

IN THE CIRCUIT COURT OF LEFLORE COUNTY
STATE OF MISSISSIPPI

FRED CLARK

PLAINTIFF

VS.

CAUSE NO. 2010-0162

KEVIN ADAMS

DEFENDANT

MOTION FOR RULE 11 SANCTIONS

COMES NOW, Kevin A. Adams, *pro se*, and moves for sanctions under M.R.C.P. 11(b), and in support thereof would show the following facts, to-wit:

1. On Tuesday, November 23, 2010, at about 4:45 p.m., Solomon Osborne, an attorney of record in this cause, was overheard while talking on his cell phone, presumably to Mr. Clark, the Plaintiff herein, to say, "Do you have your third attorney's signature . . . ?" He then walked out of the room and the rest of the conversation was not heard.
2. On the same date, at 4:55 p.m., Mr. Clark filed the complaint in this cause with the Honorable Betty Sanders, Circuit Judge for Leflore County, Mississippi. The complaint had the signatures of three attorneys: Mr. Clark, Solomon Osborne, and Derrick [sic] Hopson, and indicated that all three were attorneys for the plaintiff.
3. On Tuesday, January 4, 2011, Kevin Adams, the Defendant, filed his Answer and various other filings, and served those filings on all attorneys of record by first class mail.
4. On January 5, 2011, pursuant to the Court's instructions, Mr. Adams called and left a message for Derek Hopson, and spoke by telephone with Mr. Osborne regarding finding suggested dates for the Court to hear the matter.
5. Mr. Hopson called Mr. Adams's office that afternoon, and told Thelma Donley, Mr. Adams's Court Administrator, that he was unaware of an election contest in Leflore County and did not know why he had received a copy of Mr. Adams's Answer,

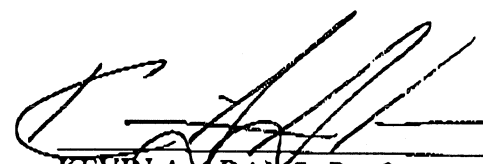
Discovery, or Motion to Dismiss. He stated that he would contact Mr. Clark and then call Mr. Adams back later that day. He did not.

6. On January 6, 2010, Mr. Adams called and left Mr. Hopson another message, and when Mr. Hopson returned the call, he stated that, "I know do know that I haven't entered an appearance in [the case]. . . ." When informed that the complaint contained a signature purporting to be his and listing him as an attorney for the plaintiff, Mr. Hopson was clearly surprised and asked Mr. Adams to immediately forward a copy of the page to him.
7. In a subsequent conversation on the same date, Mr. Hopson informed Mr. Adams that he would be filing a Motion to Withdraw on January 7, 2011.
8. It is clear that Mr. Clark and Mr. Osborne were under the mistaken impression that a general election contest required the signatures of three attorneys, as a primary election contest requires. SEE: Miss. Code Ann. §23-15-927 (1972) ("But such petition for judicial review shall not be filed unless it bear the certificate of two (2) practicing attorneys") It is also clear that Mr. Clark and Mr. Osborne affixed Mr. Hopson's name to the pleadings, without his knowledge or consent, in an attempt to give the appearance that their complaint met the filing requirements as they understood them.
9. The actions of Mr. Clark and Mr. Osborne violate M.R.C.P. 11(a), since, "The signature of an attorney constitutes a certificate that the attorney has read the pleading or motion; [and] that to the best of the attorney's knowledge, information, and belief there is good ground to support it. . . ."
10. Further M.R.C.P. 11(b) states that, "If a pleading . . . is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false. . . ."

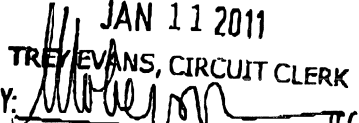
- 11. While only one attorney's signature was required, Mr. Clark and Mr. Osborne believed that three were necessary, and they included Mr. Hopson's signature to perpetrate a fraud on the Court, in order to give the impression that they had complied with the statute.
- 12. The actions of Mr. Clark and Mr. Osborne violated Rule 3.3(a)(1) of the Rules of Professional Conduct, in that they, by affixing Mr. Hopson's signature without his consent or knowledge, made "a false statement of material fact or law to a tribunal"
- 13. By serving Mr. Adams with a copy of the complaint containing the fraudulent signature, Mr. Clark and Mr. Osborne also violated Rule 4.1(a)(1) of the Rules of Professional Conduct, making "a false statement of material fact or law to a third person".
- 14. For all of the forgoing reasons, Mr. Adams is entitled to sanctions due to the fraud which Mr. Clark and Mr. Osborne attempted to perpetrate on the Court.

WHEREFORE, the Defendant, Kevin A. Adams, *pro se*, requests that the Court grant his Motion for Rule 11 Sanctions, and dismiss the Complaint in this Cause as sham and false, grant reasonable costs and expenses in defending this action to Defendant, and grant Defendant any other relief which this Court may deem just and proper, whether properly prayed for herein or not.

RESPECTFULLY SUBMITTED, this the 10th day of January, 2011.


 KEVIN A. ADAMS, *Pro Se*
 MS. Bar No. 99101

Post Office Box 452
 Greenwood, MS 38935-0452
 (662) 455-7945 (telephone)
 (662) 453-0869 (facsimile)

FILED
 JAN 11 2011
 TREV EVANS, CIRCUIT CLERK
 BY:  J.C.

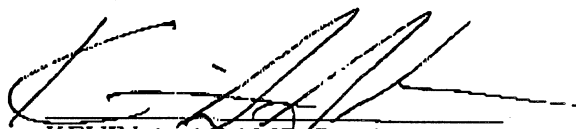
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served counsel for all concerned parties with a copy of the within and foregoing Motion for Rule 11 Sanctions by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery and addressed to:

Fredrick B. Clark, Esq.
Clark Law Office
Post Office Box 10027
Greenwood, MS 38935-1027

Solomon C. Osborne, Esq.
216 Star Street
Greenwood, MS 38930

THIS, the 10th day of January, 2011.

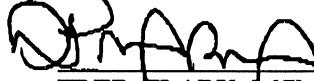


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MS. Bar No. 99101

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(662) 453-0869 (facsimile)

Respectfully submitted this the 23rd day of November, 2010.

FRED B. CLARK



FRED CLARK, MSB No. 6260

Attorney for Plaintiff



SOLOMON OSBORNE, MSB No. 3944

Attorney for Plaintiff



DERRICK HOPSON, MSB No.

Attorney for Plaintiff

OF COUNSEL:

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Tel. No.: (662)455-1281
Fax No.: (662)455-1282

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TREY EVANS, CIRCUIT CLERK

BY:  D.C.

Exhibit A

AFFIDAVIT

I, Thelma L. Donley, received a telephone call from Attorney Derek Hopson of Hopson Law Firm on January 5, 2011 at 2:25 pm inquiring about a telephone message left by Judge Adams. During our conversation, Attorney Hopson inquired about a telephone message and mail received from Kevin Adams and asked are you all in an election contest. He seemed to be unaware of any election contest and stated he did not remember talking to them about it. He mentioned both Fred and Solomon names, however, he stated he would contact Attorney Clark in reference to this paperwork. I did inform him that there is an election contest and he seemed to be very shocked about it

This the 5th day of January, 2011.

Thelma L. Donley

THELMA L. DONLEY
COURT ADMINISTRATOR

SWORN TO AND SUBSCRIBED before me this the 5th day of January, 2011.

My Commission Expires Jan. 1, 2012

MY COMMISSION EXPIRES:

SAM ABRAHAM

Leflore County Chancery Ct.
Greenwood, Mississippi

Beverly C. Smith

NOTARY PUBLIC



Exhibit C