

FILED
MADISON COUNTY

**IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI
TWENTIETH CIRCUIT COURT DISTRICT**

JAN 15 2021

ANITA WRAH, CIRCUIT CLERK

BY [Signature] D.C.

Michael D. Land

Plaintiff,

v.

McRae Law Firm, PLLC; Justice Chuck
McRae, esq.; and Drew Martin, esq.

Defendants.

Civil Action No.

CI 2021-008-JA

Complaint for legal malpractice (professional
negligence)

COMPLAINT

THE PLAINTIFF, Michael D. Land (“Mike Land”), files suit against the above-named Defendants, and pleads as follows:

JURY TRIAL DEMANDED

INTRODUCTION

1. This is a legal malpractice lawsuit that stems from the Defendants’ failure to timely file an alienation of affection, and related torts, case on behalf of the Plaintiff, Michael Land, the Defendants’ former client, within the applicable three years statute of limitations period to file said alienation of affection lawsuit.

2. Michael Land is the (to this day) husband of Theresa “Tee” Land. Paul J. Bertucci is Tee Land’s (to this day) extra-marital paramour.

3. Despite being retained as the attorneys and law firm to prepare, file, and pursue Michael Land’s alienation of affection, and related torts, causes of action against Paul Bertucci, the Defendants, McRae Law Firm, PLLC, Justice Chuck McRae, and Drew Martin,

never did file any such lawsuit – which permitted the applicable statute of limitations to run on all of Michael Land’s tort causes of action against Paul Bertucci.

4. Michael Land retained the Defendants, who agreed that Michael Land had a viable tort case against Paul Bertucci, and who took Michael Land’s case on a contingent fee basis, on July 14, 2017.

5. Michael Land’s tort causes of action against Paul Bertucci, as determined by the Honorable Circuit Court Judge John Emfinger in the now-dismissed underlying case of *Land v. Bertucci*¹, ran on October 31, 2017.

6. From agreeing to accept Michael Land’s alienation of affection, and related torts, case against Paul Bertucci on July 14, 2017, and through the statute of limitations deadline for filing this case on October 31, 2017, the Defendants took no affirmative actions to file the lawsuit against Paul Bertucci on behalf of Michael Land. This unreasonably careless course of action on the part of the Defendants has directly caused Michael Land harm in the form of having his ability to pursue his tort damages against Paul Bertucci for alienation of affection, and related torts, be completely eviscerated and negated.

7. As relevant background to this legal malpractice case: Paul Bertucci has wrongly, maliciously, and unlawfully alienated the marital affections of Tee Land from her husband, Mike Land. As a matter of fact, Paul Bertucci’s alienation of the marital affections of Tee Land from Mike Land – accomplished via an opulent and glamorous lifestyle of expensive vacations, expensive gifts, and, of course, adulterous sex – continues to this very day. Paul Bertucci has no concern, whatsoever, that his “girlfriend” is Mike Land’s wife. Paul

¹ This underlying case was filed by attorney, Macy Hanson, on behalf of Michael Land, on January 15, 2020. The Defendants in this action never filed any lawsuit on behalf of Michael Land.

Bertucci, further, has no concern for the immense harm that his affair has, and continues, to cause Mike Land to this day.

8. Further, Tee Land's Petition for Divorce against Mike Land, denied on October 19, 2019, was solely motivated by her desire to leave Mike Land for her wealthier paramour, Paul Bertucci. Instead of coming clean about her true motivation for this Divorce Petition (the affair, and lifestyle, provided by Paul Bertucci), Tee Land slandered Mike Land with false accusations of opiate addiction, anger-management problems, and false claims of religious, cult-like, zealotry that purportedly made her fearful in her marriage. Fortunately, but not surprisingly, Madison County Chancellor, Hon. Robert Clark, saw through these lies and denied Tee Land's fault-based Divorce Petition.

9. On January 15, 2020, and with newly-obtained counsel, Mike Land filed a lawsuit for alienation of affection, intentional infliction of emotional distress, and negligent infliction of emotional distress lawsuit in the Circuit Court of Madison County (Cause No. 20-0014-JE) against his wife's lover and "Sugar Daddy", Paul Bertucci, and made demand for the following: all economic damages (including attorney's fees paid to Jennifer Boydston for her work defending Tee Land's dishonest fault-based Divorce Petition); all hedonic damages; loss of consortium (a specific hedonic damage); all consequential damages; punitive damages; legal interest; and attorney's fees for pursuing these claims in this litigation.

10. However, the Honorable Circuit Court Judge John Emfinger dismissed *Land v. Bertucci*, Cause No. 20-0014-JE (Madison County Circuit Court), on summary judgment based upon the applicable three-year statute of limitations that applied to the causes of action in that case. Judge Emfinger found that, as a matter of law, that Michael Land's

pleaded causes of action against Paul Bertucci ran on October 31, 2017. And, therefore, the underlying case of *Land v. Bertucci* was dismissed on summary judgment on November 12, 2020.

11. Michael Land did not discover, despite his reasonable diligence, that the Defendants in this case, McRae Law Firm, PLLC, Justice Chuck McRae, and Drew Martin's, failure to file his tort lawsuit against Paul Bertucci by October 31, 2017, had caused him injury until the Order Granting Summary Judgment was entered by Judge Emfinger on November 12, 2020.

PARTIES

12. The Plaintiff, Michael Land, is an adult resident of Madison County, Mississippi. Mike Land is the husband of Theresa "Tee" Land.

13. The first-named Defendant, McRae Law Firm, PLLC, is a Mississippi professional limited liability company that offers legal services. It is based in Jackson, Mississippi. Its registered agent is attorney, Brady Kellems, of Brookhaven, Mississippi.

14. The second-named Defendant, Justice Chuck McRae, is a Mississippi attorney and former Mississippi Supreme Court Justice. Justice McRae, upon information and belief, is a resident of Hinds County, Mississippi.

15. The third-named Defendant, Drew Martin, is a Mississippi attorney. Drew Martin, upon information and belief, is a resident of Madison County, Mississippi.

JURISDICTION AND VENUE

16. This Court possesses subject matter jurisdiction over the claims made in this Complaint. This case involves state tort claims.

17. This Court possesses personal jurisdiction over the Defendant in this action based upon their state of domicile.

18. Venue for this dispute is proper in this Court, as this case involves the alienation of marital affections of a marriage, the Lands' marriage, based in Madison County. Further, this case stems from the malicious Divorce Petition filed by Tee Land in the Chancery Court of Madison County. Substantial acts and omissions central to the causes of action pleaded in this Complaint occurred in Madison County. Finally, the underlying case of *Land v. Bertucci* was filed, and disposed of, in Madison County Circuit Court.

FACTS

19. Michael Land retained the Defendants to file an alienation, and related torts, cause of action against Tee Land's paramour, Paul Bertucci, on July 14, 2017.

20. A copy of the July 14, 2017, retention agreement between Michael Land and the Defendants in this action is attached to, and incorporated into, this legal malpractice Complaint as Exhibit "1".

21. From July 14, 2017, until Michael Land ultimately retained new counsel to file suit against Paul Bertucci on January 15, 2020, the Defendants in this case took no affirmative steps to file any legal action on behalf of their client, Michael Land, nor did they ever disengage from their legal representation of Michael Land regarding Michael Land's tort causes of action against Paul Bertucci at any time.

22. Michael Land's January 15, 2020, Complaint (with Exhibits) against Paul Bertucci is attached to, and incorporate into, this legal malpractice Complaint as (Collective) Exhibit "2".

23. The Honorable Circuit Court Judge John Emfinger dismissed *Land v. Bertucci*, Cause No. 20-0014-JE (Madison County Circuit Court), on summary judgment based upon the applicable three-year statute of limitations that applied to the causes of action in that case. Judge Emfinger found that, as a matter of law, that Michael Land's pleaded causes of action against Paul Bertucci ran on October 31, 2017. And, therefore, the underlying case of *Land v. Bertucci* was dismissed on summary judgment on November 12, 2020.

24. Judge Emfinger's November 12, 2020, Order Granting Summary Judgment (MEC Docket No. 19) in the underlying case of *Land v. Bertucci* is attached to, and incorporated, into this legal malpractice Complaint as Exhibit "3".

25. The failure of the Defendants to file Michael Land's alienation of affection, and related torts, case against Paul Bertucci no later than October 31, 2017, when the statute of limitations ran on these claims, is the sole and proximate cause of Michael Land's otherwise viable tort lawsuit against Paul Bertucci being dismissed on November 12, 2020 by the Circuit Court of Madison County.

26. Paul Bertucci, to this day, continues to alienate the marital affections of Tee Land from Mike Land by providing Tee Land with money, vacations, other luxury lifestyle items, and, of course, adulterous sex. Paul Bertucci's ongoing and continual alienation of Tee Land's marital affections from Mike Land have caused Mike Land severe damages, including depression and suicidal thoughts. Unfortunately, the unreasonable carelessness of the Defendants in this legal malpractice action in failing to file Michael Land's lawsuit by the deadline of October 17, 2017, have solely and proximately caused Michael Land to lose his lawsuit against Paul Bertucci.

27. Mike Land's claims meet all elements of the cause of action pleaded below; and he is entitled to the damages declared in this legal malpractice Complaint.

COUNT ONE – PROFESSIONAL NEGLIGENCE (LEGAL MALPRACTICE)

28. Mike Land incorporates by reference all allegations of all previous paragraphs, including all Exhibits, and further alleges as follows:

29. Paul Bertucci has, and continues to this day, to alienate the marital affections of Tee Land from her husband, Mike Land, via luxury gifts, vacations, by providing an opulent lifestyle, generally, and through adulterous sex that Tee Land has testified, under oath, has "validated" her "as a woman."

30. The true motive for Tee Land's malicious and false allegations in her unsuccessful fault-based divorce lawsuit against Mike Land is that her affections for her husband, Mike Land, had been, and continue to be, alienated by the wrongful, malicious, and unlawful activities of paramour, Paul Bertucci.

31. But for the unreasonable failure of the Defendants in this legal malpractice to timely file Michael Land's tort lawsuit against Paul Bertucci by the statute of limitations deadline of October 31, 2017, Michael Land would have been successful in recovering his tort damages against Paul Bertucci. This is proven by the fact that Michael Land's (later discovered to be untimely filed) lawsuit against Paul Bertucci, the underlying tort case, was dismissed on summary judgment for being filed after the date of October 31, 2017.

32. The Defendants, as Michael Land's attorneys and law firm for these tort claims against Paul Bertucci, owed a duty to Michael Land to file his lawsuit against Paul Bertucci before the statute of limitations on those claims expired.

33. The Defendants, although being retained in July of 2017, failed to ever file any lawsuit against Paul Bertucci.

34. Additionally, the Defendants never withdrew or disengaged from their representation of Michael Land for his tort claims against Paul Bertucci at any time.

35. The Defendants, through their breaches of professional duties of care owed to Michael Land, have solely and proximately caused Michael Land's tort claims against Paul Bertucci to become legally extinguished due to the running of the statute of limitations.

BASED UPON THE ABOVE-PLEADED FACTS, the Plaintiff, Michael Land, demands an Order from this Court holding the Defendants liable for all damages pleaded in this Complaint, and its Exhibits (in particular all damages pleaded in the underlying tort case of *Land v. Bertucci*), including hedonic damages, economic damages, consequential damages, punitive damages, and all legal interest, to be determined by the finder-of-fact at trial, and allowable under Mississippi law.

MICHAEL D. LAND

The Plaintiff

By: 

Macy D. Hanson

Attorney for the Plaintiff

MACY D. HANSON – MS BAR # 104197
macy@macyhanson.com
THE LAW OFFICE OF MACY D. HANSON, PLLC
THE ECHELON CENTER
102 FIRST CHOICE DRIVE
MADISON, MISSISSIPPI 39110
TELEPHONE: (601) 853-9521
FACSIMILE: (601) 853-9327

State of Mississippi
Madison County

Case # CI-2021-0008 Acct # Paid By CHECK 1346 Rct# 90770

| | |
|--------------------------------|-------|
| CV CLERK'S FEE | 85.00 |
| CV LAW LIBRARY | 2.50 |
| CV COURT REPORTER TAX | 10.00 |
| CV COURT EDUCATION | 2.00 |
| CV COURT ADMINISTRATOR | 2.00 |
| CV CIVIL LEGAL ASSISTANCE FUND | 5.00 |
| CV COMPREHENSIVE ELECTRONIC CT | 10.00 |
| CV JURY TAX | 3.00 |
| CV CONSTITUENTS FE | .50 |
| CV RECORDS MANAGEMENT PROGRAM | 1.00 |
| CV-JUDICIAL SYS OPERATION FUND | 40.00 |

Total \$ 161.00

Payment received from MACY HANSON PLLC

Transaction 94485 Received 1/15/2021 at 13:29 Drawer 1 I.D. DENDY

Current Balance Due \$0.00 Receipt Amount \$ 161.00

By _____ D.C. ANITA WRAY, Circuit Clerk

Case # CI-2021-0008 Acct # Paid By CHECK 1346 Rct# 90770