

# YOUNG LAW OFFICE, P.C.

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June 27, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Hon. Estelle Herron  
Loudon County Mayor  
100 River Road  
Loudon, Tennessee 37774

Re: *Former Employee Christy Russell.*

Dear Mayor Herron:

I am writing to you on behalf of Christy Russell, a client of this firm. Mrs. Russell was employed by the Loudon County Clerk's office for almost eight (8) years. She was a Deputy Clerk until she was abruptly fired on May 15, 2014 for a pretextual reason.

Mrs. Russell has retained this firm in an effort to find a satisfactory resolution to a difficult situation, which is her termination in violation of law. Mrs. Russell has brought to our attention events that appear to support allegations of violation of the United States Constitution and her rights thereunder. I have attached the Complaint that Mrs. Russell intends to file if we are unable to resolve this matter. (Exhibit A) I believe that it explains, in detail, the situation she experienced.

I have also attached some news articles that may interest you and the Loudon County Commission as it reviews this matter. First, I have attached an article from the last election cycle wherein other candidates found that Darlene Russell was violating county policy by participating in political activity while engaged in her official duties. (Exhibit B) As you will see, this activity continued this election cycle. A jury may find that Loudon County was amply aware of Mrs. Russell's violations and condoned same, by allowing them to continue unabated.

I have also attached an article from NewsChannel 5 in Nashville, regarding the resignation of Davidson County Clerk John Arriola. (Exhibit C) He resigned after investigation of a very similar "cash for marriage ceremony" practice that has been occurring in Loudon County. His resignation ended the investigation by the Tennessee Bureau of Investigation. An audit estimated that Mr. Arriola may have received over \$119,000 dollars in cash in the five years he was running the Clerk's office.

Hon. Estelle Herron  
Re: Christy M. Russell  
June 27, 2014  
Page 2

Lastly, I have attached a very recent Knoxville News Sentinel article about the recent settlement by Monroe County for \$500,000 when the County Road Superintendent fired a number of employees right after he won an election. (Exhibit D)

As you can see, these are very serious matters that require the attention of the County. It is unfortunate that Mrs. Russell had to suffer this political retribution in order to make these matters come to prominence, when they have been known to the County for years.

Because Tennessee law allows the county to seek reimbursement against any county official or employee who is responsible for liability (not covered by insurance) which was caused by illegal acts or omissions in the workplace of that official or employee, under T.C.A. § 5-23-109, it would be in the best interest of all concerned if this matter were resolved expeditiously.

### **Spoilation Notice**

Please be advised that Loudon County and its Clerk's office are under a legal duty to maintain, preserve, retain, protect, and not destroy any and all documents and data, both electronic and hard copy, that may be relevant to Mrs. Russell's claims as set forth in this letter. The failure to preserve and retain the electronic data and evidence outlined in this notice may constitute spoliation of evidence which will subject you to legal claims for damages and/or evidentiary and monetary sanctions. For purposes of this notice, electronic data or electronic evidence shall include, but not be limited to, all text files (including word processing documents), presentation files (such as PowerPoint), financial data, spreadsheets, e-mail files and information concerning e-mail files (including logs of e-mail history and usage, header information, and deleted files), Internet history files and preferences, graphical files in any format, databases, calendar and scheduling information, task lists, voice mail, instant messaging and other electronic communications, telephone logs, contact managers, computer system activity logs, and all file fragments, internet usage files, offline storage or information stored on removable media or storage media, information contained on laptops, or other portable devices, network access information and backup files containing electronic data or electronic evidence.

Specifically, you are instructed not to destroy, disable, erase, encrypt, alter, or otherwise make unavailable any electronic data and/or evidence relevant to the Plaintiff's claims, and you are further instructed to take reasonable efforts to preserve such data and/or evidence. To meet this burden, you are instructed by way of example and not limitation, to preserve all items related to all topics raised in this letter.

Hon. Estelle Herron  
Re: Christy M. Russell  
June 27, 2014  
Page 3

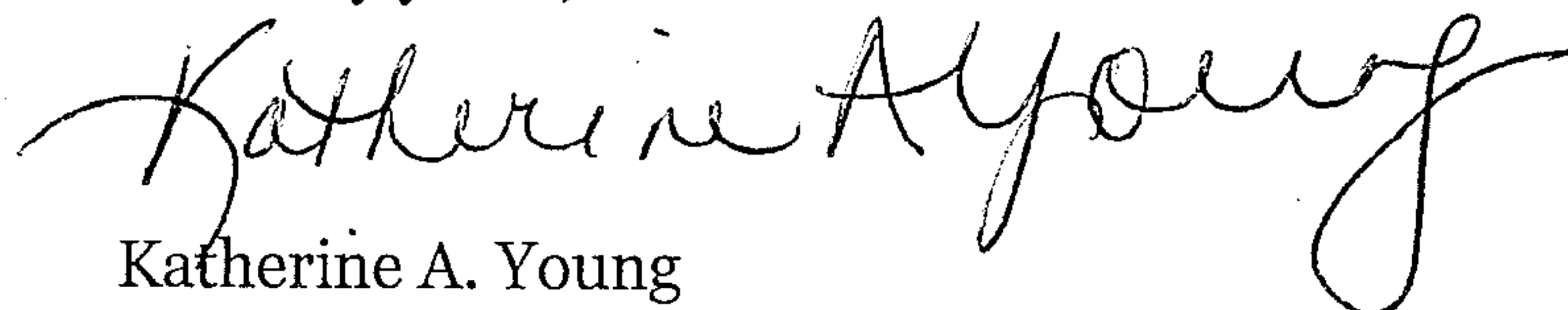
**Proposed Resolution**

As a result of this unlawful conduct, Mrs. Russell has suffered stress, humiliation and embarrassment, as well as loss of income. She has incurred attorneys' fees and has lost wages and benefits. Mrs. Russell needs to be made whole from these detrimental changes to her employment status and the resulting losses. Mrs. Russell wants to be reinstated to her former position, as well as being made financially whole. If the county does not return Mrs. Russell to her former position and compensate her for her financial and other losses, then she will move forward as needed.

While Mrs. Russell understands that she can seek legal recourse, she would prefer to find a mutually satisfactory solution without the expense and publicity of litigation. Please contact me at your earliest convenience if the county has a desire to remedy this unfortunate situation. Mrs. Russell wants to resume her employment with the county and every day that she works at a job with no benefits and lower pay is an additional loss.

We look forward to your response on or before July 18, 2014. That should give the County Commission ample time to meet with its legal counsel and insurance company. If we do not hear from you on or before July 18, 2014 with a suggested resolution, Mrs. Russell reserves the right to file suit without further notice.

Sincerely yours,



Katherine A. Young

cc: Commissioner Brian Jenkins  
Commissioner David Meers  
Commissioner Rosemary Quillen  
Commissioner Earlena Maples  
Commissioner Bob Franke  
Commissioner Roy Bledsoe  
Commissioner Harold Duff  
Commissioner Sharon Yarbrough  
Commissioner Steve Harrelson  
Commissioner Don Miller  
County Clerk Darlene Russell  
Human Resources Tammy Reynolds  
Christy Russell