

Affidavit of Alan Eppers

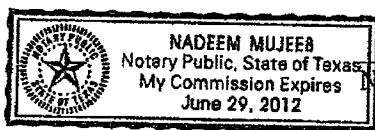
My name is Alan Eppers, I am greater than 18 years of age, competent to testify, and I do testify under oath to the following facts based on personal knowledge, as witnessed by my signature below:

- 1 I have a child custody case pending against my ex-wife, Hollie Elliot, before Judge Robert M. Stem in Robertson County. Jeff Duke is my attorney in that case.
2. On June 1, 2009, my wife, Sherry Eppers, e-mailed Ty Clevenger after reading about a federal lawsuit he had filed regarding Judge Stem and other Robertson County officials. Sherry cc'd me on the e-mail
3. Sherry told me that she and Ty subsequently spoke by telephone about my case, and they exchanged several e-mails. Sherry told me she spoke with Ty about participating in the federal lawsuit.
- 4 Ty called me a few months later and asked if I wanted to proceed as a party to the federal case. I told him I did, and we exchanged a few e-mails, including one where I viewed a draft of the portion of the lawsuit that pertained to me.
5. Ty filed the federal lawsuit on September 15, 2009 and sent an e-mail copy to me as well as most of the other plaintiffs. I did not read the lawsuit. I intended to join the federal lawsuit, but I assumed I was not yet a party since I had not yet signed a contract.
- 6 On September 28, 2009, I had a hearing in Robertson County before Judge Stem regarding visitation with my son. My ex-wife had denied me visitation with my son for more than a year, directly violating the divorce decree.
- 7 Before the hearing, my ex-wife's attorney, Bryan F. Russ, Jr., took me and Jeff into a jury room and confronted me about the federal lawsuit. Mr. Russ sarcastically demanded to know how my ex-wife was related to his wife (as alleged in the federal lawsuit).
8. Mr. Russ asked me if I was a party in the federal lawsuit, and I said I was not. I believed this to be true because I had not signed a contract, and I did not realize I could make a binding agreement without a written contract. Jeff had not been aware of the federal lawsuit because I did not send him a copy.
- 9 Mr. Russ said he wanted to ask me about the federal lawsuit, and I agreed. I felt I had no choice under the circumstances. Mr. Russ pointed out that the judge who was about to hear my case, *i.e.*, Judge Stem, had been named as a co-conspirator in the federal lawsuit. I understood this to be a threat. I felt that I had to comply with his request in order to be allowed visitation with my son.

10. Following the meeting in the jury room, I was taken into the chambers of Judge Stem, where I was deposed by Mr. Russ in front of a court reporter

Alan Eppers 10-26-09
Alan Eppers

On this 26th day of October, 2009, Alan Eppers appeared before me and testified under oath that the foregoing affidavit was true and correct, based on his own personal knowledge, as witnessed by my signature and seal below.



Nadeem Mujeeb
NOTARY PUBLIC