

5TH DIVISION

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
DIVISION

GWENDOLYN WILLIAMS

PLAINTIFF

v.

— **60CV2011: 2731**

TIMOTHY A. CLARK
MICHAEL W. NELLUMS
ERVIN BENNETT

FILED 06/03/11 08:48:18
Larry Crane Pulaski Circuit Clerk
NLS.

DEFENDANTS

COMPLAINT

Comes now the plaintiff, by and through undersigned counsel,
and for her complaint for damages, states:

JURISDICTION AND VENUE

1. This is an action in tort. Venue and jurisdiction properly lies in Pulaski County, Arkansas where the plaintiff resides and the defendants reside and where the cause of action arose.

PARTIES

2. Plaintiff, Gwendolyn Williams, is a person of the full age of majority and a resident of Pulaski County, Arkansas.

3. The defendant, Timothy A. Clark, is a person of the full age of majority and a resident of Pulaski County, Arkansas. The defendant, Michael W. Nellums, is a person of the full age of majority and a resident of Pulaski County, Arkansas. The defendant, Ervin Bennett, is a person of the full age of majority and a resident of Pulaski County.

4. The plaintiff and the defendant, Timothy A. Clark, are presently, and at all relevant times have been members of the Pulaski County Special School District School Board of Education. The defendant, Michael W. Nellums, at all relevant times was

employed as the principal of Mills University Skills High School. Mills University Studies High School is a part of the Pulaski County Special School District. Mr. Nellums is, and at all relevant times was, also a member of the Little Rock School District Board of Directors.

STATEMENT OF FACTS

5. Beginning in or around July of 2010 and continuing up to September 6, 2010, the defendants have engaged in a course of conduct intentionally, willfully and maliciously causing false accusations to be made and published about the plaintiff.

6. In early July 2010, Mr. Nellums approached Mr. Bennett about capturing Ms. Williams on videotape taking money from him in exchange for getting a contract with the school district.

7. Mr. Nellums agreed to pay Mr. Bennett \$1,500.00 in exchange for doing this.

8. A week or so later, Mr. Bennett talked with Mr. Clark about an idea that Mr. Clark had that would trap Ms. Williams.

9. On Friday, August 13, 2010, Mr. Bennett, Mr. Nellums and Mr. Clark met in person at Cheers Restaurant to further discuss plans to trap Ms. Williams. During this meeting, Mr. Clark informed Mr. Bennett to call Ms. Williams and tell her that he wanted to meet with her about doing the work on sidewalks at Harris Elementary School.

10. Harris Elementary School is a part of the Pulaski County Special School District.

11. Mr. Clark instructed Mr. Bennett to tell Ms. Williams that he had an envelope with some money in it. He was to further tell her that his dad told him to give her the money for helping him get this contract. He was to tell her that she didn't want to pass up on this. Mr. Clark provided a script which is attached to this complaint as "Exhibit A" and incorporated herein.

12. Mr. Nellums interrupted him and said, "Tim that is not going to work." He indicated that he needed to go to her a couple of times to gain her trust and confidence. He indicated that he should give her an envelope with \$100.00 in it and have someone recording it the whole time.

13. Mr. Nellums went to the bathroom. While he was in the bathroom, Mr. Clark wrote on a napkin which is attached as Exhibit "B" to this complaint, "Erv, if you can pull this off by Tuesday successfully I will give you a bonus. Good Luck"

14. After Mr. Nellums came back, the three concluded their discussions. They got up, shook hands and left.

15. On or about Monday, August 15, 2010, Mr. Nellums texted Mr. Bennett Ms. Williams' phone number. He then instructed Mr. Bennett to call Harris Elementary School to find out who handled sidewalks.

16. Mr. Bennett did not immediately call Ms. Williams. During this time, he was repeatedly contacted by Mr. Clark and Mr. Nellums about meeting with Ms. Williams and getting this taped.

17. On or about Tuesday, August 14, 2010, Mr. Bennett called Ms. Williams and told her that he needed to see her about sidewalks at Harris Elementary School.

18. Mr. Nellums contacted Mr. Bennett and indicated that he had contacted Mr. Craig Tissue. Mr. Bennett was told that Mr. Tissue would tape the transaction between he and Ms. Williams.

19. Mr. Nellums took Mr. Bennett to Harris Elementary School. He also took him to Ms. Williams' house. Mr. Nellums showed Mr. Bennett Ms. Williams' late model Lincoln Town car and told him that the air rise suspension was out on the car. Mr. Nellums told Mr. Bennett to tell Ms. Williams that he could fix this problem.

20. Pursuant to the plan, Mr. Bennett went to Ms. Williams's house and asked her about the sidewalks. Ms. Williams told him that he needed to talk to Mr. Don Booth. Mr. Booth is the Principal of Harris Elementary School. She indicated that she would try to set up a meeting with the superintendent and to get this on the school board agenda. She indicated that she had witnessed a man walking his daughter to school in the street because there were no sidewalks. Mr. Bennett also talked with her about her car. Ms. Williams indicated that she would tell her own mechanic about the car problems. During this meeting, Mr. Bennett learned that Ms. Williams's uncle had died.

21. Mr. Bennett later met with Mr. Clark at Napa Auto Parts on Roosevelt Road. Mr. Clark gave Mr. Bennett a total of \$800.00. Mr. Clark wanted Mr. Bennett to put \$200.00 in the envelope that

would be given to Ms. Williams because he thought that it would look better.

22. Mr. Bennett later went to Mills High School to pick up blue prints of Harris Elementary from Mr. Nellums. He gave Mr. Nellums \$400.00 of the money that Mr. Clark had given him for the videos that were to be taped and copied by Mr. Tissue.

23. Mr. Bennett and Mr. Tissue went to Ms. Williams' house. Mr. Tissue gave Mr. Bennett a digital recorder to tape the conversation with Ms. Williams. With the camera rolling, Mr. Bennett placed \$100.00 in an envelope. Mr. Bennett then went to Ms. Williams's house and knocked on the door. Ms. Williams came outside and set on the porch and talked with Mr. Bennett. Mr. Bennett showed her the plans for the side walks at Harris Elementary School. He then gave her the envelope containing the money.

24. Ms. Williams had no idea that there was money in the envelope. She was preparing to go to his funeral which was being held out of state. She assumed it was a condolence card. Mr. Bennett did not mention anything about money. Ms. Williams indicated that she would do what she could to get the matter on the school board's agenda.

25. After the taping, Mr. Clark and Mr. Nellums called Mr. Bennett to get an update.

26. Mr. Clark was in such a hurry to get a copy of the taping that Mr. Tissue was unable to finish editing the tapes. Mr. Tissue

gave Mr. Nellums DVDs of the meeting with Ms. Williams. However, there was no sound.

27. Mr. Clark met Mr. Bennett's brother, Mr. Tracy Bunting, and gave him \$2,500.00 in a cracker box in exchange for the audio tapes of the meeting with Ms. Williams.

28. Mr. Bunting took the cracker box containing the \$2,500.00 to Mr. Nellums at Mills High School. Mr. Nellums had another unidentified individual to pick the money up from Mr. Bunting at a gas station located near Mills High School.

29. On or about August 26, 2010, Mr. Clark met with Mr. Bill Lawson. Mr. Lawson is a news reporter for the *Maumelle Monitor*. Mr. Clark had indicated to Mr. Lawson that he needed to show him a video tape. Mr. Clark showed Mr. Lawson the video tape on a computer at the *Maumelle Monitor*. Mr. Lawson told Mr. Clark he needed to take the information to the proper authorities and that this information would not be published until the authorities were notified.

30. Mr. Nellums, in concert with Mr. Clark, created sealed envelopes containing a letter that is attached as Exhibit "C" to this complaint, a copy of the DVD tape purportedly showing Ms. Willams taking a bribe and a copy of an audio tape of the conversation. These envelopes were addressed to members of the Board of Education of the Pulaski County Special School District.

31. On August 27, 2010, Mr. Nellums gave Mr. Tracy Bunting four (4) sealed envelopes addressed to members of the Pulaski County Special School District Board of Education and asked him to

hand deliver them. After delivering the packages, Mr. Nellums paid Mr. Bunting \$200.00.

32. Mr. Jay Bequette was the attorney for the Pulaski County School District. Some of the School Board Members called him about the packages that they received. He advised them to turn the packages over to the authorities and not to disclose anything about this matter until after an investigation was conducted.

33. In addition to the story published in the *Maumelle Monitor*, stories regarding the videotape and letter accusing Ms. Williams of taking a bribe were published in the local newspapers, online, on local radio stations, and on local television stations.

34. After the video became public, Mr. Clark met with Mr. Bennett and asked him how much money it would take for him to go to Mr. Lott Rolfe, Mr. Clark's attorney, and tell him that Ms. Williams was trying to take a bribe. Mr. Clark offered him \$5,000.00 to do this, but Mr. Bennett refused. Mr. Clark taped the portions of the conversation with Mr. Bennett that appeared to have Mr. Bennett asking him for money.

35. Mr. Nellums then called Mr. Bennett and told him that his truck was all over the news. Mr. Nellums encouraged him to hide or change the truck and gave Mr. Bennett \$2,400.00 to rent a car for the month.

36. Mr. Clark contacted Mr. Bennett through Mr. Nellums and indicated that he had an attorney on retainer for him. He indicated that the attorney would be free for him. Mr. Bennett

felt that he was being set up as the fall guy and contacted his own attorney.

37. Mr. Clark attempted to hold a special school board meeting in an effort to force Ms. Williams off of the school board.

DEFAMATION

38. Paragraphs 1 through 37 are incorporated by reference as though fully set forth.

39. The statements, actions and conduct by the defendants injured plaintiff's reputation, diminished her esteem, respect, good will and the confidence in which she was held.

40. The defendants knew, or should have known, that the information which was being spread was false; yet they continued to engage in a course of conduct which has slandered plaintiff's good character and name.

41. As a result of the aforementioned acts, the plaintiff was injured.

42. The aforementioned acts and resulting injuries were caused solely and exclusively by the intentional actions of the defendants which actions in part consisted of the following acts and omissions, among others, to wit:

a. Defendants' statements about plaintiff were defamatory;

b. Defendants' statements were made about plaintiff and specifically identified her;

c. Defendants' statements about plaintiff were published to other individuals;

d. Defendants' were at fault in causing these statements to be published;

e. Defendants' statements were false;

f. Plaintiff was damaged.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

43. Paragraphs 1 through 42 are incorporated by reference as though fully set forth.

44. Defendants committed the tort of infliction of emotional distress upon Plaintiff by conspiring and making up false allegations that she had committed a crime, videotaping activity which they knew was misleading and then publishing information that Ms. Williams had taken a bribe to the public. Defendants knew that Ms. Williams was a member of the Pulaski County Special School District Board of Directors and they knew or should have known that emotional distress was likely to result from their conduct. The conduct of the defendants was extreme and outrageous and beyond all possible bounds of decency, and was utterly intolerable in a civilized community. The actions of the defendants were the cause of Plaintiff's distress and were so severe that no reasonable person could be expected to endure them.

CIVIL CONSPIRACY

45. Paragraphs 1 through 44 are incorporated by reference as though fully set forth.

46. Defendants engaged in a civil conspiracy. Defendants combined together to accomplish an unlawful and oppressive purpose. The defendants had the specific intent to commit the wrong. The

defendants' conspiracy was in aid of their efforts to defame Ms. Williams. The defendants actions caused injury and harm to Ms. Williams.

NEGLIGENCE

47. Paragraphs 1 through 46 are incorporated by reference as though fully set forth.

48. Defendants actions were negligent. Defendants, Mr. Clark and Mr. Nellums, engaged in activity that a reasonably careful member of the school district or educator would not have done. Defendants, Mr. Clark and Mr. Nellums, had a duty to abide by ethical standards, rules and laws with respect to elected officials, school administrators, and school officials. Defendants, Mr. Clark and Mr. Nellums, conduct breached these duties. Defendants, Mr. Clark and Mr. Nellums, knew or should have known that their behavior would have caused injury to Ms. Williams. As a proximate cause of the defendants' negligence, Ms. Williams was damaged.

DAMAGES

49. Plaintiff itemizes her damages as follows:

a. Pain and suffering	\$1,000,000.00
b. Mental anguish	\$1,000,000.00
c. Damage to Reputation	\$1,000,000.00
d. Punitive Damages	\$2,000,000.00
TOTAL	\$5,000,000.00

50. Plaintiff demands a jury trial to hear this cause of action.

WHEREFORE, plaintiff prays that defendants be duly cited to appear and answer this complaint, and that after due legal proceedings are had, that there be a judgment rendered herein in favor of plaintiff and against the defendant for pain and suffering, mental anguish, punitive damages with legal interest thereon from the date of judicial demand, all cost of these proceedings, attorney's fees, and all such other general relief as the court deems just and proper.

Respectfully submitted,

GWENDOLYN WILLIAMS



Willard Proctor, Jr.
Attorney for Plaintiff
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(501) 374-9156
Arkansas Bar No.: 87136

Complaint.doc

1 my dad is our old friend
of yours

3 I paid me to give
this envelope
care as at the

2 All we need Mrs Williams
is to be able to explain
our new sidewalk
program to the board.

The school district can
use a new federal
grant to pay for it.
The district can do
this at all of their
schools. We can start
with Harris. We just
need an "IN" with
the district. I can
rest.

3. Dad wanted me to
give you this envelope
that's been in my car
for almost two weeks.
Just a thank you
to & I both understand
we have to keep this
private & you don't
have to worry about
that we
all the time. I don't
worry. If someone
was to find out, it's
a birthday gift.

I just peeped in it
& you don't want to
let this one get away.
I'm leaving for Chicago
tomorrow, I'll be gone for 2 weeks
All we need is an
introduction, I
rest the

EXHIBIT

A

Erin -

If you can pull
this off by Tuesday
successfully, I will
give
bonos.

Good Luck

Joe Ta
945-5015

EXHIBIT
B

8/27/10

To: Pulaski County School Board Members

I am Masonry specialist seeking a contract with the school district to pour concrete sidewalks at Harris Elementary. When I called the school last spring they told me to call the school board member Mrs. Williams. I left several messages with her and heard nothing until this summer when I visited with her at her home in the McAlmont Community across the street from the school my grandkids attend.

After speaking with Mrs. Williams, I was concerned about her general integrity and intent. Mrs. Williams in a round about way told me if I took care of her, she would take care of me. I've done school work before but never had a board member tell me that. She kind of stated that she needed some help with her bills, and could use some help getting her car fixed. It did look like it needed some shocks or something. The contract is a state contract for concrete work so I thought I should just help her, but to protect myself and to let you know how it really works out here, I videotaped, and audiotaped the meeting.

I'll give ya'll people a chance to get this woman straight. My friends say I should give it to the news people. All I can say is ya'll need some help on this school board. This woman is a crook and doesn't care one bit who knows. Somebody ought to call the police on her.

Ricky Weathers
North Little Rock, Arkansas

