the Third-Party Claim that pertains to him pursuant to MRCP 14. Moreover, Counter-plaintiff has not obtained authorization "on motion and good cause shown" from the Court to file a Third-Party Claim as required by MRCP 14. The Court should therefore strike the Third Party Claim *in toto*. Alternatively, Counter-defendant denies each of the paragraphs of the Third-Party Claim to the extent the allegations are made against Counter-defendant.

Counter-defendant would deny that the Counter-plaintiff is entitled to any relief on either its counterclaim or third-party claim and would move that both be dismissed with costs and such other relief as deemed appropriate.

This, the 12th day of May, 2009.

Respectfully submitted,

LESLIE B. LAMPTON

By: 

J. Kevin Watson, MSB # 6991

OF COUNSEL:

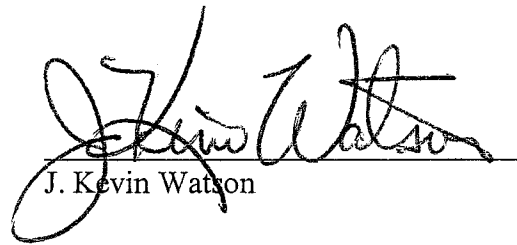
J. Kevin Watson (MSB # 6991)
C. Stephen Stack, Jr. (MSB # 10768)
WATSON & JONES, P.A.
Post Office Box 23546
Jackson, Mississippi 39225
Telephone: (601) 939-8900
Facsimile: (601) 932-4400

CERTIFICATE OF SERVICE

I, J. Kevin Watson, do hereby certify that I have this day served a true and correct copy of the above document via United States Mail, first class postage pre-paid, to the following counsel of record:

Chuck R. McRae, Esq.
P.O. Box 565
Ridgeland, MS 39158

This the 12th day of May, 2009.


J. Kevin Watson

WATSON & JONES, P.A.

COUNSELLORS AT LAW

J. KEVIN WATSON
W. ROBERT JONES, III
DAVID S. HUMPHREYS
C. STEPHEN STACK, JR.
ELIZABETH MILLS BOONE*

SUITE 1502 • MIRROR LAKE PLAZA
2829 LAKELAND DRIVE
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JACKSON, MS 39225-3546
TELEPHONE: (601) 939-8900
FACSIMILE: (601) 932-4400
WRITER'S DIRECT NUMBER

*ALSO ADMITTED IN TN

May 12, 2009

Lee Westbrook
Madison County Circuit Clerk
P.O. Box 1626
Canton, MS 39046

RE: *Leslie B. Lampton vs. Oliver E. Diaz, Jr. and Jennifer Diaz*
Civil Action No. 2009-0030-R


Dear Ms. Westbrook:

Enclosed please find an original and one copy of the Answer and Affirmative Defenses of Leslie B. Lampton to be filed in the above-referenced matter. Please return the copy stamped "filed" in the self-addressed, postage prepaid envelope provided herein for your convenience.

Thank you for your assistance regarding this matter.

Sincerely yours,

WATSON & JONES, P.A.



Cindy Cutrer
Legal Assistant

Enclosures

cc: Chuck McRae, Esq.

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

LESLIE B. LAMPTON

PLAINTIFF/COUNTER-DEFENDANT

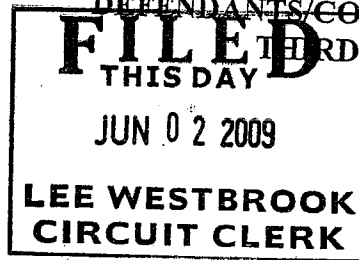
VS.

CIVIL ACTION NO. CI-2009-0030-R

OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ

DEFENDANTS/COUNTER-PLAINTIFFS/
THIRD-PARTY PLAINTIFFS

VS.



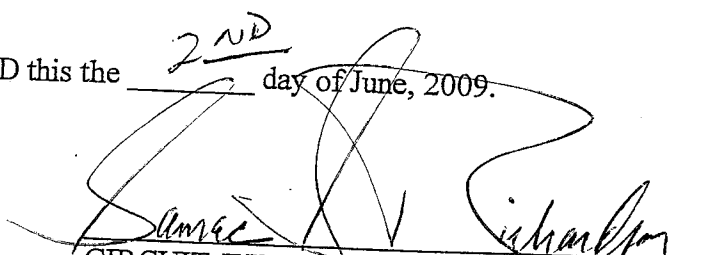
LESLIE LAMPTON, DUNNICA
LAMPTON, DARLENE BALLARD,
AND JOHN DOES 1-15, IN THEIR
PERSONAL AND INDIVIDUAL
CAPACITIES

THIRD-PARTY DEFENDANTS

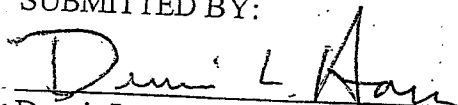
ORDER

The Third-Party Defendant, Dunnica Lampton, having informed the Court that he intends to remove this action to the United States District Court for the Southern District of Mississippi, Jackson Division, the Court hereby authorizes Ms. Lee Westbrook, Circuit Clerk of Madison County, Mississippi, to prepare a certified copy of the entire Court file in this matter and to deliver said certified copy to Dennis L. Horn so he may attach it as an exhibit to said Notice of Removal.

ORDERED AND ADJUDGED this the 2ND day of June, 2009.


CIRCUIT JUDGE

SUBMITTED BY:



Dennis L. Horn (MSB #2645)

Horn & Payne, PLLC

P. O. Box 2754

Madison, MS 39130-2754

Phone: (601) 853-6090