From: Dennis Bailey
To: "Frank Dillman"
Cc: Peggy H. Kelly
Subject: RE: Dillman v. Macon County Commission
Date: Monday, October 9, 2017 8:27:59 AM

We will close our file as directed. If Gray follows up with request for payment I will direct him to you. My position would be that they did not provide what was requested nor advise us, in advance, what they were providing nor how much it would cost.

From: Frank Dillman [mailto:frank@frankdillman.com]
Sent: Sunday, October 08, 2017 1:27 PM
To: Dennis Bailey <DRB@rushtonstakely.com>
Cc: 'Frank Dillman' <frank@frankdillman.com>
Subject: RE: Dillman v. Macon County Commission

Dennis,

I want and deserve more than two locations of where my county vehicle received fuel. If you had a specific strategy with only those two locations, I am not privy to it.

The County and Fred Grey, Sr. knew exactly what they were doing with the "fluff" you accepted. You are a smart guy and I suspect you would agree with me the 2017 "fluff" is far from his 2015 driving habits. Anyone able to see the dates of the "fluff" as compared to the specific time frame in your letter and countless letters of mine, should see through their game. I expected you to represent my interests rather than accepting theirs.

Regardless of your fees, besides I do not know the definition of "ORA litigation", I see a unwillingness to represent me as I expected and therefore, you have your $750.00 and I have nothing, not to forget $750.00 less of my retirement.

Your $250.00 check will be in the mail tomorrow which will clear my obligation to you and immediately upon receipt of the check, our contract is severed.

To say I am disappointed is an understatement.

Frank

From: Dennis Bailey [mailto:DRB@rushtonstakely.com]
Sent: Wednesday, October 4, 2017 4:37 PM
To: 'Frank for District 4 Macon County Commission'
Cc: 'Frank Dillman'
Subject: RE: Dillman v. Macon County Commission

Frank:

I recommended we specifically identify exactly what you wanted relating to location codes for two

locations. At your request, we removed that specificity which, in hindsight, lead to receipt of material that is not exactly what we wanted. I would recommend we narrow our request to the exact location codes in question before we consider litigation in Macon County.

I gave you an estimated cost for routine ORA litigation. If the County pushes back hard on a ORA suit, the cost could well exceed the estimate I provided. I am not willing to take a case of this type for you on a fixed flat fee arrangement. I would consider the case if there was a $7,500 retainer. We would deduct monthly bills from the retainer until it fell below $1,000 at which time you would have to replenish the retainer with $5,000. Thereafter the retainer would be replenished at $5,000 increments. If, when the case is resolved, there is money left in the retainer after payment of the final bill, the remainder is refunded to you.

Think about my advice and let me know what you want to do.

A bill for $250 for work in Sept. is going out to you today.

From: Frank for District 4 Macon County Commission [mailto:frank@maconcountycommission.org]
Sent: Friday, September 29, 2017 12:16 PM
To: Dennis Bailey <DRB@rushtonstakely.com>
Cc: 'Frank Dillman' <frank@frankdillman.com>
Subject: RE: Dillman v. Macon County Commission

Dennis,

We did discuss litigation during our first meeting, stating that the expected costs would range between $5,000 and $7,000, of which at that time I stated, and as now, that is okay with me. I also shared with you that Alabama case law includes a plaintiff recovering expenses.

I was advised by a state representative and attorney to file the documents and subpoena the records from WEX and drop the case upon receipt of the documents I have been trying to get for two years and had hopes of having them by now. In my mind, there is reason why I do not have the records unlike a similar instance where I do.

This is the chair of the same commission who suspended state law and most recently refused me a copy of the proposed budget the commission was working on without explanation. I was the only one in the audience.

As far as the $60.00 I refuse to pay it.

Weight and accountability needs to be held for his and the county employees and commissioners for their abuses of state law.

Are you willing to move into litigation for the range of $5,000 to $7,000? I would prefer not in Macon County but if necessary I will take the chance, especially if you can get the records and subsequently dropping the case.

I look forward to your response.

Respectfully,

Frank

From: Frank Dillman [mailto:frank@frankdillman.com]
Sent: Tuesday, September 26, 2017 10:20 PM
To: 'Dennis Bailey'
Cc: 'Frank'
Subject: RE: Dillman v. Macon County Commission

Dennis,

I have been out of the house all day and just got home a matter of minutes ago.

No, I want nothing to go to Gray without you and I first speaking. I refuse to accept their position as Maxwell has hid entirely too long from the law. I had mentioned federal court when we first met and at the time you mentioned that federal court may not be an option. However, no court was never an option. I admit a fair hearing in Macon County will be difficult but trust me Dennis, this snake will provide the documents with your help.

If a second letter was sent to Gray beyond meeting your requirements, the letter must be recalled.

There is case law as I explained where recovery of costs were ordered.

We need to talk.

Frank

From: Dennis Bailey [mailto:DRB@rushtonstakely.com]
Sent: Tuesday, September 26, 2017 9:17 AM
To: 'Frank Dillman'
Cc: Peggy H. Kelly
Subject: RE: Dillman v. Macon County Commission

Frank:

I believe we can refuse to pay for information that was not requested. However, we do not have a right to sue in federal court over the open records issue. We would have to file in Macon County. I do not believe the chances of winning there warrant your investment of further capital. We would have to prevail at the appellate level. The cost of such litigation through an appeal process would buy a nice house in Macon County. We cannot be assured the costs would be assessed to the

county even if we win, which is not assured.

I would not entertain filing such a case without a sizable retainer agreement. The scope of my engagement was limited to writing letters to the county on this open records request.

With your permission I am going to respond to Mr. Gray with a letter complaining that the information provided was not requested (i.e. no charges should be assessed) and opposing his position that they do not have possession of the requested information. If you do not want me to take further action let me know soon.

From: Frank Dillman [mailto:frank@frankdillman.com]
Sent: Monday, September 25, 2017 5:55 PM
To: Peggy H. Kelly <pk@rushtonstakely.com>; Dennis Bailey <DRB@rushtonstakely.com>
Cc: 'Frank Dillman' <frank@frankdillman.com>
Subject: RE: Dillman v. Macon County Commission

Dennis,
Furthermore, I forgot to mention the dates of this "trash" are current. After I have served notice of legal action I strongly suspect his driving habits of 2012 to 2015 is not representative in 2017.

Frank

From: Frank Dillman [mailto:frank@frankdillman.com]
Sent: Monday, September 25, 2017 5:50 PM
To: 'Peggy H. Kelly'; 'Dennis Bailey'
Cc: Frank@frankdillman.com
Subject: RE: Dillman v. Macon County Commission

Dennis,

The county's response is unacceptable and belittling.

One, this data is fluff and makes less sense than the documents I currently have of which you have sample copies. The documents I currently have are solely Maxwell' purchases, as I requested, yet lack the street addresses. The recent documents include gas purchases for other county employees as well, of which I did not ask, nor do I want, not to admit to the haphazard arrangement.

Secondly, I refuse to pay any costs that were not in place two years ago when I initiated this Open Records Request. There were no related costs at this time. The $1.00/page policy is less than 4 months of age.

My dead line of this Thursday remains. Either I completely have as requested in your letter and as I am entitled, or the county will see us in federal court, including the court being asked to order the defendents to fully reimburse me for my costs.

Respectfully,

Frank Dillman

From: Peggy H. Kelly [mailto:pk@rushtonstakely.com]
Sent: Monday, September 25, 2017 3:56 PM
To: 'Frank Dillman'; Dennis Bailey
Subject: RE: Dillman v. Macon County Commission

Attached is the letter and documents we received in this afternoon's mail from Fred Gray responding to your request.

Please let us know if you have any questions.

Peggy H. Kelly

Legal Assistant to Dennis R. Bailey & Benjamin C. Wilson
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street (36104)
Post Office Box 270 (36101-0270)
Montgomery, Alabama
P (334) 206-3234 F (334) 481-0031
pk@rushtonstakely.com

From: Frank Dillman [mailto:frank@frankdillman.com]
Sent: Friday, September 22, 2017 7:10 AM
To: 'Frank Dillman'; Dennis Bailey
Cc: Peggy H. Kelly; 'Frank Dillman'
Subject: RE: Dillman v. Macon County Commission

Dennis,

My patience is exhausted. I have been working to obtain public records for two years and having evidence of Maxwell picking and choosing which documents to release. As you are aware, I have invested a lot of time to write multiple letters with consistently expired deadlines, mailing some costly
Certified letters, have asked for assistance to resolve this from the four commissioners, your fees, and now Maxwell has again enabled himself behind your deadline. Your letter gave him 10 days which on my count expired 10Sep. It is now double that designated time frame.

Fred should have been on this two years ago.

I want those printed records in my possession by Thursday, 28Sep, or I will examine moving forward Friday morning as Maxwell has waltzed over yet another reasonable deadline. There is no need to

continue dragging this out with additional legal fees. I do not want the hearing in Macon County, but federal court, either in Montgomery or Lee County, where the judges relate to citizens.

With the commission's recent change of Open Records to $1.00 a page and reimbursement to the county for assembling these records – these obstacles are not on the table. I want the records as you requested as the policy was two years ago by Thursday, 28Sep.

I will be away from email today. I will return home tomorrow.

I will be available most of the day by phone.

Respectfully,
Frank

From: Frank Dillman [mailto:frank@frankdillman.com]
Sent: Monday, September 18, 2017 4:57 PM
To: 'Dennis Bailey'
Cc: 'Peggy H. Kelly'; 'Frank Dillman'
Subject: RE: Dillman v. Macon County Commission

Dennis,

Maxwell also set a precedent in providing me records held by RDS – those are the records I believe he received electronically and printed them out for me when I specifically requested electronic copies. This event is listed on the time-line I gave you. He is picking and choosing which records to release.

Frank

From: Dennis Bailey [mailto:DRB@rushtonstakely.com]
Sent: Monday, September 18, 2017 4:10 PM
To: Frank Dillman (frank@frankdillman.com)
Cc: Peggy H. Kelly
Subject: Dillman v. Macon County Commission

Frank:

Fred is handling. Is apologetic for not responding in a timely fashion. He will review what they have and they will respond. I think they may take the position that if they have never printed out the information located on a third-party website it is not a public record. We shall see.