
IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT

**IN RE: THE HONORABLE JOHN A. DONALD
GENERAL SESSIONS JUDGE
SHELBY COUNTY, TENNESSEE**

Docket No. M2013-02204-BJC-DIS-FC

File No. 11-4762

RESPONSE TO REQUEST FOR ADMISSIONS

FILED
2014 SEP 22 PM 1:54
AFFILIATE COURT CLERK
NASHVILLE

COMES NOW Judge John A. Donald as Respondent to the requests for admissions as follows:

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 Shelby County, Tennessee, as described in TCA Section 16-15-502.

RESPONSE: See answer to formal charges

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: See answer to formal charges

3. That at all times relevant to the Complaint filed in this action, you were subject to judicial discipline by the Board of Judicial Conduct pursuant to Tennessee Code Annotated 17-5-102.

RESPONSE: See answer to formal charges

4. That on or about October 17, 2011, David Gold, an attorney practicing in Shelby County, Tennessee filed a complaint with the Tennessee Court of the Judiciary, the predecessor agency of the Tennessee Board of Judicial Conduct, against you, alleging violations by you of the Tennessee Code of Judicial Conduct that was then in effect. This complaint was attached as exhibit A to the formal charge or complaint filed in this action.

RESPONSE: Denied; as Mr. Gold's complaint does not charge retaliation! (the basis of your formal charges)

5. That on or about October 23, 2011, Judge Donald was sent a copy of the complaint of David Gold referenced in the previous Request No. 4 and asked to respond to the complaint, and that you received the complaint and letter of Disciplinary Counsel seeking your response prior to November 15, 2011.

RESPONSE: See response above

6. That on or about December 2nd, 2011, you responded to Mr. Gold's complaint by letter to the Disciplinary Counsel to the Tennessee Court of the Judiciary.

RESPONSE: See response above

7. That on or about December 7, 2011, you wrote a letter of complaint to the Tennessee Board of Professional Responsibility, making a complaint against David Gold, and asking the Board to investigate another attorney who had been associated with David Gold and who was listed by David Gold as a witness to Mr. Gold's complaint against you.

RESPONSE: See copy of that letter copied to you.

8. That the complaint of David Gold in the Tennessee Court of the Judiciary, designated as Exhibit 1 to your deposition of November 26, 2013, is a true and exact copy of the complaint against you received prior to December 7, 2011 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: Neither admitted nor denied, authentication demanded

9. That on December 7, 2011, the letter that you wrote to the Board of Professional Responsibility referenced in previous Request No. 7, designated as Exhibit No. 2 to your deposition November 26, 2013 is a true and exact copy of the letter that you wrote to the Board of Professional Responsibility concerning David Gold.

RESPONSE: Neither admitted nor denied, authentication demanded

10. That on January 26, 2012, you wrote another letter to the Board of Professional Responsibility suggesting to that Board another area of investigation against Mr. Gold by that Board, and that such letter, designated as Exhibit No. 4 to your deposition November 26, 2013 is a true and exact copy of the letter that you wrote to the Board of Professional Responsibility concerning David Gold

RESPONSE: Neither admitted nor denied, authentication demanded

11. That the Board of Professional Responsibility dismissed your complaint against David Gold and that you received written communication from the Board of Professional Responsibility stating that your complaint had been dismissed.

RESPONSE: Denied; suggesting that respondent has no idea of what the Board considered, but has proof, by witnesses, that the Board never, as Disciplinary Counsel, "investigated". Strict proof is demanded of the Board's actions!! Respondent reminding Counsel that there were multiple inquires by respondent, and because the TBPR is empowered to render sanctions without public dissemination, respondent awaits an examination of the TBPR's investigation and exactly what it considered!

DATED: September 16, 2014

Respectfully Submitted:



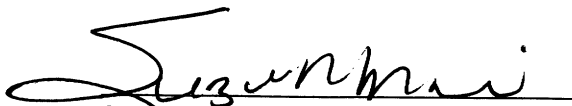
The Honorable John A. Donald
Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Request for Admissions was mailed or delivered to the following:

Mr. Timothy Discenza Disciplinary Counsel
Board of Judicial Conduct
P.O. Box 50356
Nashville, TN 37205

Mr. James M. Hivner
Appellate Court Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219



Suzette Mink
Executive Assistant
Judge John A. Donald