

FILED

JUN 04 2015

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CARTER CARROLL AND KIM BRADLEY

PLAINTIFFS *Lt. E. Allen Murray*
FORREST COUNTY CIRCUIT CLERK

VS.

CIVIL ACTION NO. CI 14-0212

JOHNNY L. DUPREE, in his official Capacity
As Mayor of the City of Hattiesburg

DEFENDANT

MOTION FOR PROTECTIVE ORDER, MOTION TO QUASH

COMES NOW, Lt. E. Allen Murray, by and through his attorney of record Hon. Timothy M. Farris and files this his Motion for Protective Order, Motion to Quash and in support thereof states the following:

1.

At approximately 3:30 p.m on June 3rd, 2015 Lt. E. Allen Murray was served in his individual capacity with a civil subpoena to appear in the Forrest County Circuit Court at 11:00 a.m. on Thursday June 4th, 2015. The subpoena also request that he bring records of the FOP Lodge #55 from January 2015 to present. (See attached Exhibit "A"). Lt. E. Allen Murray was not served as a officer of Fraternal Order of Police.

2.

The Notice is unreasonable, vague, unduly burdensome and abusive and Lt. Allen Murray moves for a protective order prohibiting him from having to disclose privileged information regarding members of the FOP Lodge #55. The records of the lodge are the property of the Fraternal Order of the Police Mississippi State Lodge (See attached Exhibit "B"). Lt. Allen Murray has been subpoenaed in his individual capacity and not as a representative of the Lodge. Furthermore the records of the FOP Lodge # 55 are not relevant in any way to the litigation at hand. All members of the Lodge are also members of the Hattiesburg Police Department or former members and the Mayor and City Attorney have access to those records. Furthermore, the subpoena was issued by the Defendant for the sole purpose of harassment and intimidation. The subpoena was issued the day after Lt. E. Allen Murray acting in his capacity as the President of

Hattiesburg Fraternal Order of Police emailed to each member of the city council and the Mayor a letter of no confidence regarding Chief Frasier Bolton. (See attached Exhibit "C").

3.

To the extent the Subpoena is deemed a Subpoena Duces Tecum, Lt. E. Allen Murray objects on the basis that the subpoena fails to comply with the requirements of Rule 45. The purported subpoena (i) is not in proper form, (ii) was not served on the witnesses, (iii) does not allow a reasonable time for compliance, (iv) subjects the witnesses to undue burden, (v) is overly broad and appears to seek some information that may be protected by the work-product doctrine. Accordingly, Lt. E. Allen Murray objects to the inspection of the designated materials and moves that the subpoena be quashed.

4.

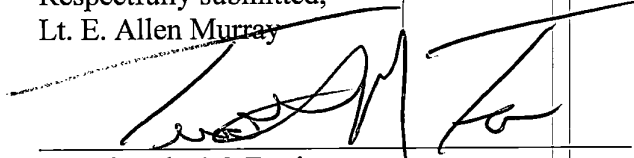
Lt. E. Allen Murray respectfully requests that this Motion be treated as an urgent or Necessitous matter and the Court set a hearing of this Motion as soon as possible. Lt. E. Allen Murray request this court based upon the abuse of process of the defendant award Rule 11 sanctions, attorneys fees and any other penalties and sanctions this court sees fit for the improper conduct of the Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Lt. E. Allen Murray respectfully moves the Court to enter a protective order prohibiting the disclosure of any information of the FOP Lodge # 55 to quash the subpoena issued to Lt. E. Allen Murray. Lt. E. Allen Murray also request Rule 11 sanctions, attorney's fees and any other penalties and sanctions this court sees to award for this improper conduct of the Defendant. Plaintiff also requests that this matter be treated as urgent and necessitous and be heard as soon as possible.

And, Plaintiff moves for such other general relief as is proper in the premises.

THIS the 4th day of June, 2015.

Respectfully submitted,
Lt. E. Allen Murray



By: Timothy M. Farris
Attorney for E. Allen Murray

Of counsel:
Timothy M. Farris PLLC
6645 Highway 98 West Suite 3
Hattiesburg, MS 39402
Telephone: 601-296-1082
MSB #8848
Attorney for Lt. E. Allen Murray

CERTIFICATE OF SERVICE

I, Timothy M. Farris, do hereby certify that I have this day mailed and transmitted via facsimile and email , a true and correct copy of the above and foregoing MOTION FOR PROTECTIVE ORDER, MOTION TO QUASH to:

Honorable Charles Lawrence

Attorney for Mayor Johnny Dupree

Honorable Robert Gholson

Attorney for Plaintiffs

This the 3rd day of June, 2015.



Timothy M. Farris

Issued by the
Circuit Court
Forrest County, Mississippi

CARTER CARROLL and KIM BRADLEY

SUBPOENA IN A CIVIL CASE

v.

CASE NUMBER CI14-0212

JOHNNY L. DUPREE, in his official
Capacity as Mayor of the City of Hattiesburg

TO: Lt. E. Allen Murray, #1 Government Plaza, Hattiesburg, MS 39401



YOU ARE COMMANDED to appear in the Circuit Court of Forrest County, Mississippi at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY Circuit Court of Forrest County 630 Main Street Hattiesburg, MS 39401	(Bring records of FOP Lodge #55 from January 2015 to Present)	COURTROOM DATE AND TIME June 4, 2015 at 11:00 am
---------------------------------------------------------------------------------------------------	------------------------------------------------------------------	--------------------------------------------------------



YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (List documents and/or objects separately and attach hereto):

PLACE	DATE AND TIME
-------	---------------

ABSENT A COURT ORDER, YOU SHALL NOT PRODUCE OR PERMIT INSPECTION AND COPYING OF DOCUMENTS OR OBJECTS UNTIL THE TENTH DAY AFTER YOU WERE SERVED WITH THIS SUBPOENA.



YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Mississippi Rules of Civil Procedure 30(b)(6)

ISSUING OFFICER SIGNATURE AND TITLE (Indicate if Attorney for Plaintiff or Defendant) <i>John E. Allen Adams</i>	DATE 6-2-15
ISSUING OFFICER'S NAME, ADDRESS, and PHONE NUMBER <i>John E. Allen Adams</i>	<div style="border: 2px solid black; padding: 5px; text-align: center;">EXHIBIT "A"</div>

JUN-3-2015 17:58 FROM:

PROOF OF SERVICE

DATE OF PERSONAL SERVICE	PLACE OF SERVICE
SERVED ON (PRINT NAME)	
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Mississippi that the foregoing information contained in the Proof of Service is true and correct.	
Executed on _____ DATE	SIGNATURE OF SERVER _____
ADDRESS OF SERVER _____	

NOTICE TO PERSONS SUBJECTED TO SUBPOENAS

Mississippi Rule of Civil Procedure 45, Parts d & e:

(d) Protection of Persons Subject to Subpoenas.

(1) In General.

(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, (iii) designates an improper place for examination, or (iv) subjects a person to undue burden or expense.

(B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may order appearance or production only upon specified conditions.

(2) Subpoenas for Production or Inspection.

(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or to permit inspection of premises need not appear in person at the place of production or inspection unless commanded by the subpoena to appear for deposition, hearing or trial. Unless for good cause shown the court shortens the time, a subpoena for production or inspection shall allow not less than ten days for the person upon whom it is served to comply with the subpoena. Absent order of the court, production or inspection shall not be made until the tenth day after the date of service of the subpoena on the recipient and this shall be conspicuously noted on the face of the subpoena. A subpoena commanding production or inspection will be subject to the provisions of Rule 26(d).

(B) The person to whom the subpoena is directed may, within ten days after the service thereof or on or before the time specified in the subpoena for compliance, if such time is less than ten days after service, serve upon the party serving the subpoena written objection to inspection or copying of any or all of the designated materials, or to inspection of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the material except pursuant to an order of the court from which the subpoena was issued. The party serving the subpoena may, if objection has been made, move at any time upon notice to the person served for an order to compel the production or inspection.

(C) The court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (i) quash or modify the subpoena if it is unreasonable or oppressive, or (ii) condition the denial of the motion upon the advance by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(e) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

12883

Charles E. Lawrence, Jr.
ATTORNEY AT LAW
PH. (601) 582-4157
606 JOHN ST., P.O. BOX 1624
HATTIESBURG, MS 39403

Date 6-2-15 85-127-842

Pay to the order of Lt. E. Allen Murray \$ 10 00
Ten Dollars and 00/100 Dollars

BANCORPSOUTH
MEMBER FDIC
INFOUNE 1-888-797-7711

For Subpoena Shirley Lamm

⑈012883⑈ ⑈084201278⑈ 02988475⑈

250807

Mississippi Corporation Information System

Corporation Name
FRATERNAL ORDER OF POLICE MISSISSIPPI STATE LODGE

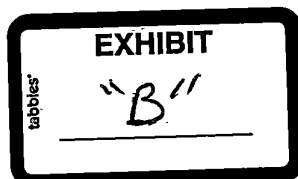
Corp ID: 0571781

Filed: 05/02/1990 AT 8:00 A. M.

Dick Molpus
Dick Molpus
Secretary of State

Filing Fee Receipt: \$50.00

Secretary of State
P.O. Box 136
Jackson, Ms 39205
(601) 359-1333



ARTICLES OF INCORPORATION

(Attach conformed copy.)

250807

☐ PROFIT ☒ NONPROFIT
(Mark Appropriate Box)

The undersigned persons, pursuant to Section 79-4-2.02 (if a profit corporation) or Section 79-11-137 (if a nonprofit corporation) of the Mississippi Code of 1972, hereby execute the following document and set forth:

The name of the corporation is

Fraternal Order of Police

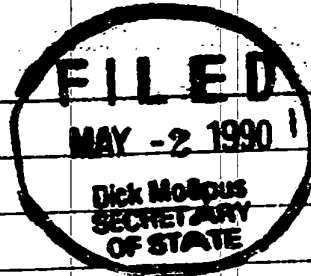
Mississippi State Lodge

Domicile address is P.O. Box 465

STREET

Waynesboro, Wayne, MS 39367

CITY/STATE/COUNTY/ZIP



The period of duration is Perpetual (NONPROFIT ONLY may be perpetual).

a) The number (and classes, if any) of shares the corporation is authorized to issue is (are) as follows (THIS IS FOR PROFIT ONLY).

Class(es)

No. of Shares Authorized

(b) If more than one (1) class of shares is authorized, the preferences, limitations, and relative rights of each class are as follows

The street address of its initial registered office is

705 Wayne Street

STREET

Waynesboro, MS 39367

CITY/STATE/ZIP

and the name of its initial registered agent at such address is

Geoffrey Clark, State Secretary/Treasurer

The name and complete address of each incorporator is as follows (PLEASE TYPE OR PRINT):

See Attached List.

NAME/STREET ADDRESS/CITY/STATE/ZIP

Other provisions

Sally Oak

INCORPORATORS (SIGNATURES)

FRATERNAL ORDER OF POLICE

Mississippi State Lodge

Officers and Trustees

1989-1990

President/National Trustee

Wilbur Chamberlain

Rt. 1 Box 1029

Ovett, MS 39464

(W) 601-425-4711

(H) 601-426-9646

Vice President

Bill Taylor

P.O. Box 7459

Jackson, MS 39212

800-222-7646

Secretary/Treasurer

Geoffrey Clark

P.O. Box 388

Waynesboro, MS 39367

(W) 601-735-4612

(H) 601-735-9572

Guardian

Tom McGehee

536 Park Place

Natchez, MS 39120

(W) 601-442-7541

(H) 601-445-3764

Conductor

Mike Marshall 1708 22nd Ave Heights

Meridian Lodge #1 Meridian, MS 39801

Chaplain

Kirk Royals

Rt. 5 Box 510A

Laurel, MS 39440

(W) 601-425-4711

(H) 601-428-8752

State Trustees

Charley Johnson

Meridian Lodge #1

Billy Valentine

Laurel Lodge #2

2927 N. 7th Ave.

Laurel, MS 39440

(W) 601-425-4711

(H) 601-649-4157

Jack Smith

Natchez Lodge #4

P.O. Box 1423

Natchez, MS 39120

Ron Pitts

Magnolia Lodge #6

P.O. Box 7459

Jackson, MS 39282

Wayne Brown

Waynesboro Lodge #7

P.O. Box 388

Waynesboro, MS 39367

(W) 601-735-4612

(H) 601-735-0958

3311 55th Place
Meridian, MS 39307

Tim Farris

From: Allen Murray
Sent: Wednesday, June 03, 2015 6:27 PM
To: Tim@timfarrislaw.com
Subject: Fwd: Vote of "No Confidence"

Sent from my iPhone

Begin forwarded message:

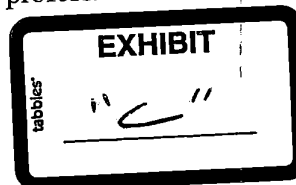
From: Allen Murray <eamurray1@msn.com>
Date: June 1, 2015 at 22:26:25 CDT
To: City Council <council@hattiesburgms.com>
Cc: "jdupree@hattiesburgms.com" <jdupree@hattiesburgms.com>
Subject: Vote of "No Confidence"

Dear Honorable Council Members,

On behalf of the Hattiesburg Fraternal Order of Police, Lodge #55, I hereby inform you that we have unanimously issued a "No Vote" of Confidence for Commissioner Frazier Bolton to once again become the Hattiesburg Police Chief. During Commissioner Bolton's tenure as Chief of Police, the Hattiesburg Police Department experienced sever instability with the department's structure, officer assignments, and directives. There was also a lack of consistency with accountability. For a leader to hold an officer accountable, he/ she must first hold one's self accountable. Accountability must be valued regarding all elements of being a peace officer and shall not be determined by selecting favorites or playing politics. Commissioner Bolton used a Director/ Autocratic leadership style. Although there is a time and place for various leadership styles, this one does not have a place with HPD. It has been use to intimidate and punish officers into submission instead of fostering a true guidance. HPD cannot afford another round of leadership under this candidate.

Since Asst. Chief Misenhelter has been in control of the agency, we have observed a positive boost in morale, an investment in professional training, and consistency with accountability. Chief Misenhelter has also been open to the professional opinions of supervisors/ officers in their areas of specialization. With that being said, this will lead to a less hostile work environment and promote a positive and professional service for all citizens of Hattiesburg. This leadership style will also insure that we attract the best and brightest candidates to rebuild the ranks of HPD. We are asking that you do not reconfirm Commissioner Bolton to the position of police chief. The HFOP does not have anything against Commissioner Bolton having the ability to retire. However, we believe that it is best for him to do so in his current capacity.

The members of the Hattiesburg Fraternal Order Of Police, Lodge #55, are speaking as citizens about a matter that is of public concern. We collectively agree that we have effectively addressed our concerns without interrupting the effective and efficient functioning of our respective agencies. We are not coming as foes to the city council, but as citizens desiring to work towards a common goal. That is to provide a professional service to promote safety and order in this great city.



Respectfully,

E. Allen Murray (Pres. HFOP)