

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

2009 OCT -8 AM 9:05

RICHARD R. ROOKER, CLERK

*ult*

D.C.

STATE OF TENNESSEE, *ex rel.* )  
ROBERT E. COOPER, JR., ATTORNEY )  
GENERAL and REPORTER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MICHAEL H. SNEED, )  
 )  
Defendant. )

Case No. 09C2025

STATE OF TENNESSEE'S STATUS REPORT REGARDING DEFENDANT'S  
FAILURE TO COMPLY WITH ORDER

On Friday, September 18, 2009, the parties came before the Honorable Judge Joseph P. Binkley, Jr., to discuss the Defendant's compliance with the Order to Compel Compliance with the Agreed Order for a Statutory Temporary Injunction. Upon review and consideration of the pleadings and submissions and after hearing the argument of counsel for the Plaintiff and also from Defendant Michael H. Sneed, the Court entered an Order Compelling Compliance with the Agreed Order for a Statutory Temporary Injunction and Disclosure of Other Pertinent Information ("Order") entered on September 18, 2009. The Order required the Defendant to produce to representatives of the State of Tennessee certain documents and information no later than the close of business on October 2, 2009. Further, the Court required the State's counsel to file a report on the completeness of Defendant's compliance with the September 18, 2009 Order.

In spite of the Court's strong warnings to the Defendant, the State reports that as of the date of this filing, the Defendant has not produced *any* of the documents or other information enumerated in the Court's September 18, 2009 Order. Additionally, Defendant has not contacted Counsel for Plaintiff to explain his failure to produce the required information or to request more time to respond. The documents and information that Defendant is obligated to produce under the terms of the September 18<sup>th</sup> Order include:

- a. A full and complete list of the Defendant's former clients whose files were given to another attorney after February 24, 2009. The list should include, at a minimum, the name of the former client, any contact information for the client (i.e. address, telephone number or email, if known), the amount paid by the client (if known) or other valuable consideration provided (if any), as well as the attorney who received the particular client file, whether any client monies were transferred to the attorney and if so, how much for each client.
- b. A full and complete list of the Defendant's former clients who gave the Defendant any money or other valuable consideration for legal services to be performed after February 24, 2009 but for whom the Defendant did not create a formal file or other paper record. The list should include, at a minimum, the name of the former client, any contact information for the client (i.e. address, telephone number, or email if known), the amount paid or other valuable consideration provided to the Defendant for the legal services, and the attorney who received the client information, if any, and whether any client monies were transferred to the attorney and if so how much for each client.
- c. All bank account statements from the Defendant's trust, attorney and personal accounts for the months of February, 2009 through August, 2009 where any monies from clients were deposited or withdrawn.
- d. An affidavit including at a minimum, the following information:
  - i. The identification of any clients who do not fall directly into the lists described in sections 1(a) & 1(b);
  - ii. The identification of any other monies which were received from clients, but not deposited in the accounts identified in section 1(c);
  - iii. A statement attaching the materials produced under this Order and confirming they are true, complete and accurate.

Further, the Court requested that the Defendant provide current and accurate contact information. In open Court on September 18, 2009, and as commemorated in the Court's September 18, 2009 Order, the Defendant provided the following as his active and operational email address: michaelsneed@live.com. The State attempted to contact Mr. Sneed through this email address on three separate occasions and all three emails were returned as undeliverable. Accordingly, Plaintiff does not have a current email address with which to contact Defendant.

At the September 18, 2009 hearing, the Court reserved the right to award the State attorneys' fees and other sanctions pending the Defendant's compliance. The State now requests that the Court set an expedited hearing to determine the necessary remedies and sanctions to bring the Defendant into full compliance with this Court's orders. Further, the State reserves its right to seek additional remedies for the Defendant's continued failure to comply with this Court's Orders.

In summary, Defendant has neither produced any of the required information nor contacted counsel for the State of Tennessee since September 18, 2009. Further, the email address provided by Defendant does not appear to be operational and all of the State's attempts to contact Defendant at that address have been returned as undeliverable. Therefore, the State requests an expedited hearing be set by this Court to determine the appropriate sanctions and remedies for the Defendant's noncompliance.

RESPECTFULLY SUBMITTED,

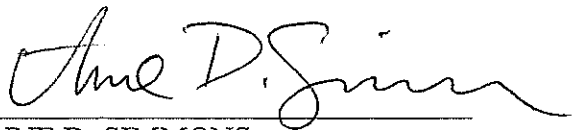
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing document has been forwarded via U.S. mail, postage prepaid, to Michael Sneed, 3141 Kinwood Dr., Antioch, TN 37013-1347 on this the 8<sup>th</sup> day of October, 2009.



ANNE D. SIMMONS  
Assistant Attorney General