

FILED

2009 OCT 13 PM 2:12

IN THE TENNESSEE COURT OF THE JUDICIARY

APPELLATE COURT CLERK
NASHVILLE

IN RE: **THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

REQUEST FOR ADMISSIONS

COMES NOW Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, pursuant to Tennessee Rule of Civil Procedure 36, and propounds the following request for admissions to Honorable John A. Bell:

1. That you were at all times relevant herein (as described in the original Complaint in this action), a full time judge of the General Sessions Court of Cocke County, Tennessee, as described in TCA Section 16-15-502.

RESPONSE:

2. That at all times relevant to the Complaint filed in this action, the Judicial Canons of Ethics or Code of Judicial Conduct applied to you.

RESPONSE:

3. That in your capacity as General Sessions Judge you heard a case assigned docket number 2007-CV-869 on September 18, 2007 at 9:00 a.m., being a civil action brought by David J. Pleau, "policy #TNA11181953 for failure to pay damages resulting from accident with an uninsured motorist on 12-29-07 under \$5,000."

RESPONSE:

4. That on the 18th day of September, 2007, the case described in previous Request No. 3 was, following the hearing, taken under advisement.

RESPONSE:

5. That at the hearing of the case described in previous Request No. 3, the defendant insurance company, through counsel, moved the court to dismiss the complaint as a result of the fact that Mr. Pleau was in this complaint suing directly his own uninsured motorist carrier as opposed to suing the uninsured motorist.

RESPONSE:

6. That at the hearing of the case described in previous Request No. 3, that you announced that you would have a decision in one week.

RESPONSE:

7. That following the hearing of the case described in previous Request No. 3, the plaintiff Mr. Pleau asked you on more than one occasion to rule on the case and that you assured him that the decision would be forthcoming immediately.

RESPONSE:

8. That following the hearing on September 18, 2007 of the case described in previous Request No. 3, on June 27, 2008, you ruled in the case.

RESPONSE:

9. That your ruling described herein in the preceding Request No. 8 made findings of fact as to the cause of the underlying automobile collision and the related damages, and that these findings demonstrated your finding and opinion as to the responsibility or the cause of the accident as well as the amount of damages and ascribed the negligent conduct to the driver of the "other vehicle."

RESPONSE:

10. That on December 23, 2008, in your capacity as General Sessions Judge, you entered an order which vacated the previous dismissal and further encouraged Mr. Pleau to file a new action against "the other driver" whose name is Jo Ann Coleman, and that David J. Pleau filed a second complaint concerning the subject automobile accident which was styled David Joseph Pleau vs. Jo Ann Coleman, Docket No. 2008-CV-1186.

RESPONSE:

11. That on April 27, 2009, you rendered a decision in favor of Mr. Pleau and against Jo Ann Coleman and Merastar Insurance Company which basically recited the same findings of facts and conclusions as had previously been determined by Judge Bell. On this occasion these findings were made against Jo Ann Coleman who was pro se at these proceedings and was found to be one hundred percent at fault for the collision and a judgment was rendered against her in the sum of \$4,726.78.

RESPONSE (No. 11):

12. That in January, 2009, or early February, 2009, you initiated a meeting and/or met with a local attorney, a Mr. Testerman and at that time, discussed the complaint of Mr. Pleau which had been filed in the Court of the Judiciary.

RESPONSE:

13. That any time since 2008 you have asked, encouraged, or enlisted Mr. Testerman in any fashion, to approach Mr. Pleau on your behalf, to make a direct and unequivocal effort to induce Mr. Pleau to cease the pursuit of his complaint in the Court of the Judiciary.

RESPONSE:

14. That at any time in 2009 you have had dialogue, contact, verbal conversations, or written communications, or any of the foregoing, with Mr. Testerman, in addition to any previously described, pertaining to, relating to or in any way and for any portion of the contact the complaint of Mr. Pleau against you, in the Court of the Judiciary.

RESPONSE:

DISCIPLINARY COUNSEL WILL E-MAIL THIS DOCUMENT TO THE RESPONDENT UPON REQUEST IF IT WILL FACILITATE THE RESPONSE.

Dated: October 13, 2009



JOSEPH S. DANIEL #002799

DISCIPLINARY COUNSEL

503 North Maple Street

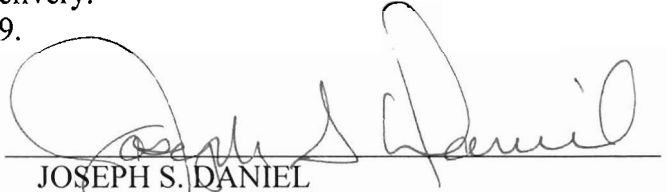
Murfreesboro, TN 37130

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CERTIFICATE OF SERVICE

I, JOSEPH S. DANIEL, certify that a true and exact copy of the foregoing was served upon Honorable John A. Bell by depositing same in the U.S. Mail along with sufficient postage thereon to insure delivery.

This 13th day of October, 2009.



JOSEPH S. DANIEL