

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT

OF HINDS COUNTY, MISSISSIPPI

LEISHA JANE PICKERING

VS.

ELIZABETH CREEKMORE BYRD
and JOHN AND JANE DOES 1-7

FILED

JUL 14 2009

BARBARA DUNN, CIRCUIT CLERK

D.C.

PLAINTIFF

NO. 251-09-595 CIV

DEFENDANTS

**COMPLAINT FOR ALIENATION OF AFFECTIONS
AND MOTION FOR TEMPORARY RESTRAINING ORDER**

COMES NOW Leisha Jane Pickering, by and through counsel, and files this Complaint against Elizabeth Creekmore Byrd and would show unto the Court the following:

PARTIES

1.

Plaintiff, Leisha Jane Pickering, is an adult resident citizen of Madison County, Mississippi, who resides at 502 Mount Leopard Road, Flora, Mississippi 39071.

2.

Defendant, Elizabeth Creekmore Byrd, is an adult resident citizen of the First Judicial District of Hinds County, Mississippi, who may be served with process of this Court at 4793 Crestwood Drive, Jackson, Mississippi 39211. Alternatively, Defendant, Elizabeth Creekmore Byrd, may be served with process of this Court where she has been known to have recently resided which is 2137 Heritage Hill Drive, Jackson, Mississippi 39211. Said location is a home within a short distance of the home of Charles Willis Pickering, Jr., located at 2055 Heritage Hill Drive, Jackson, Mississippi 39211. Pickering

moved into this residence on or about May 19, 2009, which is more than thirty miles away from his family.

3.

The Defendants, John and Jane Does 1-7, are named as defendants herein because they may have aided Creekmore-Byrd in her affair and to entice and tortuously interfere with the contract between Leisha Jane Pickering and Charles Willis Pickering, Jr. In the event that Plaintiff determines the identity of a John or Jane Doe, then Plaintiff incorporates all of the allegations herein by reference.

JURISDICTION AND VENUE

4.

This Court has subject matter and personal jurisdiction over the claims, causes of action and the Defendants in these proceedings, and the venue is proper in the First Judicial District of Hinds County, Mississippi, as the Defendant resides in Hinds County, Mississippi, and some of the wrongful conduct on the part of Creekmore-Byrd occurred and accrued in the First Judicial District of Hinds County, Mississippi as well as Washington, D.C. at the C Street Complex.

FACTS

5.

The Plaintiff, Leisha Jane Pickering, and Charles Willis Pickering, Jr., (“Chip”) were married on May 14, 1988, following college. There have been five children born to the parties as a result of their marriage contract. Plaintiff would further show that Charles Willis Pickering, Jr., hereinafter referred to as “Pickering,” met, dated, courted and fell

deeply in love with the Plaintiff herein and shortly thereafter it was Pickering that proposed marriage to Plaintiff, Leisha Jane Pickering.

Prior to the Pickering's marriage and while still in college, Creekmore-Byrd met and had a romantic relationship with Pickering which ended prior to their college graduation. Subsequently, Pickering married Leisha Jane Pickering and Creekmore-Byrd married Dr. Byrd. Unbeknown to Plaintiff, Creekmore-Byrd for a number of years met and rekindled her relationship from college with Pickering. Said illicit relationship continued through her getting a divorce from her husband, Dr. Byrd, in October, 2007, and causing Pickering to file for his divorce against Leisha Pickering in 2008. Said relationship continues through the filing of this Complaint.

ALIENATION OF AFFECTION

6.

Unknown to the Plaintiff herein, Creekmore-Byrd and Pickering reconnected and recommenced having an extramarital relationship while Pickering was a United States Congressman prior to and while living in the well known C Street Complex in Washington, D.C. This relationship continued and was completely unknown by Plaintiff as Pickering would spend the week days in Washington, D.C. and would only return to Jackson on the weekends, leaving Plaintiff alone with five children.

7.

Plaintiff would further show that at the time of such conduct and activities on the part of Creekmore-Byrd who knew and understood that Pickering was the legal spouse of Plaintiff, Leisha Jane Pickering. That Plaintiff, Leisha Jane Pickering, was entitled to the lawful, natural and conjugal rights and privileges with her spouse which included, but are

not limited to, the love, companionship, services, income and comfort that form the foundation of a marriage. Further, that since five children were born of the legal marital union of Leisha Jane and Chip Pickering, these five children were also entitled to the love, companionship, services, income and comfort that form the foundation of family life with two parents. Because of the actions of Creekmore-Byrd, Plaintiff, Leisha Jane Pickering, has lost or suffered damages, including the infliction of emotional distress, to their marriage and parental relationships.

8.

Creekmore-Byrd did negligently and recklessly alienate the affection of Chip Pickering of and from Leisha Jane Pickering. Creekmore-Byrd did negligently and recklessly elicit/solicit and alienate the affection of Pickering. As a direct and proximate cause of said alienation, Plaintiff suffered the loss of her companionship, of, to and from her husband, Pickering, resulting in great and grievous mental and emotional distress. As a direct and proximate result of the negligent, wrongful and reckless misconduct and behavior of Creekmore-Byrd with Pickering, Plaintiff has suffered damage to the affection and consortium with her husband, and also damage to the five children's normal day-to-day relationship with their father.

9.

On one occasion while the family was snow skiing in Colorado and completely unknown to Plaintiff, Creekmore-Byrd rented a lodge near Plaintiff's family and her husband, Pickering, in an effort to be near Pickering and disrupt the Pickering's family time and vacation together. At the time of this vacation, Plaintiff was completely unaware of Creekmore-Byrd's attempts to gain favor with Pickering and was in effect

trying to cause a rift in their family to such a degree that Pickering would leave Leisha for a relationship and life with Creekmore-Byrd.

RECKLESS INFLICTION OF EMOTIONAL DISTRESS

10.

Plaintiff would further show that Creekmore-Byrd's acts were reckless and without justification, and that the acts of Creekmore-Byrd evoke outrage and disgust in civilized society and that the pattern of conduct perpetrated by Creekmore-Byrd caused foreseeable harm to Plaintiff and her five minor children. The resulting emotional distress was foreseeable from the acts of Creekmore-Byrd and caused Plaintiff and her minor children great emotional distress and injuries directly resulting in damages. The Creekmore-Byrd relationship with Pickering continued all unknown to Plaintiff. Plaintiff further alleges that Creekmore-Byrd told Pickering that so long as he was in public life that she (Creekmore-Byrd) and he (Pickering) could not have a life together. Creekmore-Byrd urged Pickering to leave the United States Congress in order for Creekmore-Byrd and Pickering to have a private life together.

11.

In December, 2007, Senator Trent Lott unexpectedly resigned from the Senate and it was always the plan that Pickering would assume Lott's Senate position when he retired. This unexpected announcement caused Governor Haley Barbour to offer the Senate position to Pickering in December, 2007. Creekmore-Byrd insisted that if Pickering accepted the position in the Senate that their relationship would not be able to continue and that Pickering being in public life would have to remain married to Plaintiff, Leisha Jane Pickering. Therefore, they would not be able to continue their relationship.

Ultimately, Creekmore-Byrd gave Pickering the option to remain a public servant or become a private citizen and continue relations with her.

12.

After Pickering's rejection of Governor Haley Barbour's offer to the vacant Lott position, and because Pickering did not want to lose the love and affection of his paramour, Creekmore-Byrd, Pickering made the decision to leave his wife and five children to be with Creekmore-Byrd.

13.

Creekmore-Byrd commenced her divorce proceedings so that she and Pickering could be together. She had been separated from her husband prior to June, 2006. Creekmore-Byrd's divorce was final on October 23, 2007.

14.

After some time and being involved in an illicit affair with Creekmore-Byrd, Pickering instituted divorce proceedings against Leisha Jane Pickering in 2008. The divorce has not been granted as of the filing of this Complaint.

15.

Pickering has now rented a home located at 2055 Heritage Hill Drive, Jackson, Mississippi which is a short distance of Creekmore-Byrd's residence; however, it is over 30 miles away from his family. Creekmore-Byrd used Debbie Bell as one of her divorce attorneys which happens to be one of Pickering's attorneys in his divorce proceeding with Plaintiff herein.

16.

Creekmore-Byrd is on the Board of Directors of her family's businesses, Telepak, Inc., which owns Cellular South. These companies secured the services of Capitol Resources which is a lobbying organization. Capitol Resources has now employed Pickering and has created an office in Washington, D.C. for him.

17.

Plaintiff alleges that Pickering maintained journals and other documents over the years which detailed and described his daily activities as well as events he attended together with a description of his plans for his life. However, these documents have been ordered by the Madison County Chancery Court to be returned to Pickering's attorney claiming attorney client privilege. Plaintiff further states that she has been ordered that she cannot speak to any new attorney she retains or anyone about the contents of the journal that is approximately seven years old and/or its contents or any other documents that were ordered by the Madison County Chancery Court to be returned to Pickering's attorney. Plaintiff states that said documents are now in the possession of her former attorney, Bettie Ruth Johnson, who was ordered by Madison County Chancellor to return to Pickering's attorney said documents. Bettie Ruth Johnson had withdrawn from the divorce proceedings and Plaintiff was forced to represent herself over her repeated requests for an attorney. Plaintiff was never given even 48 hours to retain another attorney to represent her. Plaintiff now fears that these journals and/or other documents will be destroyed and that the Plaintiff will be forever prejudiced in the presentation and preservation of evidence in this case particularly since she has been ordered under penalty of contempt if she even tells any attorney any of the information contained in said

documents. Plaintiff is in fear that if she either tells her attorney or that her attorney may, through an investigation, learn of the facts stated in the journals and other documents then she and her attorney may either be sanctioned or held in contempt even if they obtain the information from a third party. Plaintiff is without adequate means to immediately have the documents preserved without this Court allowing a Temporary Restraining Order against her former attorney, Bettie Ruth Johnson. In an effort to preserve these journals and documents, Plaintiff attaches and incorporates herein by reference as Exhibit "A," the Transcript of the Court's Ruling held in cause number 2008-0668 on July 3, 2009.

TORT OF OUTRAGE

18.

That Plaintiff sues Creekmore-Byrd for tort of outrage, unnecessary emotional distress and the interference of her marital contract with Charles Willis Pickering, Jr., and adopts all previous paragraphs herein.

19.

Plaintiff, Leisha Jane Pickering, alleges that Defendant, Creekmore-Byrd, recklessly came between and alienated the affections of Charles Willis Pickering, Jr., toward his wife, Leisha Jane Pickering. Further, that said alienation of affections was done with reckless conduct on the part of Defendant, Creekmore-Byrd, and that said Defendant, Creekmore-Byrd, recklessly set out to destroy the marital relationship of the Pickerings.

COMPENSATORY DAMAGES

20.

As a proximate consequence of the lawful and tortuous acts of Creekmore-Byrd, Plaintiff has suffered these damages:

- (1) Extreme emotional distress and mental anguish – past, present and future;
- (2) Loss of the society, companionship, income and consortium of her husband and interruption of the children's day-to-day relationship with both parents;
- (3) Destruction and breakup of Plaintiff's family and the loss of the comfort;
- (4) Legal fees, investigative fees, and other costs;
- (5) Such other losses as will be shown at a hearing of this cause.

PUNITIVE DAMAGES

21.

Creekmore-Byrd's reckless interference with a marriage contract, destruction of family values and her actions of uncondoned adultery with Plaintiff's husband, Pickering, were accompanied with expenditures of money, gifts, and concealment of a serious nature further justifying punitive damages against Creekmore-Byrd.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment of, from and against Defendant, Creekmore-Byrd, awarding to Plaintiff the following:

- (a) Actual and compensatory damages in the amount to be determined by a jury;
- (b) Punitive damages in an amount to be determined by a jury so as to punish all Defendants, make an example of them, deter Defendants and other similarly situated Defendants from engaging in such conduct in the future, and otherwise serve the public interest;

- (c) Attorney's fees, court costs and related expenses;
- (d) All other relief to which Plaintiff may be entitled; and
- (e) Post-judgment interest at the rate of eight percent.

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff adopts all the allegations and statements in her Complaint as though fully copied herein. In so doing, Plaintiff would urgently show unto this Court that she is in dire and necessitous circumstances and without this Court's intervention, she is sure to severely suffer irreparable harm in presenting her case in these proceedings. She cannot have full and candid discussions with her attorney nor can her attorney be allowed to use any evidence that may be related to the circumstances as a result of which this Plaintiff seeks a Temporary Restraining Order against her former attorney, Bettie Ruth Johnson, so that the Pickering journals and documents may be preserved and able to be used in these proceedings and to avoid any possible contempt citation. Plaintiff prays that this Court order Bettie Ruth Johnson to produce a copy of said file to this Court for an "in camera inspection" and upon a hearing determine that she and her counsel may converse and allow a copy of said documents to be used in these proceedings or show cause why she should not do so at a hearing hereof.

INTRODUCTION

- i. Bettie Ruth Johnson is a practicing attorney whose business address is 405 Tombigbee Street, Jackson, Mississippi 39201, whereby process may be served.
- ii. The Plaintiff employed Bettie Ruth Johnson as her attorney in a divorce proceeding against her husband, Charles Willis Pickering, Jr., in Madison County, Mississippi. Bettie Ruth Johnson has now withdrawn as attorney for the Plaintiff.

- iii. The Plaintiff alleges that her former attorney, Bettie Ruth Johnson, is in possession of certain journals and documents that Chip Pickering has maintained for over seven years and other materials obtained during the course and scope of her representation of the Plaintiff in the above referenced divorce proceedings. Bettie Ruth Johnson has been ordered by the Chancery Court of Madison County, Mississippi, to turn over the above referenced documents and other materials to the attorneys representing the husband of the Plaintiff. (See the Court Ruling transcript of the court proceedings attached as Exhibit "A").
- iv. These documents and other materials are believed to be evidence in this litigation about Creekmore-Byrd and without them it would irreparably harm the presentation of her case. If the documents are not preserved and instead turned over to the attorneys for the Plaintiff's husband, they may be damaged, destroyed or forever lost. This injunction is necessary in order to preserve this evidence.
- v. Affidavits that support the allegations in this application for injunctive relief are attached and incorporated as Exhibit "B."

ARGUMENT

- vi. Plaintiff will suffer immediate and irreparable injury if her former attorney, Bettie Ruth Johnson, is not immediately restrained from turning over the documents and other materials to attorneys for the Plaintiff's husband, for which the Plaintiff has no other immediate or adequate remedy at law. *Ingram v. Ault*, 50 F. 3d 898, 900 (11th Cir. 1995). Without this injunctive relief, documents and other materials necessary as evidence in this case may be damaged destroyed or forever lost. In order to prevent the loss and/or destruction of evidence, specifically the above

described documents and other materials, it is both necessary and proper that this restraining order be entered. Without these documents, the Court will be deprived of this evidence and the Plaintiff will be irreparably harmed in her ability to prosecute her claims in this case. Due to the exigent nature of the order for Ms. Johnson to turn over these materials to the attorneys for the Plaintiff's husband, Plaintiff has no other immediate or adequate remedy at law as she is without an attorney to represent her interests in the pending divorce proceedings and the appellate courts are out of term.

- vii. There is a substantial likelihood that the Plaintiff will prevail on the merits. Upon information and belief, the documents and other materials prove the existence of a long-standing relationship between the Plaintiff's husband and the Defendant, Creekmore-Byrd, in this civil action. It is believed that these documents would substantially corroborate and prove the allegations of the tort of alienation of affections as alleged by the Plaintiff. Without these documents, the Plaintiff would suffer irreparable harm.
- viii. The threatened harm to the Plaintiff outweighs the harm a temporary restraining order would inflict upon her former attorney, Bettie Ruth Johnson. This Court should order Ms. Johnson to temporarily maintain the journals and other documents until a hearing is held to determine if the documents, or a copy, may be used in these proceedings. Alternatively, Ms. Johnson should produce a copy under seal for an "in camera inspection" and determination of the relevance and usage of the journals and other documents in these proceedings. Enjoining Ms. Johnson from temporarily turning these documents over to attorneys for the

Plaintiff's husband would present no harm to Ms. Johnson, whereas, if Ms. Johnson does turn these documents over, the Plaintiff will be irreparably harmed in the prosecution of her civil claim against the Defendant, Creekmore-Byrd.

- ix. Issuance of a temporary restraining order is in the public interest in that it will serve to preserve and prevent the destruction of evidence to be used in a civil trial. It is not against the public interest to preserve and prevent the destruction of evidence.
- x. The Plaintiff is willing to post a bond in the amount the court deems appropriate.
- xi. The Court should enter this Temporary Restraining Order without notice to Ms. Johnson because the Plaintiff will suffer immediate and irreparable injury, loss, or damage if the Temporary Restraining Order is not granted before Ms. Johnson can be heard, and there is no less drastic means to protect the Plaintiff's interests. If Ms. Johnson turns these materials over to the attorneys for Plaintiff's husband, the Plaintiff will be irreparably harmed in the prosecution of her civil claim in this Court and evidence may be forever lost, damaged, or destroyed.
- xii. The Plaintiff asks the Court to set the request for a preliminary injunction for hearing at the earliest possible time.


CONCLUSION

- xiii. This motion for a temporary restraining order is necessary and proper in order to prevent the loss, damage or destruction of evidence in this cause of action. Without this temporary restraining order, the Plaintiff will be irreparably harmed. This motion is not against the public interest and is instead in the best interest of the public interest. For these reasons, the Plaintiff asks the court to issue a

temporary restraining order preventing Ms. Johnson from turning over the documents and other materials to attorneys for the Plaintiff's husband, or alternatively, to make a copy under seal for this Court to make an "in camera inspection," thus preserving this evidence in this civil cause of action.

This, 14th day of July, 2009.

Respectfully submitted,
LEISHA JANE PICKERING,
Plaintiff

BY: 
CHUCK McRAE, MSB #2804
OLIVER E. DIAZ, JR., MSB #6064

COUNSEL FOR PLAINTIFF:

**CHUCK McRAE
OLIVER E. DIAZ, JR.
416 AMITE STREET
JACKSON, MS 39201
601.944.1008 (V)
866.236.7731 (F)**

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

CHARLES WILLIS PICKERING, JR.

PLAINTIFF

VS.

CAUSE NO. 2008-0668

LEISHA JANE PRATHER PICKERING

DEFENDANT

TRANSCRIPT OF EXCERPT OF PROCEEDINGS
(COURT'S RULING)

held on Friday, July 3, 2009
before the Honorable Cynthia Lee Brewer, Chancery Court Judge,
at the Madison County Chancery/Administrative Building
146 W. Center Street
Canton, MS 39046
beginning at 9:45 A.M.

APPEARANCES:

HONORABLE RICHARD C. ROBERTS, III
P. O. BOX 55882
JACKSON, MS 39296-5882

HONORABLE DEBORAH HODGES BELL
155 CR 418
OXFORD, MS 38655

COUNSEL FOR PLAINTIFF

HONORABLE B. RUTH JOHNSON
P. O. BOX 2433
JACKSON, MS 39225-2433

COUNSEL FOR DEFENDANT

REPORTED BY: MARY HELEN WALDEN, CSR #1679
Official Court Reporter
P. O. Box 404
Canton, Mississippi 39046
601-855-5512

Exhibit "A"

I N D E X

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FRIDAY, JULY 3, 2009

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1 BE IT REMEMBERED THAT ON THIS THE 3RD DAY OF JULY,
 2 A.D., 2009, CAME TO BE HEARD THE PROCEEDINGS IN THE ABOVE STYLED
 3 AND NUMBERED CAUSE BEFORE THE HONORABLE CYNTHIA LEE BREWER,
 4 CHANCERY COURT JUDGE; AND ALL PARTIES BEING PRESENT AND/OR
 5 REPRESENTED BY COUNSEL, ANNOUNCED READY; AND THE FOLLOWING
 6 PROCEEDINGS WERE HAD:

7 (FOR THE PURPOSE OF THIS TRANSCRIPT ALL PREVIOUS
 8 MATERIAL HAS BEEN OMITTED.)

9 **COURT'S RULING**

10 THE COURT: Comes now the Court in regard to this
 11 matter today after a thorough review of the Special
 12 Master's Report, who was appointed to avoid any
 13 tainting of this Court's opinion in regard to any
 14 particular documents or the contents thereof. I have
 15 now reviewed Special Master, or retired Chancellor,
 16 Thomas Zebert's order -- pardon me -- Report and
 17 Recommendation, and I find that this Court orders as
 18 follows:

19 The documents which were reviewed by the former
 20 Chancellor, or retired Chancellor, Thomas Zebert, are
 21 to immediately return to counsel on behalf of Mr.
 22 Pickering. The documents which were discussed and/or
 23 presented to him, such as what was testified to today,
 24 specifically journals, legal pads, statements of
 25 witnesses and/or relatives that may have been created
 26 during the course of preparation and/or other documents
 27 that were specifically reviewed in the presence of Ms.
 28 Johnson and Mr. Roberts shall be returned to counsel on
 29 behalf of Mr. Pickering. Thus I grant the motion of

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Charles Willis Pickering, Jr. in regard to said same.

Counsel Johnson, as you are an officer of a court, now no longer involved in future representation of Mrs. Pickering, you are to assist Mrs. Pickering in insuring that no copies exist in your files or in her possession in regard to these documents that you know specifically exist by the presentation of these arguments or viewing by retired Chancellor Thomas Zebert. You are further required as an officer of the Court, on your oath, to obey all the laws, as well as the Constitution of the State of Mississippi, to insure that, or aid in the review that former counselor Chinn -- is it Chinn? --

MR. ROBERTS: Wright.

THE COURT: -- William Wright -- pardon me; I apologize -- has no copies of these documents.

I choose not to give sanctions to Betty Ruth Johnson, based upon the lack of evidence that you acted in any manner that was not appropriate for the facts and circumstances as set forth here today.

Do you have any questions about your duties and responsibilities as an officer of the Court, Ms. Johnson?

MS. JOHNSON: None, Your Honor. But I ask the Court to at least preserve and safeguard that these documents not be destroyed, as they may be potential evidence.

THE COURT: Upon the return of them, Ms. Johnson?

MS. JOHNSON: I will do as the Court instructs. I only ask the Court that in the interest of justice that

1 the Court make it clear that these documents not be
2 destroyed.

3 THE COURT: I find that reasonable, Ms. Johnson.
4 You may document with a receipt the actual things, in
5 your opinion, that you are returning, for your purposes
6 and the interest of justice, that you understand those
7 things are being returned, whether it be an original,
8 in book form, whatever the things are, so that I don't
9 know to taint my mind and not have a fair and impartial
10 presentation at a merit hearing of these parties in the
11 future. For your personal belief, in the interest of
12 justice, please receipt or document a receipt of what
13 you return so that you know these things are being
14 returned. And upon a review later on, if your client --
15 excuse me -- former client believes they may have been
16 destroyed, your receipt would be there.

17 MS. JOHNSON: Yes, Your Honor, I understand the
18 instructions.

19 THE COURT: Very well. All right. Mr. Roberts, you
20 are to prepare an order of this Court reflecting the
21 granting of the motion for these specific points. Do
22 you have any questions?

23 MR. ROBERTS: Yes, Your Honor. I realize that Ms.
24 Johnson has been allowed to withdraw.

25 THE COURT: For future proceedings.

26 MR. ROBERTS: Yes, Your Honor. And I would request
27 that Ms. Johnson be instructed not to discuss the
28 contents of this case, really, with Mrs. Pickering's
29 subsequent lawyer, and that the lawyer, whoever she

1 hires, be given a copy of this order so that he knows
2 that there is a potential for that being out there and
3 he's not to review it.

4 THE COURT: Okay. Since we don't know who Mrs.
5 Pickering may seek to employ, that certainly would be
6 something that you would want to be on guard for, as
7 well as Ms. Johnson. Ms. Johnson is a person of
8 integrity and has not been shown to have done anything
9 other than that, so I certainly would believe that she
10 would not discuss anything that she has heard here
11 today in regard to these sealed proceedings.

12 MS. JOHNSON: If I ask the instruction of the
13 Court, I will follow the instruction of the Court.

14 THE COURT: Anything further?

15 MR. ROBERTS: Your Honor, we also ask that the
16 order include a provision that none of the information
17 that Mrs. Pickering has gleaned from these documents be
18 used in any subsequent proceeding in this case.

19 THE COURT: Mr. Roberts, I don't know how I can
20 order that. That will be up to you to make your
21 objections based upon any efforts and/or presentations
22 in the future. I am not going to grant that.

23 MR. ROBERTS: But you are instructing Mrs.
24 Pickering not to discuss this information with her new
25 lawyer, are you not?

26 THE COURT: I am advising Mrs. Pickering that the
27 documents are to be returned and that should she
28 discuss anything she may have gleaned from what has now
29 been determined to be attorney-client documentation

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and/or documents that were improperly obtained during the course of her behavior, should she discuss those things that she may be guilty of or may be cited for some issuances of contempt.

MRS. PICKERING: Judge Brewer, I have a question.

THE COURT: Anything further, Mr. Roberts?

MR. ROBERTS: Yes, Your Honor. The telephone -- we ask that it be included within our --

THE COURT: Not granted. MR. ROBERTS: Nothing further.

THE COURT: (To Mrs. Pickering) Yes, ma'am.

MRS. PICKERING: That would be my question because what I hear Mr. Roberts saying is that all the information I know about my husband's behavior has come through what I found out over a year ago, and I think that anyone in my situation and my position would be looking at any other -- whether it's finding love letters or anything.

THE COURT: Ma'am. Ma'am, please.

MRS. PICKERING: I'm just trying to understand.

THE COURT: Ma'am, you know what you may have gleaned from the things that now must be returned. You know where you received those, how you received those. So you will be on your honor not to discuss the contents thereof. You may discuss anything else, but you are on your honor not to discuss those things that you gleaned from the documents that must now be returned. That is the burden upon the other side, which would be Mr. Roberts, as long as he represents your

1 spouse, to prove that you have done anything beyond
2 that.

3 MRS. PICKERING: Yes, ma'am.

4 THE COURT: Any other questions?

5 MR. ROBERTS: We'll draw the order, Your Honor.

6 THE COURT: Today is the 3rd of July. Monday is a
7 holiday for Madison County. I would expect to have the
8 order presented to the Court at the end of business day
9 no later than the end of July 10.

10 MR. ROBERTS: Your Honor, I'm in a three-day trial
11 commencing Wednesday, and I'm just to the wall trying
12 to get ready for it.

13 THE COURT: You have counsel seated next to you.
14 You may request of her her aid --

15 MR. REOBERTS: Able counsel, Your Honor.

16 THE COURT: Yes. -- in drafting up the order and
17 having it in a prompt manner.

18 MR. ROBERTS: Thank you, Your Honor.

19 THE COURT: I will expect to have the written
20 order so that Mrs. Pickering may have notice thereof in
21 a timely fashion. I have set the end of business day
22 July 10.

23 Mrs. Pickering, what is your mailing address for
24 purposes until such time as you seek the new counsel?

25 MRS. PICKERING: 502 Mount Leopard Road, Flora,
26 Mississippi 39071.

27 THE COURT: You are advised of that.

28 MS. JOHNSON: Your Honor, because there is
29 specific instructions to me, which I presume will be

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included in the order, I think that I should at least review the order as to the specific instructions given to me.

THE COURT: Good point, Ms. Johnson. Good point. Provide same to Ms. Johnson. Any other points?

MS. JOHNSON: No. Thank you.

THE COURT: All right, Ms. Johnson, I believe this has been difficult on you, and I commend you on your professionalism here today.

MR. ROBERTS: I echo that, Your Honor.

THE COURT: Not necessary, Mr. Roberts. Anything further in regard to Cause Number 08-0668? I hear nothing further.

I now have the orders here upon the bench. Who would like to take them to the Clerk for filing?

MR. ROBERTS: I'll take care of that, Your Honor.

THE COURT: Ms. Johnson, would you like to carry your order?

MS. JOHNSON: Yes, I would, Your Honor.

THE COURT: Good luck to you. We are dismissed. You are free to go.

(WHEREUPON, THE PROCEEDINGS IN THIS MATTER WERE CONCLUDED AT 12:15 P.M.)

GENERAL AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY came and appeared before me, the undersigned Notary, the within named Leisha Pickering, who is a resident of Madison County, State of Mississippi, and makes this her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

1. That I am currently a party to divorce proceedings that are pending in Madison County, Mississippi.
2. That I was represented in these proceedings by attorney, Bettie Ruth Johnson.
3. That I provided to attorney Johnson certain documents that appeared to be over seven years old and other materials to be used in my divorce proceedings.
4. That attorney Johnson has been ordered by the Chancery Court of Madison County, Mississippi to turn over these documents and other materials to attorneys for my husband.
5. That I have filed a civil suit in the Circuit Court of Hinds County, Mississippi alleging the alienation of the affections of my husband by a third party, Elizabeth (Beth) Creekmore Byrd.
6. That if attorney Johnson turns over the documents and other materials to attorneys for my husband, I will be irreparably harmed in the ability to

Exhibit "B"

prosecute my civil claim against the defendant, Elizabeth (Beth) Creekmore Byrd.

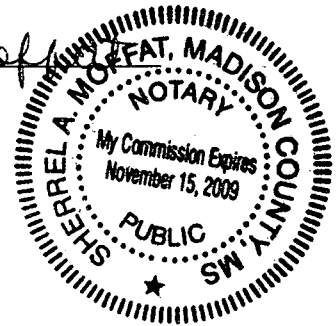
7. That in order to preserve and prevent the destruction of evidence, attorney Johnson should be enjoined from turning over the above referenced documents and other materials.
8. I have been ordered not to discuss with an attorney what is contained in the documents and as a result my attorney in these proceedings and will be limited and handicapped in fully presenting evidence in these proceedings, against the defendant, Elizabeth (Beth) Creekmore Byrd.

DATED this the 13th day of July, 2009.

Leisha Jane Pickering
Signature of Affiant

SWORN to subscribed before me, this 13th day July, 2009.

Sherrel A. Moffatt
NOTARY PUBLIC



MY COMMISSION EXPIRES:

AFFIDAVIT OF ATTORNEY

STATE OF MISSISSIPPI


COUNTY OF HINDS

PERSONALLY CAME AND APPEARED Before me, the undersigned authority in and for the jurisdiction aforesaid, the within named CHUCK McRAE, who, after being by me first duly sworn states upon oath that the matters and facts stated in this Affidavit of Attorney are true and correct and states as follows:

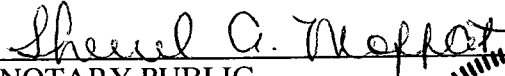
1. My name is Chuck McRae and I am the attorney for Leisha Jane Pickering in this cause of action;
2. I represent Leisha Jane Pickering in all matters arising from her cause of action against the Defendant herein, Creekmore-Byrd;
3. I hereby certify that I have made no efforts to notice the Defendant of the Motion for Temporary Restraining Order due to the ruling of the Madison County Chancery Court on July 3, 2009. Said ruling directs Plaintiff's former attorney, Bettie Ruth Johnson, to return all journals and other documents maintained by Charles Willis Pickering, Jr., for approximately seven years to his attorney of record in the pending divorce action in Madison County, Mississippi. Said ruling further directs that Plaintiff cannot discuss these journals and other documents with any new counsel. This attorney may innocently, through his investigation, find information that may be in the journals or other documents from another source and, therefore, subject Leisha Jane Pickering or himself to a contempt citation.

Exhibit "B"

4. That if these documents are in fact released to Pickering's attorney, then it is feared that these documents will be destroyed and forever lost and for which Plaintiff will suffer irreparable harm.
5. That the undersigned counsel of record has made no attempts to obtain said journals and other documents, or copies thereof, which are currently in the possession of Plaintiff's former attorney, Bettie Ruth Johnson, from Bettie Ruth Johnson or anyone.
6. That this Court should order the journals and other documents in the possession of Plaintiff's former attorney, Bettie Ruth Johnson, to be copied under seal and provided to the Court so that this Court may conduct an "in camera inspection" of said journals and documents.
7. Further Affiant sayeth naught.


CHUCK McRAE, MSB #2804

SWORN TO AND SUBSCRIBED Before, me this 14th day of July, 2009.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

