#### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE GREENEVILLE DIVISION

B.P., H.A., and S.H. individually, and On behalf of all others similarly situated,

Plaintiffs,	
<b>v.</b>	No: 2:23-cv-00071-TRM-JEM
CITY OF JOHNSON CITY, TENNESSEE, et al.,	
Defendants.	

### DECLARATION OF VANESSA BAEHR-JONES IN SUPPORT OF PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD FOR PLAINTIFFS' RENEWED MOTION TO ENJOIN EXTRAJUDICIAL CONDUCT; MOTION FOR SANCTIONS

- I, VANESSA BAEHR-JONES, declare under penalty of perjury of the laws of the United States of America that the following is true and correct:
  - I am over twenty-one years of age and am competent in all respects to give this
     Declaration. This Declaration is given freely and voluntarily. I have personal knowledge
     of the foregoing matter and could, and would, testify competently thereto under penalty
     of perjury.
  - 2. I am lead counsel for Plaintiffs B.P., et al., in the above-referenced case. I am a licensed attorney in good standing in the State of California (CABN 281715) and admitted to appear *pro hac vice* in this District.
  - 3. On June 3, 2024, Plaintiffs' counsel verbally requested that counsel for the City produce Ball's real estate contract with Sean Williams ("Ball Williams Contract"). Counsel for the

City represented that Ball had entered into the Ball Williams Contract in her personal

capacity, and therefore the City did not have an obligation to produce it.

4. Attached hereto as Exhibit 1, is a true and correct copy of text messages between Cathy

Ball and Shannon Castillo provided in response to a subpoena duces tecum issued to

Shannon Castillo.

5. Attached hereto as Exhibit 2, is a true and correct copy of text messages between

Shannon Castillo and Sean Williams provided in response to a subpoena duces tecum

issued to Shannon Castillo.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct and based upon my own personal knowledge, and that if called

upon to testify, I could verify the accuracy of the same.

Friday, August 9, 2024.

/s/ Vanessa Baehr-Jones

VANESSA BAEHR-JONES

#### **CERTIFICATE OF SERVICE**

I HEREBY certify that a copy of the foregoing has been filed and served via the court's electronic filing system on August 9, 2024 to counsel of record:

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/s Heather Moore Collins
Heather Moore Collins

11:07 EXHIBIT 1









iMessage Mar 31, 2022 at 11:12 AM

Hi Shannon, this is Cathy Ball. Do you all have any residential condos for sale downtown?

Hi Cathy!! I actually know of someone looking to sell their condo! It's 3000sf. In 200 e main. Floor 5.

Who is looking? Residential is definitely not My specialty but I'm always keeping my eyes open in DT JC

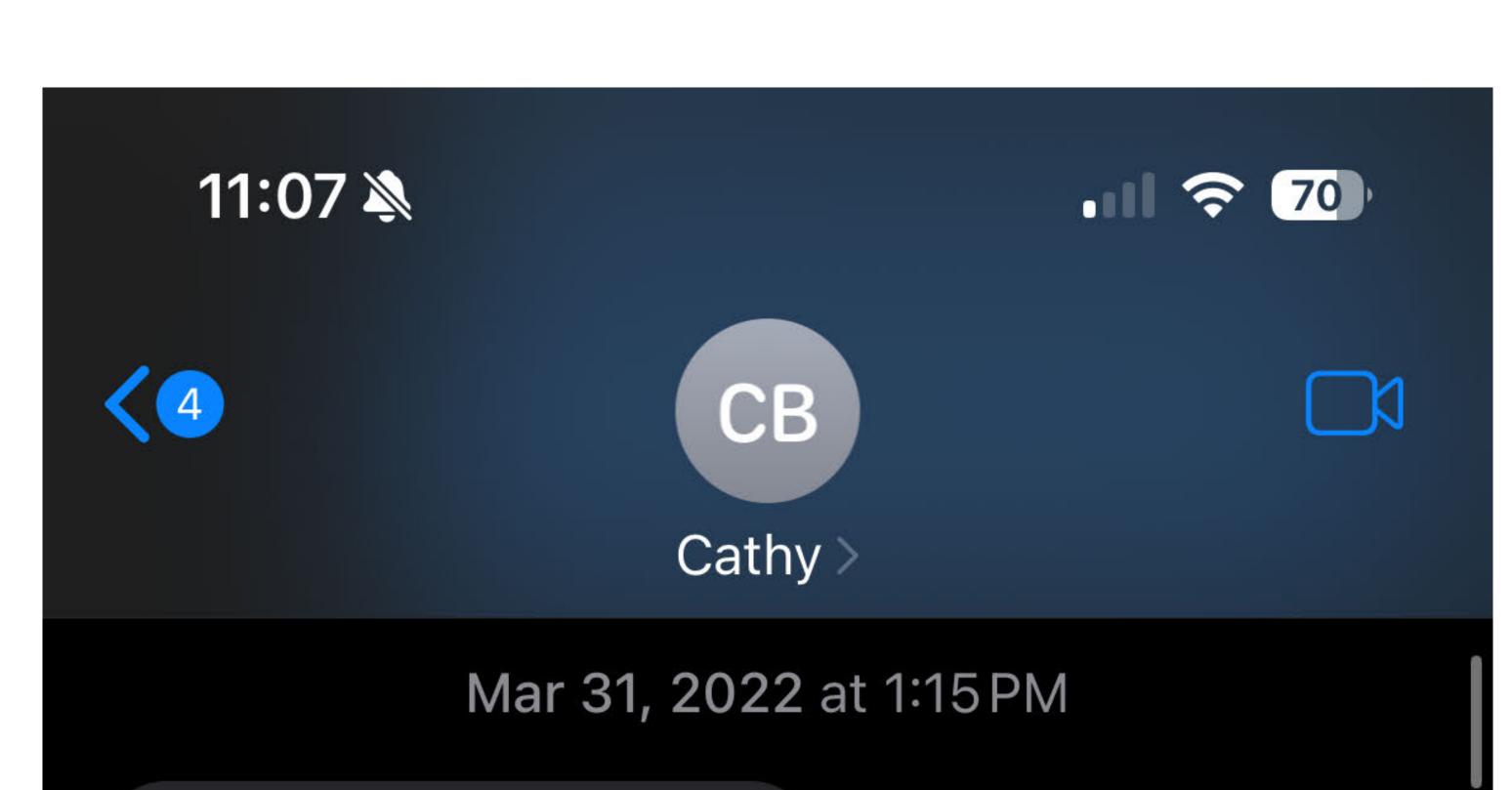
I am looking!

Oh let's make this happen!!

I LOVE this particular condo. Let me see what I can do







It seems really big!

I would love to see it.

Mar 31, 2022 at 4:02 PM

Do you have time To chat?

Yea

Sorry, yes

Could we go look at that condo tomorrow at 3P??

I'm getting the keys!

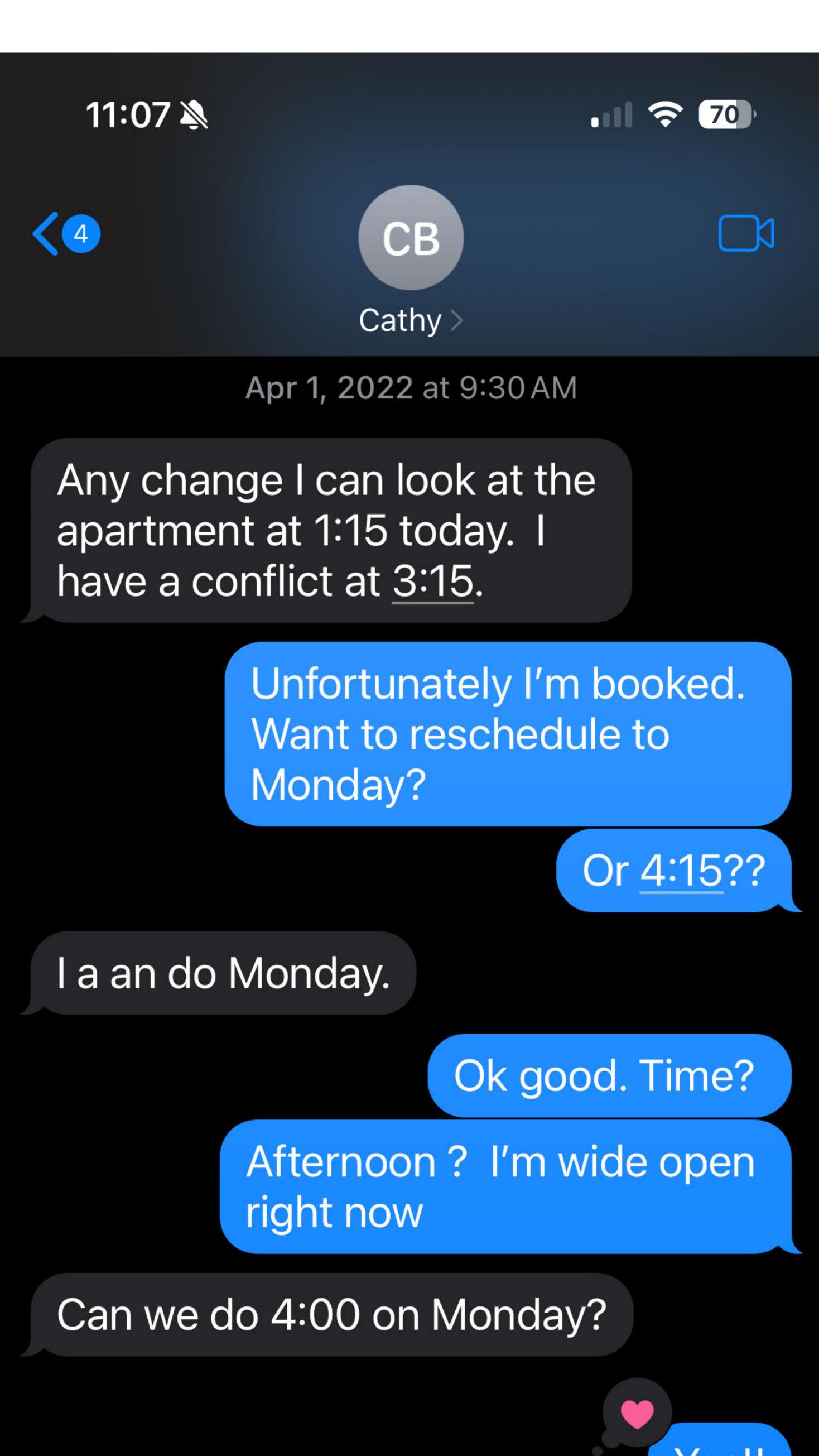
Yes



Great. Let plan on 3:15 at 200 e Main Street. We'll head up from there

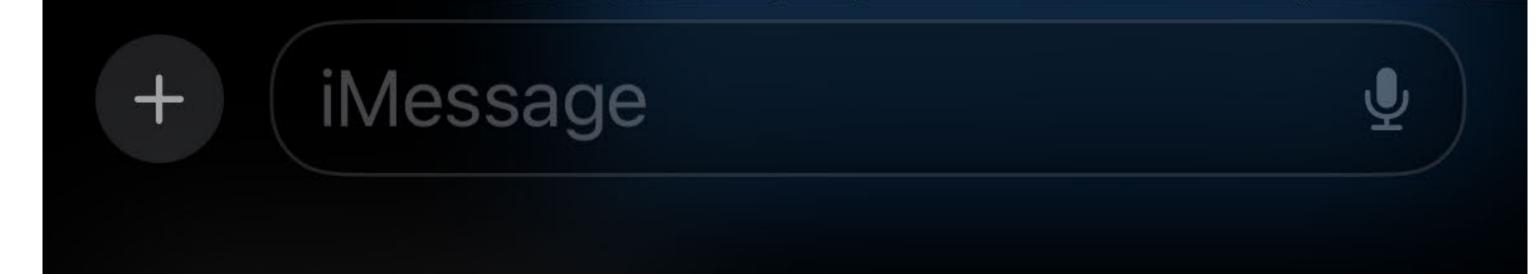






Yes!!

Apr 1, 2022 at 2:12 PM













Apr 1, 2022 at 2:12 PM

Condo fees are running \$575 per floor a month.

Not a problem



Prop taxes are \$4466.66 a year

What is tax value?

Current tax value is \$287,800

I am very interested.

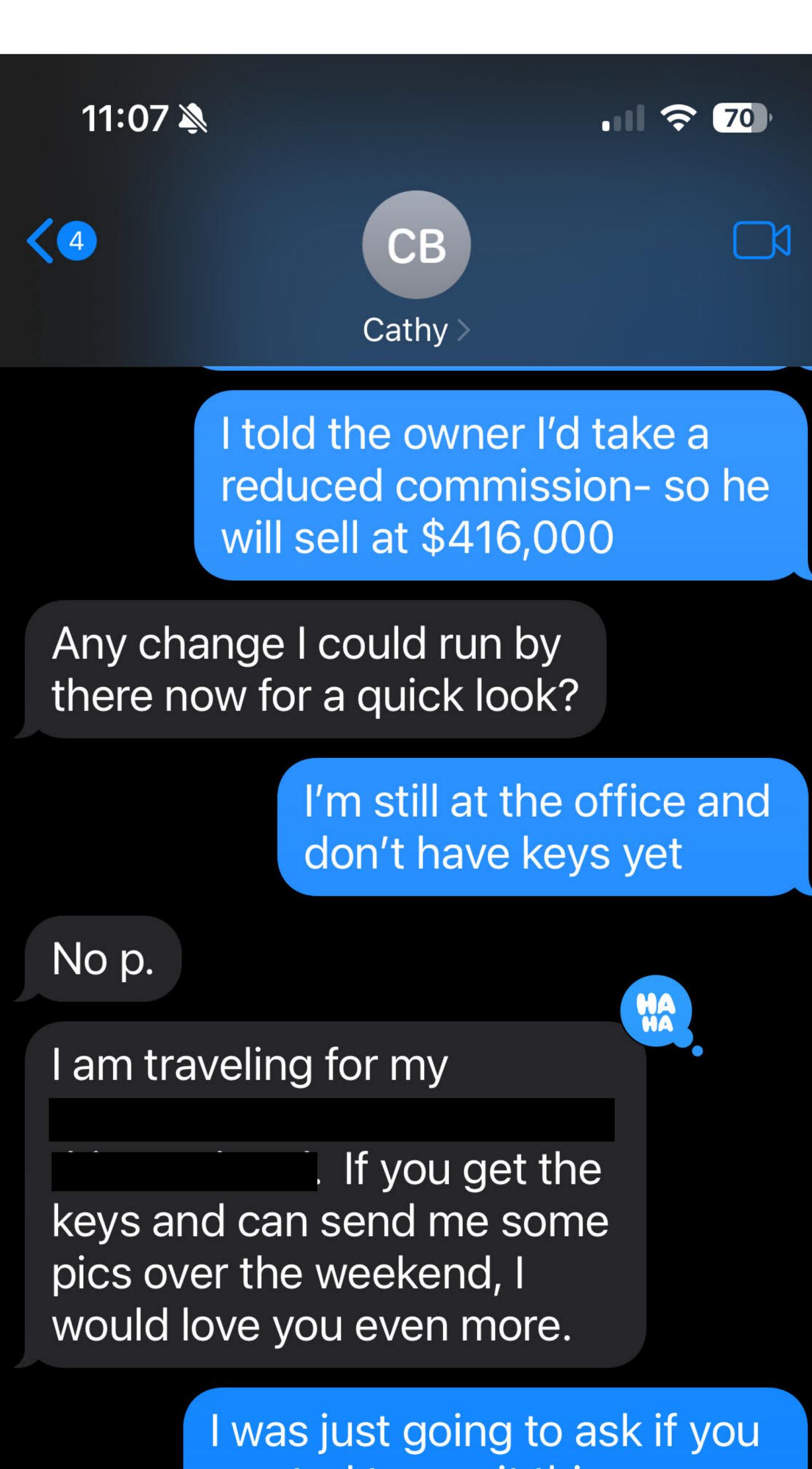


And-I'm going to take an educated guess and say that utilities will run \$400 a month based on sf

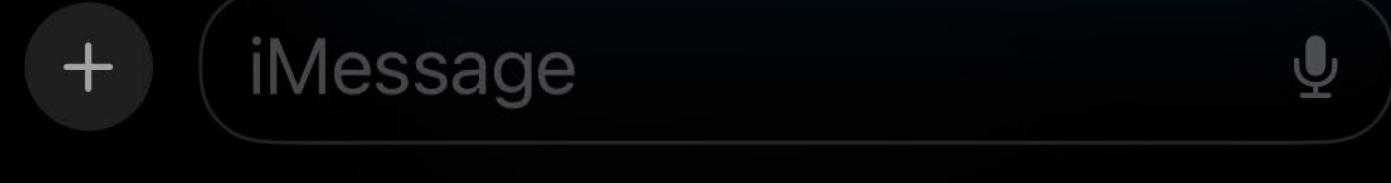
I told the owner I'd take a







I was just going to ask if you wanted to see it this weekend! Have a great time If you want to see it Monday morning let me know. I'm flexible













Apr 4, 2022 at 8:17 AM



See you today at 4p

I think my brother and sister-in-law will be with me.

That's great. I look forward to meeting them!

Apr 4, 2022 at 3:44 PM

I'm early. And walking around the 5th floor. Let's just say - it's needs a little work.

A little as in "a lot."

Replace some flooring for sure.

You can tell a dude lived here for years. Before him was a family w 2 kids















3 1/2 baths. That's nice

I am in the parking lot. Waiting on my brother.



Apr 4, 2022 at 8:26 PM

Thanks for showing me the condo. I need to have a contractor look at it but depending on the estimate they give me to do what I would like to do, I think I want it!

Apr 4, 2022 at 9:28 PM

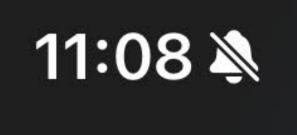
That's amazing! I loved meeting your fam too!

Apr 5, 2022 at 11:13 AM

Would vou be able to meet















Apr 5, 2022 at 11:13 AM

Would you be able to meet Earnest Campbell and I at 2:00 on Wednesday at the condo.

Love Ernest Campbell!! I'm booked then - but could do 4p. Can you do that?

Apr 5, 2022 at 12:42 PM

I will check with him.

Apr 5, 2022 at 8:13 PM

He is good with 4:00 tomorrow.

In the calendar.



See u tomorrow















Apr 6, 2022 at 2:19 PM

Are you okay if Michael Ray join us at 4:00?

That's good! Remind me. Who is Michael Ray?

Jenny's husband.



Oh ya! Of course

Apr 7, 2022 at 7:56 AM

I think I left my black notebook in the condo yesterday. Would you have some time this morning to see if it is there. I can run by your office and pick it up.

Sent with Siri

Sure. I'll check. Where do you think you left it?















Probably laid it down in the kitchen area but not sure.

Found it! I will drop it by City Hall on my way out of downtown now

Thank you.

Left it with Pam at reception

Thanks again. Let me know when you hear from Mr. Williams.



Apr 7, 2022 at 1:45 PM

Wondering if you have heard from Mr. Williams. I would love to talk with you this afternoon. I looked at the speakeasy/man Cave condo















I'm driving right now and can take a call right now. Haven't heard from Sean yet

If you're free to chat I'm open until 345 today

Apr 7, 2022 at 4:05 PM

Talked to sean. W your offer. He is Going to call meTomorrow.

Thanks. Any signs from him?



Seemed promising. But he's squirrelly. Lol.

Apr 8, 2022 at 3:26 PM

He accepts!!

I'll pull everything together















I can do 30 days closing. My husband's name is

Do you want me to put in 30 days due diligence. And 30 days after that to close?

Apr 8, 2022 at 5:11PM

I would like 30 days due diligence and 15 days to close. My personal email is

Apr 8, 2022 at 7:44 PM

Got it. What time would you like to talk tomorrow? Whenever is convenient for you. I'm flexible

Would 9:00 am work? We are going out of town around 10.















Apr 8, 2022 at 9:23 PM

Sure!! I'll call you then

Apr 9, 2022 at 8:50 AM

I'm ready to chat when you are. Give me a call when you're ready

Apr 10, 2022 at 8:24 AM

Let me know if you have a few minutes to talk this morning. I won't take more than 5 min.

Sure. How about now?

Perfect

Apr 11, 2022 at 10:15 AM



Sent to your amaill















After you sign. Then it will go to your husband next

I think I have signed.

Apr 11, 2022 at 12:20 PM

has signed.

Apr 12, 2022 at 8:51 AM

Good morning!!! We are officially UNDER CONTRACT!!

WOW! Amazing!

Thank you so much.

We will send the executed offer to you this morning.

Next steps - get

It to your bank and ask who will do the title work and closing. If it will be in TN and















Cathy >

if they need suggestions for a title Company. When you get Back you can write the earnest money check payable to Mitch cox realtor. **ENJOY YOUR VACATION** 

Will do....

Apr 12, 2022 at 11:51 AM

I sent the loan docs to my lender. She has some other clients that are buying in JC. She thinks the closing date is good.

Apr 12, 2022 at 3:23 PM

Got your message!! I think you will need to call scott Buckingham w the county















Cathy >

assessors office. I pulled other condos in that building and some ARE classified as residential. This one certainly should have been. Ill shoot you his contact info

Washington county assessor of property 423-753-1672

Propertyassessor@washing-toncountytn.org

I think I have it. Thanks.

Apr 18, 2022 at 9:32 AM

Happy Monday! Could I get a copy of the home owners association docs for the Condo? Also can you check on the parking? Thanks.

Apr 19, 2022 at 7:52 AM

Hil Working on aetting that

+













Apr 19, 2022 at 7:52 AM

Hi! Working on getting that info

Would you be able to talk at 10:30. I received an estimate from Earnest.

I left the earnest money check at you office yesterday.

Excellent. Call you at 10:30

Apr 19, 2022 at 1:23 PM

Cathy - I have a suggestion on a real estate
Attorney for this condo deal - it's Marcy Walker. I'll send over her contact info

Marcy E. Walker

















Thanks I will contact her.

Apr 19, 2022 at 4:41PM

I just met her at another meeting.

Good. She's amazing

The seller is getting increasingly agitated.
Regarding the x- girlfriend.
He's convinced she is going to gain control over the condo - even though it's only his name. I've encouraged him to get his sister as POA so she can sign for him if he can't be at closing.

Apr 20, 2022 at 11:39 AM

Let me know when you have called Marcy Walker and engaged her to do the title















Cathy >

Apr 20, 2022 at 11:39 AM

Let me know when you have called Marcy Walker and engaged her to do the title work. I will fill her in on all the details regarding the seller.

I just talked to her. She is expecting you to reach out.

Ok good!!

Small world. Just ran into her at Gourmet.

Hahah good

Do you have a minute to talk?



Just walked in to a doc appt. Will call you as soon as I'm done















I would like to get Micheal to do an inspection on the condo. Can you tell me how we can make that happen?

Sent with Siri

I have Keys - let me know his Schedule and we'll get him in there

Apr 22, 2022 at 11:09 AM

Also - confirmed w appraiser - he is coming Wednesday 4/27

Awesome

Apr 25, 2022 at 10:18 AM

Good morning. Not sure if you are off today. I think Michael confirmed that he will be doing the home inspection tomorrow







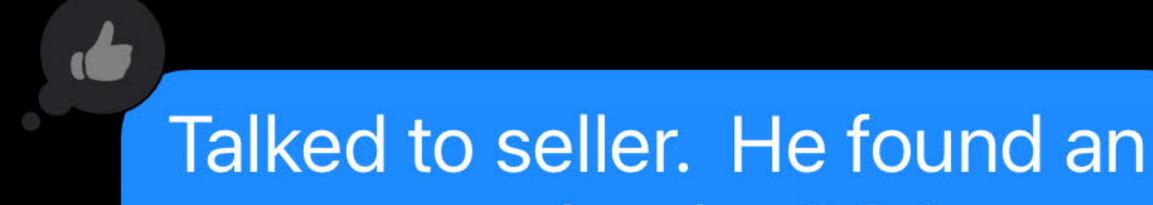
Cathy >



Good morning. Not sure if you are off today. I think Michael confirmed that he will be doing the home inspection tomorrow morning. I did not tell him the story behind Sean.

> I am confirmed to meet with Micheal tomorrow morning

Apr 26, 2022 at 2:20 PM



Apr 26, 2022 at 4:02 PM

attorney to be the POA.

So the attorney already has POA?

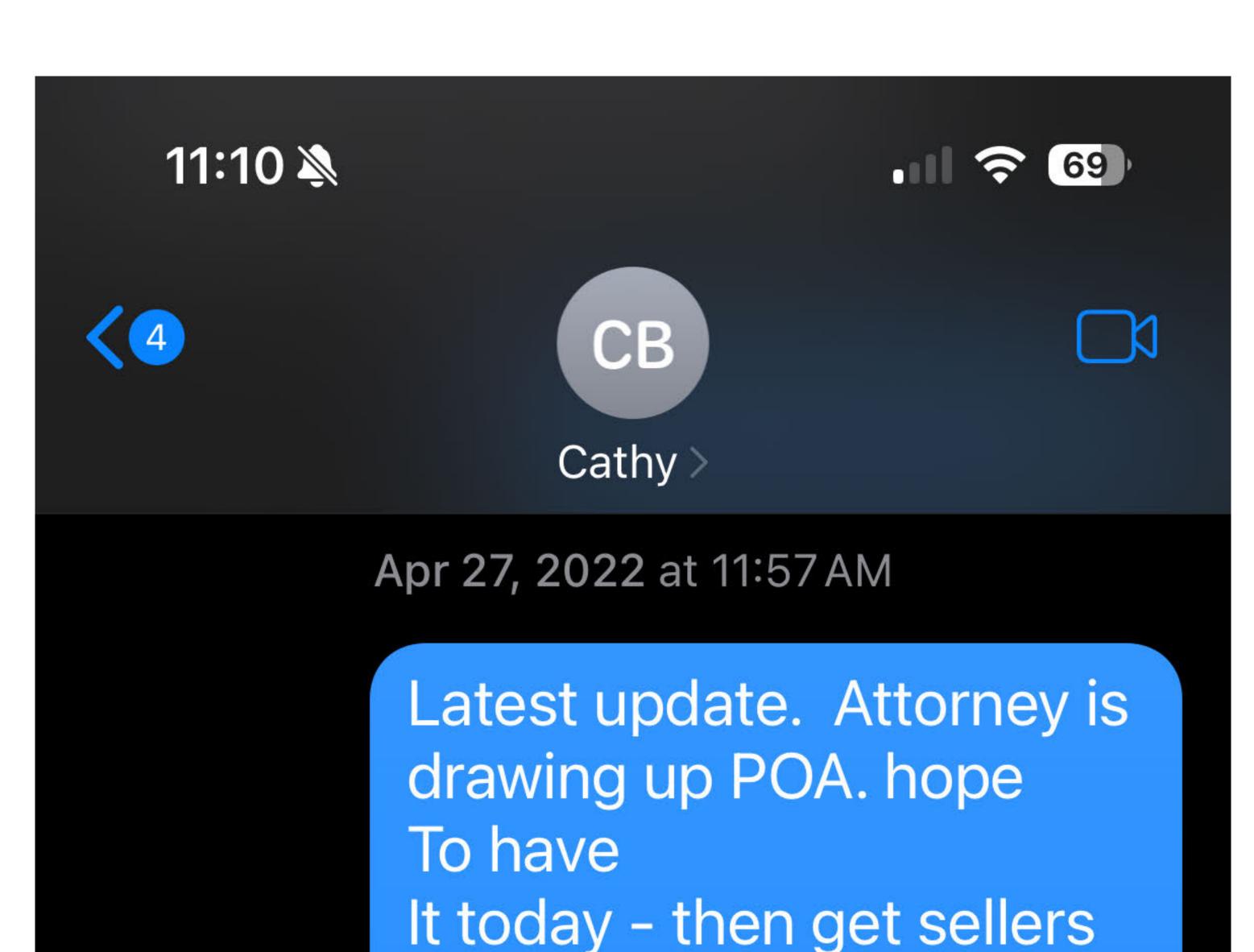


He is working on it.









Awesome. Has the appraiser been to the condo.

Supposed to be Today

Seller is also arranging for the repair of the leak in the laundry room.

signature and notarized

Did you see the inspection report?

I did

Did you?

I did.

+













May 5, 2022 at 4:31PM

Have you heard from the appraiser? Would I need to get the appraisal from the lender?

May 5, 2022 at 7:05 PM

Waiting on appraiser to submit Check w lender.

Also - working on plumber to fix leak at condo.

Also - May have lost my cool today w the seller's half sister .

I am so sorry.

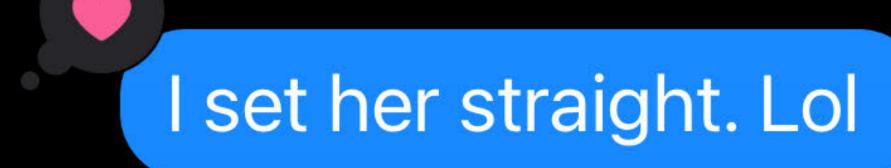






She must be wanting some of the money

She's just protective. And sean isn't thinking clearly. So he is telling her things that aren't reality. And she is reacting to that.



May 5, 2022 at 8:24 PM

Did his attorney get the power of attorney for him?

Sent with Siri









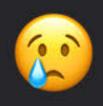




Sent with Siri

Still working on it. It's maddening

l am so sorry 😢



May 9, 2022 at 12:45 PM

Any update from the bank and the appraisal?

No. I talked to her Friday and she did not have it yet. I wi follow up. Any word on your end?



Talked to him today ... now he wants to do a remote closing -which is fine. I told him to call Marcy to arrange. (Honestly the limited POA we had arranged is better and easier - and more reliable but he's waffling)







May 10, 2022 at 11:09 AM

I have the appraisal.

And?

Don't leave me in suspense! Lol

\$426k I will email it to you.

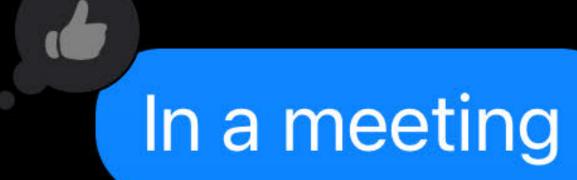
What's next?

That's great news'. Ok. Let me know when bank wants to close!

Then we will pray the seller cooperates

+ iMessage





I am working on flood

+ iMessage











insurance

It is crazy

Ok. And yes. I totally agree

May 12, 2022 at 8:46 PM

Alley for getting into your family time. Have you heard from our friend? I now have flood insurance for a year on that unit......

Ok that's great!! No contact today from him but will follow up tomorrow afternoon. Did bank and atty give go ahead to close? What date?

Would like to see a closing statement I can email to him - would be helpful I think

Natalia is still saying May 27. I will see if she has sent me







Cathy >

the closing statement.

Ahhh. Ok.

Marcy would be the one to do the closing statement

I wonder why we need to wait to may 27? Would you like to close sooner?

Me too. I am ready.

I am not sure who is making the decision on the date.

Ok - how about you email Natalia to see if it's possible to move Up the date. I'll call seller to follow up.

Sounds good.

May 16, 2022 at 9:56 AM

+ iMessage











Cathy >

IVIAY ID, ZUZZ AL S.DO AIVI

Call you right back!!

Sure

Just talked to Natalia. Can you talk?

May 18, 2022 at 1:54 PM



That's great news! Have the bank give their approval to close to Marcy. Then let's get this scheduled!! Just need that limited POA! If Marcy can give a date - I can forward to the seller. I'm excited!!!

I saw you and Jose this morning. Sorry could not say high.

We saw you too. I told Jose















We saw you too. I told Jose you wanted to be his friend.



He said "absolutely! I want to be her friend too". lol

I feel like I may be coming on a little too desperate. Please tell him that I have just heard wonderful things about him.



Hahah. Well - I've talked you up to him too. Haha

May 23, 2022 at 10:18 AM

Any updates?

May 23, 2022 at 2:28 PM

Nothing yet. Will try to call for an update on his end at 4p today.















## Thanks

May 25, 2022 at 2:45 PM

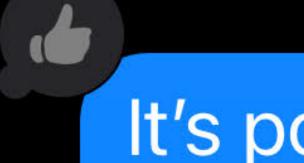
# Message from seller

I just talked to the bank.
They are sending the info
over to Marcy. I got the poa
so everything's squared
away. Sorry for the bad
service in the mountains

Text Message

Is this good news to you? Or still to be determined.

iMessage



It's positive news yes. I want the name and contact of the poa. Then I will be a bit more settled













I've checked email and called the seller multiple times ... no response. I'm afraid closing will not take place tomorrow. I'm terribly sorry .... I'm not saying it won't ever happen - I'm just saying it won't happen tomorrow.

Marcy called me and let me know. Hopefully something can happen next week. I have some time on my loan interest rate. No need to be sorry.

May 31, 2022 at 9:57 PM

Any idea how much he will want for the condo on Roan? I drove by.

Jun 1, 2022 at 6:41 AM















I will find out

Jun 1, 2022 at 6:19 PM

Ok - so looks like the new owners are going to list it for \$575k!

Good luck!! That is crazy.

Did you get any info on the other condo? It is a beautiful building.

Well - I'm not listing it. I decided against it. And I have an inquiry out on the other condo ..... they will get back to us asap on a price

If I think on it too long the whole situation makes me furious

I know. Me too. I have lost a little faith in humanity.













Text Message Mar 31, 2022 at 11:19 AM

Hi! Shannon castillo here. Wanted to chat about the condo you called me about

Mar 31, 2022 at 2:36 PM

## Call anytime

Apr 4, 2022 at 10:36 AM

Steve Crouch
Biker Wear



Also - just sent you a "permission to show " document for the 5th floor. W all the details we discussed. \$416,000 w a 4% commission (you netting \$400,000)







Apr 4, 2022 at 1:30 PM

Sean >

Can you send the contact info in text? Sorry and thank you!

Steve crouch

<u>(423) 946-0887</u>

Wanna talk about fith?

Sure. Now?

Any time is good for me

Apr 4, 2022 at 4:11PM

Can I call you later

Apr 4, 2022 at 5:11 PM

Showed the fifth floor. I think it went well. We'll see if she

+













put in an offer. I'm gonna be out of the office tomorrow back at it on Wednesday!
Talk soon

Apr 6, 2022 at 12:18 PM

Hey! They want to look at the 5th floor again today if That's ok

Apr 6, 2022 at 5:24 PM

Sure

Apr 7, 2022 at 3:04 PM

Hey. The buyer of the 5th floor will make an offer of \$416,000. (I will only take 4% -

So you will clear \$400,000)

Would you accept that?)













Apr 8, 2022 at 3:23 PM

I accept . Thank you

Excellent. That's great news. I'll pull everything together.

Apr 9, 2022 at 9:13 AM

Sean - you mentioned that your sister was going to be in town. I'd love To talk to you and her about getting a working email address for you. And if she is going to be power Of Attorney- she can sign documents. Let me know. Happy to talk today

Apr 18, 2022 at 4:17 PM

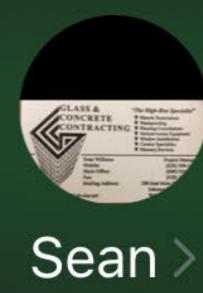
How much do you own on the garage?













Apr 19, 2022 at 8:27 AM

Power of attorney revocation for sean williams is active and filed

Apr 21, 2022 at 8:45 AM

Saw that I missed your call. Call me back

Apr 25, 2022 at 5:44 PM

Sean! Wanted you to know that the inspector and appraiser for the 5th floor will be at the condo Tuesday. And Wednesday.

Apr 27, 2022 at 6:44 AM

Plumber said the leak is pretty bad anyway way to rescheg the inspector?

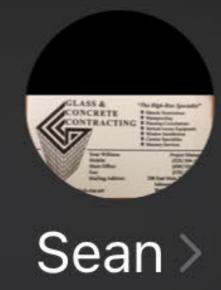
Lla aaid aailina ia aamina













He said ceiling is coming down and the floor is floodee

Oh no!!

I'll check on it today! The inspector already was there.

Can you call sixth? He said its through floor not between

I will go there too. I know Ernest Campbell was up there in the past couple weeks.

I'll let you know

Apr 27, 2022 at 10:12 AM

Talked to don spurrell. I need some info from you for the POA. Call me.

They have a key













I have my key here.

No one has the key I have

## She had one

She is in my office and returned the key

I'll let you know when the appraiser and I will be there.

Apr 27, 2022 at 12:38 PM

Looks like I'll be there w the appraiser at 2p today

Apr 27, 2022 at 2:14 PM

The appraiser isn't coming until 2:45. So I will be there then.

I'm walking over now















Ok

Will I be able to get in?

Yes

Lmk if anything exciting happens

Lol

Here's hoping it's boring.

He is measuring the space. I'll let you know when we leave

Just left.

Locked the door

The POA is on the floor for you to sign and get notarized.

Apr 29, 2022 at 2:39 PM

+











API LO, LULL at L.OOF IVI

## Let me know when you get The limited POA notarized

May 2, 2022 at 9:59 AM

Hi Sean! Shannon here. When I can pick up the signed notarized limited POA?



**Not Delivered** 

May 3, 2022 at 1:51PM

Sean. The contractor for the buyer of your condo would like to get inside tomorrow (Wednesday) at 11:30. May I let them in at that time?

Of course

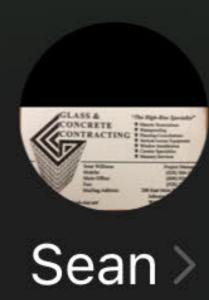
Thanks!!

May 4, 2022 at 11:00 AM











May 4, 2022 at 11:00 AM

Will be at your condo today at 11:30.

May 4, 2022 at 12:12 PM

I found a plumber - would you like me to call him to fix the leak?

May 4, 2022 at 4:01PM

Yes please

I'll text them and arrange a time

They can get there Friday at 8:20. Is that ok? I can let them in.

8:20 in the morning

May 5, 2022 at 9:33 AM















Let me know if Friday at 8:20 will work to let plumber in

May 5, 2022 at 3:54 PM

Is it ok to get in the condo tomorrow at 8:20?

May 5, 2022 at 6:37 PM

Sent you several emails.
And I got one from you but it won't let me open it. Do you have a password for Me?

May 5, 2022 at 9:00 PM

Sry its

Ok thanks

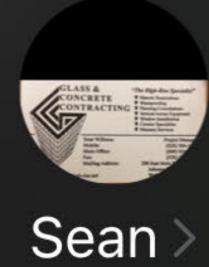
May 6, 2022 at 8:04 AM













May 6, 2022 at 8:04 AM

I'll be a the condo w The plumber at 8:20

The power is off?

I didnt know
Its alunda

Marcy Walker. <u>+1 (423)</u> 378-8800

Call her to tell her you want to do a remote closing

Lets sell the third floor too

Ok!

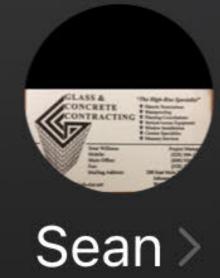
Cynthia wants to keep it really bad i told her a really low cash price but she,..call me when you have a min













Can i get the name and number for the office landlord

Yes

Shawn Blount

(423) 384-4649

Thank you

May 6, 2022 at 2:59 PM

They found the leak and replaced the copper pipe Grateful for that!

The drywall is cut out - and they are letting everything dry out

May 10, 2022 at 3:07 PM

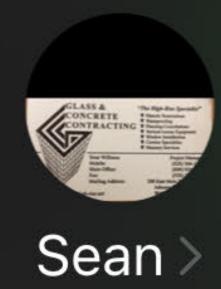
Call me back













I'm headed to the condo to take a pic of the repair



**Not Delivered** 

I'm headed to the condo to take a pic of the repair

The door to your condo was wide open. I did not feel safe going in. I didn't even get off the elevator. No idea why the door is ope.

I left immediately

May 18, 2022 at 6:36 PM

Sry call about garage anytime

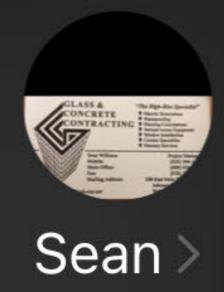
Hey. Sorry I missed your call. I'll call you tomorrow about the garage. I'm













Hey. Sorry I missed your call. I'll call you tomorrow about the garage. I'm

May 20, 2022 at 8:58 AM

Call me back when you have a chance

May 20, 2022 at 11:36 AM

sry at library lol

Hopefully you are working on the limited power of attorney so you can close on the condo on Friday 5/27

May 20, 2022 at 3:40 PM

Call you back!

My advice to you regarding GCC is to call Alunda and work it out. Or call an













My advice to you regarding GCC is to call Alunda and work it out. Or call an attorney and get things changed into only your name

Will you call alunda? Or may I give her your number?

u can

Thank you. I wanted your permission. I appreciate it

May 24, 2022 at 12:03 PM

Call when you have a chance please. Talked to the attorney, she said you tried to call her. She would like to talk to the person that will have the limited power of attorney.

May 24, 2022 at 1:21PM













Please call Renasant and get the following to Marcy Walker

- 1. The payoff amount as Of 5/27
- 2. The per diem
- 3. Wire instructions
  Have them email Marcy at
  mwalker@hsdlaw.com

Also - Marcy needs the original limited power of attorney on Thursday so she can review and communicate w that person ... she will record that Limited poa at the Washington county court house before she records the new deed after closing on Friday

She will need the contact name, phone and email of your I imited POA so she can

+











arrange for them to be at closing and bring a drivers license and the wire instructions of the account where the money will go to. Needs to be in their name since they are signing. Then they can get you what you need after that.

May 25, 2022 at 2:41PM

I just talked to the bank.
They are sending the info
over to Marcy. I got the poa
so everything's squared
away. Sorry for the bad
service in the mountains

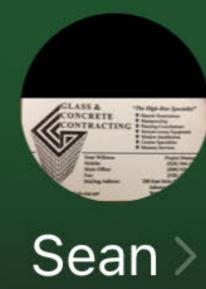
That's great. Can you send me the name and number of The person that has agreed to the POA? Marcy needs to coordinate w them

+











May 25, 2022 at 2:41PM

I just talked to the bank.
They are sending the info
over to Marcy. I got the poa
so everything's squared
away. Sorry for the bad
service in the mountains

That's great. Can you send me the name and number of The person that has agreed to the POA? Marcy needs to coordinate w them

Do you want to email
Me the persons name
number? Or have them call
me? I'll be in and out of cell
service until this evening

May 27, 2022 at 8:24 AM

Is your phone still working?

Read



