

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DENNIS MICHAEL PHILIPSON

6178 Castletown Way

Alexandria, VA 22310

Plaintiff, Pro Se,

v.

Case No.: to be assigned by the Clerk

MID-AMERICA APARTMENT COMMUNITIES, INC.

a Tennessee corporation (principal executive offices in the Memphis, Tennessee area),

BASS, BERRY & SIMS PLC

a Tennessee professional limited liability company and law firm (principal offices in Tennessee),

JOHN S. GOLWEN,

PAIGE WALDROP MILLS,

JORDAN ELIZABETH THOMAS,

ALLISON WISEMAN ACKER,

TODD OVERMAN,

SAMANTHA WARD,

TERESA MCCLANAHAN,

ROBERT J. DELPRIORE,

LESLIE WOLFGANG,

A. BRADLEY HILL

MELANIE CARPENTER

AMBER FAIRBANKS

A. CLAY HOLDER

TIMOTHY ARGO

JOSEPH FRACCHIA

DEBORAH H. CAPLAN

TAMARA FISHER

CLAUDE B. NIELSEN

DAVID P. STOCKERT

ALAN B. GRAF JR.

JOHN P. CASE

EDITH KELLY-GREEN

SHEILA K. MCGRATH

GARY S. SHORB

and JOHN/JANE DOES 1–20,

Defendants.

**COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF
(DEFAMATION – LIBEL PER SE / SLANDER PER SE; FALSE LIGHT;
ABUSE OF PROCESS; INTENTIONAL INFILCTION OF EMOTIONAL
DISTRESS; CIVIL CONSPIRACY; VICARIOUS LIABILITY;
DECLARATORY AND INJUNCTIVE RELIEF)**

JURY TRIAL DEMANDED

Plaintiff Dennis Michael Philipson (“Plaintiff”), proceeding pro se, alleges as follows:

I. INTRODUCTION

1. This action arises from Defendants’ coordinated and continuing campaign to brand Plaintiff as a felon and “cyber” criminal through false factual accusations of serious crimes, and to weaponize civil litigation process, third-party process, and contempt/enforcement leverage to punish, discredit, and silence Plaintiff.
2. Defendants’ publications accused Plaintiff, as statements of fact, of crimes of moral turpitude and felony conduct, including identity theft and credit-card fraud (specifically, applying for and/or opening credit cards in the names of opposing counsel and her spouse), U.S. mail interference, and unlawful cyber activity.
3. Plaintiff denies committing identity theft, credit-card fraud, unlawful surveillance, mail interference, hacking, or any comparable criminal act. Plaintiff alleges Defendants made and republished criminal accusations without competent proof, and that Defendants did so for an improper retaliatory purpose and as litigation leverage.
4. Defendants published and republished these criminal accusations not only in court filings but also through communications and process directed to third-party custodians and non-participants, thereby expanding the audience, increasing the injury, and removing the conduct from any narrow, good-faith judicial function.

5. Plaintiff seeks compensatory and punitive damages and narrowly tailored equitable relief to remedy continuing reputational, credit, and liberty harms and to prevent further extra-judicial republication of false criminal accusations.

II. JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction under 28 U.S.C. § 1332(a)(1) because Plaintiff is a citizen of Virginia; Defendant Mid-America Apartment Communities, Inc. (“MAA”) is a citizen of Tennessee; Defendant Bass, Berry & Sims PLC (“BBS”) is a Tennessee professional limited liability company; the individual Defendants are, on information and belief, citizens of Tennessee or states other than Virginia; and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

7. BBS is an unincorporated entity whose citizenship is determined by its members. Plaintiff alleges upon information and belief, based on BBS’s Tennessee organization and principal offices and the residency of its principals in this matter, that none of BBS’s members is domiciled in Virginia. Citizenship details for an unincorporated entity are uniquely within Defendants’ knowledge and control and will be confirmed in discovery.

8. Venue is proper in this District under 28 U.S.C. § 1391 because a substantial part of the events and publications giving rise to the claims occurred in this District, including the drafting, filing, dissemination, and republication of defamatory statements; the issuance and use of third-party subpoenas;

contempt/enforcement proceedings; and communications directed from Tennessee to third-party custodians and others.

9. This action is related to Mid-America Apartment Communities, Inc. v. Dennis Philipson, Case No. 2:23-cv-02186-SHL-cgc (W.D. Tenn.) (the “Underlying Action”), because the defamatory accusations and process abuses were made in connection with and arising from that matter and its post-judgment proceedings.

10. Plaintiff does not seek in this action to relitigate trademark claims or to vacate any prior judgment. Plaintiff seeks damages and equitable relief for Defendants’ independent tortious conduct, including defamatory republication to third parties and abuse of process for ulterior purposes.

III. PARTIES

11. Plaintiff Dennis Michael Philipson is an individual domiciled in Alexandria, Virginia.

12. Defendant MAA is a Tennessee corporation with principal executive offices in the Memphis, Tennessee area and acted through officers, employees, agents, and counsel.

13. Defendant BBS is a Tennessee professional limited liability company and law firm and acted through its attorneys and staff.

14. Defendant John S. Golwen is an attorney and agent of BBS and/or MAA who participated in publications and process conduct at issue.

15. Defendant Paige Waldrop Mills is an attorney and agent of BBS and/or MAA who participated in publications and process conduct at issue and is identified as a purported “victim” of alleged credit-card fraud.
16. Defendant Jordan Elizabeth Thomas is an attorney and agent of BBS and/or MAA who participated in publications and process conduct at issue.
17. Defendant Allison Wiseman Acker is an attorney and agent of BBS and/or MAA who participated in publications and process conduct at issue.
18. Defendant Todd Overman is an attorney and agent of BBS and/or MAA who participated in publications and process conduct at issue.
19. Defendant Samantha Ward is, on information and belief, an agent and participant who assisted and/or coordinated communications, service, and litigation activity connected to the publications and process conduct at issue.
20. Defendant Teresa McClanahan is, on information and belief, an agent and participant who assisted and/or coordinated communications, service, and litigation activity connected to the publications and process conduct at issue.
21. Defendant Robert J. DelPriore is, on information and belief, MAA’s General Counsel and participated in authorizing, directing, ratifying, and/or facilitating the conduct described herein.

22. Defendant Leslie Wolfgang is, on information and belief, a declarant and participant whose sworn submissions and related communications furthered the publication and reinforcement of the criminal narrative against Plaintiff.

23. John/Jane Does 1–20 are unknown persons or entities who aided, abetted, authorized, directed, ratified, or participated in the wrongful conduct alleged herein. Plaintiff will seek leave to amend when identified.

IV. FACTUAL ALLEGATIONS

A. Protected Reporting and Retaliatory Motive

24. Beginning in or about 2021, Plaintiff made reports to governmental authorities and regulators concerning matters Plaintiff believed involved corporate misconduct and anticompetitive conduct, including RealPage rent-pricing issues and related concerns.

25. Plaintiff alleges those reports and related petitioning activity created a motive for retaliation: to discredit Plaintiff as a criminal, chill reporting, and prejudice judicial and third-party decisionmakers.

B. The Underlying Action and the “Criminal Narrative”

26. The Underlying Action commenced in April 2023 as a John Doe case and was later amended to name Plaintiff.

27. From the outset and continuing thereafter, Defendants advanced a “criminal narrative” that went far beyond civil trademark allegations and portrayed Plaintiff as committing felony crimes and dangerous cyber wrongdoing.

28. Defendants used civil litigation tools, including expedited third-party subpoenas and subsequent contempt/enforcement motions, to spread and reinforce the criminal narrative about Plaintiff.

C. Specific Defamatory Criminal Accusations

29. Defendants accused Plaintiff, as statements of fact, of identity theft and credit-card fraud. Defendants represented that Plaintiff applied for and/or opened credit cards in the names of MAA’s counsel and counsel’s husband, including representations that the purported cards had \$30,000 limits and were fraudulently applied for using personal information.

30. Defendants accused Plaintiff, as statements of fact, of U.S. mail interference and other serious wrongdoing, including allegations that Plaintiff opened or interfered with mail and engaged in intimidation-type conduct.

31. Defendants accused Plaintiff, as statements of fact, of hacking or unlawful cyber activity and of conduct suggesting unlawful access to systems, using labels and framing that a reasonable recipient would understand as accusations of crimes.

32. The accusations in paragraphs 29–31 impute crimes involving moral turpitude and are defamatory per se.

33. Plaintiff alleges Defendants published these felony accusations without competent evidence such as a police report naming Plaintiff, authenticated issuer records, verified IP/device attribution, USPS investigation results, or comparable competent proof.

D. Publication and Republication to Third Parties

34. Defendants published the criminal accusations through written filings, sworn declarations, and supporting materials.

35. Defendants also republished and transmitted the criminal accusations to third parties and non-participants, including third-party custodians and vendors, in connection with expedited discovery subpoenas and related communications. These third parties included major technology and service providers and other custodians that were not the trier of fact.

36. Defendants' republications to third parties were not reasonably necessary to adjudication of trademark claims and were made in a manner designed to obtain cooperation, intensify reputational harm, and create leverage against Plaintiff by treating the criminal narrative as true.

37. Plaintiff alleges Defendants knew or should have known that republication of felony accusations to third parties would foreseeably cause immediate and severe harm to Plaintiff's reputation, credit, employment prospects, and personal safety.

E. Abuse of Process and Ulterior Purposes

38. Plaintiff alleges Defendants used legal process for ulterior purposes, including retaliation, coercion, and silencing, rather than for the legitimate purpose for which process exists.

39. Defendants pursued contempt and enforcement relief in the Underlying Action while continuing to frame Plaintiff as a criminal and to seek coercive outcomes based on that narrative.

40. Plaintiff alleges Defendants' conduct reflects an unlawful objective: to punish and silence Plaintiff and to deter continued protected reporting by imposing reputational and liberty-threatening leverage under the guise of civil process.

F. Damages

41. As a direct and proximate result of Defendants' publications, republications, and abuse of process, Plaintiff has suffered and continues to suffer:

- a. Severe reputational harm and stigma;
- b. Credit-related harm and economic injury;
- c. Emotional distress and mental anguish;
- d. Costs and burdens associated with defending against and responding to the criminal narrative and related coercive process; and
- e. Ongoing harm due to continued republication of the criminal accusations as statements of fact.

42. Defendants' conduct was willful, malicious, and/or reckless and warrants punitive damages.

V. CLAIMS FOR RELIEF

COUNT I – DEFAMATION (LIBEL PER SE) (Against All Defendants)

43. Plaintiff incorporates paragraphs 1–42.

44. Defendants published written statements of fact accusing Plaintiff of serious crimes, including identity theft and credit-card fraud, mail interference, and unlawful cyber conduct.

45. The statements were false, were communicated to third parties, and were republished to non-participants including third-party custodians.

46. The statements constitute libel per se because they impute felony conduct and moral turpitude.

47. Defendants acted with actual malice and/or reckless disregard for truth.

48. Plaintiff suffered damages as a direct and proximate result.

COUNT II – DEFAMATION (SLANDER PER SE) (Against All Defendants)

49. Plaintiff incorporates paragraphs 1–48.

50. Defendants communicated the same defamatory accusations orally and through verbal communications to third parties, including in connection with enforcement and process activity and related communications.

51. These statements constitute slander per se because they impute crimes of moral turpitude.

52. Plaintiff suffered damages as a direct and proximate result.

COUNT III – FALSE LIGHT / INVASION OF PRIVACY (Against All Defendants)

53. Plaintiff incorporates paragraphs 1–52.

54. Defendants gave publicity and/or caused dissemination of matters placing Plaintiff in a false light as a felon, identity thief, mail interferer, and dangerous “cyber” criminal.

55. The false light is highly offensive to a reasonable person.

56. Defendants acted with knowledge of falsity or reckless disregard for truth.

57. Plaintiff suffered damages as a direct and proximate result.

COUNT IV – ABUSE OF PROCESS (Against All Defendants)

58. Plaintiff incorporates paragraphs 1–57.
59. Defendants used legal process, including third-party subpoenas, contempt proceedings, and post-judgment process, for ulterior purposes: retaliation, coercion, intimidation, and silencing, rather than legitimate adjudication.
60. Defendants committed willful acts in the use of process not proper in the regular conduct of proceedings, including republication of criminal accusations to third parties to obtain leverage and cooperation and to punish Plaintiff.
61. Plaintiff suffered damages as a direct and proximate result.

COUNT V – INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS (OUTRAGE) (Against All Defendants)

62. Plaintiff incorporates paragraphs 1–61.
63. Defendants' conduct in repeatedly branding Plaintiff a felon and using coercive litigation tools and third-party dissemination to intensify reputational harm is extreme and outrageous.
64. Defendants intended to cause emotional distress or acted recklessly in conscious disregard of the high probability of causing severe emotional distress.
65. Plaintiff suffered severe emotional distress and damages.

COUNT VI – CIVIL CONSPIRACY (Against All Defendants)

66. Plaintiff incorporates paragraphs 1–65.
67. Defendants combined and agreed to accomplish an unlawful purpose (defaming Plaintiff and abusing process) and/or a lawful purpose by unlawful means.
68. Defendants committed overt acts in furtherance of the conspiracy, including authoring and republishing false criminal accusations and coordinating process tactics to pressure and punish Plaintiff.
69. Plaintiff suffered damages as a direct and proximate result.

COUNT VII – VICARIOUS LIABILITY / RESPONDEAT SUPERIOR / RATIFICATION (Against MAA and BBS)

70. Plaintiff incorporates paragraphs 1–69.
71. The individual Defendants acted as agents, employees, and/or authorized representatives of MAA and/or BBS within the scope of their agency/employment and/or with actual or apparent authority.
72. MAA and BBS authorized, directed, benefited from, and/or ratified the wrongful conduct alleged herein.

73. MAA and BBS are liable under respondeat superior and ratification principles.

COUNT VIII – DECLARATORY AND INJUNCTIVE RELIEF (Against All Defendants)

74. Plaintiff incorporates paragraphs 1–73.

75. An actual controversy exists regarding the truth or falsity of Defendants' criminal accusations and the continuing likelihood of extra-judicial republication.

76. Plaintiff seeks a declaration that Defendants' factual accusations that Plaintiff committed identity theft/credit-card fraud, mail interference, and unlawful cyber conduct are false.

77. Plaintiff further seeks narrowly tailored injunctive relief prohibiting Defendants from republishing these accusations as statements of fact to third parties and non-participants outside a legitimate judicial necessity.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendants, jointly and severally, and award:

A. Compensatory damages (reputational, emotional, and economic) according to proof, in an amount exceeding \$75,000;

B. Presumed damages as permitted for defamation per se, and/or general and special damages according to proof;

C. Punitive damages sufficient to punish and deter;

D. Declaratory relief consistent with Count VIII;

E. Narrowly tailored injunctive relief preventing further extra-judicial republication of the false criminal accusations as statements of fact;

F. Prejudgment and post-judgment interest as allowed by law;

G. Costs of suit; and

H. Such other and further relief as the Court deems just and proper.

VII. JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted this 6th day of February, 2026.

/s/ Dennis Michael Philipson

A handwritten signature in blue ink, appearing to read "Dennis Michael Philipson".

Dennis Michael Philipson

Defendant - Appellant, Pro Se