

**IN THE UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF TENNESSEE**  
**AT NASHVILLE**

DONNA BURTON )

Plaintiff, )

vs. )

No. 2-03-0054 )

ROBERT TERRY, individually and in his )  
official capacity as Chief of Police of the )  
City of Cookeville Police Department; )  
JONATHAN WILLIAMS and BRENT )  
ANDERSON, individually and in their )  
official capacities as Police Officers of the )  
City of Cookeville Police Department; and )  
the CITY OF COOKEVILLE, TENNESSEE )

Defendants. )

**ANSWER**

The Defendants, Jonathan Williams and Brent Anderson, hereby appear by and through counsel, and in response to the Plaintiff's Complaint filed against them and answer as follows:

1. The allegations in paragraph 1 of the Plaintiff's Complaint made against these Defendants are denied and strict proof is required thereof. It is denied by these Defendants that their actions ever violated the rights of the Plaintiff either on a state or federal level.

2. This matter has been removed to the United States District Court Middle District of Tennessee at Nashville and jurisdiction is appropriate in said Court. However, these Defendants affirmatively and respectfully maintain that this Honorable Court does not have supplemental state law jurisdiction over any state law tort claims made by the Plaintiff in this matter, and that all state law supplemental claims should be dismissed accordingly.

3. The allegations regarding to the Plaintiff's residency are outside the course, scope, and knowledge of these Defendants and are therefore denied. It is

denied by these Defendants that any actions taken by them gave rise to any cause of action.

4. The allegations in paragraph 4 of the Plaintiff's Complaint do not relate to these Defendants, therefore, no answer is warranted and none is given.

5. The allegations in paragraph 5 of the Plaintiff's Complaint are admitted.

6. The allegations in paragraph 6 of the Plaintiff's Complaint do not relate to these Defendants, therefore no answer is warranted and none is given.

7. The allegations in paragraph 7 of the Plaintiff's Complaint do not relate to these Defendants, therefore, no answer is warranted and none is given.

8. The allegations in paragraph 8 of the Plaintiff's Complaint are outside the course, scope, and knowledge of these Defendants, therefore, the allegations are denied and strict proof is required thereof.

9. The allegations in paragraph 9 of the Plaintiff's Complaint are outside the course, scope, and knowledge of these Defendants, therefore, the allegations are denied and strict proof is required thereof.

10. The allegations in paragraph 10 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

11. The allegations in paragraph 11 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

12. The allegations in paragraph 12 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

13. The allegations in paragraph 13 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

14. The allegations in paragraph 14 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

15. The allegations in paragraph 15 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

16. The allegations in paragraph 16 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

17. The allegations in paragraph 17 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

18. The allegations in paragraph 18 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

19. The allegations in paragraph 19 of the Plaintiff's Complaint are denied as written and strict proof is required thereof.

20. The allegations in paragraph 20 of the Plaintiff's Complaint are denied and strict proof is required thereof.

21. The allegations in paragraph 21 of the Plaintiff's Complaint are denied and strict proof is required thereof.

22. The allegations in paragraph 22 of the Plaintiff's Complaint do not relate to these Defendants, therefore no answer is warranted and none is given. It is affirmatively maintained by these Defendants that at no time were their actions negligent or illegal in any form or fashion.

23. The allegations in paragraph 23 of the Plaintiff's Complaint are denied and strict proof is required thereof.

24. It is admitted that at all times relevant to the issues averred in the Plaintiff's Complaint, these Defendants were acting under the color of law in their official capacities as employees of the City of Cookeville, Tennessee. The remaining allegations in paragraph 24 of the Plaintiff's Complaint are denied as it relates to these Defendants and strict proof is required thereof.

25. The allegations in paragraph 25 of the Plaintiff's Complaint are denied and strict proof is required thereof.

26. The allegations in paragraph 26 of the Plaintiff's Complaint, as they may relate to these Defendants, are denied and strict proof is required thereof.

27. The allegations in paragraph 27 of the Plaintiff's Complaint, as they may relate to these Defendants, are denied and strict proof is required thereof.

28. The allegations in paragraph 28 of the Plaintiff's Complaint, as they relate to these Defendants, are denied and strict proof is required thereof.

29. The allegations in paragraph 29 of the Plaintiff's Complaint, as they relate to these Defendants, are denied and strict proof is required thereof.

30. These Defendants affirmatively maintain that the Plaintiff's prayer for relief should be dismissed with costs taxed against her accordingly.

31. These Defendants affirmatively maintain that the Complaint fails to state a claim upon which relief can be granted, and that the Complaint should be dismissed accordingly.

32. It is admitted that the demand for a jury should be allowed in this case. These Defendants respectfully request a jury to try this matter.

33. It is denied that the Plaintiff is entitled to compensatory damages against any Defendant in this action.

34. The allegations seeking punitive damages to be awarded to the Plaintiff are hereby denied and strict proof is required thereof. It is affirmatively maintained that none of these Defendants did any act which would give rise to an award of punitive damages. Additionally, it is affirmatively maintained that any action against the Defendants for punitive damages should be bifurcated from the trial of this case regarding compensatory damages, and such issues should not be presented until or if a finding has occurred in reference to compensatory damages.

35. It is affirmatively maintained by Jonathan Williams that his actions were reasonable and necessary under the circumstances he was placed under by the Plaintiff, and accordingly, he is entitled to the defense of qualified immunity.

36. It is affirmatively maintained by Brent Anderson that his actions were reasonable and necessary under the circumstances he was placed under by the Plaintiff, and accordingly, he is entitled to the defense of qualified immunity.

37. By way of affirmative defense, Jonathan Williams and Brent Anderson, as sued in their individual capacities, assert and rely upon the doctrine of qualified immunity.

38. These Defendants affirmatively rely upon the Tennessee Governmental Tort Liability Act found at T.C.A. §29-20-101 et seq. Accordingly, these Defendants aver that they are immune from suit pursuant to the Tennessee Governmental Tort Liability Act as it relates to all state negligence claims should this Court elect to exercise supplemental jurisdiction.

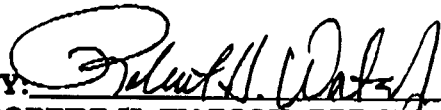
39. Pursuant to all state claims made by the Plaintiff, it is submitted by these Defendants that the doctrine of comparative fault will act and serve as a bar or to mitigate damages claimed by the Plaintiff. Pursuant to the doctrine of comparative fault as adopted by the State of Tennessee, the actions or inactions of the Plaintiff and her husband, Marshall Burton, were the proximate and direct cause of any alleged damages she now claims. Therefore, pursuant to the doctrine of comparative fault her claims should either be dismissed or said claims should be modified in keeping with any of the fault of the Plaintiff, and/or Marshall Burton.

40. It is hereby requested that the Complaint be dismissed and that costs be awarded up to and including attorneys fees pursuant to 42 U.S.C. §1988.

41. Anything not heretofore admitted or denied is hereby denied and strict proof is required thereof.

Respectfully Submitted this 13<sup>th</sup> day of June, 2003.

**JONATHAN WILLIAMS & BRENT ANDERSON**

BY:   
**ROBERT H. WATSON, BPR NO. 1702**  
**BENJAMIN-K. LAUDERBACK, BPR NO. 20855**

**WATSON & HOLLOW, P.L.C.**  
**1500 Riverview Tower**  
**900 S. Gay Street**  
**P.O. Box 131**  
**Knoxville, TN 37901**  
**865/637-1700**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served upon parties, or counsel for parties', in interest herein by delivering the same to the offices of said counsel or parties' counsel, or by mailing the same to said offices by United States Mail, with sufficient postage thereon to carry the same to its destination:

Richard M. Brooks  
215 Smotherman Avenue  
P.O. Box 255  
Carthage, TN 37030

Daniel J. Rader  
MOORE, RADER, CLIFT &  
FITZPATRICK, P.C.  
46 N Jefferson Avenue  
P.O. Box 3347  
Cookeville, TN 38502-2347

Dated this 13<sup>th</sup> day of June, 2003.

  
**ROBERT H. WATSON, JR. BPR NO. 1702**

**IN THE CIRCUIT COURT FOR PUTNAM COUNTY, TENNESSEE AT COOKEVILLE**

DONNA BURTON,

Plaintiff,

vs.

No. 03J0180

ROBERT TERRY, individually and in his  
official capacity as Chief of Police of the  
City of Cookeville Police Department;  
JONATHAN WILLIAMS and BRENT  
ANDERSON, individually and in their  
official capacities as Police Officers of the  
City of Cookeville Police Department; and  
the CITY OF COOKEVILLE, TENNESSEE,

Defendants.

**NOTICE TO CIRCUIT COURT OF REMOVAL OF CAUSE TO FEDERAL COURT**

Notice is hereby given that the above captioned case originally filed in the Circuit Court for Putnam County, Tennessee, bearing docket number 03J0180 has been removed to the United States District Court for the Middle District of Tennessee at Nashville and that the Circuit Court for Putnam County, Tennessee, is to proceed no further therein. A copy of the Notice of Removal which has been filed in the United States District Court for the Middle District of Tennessee at Nashville is attached hereto as Exhibit A.

Respectfully submitted this 28<sup>th</sup> day of May, 2003.

**JONATHAN WILLIAMS and  
BRENT ANDERSON**

BY: 

**ROBERT H. WATSON, BPR NO. 1702  
BENJAMIN K. LAUDERBACK, BPR NO. 20855  
Attorney for Defendants  
WATSON & HOLLOW, P.L.C.  
1500 Riverview Tower  
900 S. Gay Street  
P.O. Box 131  
Knoxville, Tennessee 37901-0131  
(865) 637-1700**

**ROBERT TERRY and  
THE CITY OF COOKEVILLE, TENNESSEE**

BY: *Daniel H. Rader III of Tennessee*  
*by RWR*

**DANIEL H. RADER, III., BPR NO. 002835  
Attorney for Defendants  
MOORE, RADER, CLIFT & FITZPATRICK  
46 N. Jefferson Avenue  
P.O. Box 3347  
Cookeville, Tennessee 38502-3347  
(931) 526-3311**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served upon parties, or counsel for parties', in interest herein by delivering the same to the offices of said counsel or parties' counsel, or by mailing the same to said offices by United States Mail, with sufficient postage thereon to carry the same to its destination:

Richard M. Brooks  
215 Smotherman Avenue  
P.O. Box 255  
Carthage, TN 37030

Dated this 28<sup>th</sup> day of May, 2003.

*Robert H. Watson*  
**ROBERT H. WATSON, BPR NO. 1702**



**IN THE UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF TENNESSEE**  
**AT NASHVILLE**

DONNA BURTON,

Plaintiff,

vs.

No. \_\_\_\_\_

ROBERT TERRY, individually and in his  
official capacity as Chief of Police of the  
City of Cookeville Police Department;  
JONATHAN WILLIAMS and BRENT  
ANDERSON, individually and in their  
official capacities as Police Officers of the  
City of Cookeville Police Department; and  
the CITY OF COOKEVILLE, TENNESSEE,

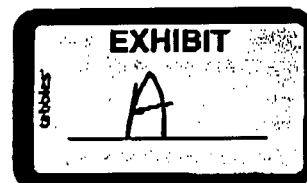
Defendants.

**NOTICE OF REMOVAL**

The Defendants, Robert Terry, Jonathan Williams, Brent Anderson, and the City of Cookeville, hereby appear, by and through counsel, and pursuant to 28 U.S.C. §1441 (a), 28 U.S.C. §1441 (b), 28 U.S.C §1441 (c), and 28 U.S.C. §1443, would show the Court as follows:

1. The Plaintiff, Donna Burton, filed this action against the above named defendants on or about May 7, 2003 in the Circuit Court for Putnam County, Tennessee, bearing docket number 03J0180. Defendants, Robert Terry and the City of Cookeville, were served with a copy of the Summons and Complaint on May 8, 2003.

2. This Court has jurisdiction over the above styled cause of action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343.



# CIVIL COVER SHEET

Use JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**(a) PLAINTIFFS**

Anna Burton

**DEFENDANTS**

Robert Terry, Jonathan Williams,  
Brent Anderson, and the City of  
Cookeville, Tennessee

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** Putnam  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Putnam  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES: USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Richard M. Brooks  
O. Box 255  
Cookeville, TN 37030  
735-0807

ATTORNEYS (IF KNOWN)  
Robert H. Watson, Jr.  
Benjamin Lauderback Daniel Rader  
P.O. Box 131 P.O. Box 3347  
Knoxville, Tn 37901 Cookeville, TN38502  
865/637-1700 931/526-3311

**BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)**
- U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)**

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none"> <li>0 Insurance</li> <li>10 Marine</li> <li>10 Miller Act</li> <li>0 Negotiable Instruments</li> <li>0 Recovery of Overpayment &amp; Enforcement of Judgment</li> <li>1 Medicare Act</li> <li>2 Recovery of Defaulted Student Loans (Excl. Veterans)</li> <li>3 Recovery of Overpayment of Veteran's Benefits</li> <li>0 Stockholders' Suits</li> <li>0 Other Contract</li> <li>6 Contract Product Liability</li> </ul>	<p><b>PERSONAL INJURY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 310 Airplane</li> <li><input type="checkbox"/> 315 Airplane Product Liability</li> <li><input type="checkbox"/> 320 Assault, Libel &amp; Slander</li> <li><input type="checkbox"/> 330 Federal Employers' Liability</li> <li><input type="checkbox"/> 340 Marine</li> <li><input type="checkbox"/> 345 Marine Product Liability</li> <li><input type="checkbox"/> 350 Motor Vehicle</li> <li><input type="checkbox"/> 355 Motor Vehicle Product Liability</li> <li><input type="checkbox"/> 360 Other Personal Injury</li> </ul> <p><b>PERSONAL INJURY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 302 Personal Injury — Med. Malpractice</li> <li><input type="checkbox"/> 305 Personal Injury — Product Liability</li> <li><input type="checkbox"/> 308 Asbestos Personal Injury Product Liability</li> </ul> <p><b>PERSONAL PROPERTY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 370 Other Fraud</li> <li><input type="checkbox"/> 371 Truth in Lending</li> <li><input type="checkbox"/> 380 Other Personal Property Damage</li> <li><input type="checkbox"/> 385 Property Damage Product Liability</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 610 Agriculture</li> <li><input type="checkbox"/> 620 Other Food &amp; Drug</li> <li><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 981</li> <li><input type="checkbox"/> 630 Liquor Laws</li> <li><input type="checkbox"/> 640 R.R. &amp; Truck</li> <li><input type="checkbox"/> 650 Airline Regs.</li> <li><input type="checkbox"/> 660 Occupational Safety/Health</li> <li><input type="checkbox"/> 660 Other</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 422 Appeal 28 USC 158</li> <li><input type="checkbox"/> 423 Withdrawal 28 USC 157</li> </ul> <p><b>PROPERTY RIGHTS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 820 Copyrights</li> <li><input type="checkbox"/> 830 Patent</li> <li><input type="checkbox"/> 840 Trademark</li> </ul> <p><b>LABOR</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 710 Fair Labor Standards Act</li> <li><input type="checkbox"/> 720 Labor/Mgmt. Relations</li> <li><input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act</li> <li><input type="checkbox"/> 740 Railway Labor Act</li> <li><input type="checkbox"/> 790 Other Labor Litigation</li> <li><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</li> </ul> <p><b>SOCIAL SECURITY</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 861 MIA (1395if)</li> <li><input type="checkbox"/> 862 Black Lung (923)</li> <li><input type="checkbox"/> 863 DMC/OMWV (405(g))</li> <li><input type="checkbox"/> 864 SSID Title XVI</li> <li><input type="checkbox"/> 865 RSI (405(g))</li> </ul> <p><b>FEDERAL TAX SUITS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</li> <li><input type="checkbox"/> 871 IRS — Third Party 26 USC 7609</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 400 State Reapportionment</li> <li><input type="checkbox"/> 410 Arrest</li> <li><input type="checkbox"/> 430 Banks and Banking</li> <li><input type="checkbox"/> 450 Commerce/CC Rules/etc.</li> <li><input type="checkbox"/> 460 Deportation</li> <li><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</li> <li><input type="checkbox"/> 510 Selective Service</li> <li><input type="checkbox"/> 650 Securities/Commodities/Exchange</li> <li><input type="checkbox"/> 675 Customer Challenge 12 USC 3410</li> <li><input type="checkbox"/> 691 Agricultural Acts</li> <li><input type="checkbox"/> 892 Economic Stabilization Act</li> <li><input type="checkbox"/> 893 Environmental Matters</li> <li><input type="checkbox"/> 894 Energy Allocation Act</li> <li><input type="checkbox"/> 895 Freedom of Information Act</li> <li><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</li> <li><input type="checkbox"/> 950 Constitutionality of State Statutes</li> <li><input type="checkbox"/> 960 Other Statutory Actions</li> </ul>
<p><b>REAL PROPERTY</b></p> <ul style="list-style-type: none"> <li>3 Land Condemnation</li> <li>3 Foreclosure</li> <li>3 Rent Lease &amp; Ejectment</li> <li>3 Torts to Land</li> <li>3 Tort Product Liability</li> <li>1 All Other Real Property</li> </ul>	<p><b>CIVIL RIGHTS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 441 Voting</li> <li><input type="checkbox"/> 442 Employment</li> <li><input type="checkbox"/> 443 Housing/Accommodations</li> <li><input type="checkbox"/> 444 Welfare</li> <li><input checked="" type="checkbox"/> <b>440 Other Civil Rights</b></li> </ul>	<p><b>PRISONER PETITIONS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 510 Motions to Vacate Sentence</li> </ul> <p><b>HABEAS CORPUS:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 530 General</li> <li><input type="checkbox"/> 536 Death Penalty</li> <li><input type="checkbox"/> 540 Mandamus &amp; Other</li> <li><input type="checkbox"/> 550 Civil Rights</li> <li><input type="checkbox"/> 555 Prison Condition</li> </ul>		

**ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- Original Proceeding
- 2 Removed from State Court**
- 3 Remanded from Appellate Court**
- 4 Reinstated or Reopened**
- Transferred from another district (specify)
- 5 another district (specify)**
- 6 Multidistrict Litigation**
- Appeal to District Judge from Magistrate Judgment
- 7 Magistrate Judgment**

**CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

plaintiff has alleged violation of her 4th and 14th Amendment rights and seeks damages pursuant to 42 USC sec. 1983.

**REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**  
\$100,000 compensatory  
\$250,000 punitive

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  YES  NO

**RELATED CASE(S) IF ANY** (See Instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

May 28, 2003  
FILED USE ONLY

SIGNATURE OF ATTORNEY OF RECORD  
*Robert H. Watson, Jr.*

**SUPPLEMENTAL CIVIL COVER SHEET  
FOR CASES REMOVED FROM STATE COURT**

*This form must be attached to the Civil Cover Sheet at the time the case is filed in the  
United States District Court Clerk's Office*

Additional sheets may be used as necessary

**1. Style of Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record (but *only* attorneys who have actually made an appearance in the case) for each party named and include the firm name, correct mailing address, and phone number (including area code).

Party and Party Type

Attorney(s)

Donna Burton (Plaintiff)

Richard M. Brooks  
P.O. Box 255  
Carthage, TN 37030  
(615) 735-0807

Robert Terry and City of Cookeville (Defendants)

Daniel H. Rader III  
P.O. Box 3347  
Cookeville, TN 38502  
(931) 526-3311

Jonathan Williams and Brent Anderson (Defendants)

Robert H. Watson, Jr.  
Benjamin Lauderback  
P.O. Box 131  
Knoxville, TN 37901-0131  
(865) 637-1700

**2. Jury Demand:**

Was a jury demand made in state court?     Yes     No

If "Yes," by which party and on what date?

Plaintiff Donna Burton  
Party

May 7, 2003  
Date

**3. Answer:**

Was an answer filed in state court?     Yes     No

If "Yes," by which party and on what date? You *must* provide copies of all filed answers with the filing of the removal.

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

4. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
NA	

5. **Nonsuited, Dismissed or Terminated Parties:**

Please indicated any changes from the style on the state court complaint and papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
NA	

**IN THE UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF TENNESSEE**  
**AT NASHVILLE**

DONNA BURTON,

Plaintiff,

vs.

No. \_\_\_\_\_

ROBERT TERRY, individually and in his  
official capacity as Chief of Police of the  
City of Cookeville Police Department;  
JONATHAN WILLIAMS and BRENT  
ANDERSON, individually and in their  
official capacities as Police Officers of the  
City of Cookeville Police Department; and  
the CITY OF COOKEVILLE, TENNESSEE,

Defendants.

**NOTICE OF REMOVAL**

The Defendants, Robert Terry, Jonathan Williams, Brent Anderson, and the City of Cookeville, hereby appear, by and through counsel, and pursuant to 28 U.S.C. §1441 (a), 28 U.S.C. §1441 (b), 28 U.S.C §1441 (c), and 28 U.S.C. §1443, would show the Court as follows:

1. The Plaintiff, Donna Burton, filed this action against the above named defendants on or about May 7, 2003 in the Circuit Court for Putnam County, Tennessee, bearing docket number 03J0180. Defendants, Robert Terry and the City of Cookeville, were served with a copy of the Summons and Complaint on May 8, 2003.

2. This Court has jurisdiction over the above styled cause of action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343.

3. The United States District Court for the Middle District of Tennessee at Nashville, embracing Putnam County, Tennessee, in which the Circuit Court action is currently pending is the proper venue for removal of this action.

4. The Plaintiff has alleged violation of her rights as guaranteed by the Fourth and Fourteenth Amendments of the United States Constitution and alleges that the Defendants are liable to her pursuant to 42 U.S.C §1983.

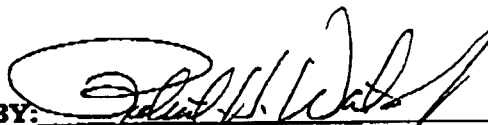
5. The Defendants expressly reserve the right to raise all defenses and objections after the action has been removed to this Court.

6. This Notice of Removal has been filed within thirty (30) days of the Defendants' first notice that the Plaintiff has alleged a basis for federal question jurisdiction.

WHEREFORE, the Defendants respectfully pray that the above captioned cause of action be removed from the Circuit Court for Putnam County, Tennessee, to the United States District Court for the Middle District of Tennessee at Nashville.

Respectfully submitted this 28th day of May, 2003.

**JONATHAN WILLIAMS and  
BRENT ANDERSON**

BY: 

**ROBERT H. WATSON, BPR NO. 1702  
BENJAMIN K. LAUDERBACK, BPR NO. 20855  
Attorney for Defendants  
WATSON & HOLLOW, P.L.C.  
1500 Riverview Tower  
900 S. Gay Street  
P.O. Box 131  
Knoxville, Tennessee 37901-0131  
(865) 637-1700**

**ROBERT TERRY and  
THE CITY OF COOKEVILLE, TENNESSEE**

BY: *Daniel H. Rader* *with permission*  
**DANIEL H. RADER, III., BPR NO. 002835**  
**Attorney for Defendants**  
**MOORE, RADER, CLIFT & FITZPATRICK**  
**46 N. Jefferson Avenue**  
**P.O. Box 3347**  
**Cookeville, Tennessee 38502-3347**  
**(931) 526-3311**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served upon parties, or counsel for parties', in interest herein by delivering the same to the offices of said counsel or parties' counsel, or by mailing the same to said offices by United States Mail, with sufficient postage thereon to carry the same to its destination:

Richard M. Brooks  
215 Smotherman Avenue  
P.O. Box 255  
Carthage, TN 37030

Dated this 28<sup>th</sup> day of May, 2003.

*Robert H. Watson*  
**ROBERT H. WATSON, BPR NO. 1702**