

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

FILED
STATE OF MISSISSIPPI
LAFAYETTE COUNTY

ROBERT SULLIVANT, SR

2023 APR 20 AM 9:07

PLAINTIFF

VS.

CHANCERY CLERK

CAUSE NO.:2021:612(W)

ROBERT SULLIVANT, JR

BY DC



DEFENDANT

**MOTION TO DISQUALIFY ATTORNEY SWAYZE ALFORD
AS COUNSEL FOR PLAINTIFF**

Defendant ROBERT SULLIVANT JR., comes now, and hereby requests that this court disqualify Attorney Swayze Alford as Counsel for Plaintiff. For the reasons outlined in the attached Affidavit of Robert Sullivant Jr and further detailed below, disqualification is appropriate in this matter.

I. INTRODUCTION

This Plaintiff brought this action on October 25th, 2021, alleging thirteen (13) counts against the Defendant. These charges are premised on a series of financial transactions involving the two parties from a joint account they held together. This joint account was used to deposit the proceeds from the sale of a home that was jointly owned by both parties.

According to the Plaintiff's Complaint, on or about May 19, 2021, SR opened a money market account with Regions Bank that was in his name only. That same day, SR transferred the sum of \$230,000.00 from the joint Regions account in which JR had signature authority to his new individual money market account (Complaint. ¶ 6).

Also, according to the Plaintiff, on May 20, 2021, SR executed a Cancellation of Durable Power of Attorney, which was filed with the Panola County Chancery Clerk that same day. SR provided the Regions Bank in Batesville, Mississippi with a copy of the same. (¶ 7). Notably, nowhere does the Plaintiff assert that notification was sent in any way or via any method, formal or informal, to the Defendant, of this revocation.

Of the \$230,000 that SR transferred into his personal account, 50% belonged exclusively to the Defendant.

SCANNED

Up to this point, SR had been displaying mental deficiencies that excluded him from making any coherent financial decisions without assistance. SR has over drafted his Regions Bank accounts, succumbed to thousands of dollars in mail scams, has failed to pay mortgage payments in 18 months, failed to file or pay 2020- and 2021-income tax, and substantially ran up credit cards that JR had paid down for him. This pernicious and destructive activity prompted JR using the Power of Attorney, as well as rights arising under certain joint accounts, to take steps to preserve SR's funds.

Despite all of the foregoing, including the glaring the fact that the Defendant was well within his legal rights to complete these transactions, the Plaintiff filed this action in October of 2021 charging 13 different counts of violating his duty per the Power of Attorney.

The Defendant first sought Counsel from Attorney Brad Golman, who represented the Defendant early on in these proceedings. On February 8th, 2022, this Court entered a stipulated agreement between Attorney Golman and Attorney Alford.

This agreement dictated two essential terms; (1), The proceeds from a land sale were to remain in a trust account held by Attorney Alford until further ordered by the court, and (2) Attorney Alford was to arrange for an IME for his client so that would be in compliant with GAP Act.

Mr. Alford blatantly violated this order and admittedly so. On December 9th, 2022, the Defendant received subpoenaed documents from FNB Bank regarding the accounts of the plaintiff. (See Ex. A). These documents show that the Plaintiff was given access to the funds that Mr. Alford was explicitly ordered to hold in trust. Not only was Plaintiff allowed access to these funds, but Mr. Alford also allowed for Ms. Evelyn Stevens to have access to the money as well.

Predictably, the Plaintiff, in his diminished mental state, has been recklessly spending this money. What's worse is that it was established very early on in the proceedings that the Plaintiff's capacity to handle his own finances is questionable at best. If Mr. Alford didn't know at that point, he was certainly put on notice once the IME of Dr. Brian Thomas was reported, which makes it very clear that the Plaintiff is not capable of handling his finances. It is also clear that Mr. Alford is not capable of carrying out his duties as an officer of the court.

Moreover, on top of Mr. Alford's multiple rules violations, he has also failed to provide discovery imperative to the Plaintiff's finances, both current and past, and upon further

information and belief detailed below, Mr. Alford is at the very least complicit in a scheme to defraud the Plaintiff of his money.

On March 29th, 2023, defendant filed a complaint with the Mississippi Bar Association related to many of the allegations made herein. (Ex. B). On April 11th, 2023, the Bar Association accepted the complaint, assigned to it Docket No. 22-303-4, and gave Mr. Alford until May 11th, 2023, to respond. Mr. Alford's actions and behavior in this case have raised significant and legitimate questions as to his suitability to practice law in Mississippi. His actions have poisoned this matter and he has acted in direct contradiction to his duties as an officer of the court.

II. ARGUMENT

1. Mississippi Rule 8.4(c)

Mississippi Professional Rule 8.4(c) provides that it is professional misconduct for an attorney to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." This Court has defined dishonesty "as a `breach of honesty or trust, as lying, deceiving, cheating, stealing, or defrauding . . .'" *Townsend v. State* , 605 So.2d 767, 771 (Miss. 1992) (Pittman, J., dissenting) (quoting *State v. Page* , 449 So.2d 813, 816 (Fla. 1984)). Fraud "involves breach of duty, trust, or confidence, it includes all acts, omissions, or concealments by which another is injured, or an undue or unconscientious advantage is taken." *Cumbest v. State* , 456 So.2d 209, 217 (Miss. 1984) (quoting *Smith v. State* , 107 Miss. 486, 496, 65 So. 564, 567 (1914)). Deceit is "[a] fraudulent and deceptive misrepresentation, artifice, or device, used by one . . . to deceive and trick another, who is ignorant of the true facts, to the prejudice and damage of the party imposed upon." *Black's Law Dictionary* 405 (6th ed. 1990). And a misrepresentation is a "false statement of a substantive fact material to proper understanding of the matter in hand, made with intent to deceive or mislead." *Id.* at 1001.

Mr. Alford has breached the trust of this court, was deceitful, and misrepresented to the Court and to the Defendant his intention to keep the funds from the land sale in trust until further order. Instead, Mr. Alford allowed the Plaintiff access to these funds and stood idly by while he went on a reckless spending spree, including the purchase of a \$41,000 truck for Evelyn Stevens. Mr. Alford doesn't attempt to deny this, in fact, he justifies it. Mr. Alford never checked on, nor reconciled the funds in the trust, and informed the Defendant AFTER his TRO was filed that he told his client to wait to purchase the truck until this case was resolved. Meaning, Mr. Alford

knew all along what his client's plans were with the money and allowed him to go forward with them.

In an email to the Defendant regarding this matter, sent on December 12th, 2022, Mr. Alford explained that; "I really thought that I should try to earn some interest on the money for your dad". (Ex. C). No order, from this or any other Court, placed Mr. Alford as the Plaintiff's financial advisor, nor is Mr. Alford even remotely qualified to act as such; primarily evidenced by him placing the money in a CHECKING account in order to earn interest. Mr. Alford's explanation that he was "trying to earn interest on the money" expressly speaks to his intent, which was to allow Mr. Sullivant SR and Ms. Stevens access to the funds without informing the court or the Defendant, in order to grow them.

Mr. Alford clearly did not violate this court's order simply to "earn interest", that explanation makes little sense and does nothing to mitigate his behavior. Instead, Mr. Alford placed the money into a checking account solely so that Evelyn Stevens could access it. Ms. Stevens then convinced the plaintiff that that defendant was going to put him into a conservatorship, she developed a covert relationship with him and blocked the defendant's number from his cell phone. All of these actions were calculated by Ms. Stevens and Mr. Alford so that the former could gain access to funds from the sale of multiple properties.

Mr. Alford knew or should have known that Ms. Stevens' name was on a truck purchased by the plaintiff and the checking account holding the funds. Whatever explanation Mr. Alford asserts for allowing this will not the fact that he explicitly violated a court order and misappropriated client funds. Mr. Alford knows that his duty to the Plaintiff's funds was to hold it in trust, not attempt to earn interest on it, and he admits to knowing this in the same email thread; "I am upset with myself, I should have followed up with an order".

Finally, On April 6th, 2023, Mr. Alford dated during a call with the defendant that the reason the plaintiff originally took the joint funds from the account was because "he wanted to buy a house".

Mr. Alford has plead plausible deniability and ignorance for long enough as it relates to these matters. It was Evelyn Stevens who reached out to Mr. Alford and made the initial appointment. She then took the plaintiff to meet with Mr. Alford. She then took the plaintiff to withdraw the funds and the very next day accompanied him to an attorney to revoke the parties' power of attorney. Mr. Alford knew or should have known all of this. Ms. Stevens accompanied

the plaintiff to every appointment with Mr. Alford. Mr. Alford than helped add her name to account and to put her name on a \$41,000 truck that the plaintiff has absolutely no use for. This would send out red flags of fraud and elder abuse to any person of reasonable intelligence, let alone a seasoned civil attorney. But apparently not to Mr. Alford, who instead claims none of this is suspicious or nefarious to him.

To top it off, Mr. Alford, despite over a year and a half passing since filing his claims, has failed to present a shred of evidence to support any of them. When considering in totality this failure to come forth with any evidence, his obvious witness coaching at the deposition of Evelyn Stevens (going so far as to instruct her not to answer questions multiple times), his attempts to conceal his involvement in facilitating Ms. Stevens' access to the funds *and* a brand-new truck, and failing to ever reconcile the funds ordered to be held in trust; Mr. Alford can reasonably be considered a co-conspirator with Ms. Stevens in defrauding the plaintiff, his own client, and is not suitable to remain as counsel on this matter.

Mr. Alford's willful and conscious act of allowing the funds to be distributed to the Plaintiff while keeping it secret from the Defendant and the Court is an unquestionable breach of Rule 8.4. Mr. Alford has shown that he is unwilling to perform his duties as an officer of the court and his deceit and misrepresentations, as well as egregious derelictions of duty to this court and his client, have cost his client significant money and forced the Defendant to take steps to retrieve unaccounted for funds totaling \$56, 619.64; and to freeze the Plaintiff's account so that Mr. Alford can no longer play with his client's money in an attempt to earn interest. Mr. Alford should be reminded that this is a court of law and not Wall Street, and that gambling with client funds is not taken lightly in Mississippi; "Misappropriation of client funds usually results in disbarment. *Mathes v. Mississippi Bar* , 637 So.2d 840, 847 (Miss. 1994).

2. Mississippi Rule 8.4(d).

Mr. Alford also expressly violated Rule 8.4(d), which provides that it is professional misconduct for an attorney to "engage in conduct prejudicial to the administration of justice." The Supreme Court has held that conduct prejudicial to the administration of justice is synonymous with "'conduct unbecoming a member of the bar' [or] conduct contrary to professional standards that shows an unfitness to discharge continuing obligations to clients or the courts." *In re Snyder* , 472 U.S. 634, 645(1985).

Mr. Alford failed to put the Plaintiff's funds into a trust account, he did so in direct violation of a court order and adverse to the interests of all parties in this matter, and the Defendant had to file an emergency TRO just to recover the over \$50,000 missing from the account of which Mr. Alford was responsible.

Therefore, Defendant requests that this court follow the lead of numerous other Mississippi Courts which have previously decided that they; "will not hesitate to impose substantial sanctions upon an attorney for any act which evinces a want of personal honesty and integrity or renders such attorney unworthy of public confidence." *Mississippi Bar v. Alexander* , 697 So.2d 1164, 1170 (Miss. 1997) (quoting *Foote v. Mississippi State Bar Ass'n* , 517 So.2d 561, 564 (Miss. 1987)).

3. Mississippi Rule 1.15

Rule 1.15(a) states in relevant part that;

(a) A lawyer shall hold clients' and third persons' property separate from the lawyer's own property. Funds shall be kept in a separate trust account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded."

Rule 1.15(c) states that;

(c) When a lawyer is in possession of property in which both the lawyer and another person claim an interest, the property shall be kept separate by the lawyer until completion of an accounting and severance of their respective interests. If a dispute arises concerning their respective interests, the lawyer shall disburse the portion not in dispute, and keep separate the portion in dispute until the dispute is resolved.

Mr. Alford explicitly violated both of these subparts to Rule 1.15 by allowing the Plaintiff access to funds that were ordered to be held in a separate trust account. Rather than keep these funds separate, Mr. Alford secretly allowed access to both the Plaintiff, and Evelyn Stevens. He did so purportedly to "earn interest" for the Plaintiff. Not only is Mr. Alford's explanation for breaching his express duties to the court and the parties involved in this matter absurd, it is also very suspect. The account in which the money was being held and accessed by the plaintiff was not a high interest yielding account. It is in a checking account which earns no significant interest, if any at all, thus contradicting Mr. Alford's explanation and requiring further scrutiny into how and why these funds were released to the Plaintiff and Ms. Stevens.

Ethics Opinion No. 205 of the Mississippi Bar explicitly states that: "An attorney is under an obligation to report the criminal misconduct of a non-client which prejudices the administration of justice." Not only has Mr. Alford not reported the criminal conduct of Evelyn Stevens, he has in fact facilitated it, on top of admittedly misappropriating client funds and funds ordered by the court to be held in trust by Mr. Alford. This blatant violation of basic ethical and professional duties.

Mr. Alford never checked on, nor reconciled the funds in the trust, and informed the Defendant AFTER his TRO was filed that he told his client to wait to purchase the truck until this case was resolved. Meaning, Mr. Alford knew all along what his client's plans were with the money and allowed him to go forward with them.

Mr. Alford's failure to disclose his knowledge of plaintiff's access to these funds and reckless spending is also a direct violation of Rule 3.3(a)(2), Candor to the Tribunal;

(a) A lawyer shall not knowingly;

(2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client.

This failure of Mr. Alford also displays his flouting of Rule 4.1(b), which states that in the course of representing a client a lawyer shall not knowingly;

(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client.

The Second Set of Combined Discovery was filed in order to obtain the sale's records of the truck that was purchased and placed in Ms. Stevens name. (See Ex. D). In fact, Mr. Alford, in horrible faith, entered into a verbal agreement with prior counsel for Defendant, Mitchell Driskell. Indeed, the day before a Motion to Compel the documents was to be heard, the parties entered into an oral agreement for Mr. Alford to produce them. The hearing was then removed, and Mr. Alford then went back to his position of deceit and evasiveness, refusing to turn over the documents.

Mr. Alford's gamesmanship and dishonesty does not end there. After renegeing on his verbal agreement, Mr. Alford informed the Defendant at conference in October that he would in fact agree to turn over the documents. He also stated that he knew Ms. Stevens 'name was on the truck. Ms. Stevens accessing the plaintiff's finances and placing her name on a purchased vehicle using said funds is evidence of criminal financial abuse that Mr. Alford was attempting to

conceal. It took the threat of filing a TRO from the Defendant for Mr. Alford to finally turn these documents over.

After all of this and despite his vast knowledge of the plaintiff's financial situation, his spending, his diminished capacity to handle his own finances, and Ms. Stevens having access to these funds, Mr. Alford chose to Motion this court for an order placing Sherry Wall as the conservator of the Plaintiff's finances. (Ex. E). Notably, the Plaintiff at this time had still failed to take his second IME and Mr. Alford relies entirely on the IME of Dr. Thomas to assert the Plaintiff's need for a conservator. For Mr. Alford to concede the Plaintiff's inability to handle his finances on the basis of Dr. Thomas' IME, which was completed over 8 months prior to his motion, indicates that Mr. Alford was in full agreement with this opinion to the point that he was willing to forego a second IME. This begs the question; why did Mr. Alford wait 8 months while the Plaintiff recklessly spent funds meant to be held in trust by him before taking any action? Mr. Alford only took action when he saw default entered against him and was notified that a Motion for Summary Judgement from the Defendant was forthcoming. Essentially, Mr. Alford only decided to begin complying with court orders, rules, and the ethical standards of his profession when the Defendant began receiving information and taking action.

Mr. Alford must be called to testify in any conservator action related to the plaintiff to the at least the following inquiries;

1. What was the chain of custody of the funds from the land sale?
2. How did you meet Evelyn Stevens?
3. How did you intend to accrue interest on the funds?
4. Why didn't you inform the Defendant that the Plaintiff had access to these funds?
5. When did you first learn of the truck purchase?
6. What influence did, or do you have over the Plaintiff's funds and/or spending?
7. Have you provided Ms. Stevens with any instructions, directives and/or advisement related to the land sale funds or the account she shares with the Plaintiff?
8. Did you advise the plaintiff on adding Ms. Stevens to the truck ownership?
9. Did you advise the Plaintiff on adding Ms. Stevens to his bank accounts?

Mr. Alford surrendered any attorney/client privilege when he admittedly engaged in fraud and deception upon this court and upon the parties involved in this matter. Mr. Alford is requesting a Conservatorship for his client, and the Defendant has a counterclaim for Conservatorship as well and has now filed an *Emergency Petition for Conservatorship* as the plaintiff has been without this desperately needed assistance without which he will continue to make reckless financial decisions and be illicitly influenced and manipulated by Evelyn Stevens. Mr. Alford has demonstrated an intimate knowledge of the Plaintiff's finances, knowledge that has been withheld from this Court, and the Defendant. Mr. Alford has gone so far as to evade discovery requests, deceive the Defendant with false promises, and fail to disclose his knowledge of the plaintiff's financial recklessness, and his knowledge of the potential criminal abuse being perpetuated upon his client.

Mr. Alford's troubling lack of candor and his unwillingness to keep in trust the funds that were ordered to be placed in there, have a direct impact on the Conservatorship claims. The Defendant is allowed at any Conservatorship hearing to subpoena witnesses that may have knowledge of the plaintiff's inability to maintain his own finances. Mr. Alford is one of these witnesses.

Mr. Alford must testify as to the plaintiff's relationship with Ms. Stevens, as he has been actively concealing that; and this information is necessary to determine the need for Conservatorship. Mr. Alford's deception also begs for scrutiny into his relationship to the Plaintiff's finances, as he repeatedly refused and refuses to be forthcoming with this information. Any financial arrangements between the Plaintiff and Mr. Alford outside of the attorney and legal fees he collects must be investigated prior to the appointment of a Conservator. Mr. Alford has indicated through a lack of candor and evasiveness, *as well as his own admission*, that he took a personal interest in his client's finances. His behavior has poisoned this matter and has opened the door to multiple inquiries directly related to the Plaintiff's finances and his control and influence thereof. He also has a significant relationship with Ms. Stevens, who undeniably has an authoritative and pernicious influence over the Plaintiff's finances.

The claims for Conservatorship cannot proceed unless Mr. Alford testifies as to his involvement in the Plaintiff's personal finances, what he knew, and when he knew it. He allowed Evelyn Stevens direct access to the funds, who then purchased a \$41,000 vehicle and put it in her name. This potentially fraudulent and criminal act by Ms. Stevens, done with the full knowledge

and consent of Mr. Alford, warrants the waiver of any attorney/client privilege. Mr. Alford is not allowed to participate in the Plaintiff's financial affairs, in direct violation of a court order, and then claim any privilege as to testifying to said participation. Any individual who currently has influence over the Plaintiff's finances is a potential witness, and one such individual is Mr. Alford.

Perhaps more importantly, is the presence of Ms. Stevens at most, if not all of the meetings between Mr. Alford and the plaintiff. This presence of a third-party at these meetings waives any attorney/client privilege that may have otherwise been held had Ms. Stevens not been present. To this end our courts have agreed that:

"One of the circumstances by which it is commonly apparent that the communication is not confidential is the presence of a third person, who is not the agent of either client or attorney. Here, even if we might predicate a desire for confidence by the client, the policy of the privilege would still not protect him, because it goes no further than is necessary to secure the client's subjective freedom of consultation. (§ 2291, supra)." 7 Wigmore on Evidence, § 2311, at 601-603 (1961).

This general rule was approved by the court in *Nebham v. Monsour*, 162 Miss. 418, 139 So. 166, 878 (1932).

While there is a privilege protecting communications between attorney and client, the privilege takes flight if the relation is abused. There are early cases to the effect that a mere charge of illegality, not supported by any evidence, will set the confidences free. See, e.g., *Rynell v. Sprye*, 10 Beav. 51, 54 11 Beav. 618; *In re Postlewaite*, 35 Fh.D. 722, 724, cf. *Regina v. Bollivant*, (1900) 2 CBD 163, (1901) A.C. 196. But this conception of the privilege is without support in later rulings. "It is obvious that it would be absurd to say that the privilege could be got rid of merely by making a charge of fraud." *O'Rourke v. Darbishire*, (1920)A.C. 581, 604. To drive the privilege away, there must be "something to give colour to the charges"; there must be `prima facie evidence that it has some foundation in fact." *O'Rourke v. Darbishire*, *loc. cit.*, supra; also pp. 614, 622, 631, 633 of (1920) A.C. When that evidence is supplied, the seal of secrecy is broken. See, also, *Regina v. Cox*, (1884) 14 Q.B.D. 153, 157, 161, 175; cf. *Bujac v. Wilson*, 27 N.M. 112, 196 P. 513; *In re Niday*, 15 Idaho 559, 98 P. 845.

The Plaintiff, in his diminished mental state, is not capable of providing reliable testimony in this matter; and Mr. Alford has waived privilege under the "Crime-Fraud

Exception” by allowing the plaintiff access to these funds and overseeing his reckless spending and the potential criminal activity of Ms. Stevens.

Mississippi Rule 3.7 states the following;


(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness except where:

- (1) the testimony relates to an uncontested issue;
- (2) the testimony relates to the nature and value of legal services rendered in the case; or
- (3) disqualification of the lawyer would work substantial hardship on the client.

Mr. Alford is very likely to be a witness at any potential trial, or hearing, particularly regarding conservatorship. Not only does he not fall into any of the exemptions listed above, but his disqualification would actually greatly benefit the client, as opposed to working any substantial hardship. Mr. Alford has acted with adversity towards his client’s funds and overall well-being, violated court orders, withheld relevant discovery for months, and willingly deceived the Court and all parties involved in this matter.

WHEREFORE, for the reasons stated above and upon consideration of the Exhibits and Affidavit of Robert Sullivant Jr attached hereto, disqualification of Attorney Alford is warranted and necessary.

DATED: April 20, 2023




Robert Sullivant Jr.
Defendant Pro Se

CERTIFICATION

I do hereby certify that on April 20, 2023; I have served by hand delivery and/or email a true and correct copy of the above and foregoing document to:

**Swayze Alford
1221 Madison Avenue
Oxford, MS 38655
Attorneys for Plaintiff Robert Sullivant, Sr.**

A handwritten signature in black ink, appearing to read "Robert Sullivant, Jr.", written over a horizontal line.

Robert Sullivant, Jr.,
Defendant Pro Se

EXHIBIT A

EXHIBIT E

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR., PLAINTIFF

V.

ROBERT SULLIVANT, JR., DEFENDANT

FILED
STATE OF MISSISSIPPI
LAFAYETTE COUNTY

2022 NOV 30 AM 11:02
CIVIL ACTION NO. 2021-612 (W)

CHANCERY CLERK

BY: 
SUBPOENA DUCES TECUM

TO: FNB Oxford Bank
Attention: Legal Department
101 Courthouse Square
Oxford, MS 38655

YOU ARE HEARBY COMMANDED by the authority of the above Court and pursuant to Rule 45 of the Mississippi Rules of Civil Procedure to produce as evidence the records requested below, within ten (10) days after service of this Subpoena, in the above-styled and numbered action.

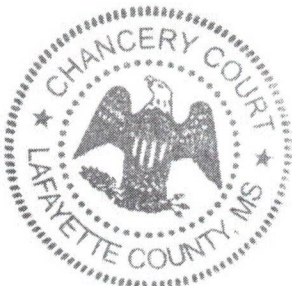
The records to be produced are as follows:

The documents executed in the opening of any account including loans by Robert B. Sullivant, Sr. The documents executed to add additional persons to any of the accounts of the above named. All monthly statements of any account of the above named, including images of cleared checks and deposits, from the date of May 1, 2021.

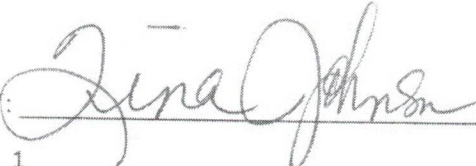
This Subpoena Duces Tecum may be satisfied by scanning and emailing true, correct and organized copies of above requested documents within ten (10) days to email of Robert B. Sullivant, Jr., robert@steelandbarn.com, who shall bear the reasonable cost the production, organization, and emailing of said documents. Documents may be mailed to the below "Submitted by:" address.

This you shall in no wise omit under the penalty, prescribed by law; herein fail not, and you then and there this writ.

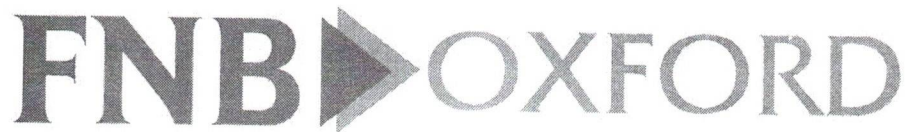
Given under my hand and seal of this court and issued the 21st day of November, 2022.



SHERRY J. WALL, Chancery Clerk
Lafayette County, Mississippi

BY:  D.C.
1

SCANNED



12/09/2022

EXHIBIT F

Robert B. Sullivant, Jr.
1002 Crawford Circle
Oxford, MS 38655

Dear **Robert Sullivant**,

RE: Subpoena Duces Tecum Cause No. **2021-612(W)**

I am enclosing the documents requested by the above referenced subpoena and Affidavit of Records Custodian. The fee for the enclosed documents is **\$90.00** which may be remitted to my attention.

Should you have any questions, you may reach me at 662-234-2821.

Sincerely,

A handwritten signature in black ink, appearing to read "Misty Fiew".

Misty Fiew
SVP, Compliance/Risk

Enclosures



FNB OXFORD
 PO BOX 847
 OXFORD MS 38655
 662-234-2821

Account: 10822831
 Date: March 14, 2022
 Page: 4

ROBERT B SULLIVANT

FNB CHECKING DEPOSIT CASH

DATE 2/23/22

NAME Robert Sullivant

ACCOUNT NUMBER *10 822 831

NET DEPOSIT \$ 188384.04

15011 1825

02/23/2022 \$188,384.04

ROBERT B SULLIVANT
 100 AZALEA GARDEN APT 153
 OXFORD, MS 38655-7370

DATE 2-28-22 101 85-182842

PAY TO THE ORDER OF Capt. Nancy L. Williams Company \$ 526.82

Five Hundred Twenty Six & 82/100 DOLLARS

FNB FNB Oxford Bank
 PO Box 847
 Oxford, MS 38655
 (662) 234-2821

FOR Robert Sullivant

10842018251 10822831 0104

03/10/2022 101 \$526.82

ROBERT B SULLIVANT
 100 AZALEA GARDEN APT 153
 OXFORD, MS 38655-7370

DATE 2/28/22 104 85-182842

PAY TO THE ORDER OF Belle Ford \$ 43,748.85

Forty three thousand seven hundred forty eight & 85/100 DOLLARS

FNB FNB Oxford Bank
 PO Box 847
 Oxford, MS 38655
 (662) 234-2821

FOR 2020 Pagar Robert Sullivant

10842018251 10822831 0104

03/01/2022 104 \$43,748.85

ROBERT B SULLIVANT
 100 AZALEA GARDEN APT 153
 OXFORD, MS 38655-7370

DATE 2-28-22 105 85-182842

PAY TO THE ORDER OF Lafayette Tax Collector \$ 436.86

Four hundred thirty six & 86/100 DOLLARS

FNB FNB Oxford Bank
 PO Box 847
 Oxford, MS 38655
 (662) 234-2821

FOR DB28395 Robert Sullivant

10842018251 10822831 0105

03/01/2022 105 \$436.86

EXHIBIT B



THE MISSISSIPPI BAR

Post Office Box 2168
Jackson, Mississippi 39225-2168
Telephone: (601) 948-0568
Fax: (601) 608-7869
E-mail: ogc@msbar.org
Website: www.msbar.org

Office of General Counsel
Adam B. Kilgore
General Counsel
Melissa Selman Scott
Deputy General Counsel
Kathryn A. Littrell
Litigation Counsel

April 11, 2023

SENT VIA U.S MAIL

Robert B. Sullivant, Jr.
1002 Crawford Cir.
Oxford, MS 38655

Re: Docket Number: 22-303-4

Please be advised that your bar complaint filed against T Swayze Alford has been processed by our office and assigned the above-referenced Docket Number.

T Swayze Alford has been given the due date of 5/11/2023 to provide a response to your complaint.

A copy of the initial letter, sent to the attorney, is enclosed for your records.

Sincerely,

/s/ Adam B. Kilgore
General Counsel

/ag

COPY



THE MISSISSIPPI BAR

Post Office Box 2168
Jackson, Mississippi 39225-2168
Telephone: (601) 948-0568
Fax: (601) 608-7869
E-mail: ogc@msbar.org
Website: www.msbar.org

Office of General Counsel
Adam B. Kilgore
General Counsel
Melissa Selman Scott
Deputy General Counsel
Kathryn A. Littrell
Litigation Counsel

April 11, 2023

SENT VIA U.S MAIL

T Swayze Alford
P O Box 1820
Oxford, MS 38655-1820

Re: Docket Number: 22-303-4

Our office received a Bar complaint filed by Robert B. Sullivan, Jr.. Because it appears to state a possible violation of one or more of the Mississippi Rules of Professional Conduct ("MRPC"), the Bar requires that you respond pursuant to Rule 8.1 (b), MRPC. Your response must include a certificate that you sent a copy of the response to the complainant.

Please submit a written response to the Bar complaint to our office by 5/11/2023 by regular mail or email as a single pdf file. Because we electronically scan paper documents, do not bind or staple any parts of the response if you mail it.

If you need additional time to respond, send our office a timely, written request for extension of time at the address above. If we have not received your response by 5/11/2023, the Committee may consider your failure to respond as a violation of Rule 8.1 (b), MRPC, in addition to any substantive allegations in the complaint. Your response is the initial and integral part of the investigatory process by which the Committee on Professional Responsibility determines whether there is clear and convincing evidence of a violation of the MRPC. If you fail to file a response, the Committee will only have the benefit of the complainant's version of the allegations included in the complaint. Therefore, your response is critical to a timely and accurate review of the matter.

Sincerely,

/s/ Adam B. Kilgore
General Counsel

/ag

cc: Complainant

EXHIBIT C



Robert Sullivant <robert@steelandbarn.com>

Re: Motion for TRO

Swayze Alford <salford@swayzealfordlaw.com>
To: Robert Sullivant <robert@steelandbarn.com>

Mon, Dec 12, 2022 at 2:21 PM

Robert,

When I got the records on Friday from you I intended to propose that the account be frozen. I know what it looks like but I did discuss it with Brad before I deposited it into the bank account. I really thought that I should try to earn some interest on the money for your dad. I should have entered an agreed order and that was my mistake. I would have tended to it today and I guess I may have to but I have mostly been laid up.

I really would like to talk to you if you would agree. I have really only tried to help your dad. It was important to me to try to get you together. Please let me know if you will talk. Thanks.
Swayze

Sent from my iPhone

> On Dec 12, 2022, at 1:56 PM, Robert Sullivant <robert@steelandbarn.com> wrote:

>

> Swayze,

>

> Sorry to hear you had to have surgery and laid up. Hope you are feeling better.

>

> Since the exhibits were 100 pages, I will have to get the filed copies tomorrow, but I wanted you to have them ASAP.

>

> Thanks,

> Robert

EXHIBIT D

DANIEL COKER HORTON & BELL, P.A.
ATTORNEYS AT LAW

265 North Lamar Boulevard, Suite B
Post Office Box 1396
Oxford, Mississippi 38655-1396
www.danielcoker.com

MARISSA WATSON
mwatson@danielcoker.com
Telephone: 662-232-8979
Facsimile: 662-232-8940

July 6, 2022

VIA U.S. MAIL & EMAIL: salford@swayzealfordlaw.com and kayla@swayzealfordlaw.com

Swayze Alford, Esq.
Kayla Ware, Esq.
1221 Madison Avenue
Post Office Box 1820
Oxford, MS 38655

RE: *Robert Sullivant, Sr. v. Robert Sullivant, Jr.*
Chancery Court of Lafayette County, Mississippi
Cause No. 2021-612(W)

Dear Kayla and Swayze:

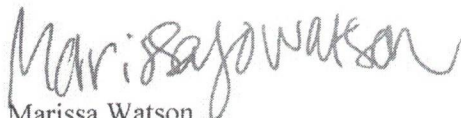
Defendant Robert Sullivant, Jr. propounded his Second Set of Combined Discovery Requests to plaintiff on April 22, 2022, in the above matter. The responses were due on May 22, 2022. To date, we have not received Plaintiff's responses to the second set of discovery. Please advise when we may expect to receive Plaintiff's responses to defendant's Second Set of Combined Discovery Requests. If we do not receive Plaintiff's responses within ten (10) business days of this letter, we will be forced to file a motion to compel.

Please accept this correspondence as a good faith effort to resolve this discovery dispute.

If you need additional time or would like to discuss the responses, please do not hesitate to contact me.

Sincerely,

DANIEL COKER HORTON & BELL, P.A.



Marissa Watson
MW
Enclosures

cc: Mitchell O. Driskell, III

{D1951884.1}

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.

PLAINTIFF

VS.

CAUSE NO.: 2021-612(W)

ROBERT SULLIVANT, JR.

DEFENDANT

**DEFENDANT'S SECOND SET OF COMBINED DISCOVERY
PROPOUNDED TO PLAINTIFF, ROBERT SULLIVANT, SR.**

COMES NOW Defendant, Robert Sullivan, Jr., pursuant to the Mississippi Rules of Civil Procedure, and propounds the following SECOND SET OF COMBINE DISCOVERY TO PLAINTIFF, ROBERT SULLIVANT, SR., to be answered in the time and manner prescribed by the Mississippi Rules of Civil Procedure.

INTERROGATORIES

9. Please state the balance in Plaintiff's TD AmeriTrade account at the time of the most recent statement, and along with the balance, provide the date of the most recent statement.

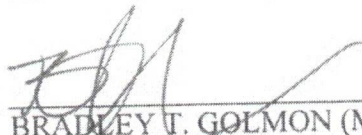
REQUESTS FOR PRODUCTION OF DOCUMENTS

6. Please produce all records relating to or reflecting any spending by Plaintiff in excess of \$5,000.00 in a single transaction since the filing of this Complaint.

RESPECTFULLY SUBMITTED, this the 22nd day of April, 2022.

ROBERT SULLIVANT, JR., DEFENDANT

By:



BRADLEY T. GOLMON (MSB #10261)
Counsel for Defendant, Robert Sullivan, Jr.

HOLCOMB, WATTS, BEST,
MASTERS & GOLMON, P.A.
400 Enterprise Drive
Post Office Drawer 707
Oxford, Mississippi 38655
Telephone (662) 234-8772
Facsimile (662) 238-7552

CERTIFICATE OF SERVICE

I, BRADLEY T. GOLMON, do hereby certify that a copy of the foregoing document has been mailed, postage prepaid, to the following:

Swayze Alford, Esq. (MSB #8642)
Kayla Ware, Esq. (MSB #104241)
Post Office Drawer 1820
Oxford, Mississippi 38655
(662) 234-2025 phone
(662) 234-2198 facsimile

THIS, the 22nd day of April, 2022.



BRADLEY T. GOLMON

EXHIBIT E

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.

PLAINTIFF

VS.

CAUSE NO.: 2021-612(W)

ROBERT SULLIVANT, JR.

DEFENDANT

PLAINTIFF'S MOTION TO APPOINT CONSERVATOR

COMES NOW Plaintiff, Robert Sullivant, Sr. ("Sullivant, Sr."), by and through undersigned counsel, and files this his *Motion to Appoint Conservator* against Defendant, Robert Sullivant, Jr. ("Sullivant, Jr."), and in support thereof would state as follows:

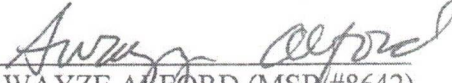
1. The Plaintiff, Robert Sullivant, Sr., is an adult resident citizen of Lafayette County, Mississippi.
2. That on or about October 25, 2021, Sullivant, Sr. filed his *Complaint* in this matter when he discovered that Sullivant, Jr. had withdrawn \$230,000.00 from an account in Sullivant Sr.'s name alone using a Power of Attorney that Sullivant, Sr. had cancelled.
3. On or about December 9, 2021, Sullivant, Jr. filed his *Answer, Affirmative Defenses, and Counter-Claim*, wherein he requested a Conservator be appointed for his father, Sullivant Sr.
4. That on February 8, 2022, the parties entered into an *Agreed Order for Independent Medical Exams* wherein the Court appointed two physicians, including Dr. Brian Thomas, to conduct said IMEs of Sullivant, Sr.
5. Following an evaluation of Sullivant, Sr., Dr. Thomas found that Sullivant, Sr. was in need of a conservator for his financial affairs.
6. Sullivant, Sr. is in agreement for a conservator to be appointed for the sole purpose

of managing his financial affairs and requests that the Court appoint Sherry Wall as his conservator.

WHEREFORE PREMISES CONSIDERED, Robert Sullivan, Sr., respectfully requests that this Court enter its order appointing Sherry Wall as his Conservator for the sole purpose of managing his financial affairs.

RESPECTFULLY SUBMITTED this 5 day of December, 2022.

ROBERT SULLIVANT, SR., Plaintiff

BY: 
SWAYZE ALFORD (MSB #8642)
KAYLA WARE (MSB #104241)

OF COUNSEL:

SWAYZE ALFORD

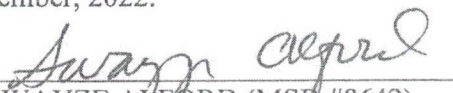
Attorney at Law
1221 Madison Avenue
Post Office Box 1820
Oxford, Mississippi 38655
(662) 234-2025 phone
(662) 234-2198 fax
Counsel for Robert Sullivan, Sr.

CERTIFICATE OF SERVICE

I, Swayze Alford, attorney for Robert Sullivan Sr., do hereby certify that I have this day forwarded, via email, a true and correct copy of the above and foregoing *Plaintiff's Motion to Appoint Conservator* to the following:

Robert Sullivan, Jr.
robert@steelandbarn.com

SO CERTIFIED, this the 5 day of December, 2022.


SWAYZE ALFORD (MSB #8642)