

See comments in boxes below
and arrows.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DONALD R. DEPRIEST

PLAINTIFF

v.

CIVIL ACTION NO. 1:10CV177P-D

PETER S. HARMER

DEFENDANT

**PLAINTIFF'S RESPONSE AND BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

COMES NOW the Plaintiff, by and through undersigned counsel, and respectfully submits the following response to Defendant Harmer's Motion to Dismiss and Motion to Transfer Venue. Plaintiff opposes the dismissal of this case and any transfer of venue.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

Plaintiff respectfully opposes Defendant Harmer's Motion to Dismiss. The Defendant first argues the complaint violates an injunction in connection with Defendant's discharge of debts in bankruptcy. This argument has no merit. Defendant has not yet been found liable for his tortious conduct, and Plaintiff has no reason to believe any tort liability was listed among Defendant's debts or was discharged during those proceedings. Further, Defendant's tortious conduct continued beyond the conclusion of his bankruptcy proceedings, and upon information and belief continues to this day. Lastly, debts for willful and malicious injury are excepted from discharge in bankruptcy. 11 U.S.C. § 523(a)(6).

Defendant Harmer also appears to argue that this court lacks personal jurisdiction over the Defendant. Defendant entered into contracts with Mississippi residents in connection with the subject matter of this litigation, and has traveled to this judicial district as recently as Summer, 2010 to further his tortious campaign against the Plaintiff. Defendant clearly meets all the requirements for personal jurisdiction in Mississippi. Further, the U.S. District Court for the Northern District of Mississippi is an appropriate venue for these proceedings, as a substantial part of the events giving rise to this claim occurred in this judicial district, and a substantial part of the damage done to Plaintiff, Plaintiff's business relationships, and Plaintiff's reputation in the community occurred in this judicial district.

ARGUMENT

- I. This action is not prohibited by Defendant Harmer's bankruptcy proceedings.**

The first ground for Defendant's Motion to Dismiss is his contention that this action is prohibited as a result of the discharge of Defendant's debts in bankruptcy. This argument has no merit.

The fact that Defendant filed for Chapter 7 bankruptcy is not in dispute. Plaintiff also does not dispute that on October 30, 2009, Defendant received a "Discharge of Debtor" in connection with those bankruptcy proceedings. Despite his apparent contention to the contrary, however, Defendant's participation in these bankruptcy proceedings does not act as a permanent shield from tort liability, and does not bar the present claims against him.

The Defendant has not yet been found liable for his tortious campaign against the Plaintiff, and there is no indication that Defendant sought to discharge his tort liability in bankruptcy. Even if Defendant's liability for this tortious campaign could have been discharged in bankruptcy, however, Defendant's tortious activity did not end at the time of that discharge. Defendant's campaign of defamation, tortious interference with business relationships, and intentional infliction of emotional distress is ongoing. As recently as July, 2010, and perhaps much more recently, Defendant has maliciously made false statements regarding Plaintiff, has tortiously interfered with Plaintiff's business relationships, and has intentionally caused the Plaintiff to suffer emotional distress. It is contrary to public policy and common sense to suggest that liabilities incurred after a discharge of debts in bankruptcy can be retroactively included in that discharge.

In addition, as this court is aware, there are exceptions to the types of liabilities which can be discharged in bankruptcy. Under 11 U.S.C. § 523(a)(6), debts for willful and malicious injury by the debtor to another entity are not discharged in bankruptcy. Even by the stringent standards set by the U.S. Supreme Court in *Geiger*, it is clear that Defendant Harmer intended his acts, and that he intended the damaging consequences of his acts such that this tort liability would not be eligible for discharge in bankruptcy. See *Kawaauhau v. Geiger*, 118 S. Ct. 974 (1988).

Defendant has failed to show how the 2009 discharge of his debts in bankruptcy in any way affects the present litigation. Defendant's Motion to Dismiss for Violation of an Injunction should therefore be denied.

II. This court has personal jurisdiction over Defendant Harmer.

Defendant Harmer appears to argue that he is not subject to personal jurisdiction in Mississippi. This argument has no merit. Defendant entered into contracts with Mississippi residents in connection with the subject matter of this litigation, and has traveled to this judicial district as recently as Summer, 2010 to further his tortious campaign against the Plaintiff.¹ Further, Defendant was the primary participant in alleged wrongdoing intentionally directed at a Mississippi resident. These establish more than sufficient nexus with the forum state to justify personal jurisdiction.

¹ See Wise affidavit (Exhibit 1). The specific details of the Defendant's travels to this judicial district are expected to be a focus during discovery.

Federal courts sitting in diversity may exercise personal jurisdiction over a non-resident where the state long-arm statute grants jurisdiction and the exercise of federal jurisdiction is consistent with federal due process. *See Latshaw v. Johnston*, 167 F.3d 208, 211 (5th Cir. 1999).

1) The state long-arm statute grants jurisdiction.

The Mississippi long-arm statute provides in relevant part:

Any nonresident person, firm, general or limited partnership, or any foreign or other corporation not qualified under the Constitution and laws of this state as to doing business herein, who shall make a contract with a resident of this state to be performed in whole or in part by any party in this state, or who shall commit a tort in whole or in part in this state against a resident or nonresident of this state, or who shall do any business or perform any character of work or service in this state, shall by such act or acts be deemed to be doing business in Mississippi and shall thereby be subjected to the jurisdiction of the courts of this state. Service of summons and process upon the defendant shall be had or made as is provided by the Mississippi Rules of Civil Procedure.

Miss. Code Ann. § 13-3-57 (Supp. 2009).

Section 13-3-57 is applicable to three types of nonresident defendants. Those are, by the terms of the statute, (1) nonresidents who make a contract with a resident of the state to be performed in whole or in part within the state; (2) any nonresident who commits a tort in whole or in part in the state against a resident or a nonresident; (3) and nonresidents who are "doing business" within the state. *See also, Smith v. Temco, Inc.*, 252 So.2d 212 (Miss. 1971).

Here, Defendant has traveled to Mississippi and this judicial district with the purpose, intent and effect of furthering his tortious campaign against the Plaintiff. In Summer, 2010, and perhaps on other occasions, Defendant traveled to Mississippi with the specific purpose of defaming Plaintiff, tortiously interfering with Plaintiff's business relationships, and seeking information which could be used or manipulated to injure the Plaintiff.² In addition to his specific tortious activity in Mississippi, the information gathered by Defendant during his travels to Mississippi has been used as part of a nationwide tortious campaign.

Further, the subject matter of this litigation involves several contracts which were performed in part within the state. In addition to Defendant's contracts with the Plaintiff, a Mississippi resident, Defendant entered into contracts with other Mississippi residents, including John Sumrall and Charles Holmes, for the sale of his MCT stock. Those contracts required Mississippi residents to give money to the Defendant in exchange for

² See Wise affidavit (Exhibit 1).

Defendant's stock, and those Mississippi residents arranged for the necessary payments within the state of Mississippi and wrote checks drawn on Mississippi banks.³ The sale of this stock to Mississippi residents forms the basis of the professional interaction between Plaintiff and Defendant, and appears to represent the substance of Defendant's primary defense strategy in this litigation.

Because Defendant made contracts with Mississippi residents to be performed in part in Mississippi, and because Defendant committed torts in whole and in part in Mississippi, the state's long-arm statute must apply.

2) The exercise of federal jurisdiction is consistent with due process.

Defendant appears to challenge personal jurisdiction on due process grounds. Here, the exercise of personal jurisdiction over Defendant comports with all constitutional requirements of due process. These requirements are as follows: First, the nonresident defendant must have "purposely availed himself of the benefits and protections of the forum state by establishing minimum contacts with that forum state." *Felch v. Transportes Lar-Mex, Sa De CV*, 92 F.3d 320, 323 (5th Cir. 1996); *International Shoe Co. v. Washington*, 326 U.S. 310, 315-17 (1945); *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475-77 (1985). Second, the exercise of personal jurisdiction over the nonresident defendant must not "offend traditional notions of fair play and substantial justice." *Id.*

Defendant argues he has insufficient contacts to meet the requirements of this standard. This argument is without merit. In judging minimum contacts, a court properly focuses on "the relationship among the defendant, the forum, and the litigation." *Shaffer v. Heitner*, 433 U.S. 186, 204 (1977). In this case, Defendant entered into contracts with multiple Mississippi residents in connection with the subject matter of this litigation; Defendant has developed contacts in Mississippi for the purpose of committing intentional torts against Plaintiff; Defendant has traveled to Mississippi and specifically this judicial district in order to further his tortious campaign against the Plaintiff; and Defendant's actions were expressly designed to cause Plaintiff injury in Mississippi.

In addition to having established multiple contacts in Mississippi as part of a tortious campaign against the Plaintiff, Defendant's intentional actions were expressly aimed at Mississippi. *See Calder v. Jones*, 465 U.S. 783 (1984). Under the circumstances, Defendant could easily "anticipate being haled into court there" to answer for his tortious statements and conduct. *See Worldwide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980). An individual injured in Mississippi need not travel to Tennessee to seek redress from persons who, though remaining in Tennessee, knowingly caused the injury in Mississippi. *See Calder v. Jones*, 465 U.S. 783 (1984).

The foregoing conclusively established this court has personal jurisdiction over the Defendant for the purposes of this litigation. Any Motion to Dismiss for lack of jurisdiction should therefore be denied.

³ See Exhibit 2

III. Venue is appropriate in the Northern District of Mississippi.

Defendant seeks a transfer of this action to the U.S. District Court for the Middle District of Tennessee. This motion should be denied. Defendant's requested transfer because of hardship and for the convenience of parties and witnesses is without merit and would be an improper exercise of the court's discretion. Defendant has failed to satisfy the strict showing required to meet his heavy burden of proof under 28 U.S.C. § 1404(a). Furthermore, all relevant factors analyzed under the section 1404(a) inquiry weigh heavily in the Plaintiff's favor and fully support his initial choice of forum, the United States District Court for the Northern District of Mississippi, Eastern Division.

The U.S. Supreme Court has specifically outlined the criteria to be considered when deciding a Motion to Transfer under 28 U.S.C. § 1404(a). Those factors include (1) plaintiff's choice of forum; (2) relative ease of access to the sources of proof; (3) availability of unwilling witnesses to subpoena; (4) costs of attending trial by willing witnesses; (5) relation of community in which court and jurors are required to serve to the occurrence giving rise to the suit; (6) accessibility of the premises to jury views; (7) relative congestion of the court docket; (8) practical problems that make trial of the case easy, expeditious, and inexpensive; and (9) the time, costs, and ease with which a trial can be conducted, and all other practical conditions relative to the trial. *See Gulf Oil Corp v. Gilbert*, 330 U.S. 501 (1947).

1) Plaintiff's choice of forum.

The primary factor the court should consider is the plaintiff's choice of forum. The plaintiff's choice of forum is a paramount consideration in any Motion to Transfer, and that choice should not be lightly disturbed. *Waste Distillation Technology v. Pan America Res.*, 775 F.Supp 759, 762 (D. Del. 1991); *Time, Inc. v. Manning*, 366 F.2d 690, 698 (5th Cir. 1966). There is ordinarily a strong presumption in favor of the plaintiff's choice of forum, which may be overcome when the private and public interest factors clearly point towards trial in the alternate forum. *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981). A plaintiff's choice of forum is entitled to greater deference when the plaintiff has chosen the home forum. *Piper Aircraft Co.*, 454 U.S. at 255; *Koster v. Lumbermens Mut. Cas. Co.*, 330 U.S. 518, 524. Here, Plaintiff is a resident of Mississippi, the facts and circumstances of the case have their primary connection to Mississippi, and the Defendant's arguments are in no way sufficient to justify the disturbance of the Plaintiff's choice of forum.

2) Relative ease of access to the sources of proof.

Defendant does not make any contention regarding the location of the documents and records in this case. Nevertheless, the Plaintiff maintains his personal records in this judicial district and expects that these records will constitute a significant portion of his case. This factor favors the Plaintiff.

3) Availability of unwilling witnesses to subpoena.

The availability of compulsory process for the attendance of unwilling witnesses, along with the costs of obtaining willing witnesses, are often considered together under the heading “convenience of the witnesses.” Defendant has asserted that the Middle District of Tennessee is a more convenient forum for potential witnesses. This assertion is fundamentally flawed and has no merit. Defendant has not specifically identified any of his “important witnesses” who he claims reside in the Middle District of Tennessee, nor has he indicated what their testimony will be. It is the well-settled rule that the party seeking transfer must clearly specify the key witnesses to be called and make a general statement of what their testimony will cover. *Fletcher v. Southern Pacific Transportation Co.*, 648 F.Supp. 1400, 1402 (E.D. Tex. 1986). If a party has merely made a general allegation that witnesses will be necessary, without identifying them and indicating what their testimony will be, the application for transfer will be denied. 15 Wright, Miller & Cooper, *Federal Practice and Procedure* § 3851 (1986).

For the witnesses that Defendant has identified, Warren Havens and Stephen Calabrese, the Defendant has failed to show clearly or convincingly that the Northern District of Mississippi, Eastern Division, is a more convenient forum than the Middle District of Tennessee. *See Car-Freshner Corp. v. Auto Aid Mfg. Corp.*, 438 F.Supp 82 (N.D. N.Y. 1977). Neither witness has expressed any reluctance to testify, and nor have they by affidavit expressed any reluctance to travel to this judicial district. Nor does the Defendant’s argument regarding the ease of transportation have any merit. The Northern District of Mississippi is readily accessible by major airlines. In the larger context of cross-country air travel, the Middle District of Tennessee and the Northern District of Mississippi are similarly inconvenient for the prospective witnesses. Defendant has failed to meet the burden of proof, and this factor thus must favor the Plaintiff.

4) Cost of attending trial by willing witnesses.

The cost of obtaining the attendance of willing witnesses is the satellite component part of the “convenience of the witnesses.” This factor appears to be significantly less important than the availability of compulsory process to compel the attendance of unwilling witnesses. 15 Wright, Miller & Cooper, *Federal Practice and Procedure* § 3851 (1986) (explaining that courts speaking of the “convenience of the witness” frequently indicate that they are actually considering not so much the convenience of the witness but the possibility of having their live testimony on trial.) Defendant does not appear to argue that the production of witnesses would be less costly in Tennessee than in Mississippi, and given the geographic proximity of the jurisdictions such an argument would be meritless anyway.

5) Relation of community in which court and jurors are required to serve to the occurrence giving rise to the suit.

Defendant has failed to address this factor in the Motion to Transfer Venue. Because Defendant has failed once again in his burden of proof, this factor favors the

Plaintiff. This judicial district is the site of the significant injury to Plaintiff, is home to several of the important witnesses, and is the site of significant events giving rise to this claim.

6) Accessibility of the premises to jury views.

This factor does not apply in the present case. The present action is not a case in which a jury view would be relevant to a 1404(a) motion. This factor favors the Plaintiff.

7) Relative congestion of the court docket.

This factor favors the Plaintiff and the Defendant has failed in his burden of proof to come forward with any evidence to support a transfer on the issue.

8) Practical problems that make trial of the case easy, expeditious, and inexpensive.

This factor favors the Plaintiff and the Defendant has failed in his burden of proof to come forward with any evidence to support a transfer on the issue.

9) The time, cost, and ease with which a trial can be conducted, and all other practical conditions relative to the trial.

This factor favors the Plaintiff and the Defendant has failed in his burden of proof to come forward with any evidence to support a transfer on the issue.

10) Miscellaneous concerns.

Defendant claims Plaintiff has access to the finest lawyers in the United States. While counsel for the Plaintiff is flattered by his apparent inclusion in this group, this should have no bearing on the court's ruling on Defendant's present Motion to Transfer Venue. Next, Defendant's curriculum vitae describes extensive nationwide and international contacts and business dealings (like those he attributes to the Plaintiff) such that it is not unreasonable for him to anticipate litigation in jurisdictions outside the Middle District of Tennessee.

Defendant further claims that because of his bankruptcy, he is unable to travel to Mississippi to defend this lawsuit. This argument is disingenuous. Since Defendant's discharge in bankruptcy, he has traveled to this judicial district for the purpose of furthering his tortious campaign against the Plaintiff. If Defendant can arrange travel to Mississippi for the sole purpose of committing torts against its residents, surely it is reasonable to require him to return to answer for those actions. Similarly disingenuous is Defendant's contention that Plaintiff has copious resources to prosecute this action wherever he pleases. As the Defendant is aware and has shared with many of Plaintiff's business associates, Plaintiff does not have the financial means to conveniently bring this action in the Middle District of Tennessee.

Defendant has completely failed to show that the Northern District of Mississippi is an inconvenient forum for him. The foregoing conclusively established that the Defendant failed in all respects to meet his heavy burden to offer clear and convincing proof to this Court that the above action should be transferred to the Middle District of Tennessee for the convenience of the parties and witnesses in the interest of justice. Rather, the Plaintiff has conclusively shown that the factors under Section 1404(a) fully support his forum of choice. There are simply no considerations or factors which favor the Defendant in any way so substantial as to offset the strong interest the Plaintiff has in maintaining this action in his forum of choice. The Plaintiff's choice should not be disturbed, and Defendants' Motion to Transfer Venue under 28 U.S.C. § 1404(a) should be summarily denied.

CONCLUSION

For the foregoing reasons, this Court should deny the Defendant's Motion to Dismiss for Violation of an Injunction, Motion to Dismiss for Improper Venue, and Motion to Transfer Venue.

Respectfully submitted,
Donald R. DePriest

BY: /s/ Wilbur O. Colom
WILBUR O. COLOM (MSB # 6403)
The Colom Law Firm, LLC
Post Office Box 866
Columbus, MS 39703-0866
Telephone: 662-327-0903
Facsimile: 662-329-4832
Email: wil@colom.com

Exhibit 1 (1 page)

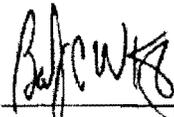
Page 1 of 1

Bart C Wise is an investor in the "MC Group" that loaned money to MCLM. Donald DePriest personally guaranteed that loan on behalf of MCLM. Donald DePriest also, as Manager of MCLM, issued a warrant to the MC Group for ownership interests in MCLM that MCLM alleges only represents 2% of MCLM. These facts are discussed in the Petition and its exhibits and attachments including Exhibit A.

STATE OF MISSISSIPPI
COUNTY OF LOWNDES

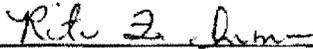
AFFIDAVIT

I, Bart C. Wise, do hereby swear and affirm that in the Summer of 2010, Peter Harner of Nashville, Tennessee, came to my office at Trustmark Bank in Columbus, Mississippi, for the purpose of soliciting information about Don DePriest. He later inquired about a good restaurant to purchase gift certificates in Columbus, and said he intended to purchase some for the personnel from the Chancery Clerk's office as a thank you for their assistance in copying records pertaining to Don DePriest.



BART C. WISE

Subscribed and sworn to before me this 13 day of October, 2010.



NOTARY PUBLIC

My Commission Expires

4/2/2014



HarmerMississippiContacts0001.jpg - Gmail
Exhibit 2 (9 pages) Page 1

Page 1 of 1

Feb-10-2003 13:14

From-

***0

PETER STUART RICHARD HARMER

Friday 10. 2003

Dear Richard

662.327.51
662.327

Dear Don.

Herewith details of my ac

ABA # ~~064000046~~ 06

A/c # 0039229777 (3 de

Don has the stock certificate
power of Attorney (copy attached)
I will be in town in 1

Page 2

*File
Peter
Hornes*



A Better Way To Bank

P.O. BOX 1248
COLUMBUS, MS 39703

OFFICE: 662-328-2345
FAX: 662-328-2567

FACSIMILE COVER SHEET

THIS PAGE AND THE FOLLOWING _____ PAGE(S)

ARE INTENDED FOR DELIVERY TO:

NAME: Don

OFFICE: _____

TELEPHONE: _____ FACSIMILE: 327-5993

IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED, PLEASE
CALL OUR OFFICE AS SOON AS POSSIBLE AT THE NUMBER ABOVE.
THANK YOU!

MESSAGE:

FROM: Charlie

It he wants to sell
4,000 shares Whit and I would
split it-

CONFIDENTIALITY NOTICE:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPY OF THIS TELECOPY IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

Sep 4 2002 11:10 P.01

Fax:6623282567

BANK FIRST MAIN

Page 3

Feb-10-2003 13:15

From-

***0

T-571 P.003/003 F-054

PETER HARMER
615-383-8242
3660 Knollwood Rd
Nashville, TN 37215

CASH

Use:
Checks
Singly

DATE _____
PERSON OR BUSINESS TO BE PAID AT _____
PAY TO THE ORDER OF _____

TOTAL PAID TO ORDER
 SUB TOTAL

LESS CASH RECEIVED

DEPOSIT SLIP

SunTrust Bank, Nashville
Nashville, Tennessee 37200

\$

⑆064000046⑆ 0039229??⑆ 0

Handwritten notes:
DA
3/13/03
3/13/03

Page 4

SEP-04-2002 17:13

P.01/04

Don DePriest bought 4,000 shares from Peter Harmer

Fax signed by Don DePriest regarding Stock Certificate and Shares in MCT Corp.

FAX MEMO

→ To: Mr. Don DePriest Page 1 of 4

From: R.M. Sullins

Date: September 4, 2002 Fax: 662-327-5993

Re: Peter Harmer

Copy of stock certificate and deposit slip to follow on the above referenced.

4,000 SHARES
2,000 CHARLES D HOLMES
2,000 WHITNEY D. HOLMES
\$51,400 TO SUNTRUST PER DEPOSIT SLIP ATTACHED
3,782 PETER HARMER

CERTIFICATE C-83 BEING REISSUED AS ABOVE BY TRIC HOLINGER.

→ *[Signature]*

Page 5

Belinda Hudson signs for Mr. DePriest as his Executive Assistant. Belinda Hudson is the Treasurer and Secretary of MCLM per evidence in this Petition.

12/13/01 09:38 FAX 6623283956

TRUSTMARK NATIONAL BANK

TO: CAROL MULLINS
FROM: BELINDA HUDSON FOR DRD

This is your authorization to make the below wire.



Trustmark
National Bank

Money Transfer Instructions

Date: 2/18/03

WRT Representative	Pos	Trans ID
Receiver	TID	TST
Approver	Amount	\$8,000.00
ORIG	Originator of Transfer Instructions	Account Number
	DONALD R. DEPRIEST	8808391708
	Address Line 1	
	P.O. BOX 1076	
	Address Line 2	
	COLUMBUS, MS 39703	
ORIG	Originator of Beneficiary Information	
OSB	Originator's Bank	
REC	Receiving Bank	
	SUNTRUST BANK, NASHVILLE	NASHVILLE, TN
	ABA Routing Number	Telegraphic Abbreviation
	061000104 (061000104)	
BSI	Bank to Bank Information	
IBK	Intermediary Bank	
BBK	Beneficiary's Bank	
BNF	Beneficiary's Name	
	PETER HARMER	LOAN TO PETER HARMER
IC	Beneficiary's Account Number	
	0039229777	
	Address Line 1	
	3660 KNOLLWOOD ROAD	
	Address Line 2	
	NASHVILLE TN 37215	
Reg. CC Avail. Bal.	Called Back To	Time
Exception=	<input type="checkbox"/> Test	<input type="checkbox"/> Overdraft Limit
		<input type="checkbox"/> Management Approval
Entry Operator	Revised Operator	Exception Operator
Donald R. DePriest By: Belinda Hudson, Exec. Asst		
Customer Signature	<i>Belinda Hudson</i>	Mark Customer Yes No
Tax ID #		Drivers License #
Method of Payment:	Cash _____	Check _____
	Debit to Customer's Account _____	
Senior Management Approval (if required)		

Page 6

12/13/01 09:38 FAX 6623283956

TRUSTMARK NATIONAL BANK 002



Money Transfer Instructions

Date 2/11/03

WMT Representative	Fee	Trans ID	
Receiver	TID		TST
Approver	Amount \$5,000.00		
ORIG	Original of Transfer Instructions DONALD R. DEPRIEST	Account Number 8808391708	
Address Line 1 P.O. BOX 1076			
Address Line 2 COLUMBUS, MS 39703			
OBI	Originator of Beneficiary Information		
OGD	Originator's Bank		
REC	Receiving Bank SUNTRUST BANK, NASHVILLE NASHVILLE, TN		
ABA Routing Number 061000104 (061000104)		Telegraphic Abbreviation	
BBI	Bank to Bank Information		
IBK	Intermediary Bank		
BBK	Beneficiary's Bank		
BNF	Beneficiary Name PETER HARMER		
ID	Beneficiary's Account Number 0039229777		
Address Line 1 3660 KNOLLWOOD ROAD			
Address Line 2 NASHVILLE TN 37215			
Reg. CC Avail. Del.	Called Back To	Time	
Exception= <input type="checkbox"/> Test <input type="checkbox"/> Overdraft Limit <input type="checkbox"/> Management Approval			
Entry Operator	Review Operator	Escalation Operator	
Donald R. DePriest By: Belinda Hudson, Exec. Asst Branch Information			
Customer Signature	<i>Belinda Hudson</i>		Bank Customer Yes <input type="checkbox"/> No <input type="checkbox"/>
Tax ID #	Drivers License #		
Method of Payment: Cash <input type="checkbox"/> Check <input type="checkbox"/> Debit to Customer's Account <input type="checkbox"/>			
Senior Management Approval (if required)			

LOAN TO PETER HARMER

Belinda Hudson signs for Mr. DePriest as his Executive Assistant. Belinda Hudson is the Treasurer and Secretary of MCLM per evidence in this Petition.



Page 7

Page 1 of 1

Don Depriest

→ **From:** Don Depriest [ddepriest@msmct.com]

Sent: Tuesday, April 14, 2009 4:29 PM

To: 'psrharmer@aol.com'

This shows Mr. DePriest, for MCT Corp, had authority to obtain investments by outside parties, and to repay investors.

Mr. Peter Harmer,

Dear Mr. Harmer,

You have knowingly made false and slanderous statements about me that have been reported in the press.

As you know, you invested \$100,000 in MCT Corp. in December 2000, at which time I did not solicit your investment, nor did I represent a return on your investment. In 2002, referring to a downturn in your own finances, you asked to sell the shares you had bought at the price you had paid. 100% of your investment was returned. I invited you to reinvest on the same terms in the event you so desired should your circumstances improve. However, you did not do so. You were and have not since 2002 been an investor in MCT Corp. Please explain how you lost hundreds of thousands of dollars on your "Non-investment".

In addition during the 2002-2003 time frame, because of your dire financial circumstances, I lent you money on more than one occasion to assist you in your time of need. How can you now make these false statements about me?

I expect you to immediately notify any and all persons to whom you made these false statements of their false nature. I expect a full retraction. I also expect you to cease and desist from making any future false statements. In the meantime, I am referring this to my legal counsel for further action.

Sincerely,

Donald R. DePriest

4/15/2009

Page 8



P.O. Box 1076/206 8th Street North
Columbus, MS 39703
www.mctcorp.net

March 25, 2003

Via Federal Express Overnight Delivery

Mr. Peter Harmer
Harmer & Associates
3660 Knollwood Road
Nashville, TN 37215-2013

Dear Peter,

Enclosed is a check in the amount of \$48,598.70 for the purchase of your 3,782 shares of MCT Corp. stock represented by stock certificate #C464.

Please wire transfer funds advanced of \$31,000 to the below:

Bank: Trustmark National Bank
624 Main Street
Columbus, MS 39701
ABA: 065300279
Account: Donald R. DePriest Special Account
Account#: 8808391708

Your attention to this matter is greatly appreciated.

Sincerely,

Belinda Hudson
Executive Assistant to
Donald R. DePriest

:enclosure

1555 King St., Suite 500 • Alexandria, VA 22314
Tel: (703) 683-8726 • Fax: (703) 683-6329 • E-mail: info@mctcorp.net

This is a letter from MCT Corp on MCT Corp letterhead that is signed by Belinda Hudson as Executive Assistant to Donald DePriest. The addresses listed on the letter for MCT Corp are known to be the home address and business address of Mr. DePriest. This letter shows Ms. Hudson has relevant information and direct personal knowledge of Mr. DePriest's involvement with MCT Corp. She should be subpoenaed.

Page 9/9

JOHN SUMRALL OR GERRY SUMRALL 12/98 HIS 587-84-3545 HERS 587-80-8437 PH 662-329-3747 1706 BRAMBLEWOOD DR COLUMBUS, MS 39705		5221 85-144/842
		DATE <u>3-25-03</u>
PAY TO THE ORDER OF <u>Peter Harms</u>	\$ <u>48598.70</u>	
<u>Forty Eight Thousand Five Hundred Ninety Eight and 70/100</u>		DOLLARS
 NATIONAL BANK OF COMMERCE TODAY'S BANK <small>BANKLINE 662 338-1151 or 1-800-636-7622</small>		NBC CLUB
FOR		
⑆084201443⑆ ⑆44⑆9285⑆5⑆ 5221		