

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

Michael D. Land

Plaintiff,

v.

Paul Joseph Bertucci

Defendant.

Civil Action No.

2020-0014-JE

FILED
MADISON COUNTY

JAN 15 2020

ANITA WRAY, CIRCUIT CLERK

BY Dunlap D.C.

COMPLAINT

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

JURY TRIAL DEMANDED

INTRODUCTION

1. This is an alienation of affection, and related torts, case involving Mike Land, the (to this day) husband of Theresa "Tee" Land, and Paul Bertucci, Tee Land's (to this day) extra-marital paramour.

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

3. 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.

4. Mike Land brings this lawsuit for alienation of affection, intentional infliction of emotional distress, and negligent infliction of emotional distress against his wife's lover and "Sugar Daddy", Paul Bertucci, and hereby makes 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.

PARTIES

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

6. The Defendant, Paul Bertucci, is a resident of Harrison County, Mississippi. Paul Bertucci is the paramour of Tee Land who continues to alienate her marital affections from Mike Land, as well as causing severe emotional distress to Mie Land, to this day. Paul

Bertucci, by agreement of counsel, may be served via Stephen Simpson, esq., of the Wise Carter law firm.

JURISDICTION AND VENUE

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

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

9. 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.

FACTS

10. Tee Land and Paul Bertucci continue their extra-marital affair to this day. This ongoing affair – that has given rise to the three causes of action pleaded in this Complaint – is an ongoing, continual, tort under Mississippi law for statute of limitations purposes.

11. A Christmas Card posted by Tee Land on her Facebook page in late December 2019, showing her with her paramour, Paul Bertucci, is attached to, and incorporated into, this Complaint as Exhibit “1”. This Christmas Card, Ex. 1, proves the ongoing nature of this extra-marital affair between Tee Land and Paul Bertucci.

12. Tee Land had her Petition for Fault-Based Divorce against Mike Land denied by Chancellor Robert Clark on October 22, 2019. A Copy of the [Dkt. 125] Judgment with

Findings of Fact and Conclusions of Law from Tee Land's unsuccessful divorce lawsuit against Mike Land¹ is attached to, and incorporated into, this Complaint as Exhibit "2".

13. Further, during Tee Land's unsuccessful divorce litigation in Madison County against her husband, Mike Land, Mike Land, through the great work of his counsel, Jennifer Boydston, discovered that the real reason for Tee Land's filing for divorce was not the fabricated reasons stated in Tee Land's Divorce Petition. The real reason for Tee Land's Divorce Petition is that her marital affections had been alienated by the opulent, and adulterous, lifestyle that her paramour, Paul Bertucci, had begun to provide her.

14. 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.

15. Mike Land's claims meet all elements of the cause(s) of action pleaded below; and it is entitled to the damages declared in this Complaint.

COUNT ONE – ALIENATION OF AFFECTION

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

17. 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

¹ *Land v. Land*, Case No.: 45CH1:15-cv-172 (Clark); Madison County Chancery Court.

opulent lifestyle, generally, and through adulterous sex that Tee Land has testified, under oath, has “validated” her “as a woman.”

18. 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.

19. As a sole and proximate result of the wrongful actions of Paul Bertucci toward Mike Land’s wife, Tee Land, pleaded in this Complaint, Mike Land has suffered immense emotional, hedonic, economic, and consequential damages.

COUNT TWO – INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

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

21. The wrongful and malicious alienation of the affections of Tee Land from her husband, Mike Land, as pleaded in this Complaint, and that continues to this day, have solely and proximately caused Mike Land to be diagnosed with severe depression. Mike Land has suffered the medically-cognizable injury of depression as a result of the intentional, and malicious, acts of Paul Bertucci at issue in this lawsuit (alienating the marital affections of Tee Land via gifts, a luxury lifestyle, and exciting, adulterous sex).

22. Paul Bertucci, at all relevant times, including to this day, has known that Tee Land was, and still is, married to Mike Land. Paul Bertucci simply does not care about this fact.

23. Paul Bertucci has intentionally caused Mike Land severe depression via his gifts to, and ongoing affair with, Tee Land, Mike Land's wife.

24. As a sole and proximate result of the wrongful actions of Paul Bertucci toward Mike Land's wife, Tee Land, pleaded in this Complaint, Mike Land has suffered immense emotional, hedonic, economic, and consequential damages.

COUNT THREE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

26. In the alternative, Paul Bertucci's ongoing affair with Mike Land's wife, Tee Land, is unreasonable and reckless; it violates the standard of care that Paul Bertucci owes to Mike Land, as the husband of Tee Land.

27. In the alternative to the facts pleaded, above, Paul Bertucci's unreasonable actions of maintaining an ongoing affair with Mike Land's wife, Tee Land, have solely and proximately caused Mike Land to be diagnosed with depression, as well as suffering other severe emotional harm, like a near suicide.

28. As a sole and proximate result of the unreasonably careless actions of Paul Bertucci toward Mike Land's wife, Tee Land, pleaded in this Complaint, Mike Land has suffered immense emotional, hedonic, economic, and consequential damages.

BASED UPON THE ABOVE-PLEADED FACTS, the Plaintiff, Michael "Mike" Land, demands an Order from this Court holding the Defendant liable for all damages pleaded in this Complaint, 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: 

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Attorney for the Plaintiff

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Theresa Cooley Land

186

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EXHIBIT

"1"

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

THERESA C. LAND

PLAINTIFF

V.

CAUSE NO. 2015-172 C

MICHAEL D. LAND

DEFENDANT

JUDGMENT
with FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came on regularly for hearing on an Amended Complaint for Divorce filed by plaintiff, Theresa C. Land ("Tee") against the defendant, Michael D. Land, ("Mike"). Mike did not countersue for divorce, but he did defend against Tee's complaint and asserted affirmative defenses.

The Court having reviewed the files and pleadings in this matter, having reviewed the documentary evidence presented and heard the testimony offered, and being fully advised in the matter, now makes its findings of fact, conclusions of law, and judgment, to-wit:

FINDINGS OF FACT

1. This Court has jurisdiction of the parties and the subject matter.
2. Tee and Mike are both adult resident citizens of Madison County, Mississippi and have been for more than six (6) months next preceding the filing of this action.
3. Tee and Mike were married on August 15, 1992. Three children were born to the marriage: Michael Taylor Land, born January 18, 1994, Brittany Marie Land, born July



Page 1 of 26

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MADISON COUNTY
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RONNY LOTT, CHANCERY CLERK
BY *[Signature]* D.C.

12, 1995, and James Garner Land, born June 11, 1997. All the children are now over the age of twenty-one (21) and live with Mike.

4. The couple separated on October 31, 2014, in Madison County, Mississippi, when Tee moved out of the marital home.

5. On March 2, 2015, Tee filed her complaint for divorce on the ground of irreconcilable differences. Mike answered the complaint and included a motion to dismiss the complaint because Mike did not agree to an irreconcilable difference divorce.

6. Tee amended her complaint to include the grounds of habitual cruel and inhuman treatment and desertion. Mike answered the amended complaint, claiming Tee is not entitled to a fault-based divorce, and he asserted the defenses of recrimination and unclean hands.

7. Mike filed a motion to bifurcate the trial, wherein the court would hear grounds for divorce first and take evidence, at a subsequent date, on the division of the marital estate and the resolution of other financial issues relating to the divorce should Tee be awarded a divorce.

8. The parties entered into an agreed order to bifurcate the trial on March 14, 2016.

9. Prior to the trial, the Court considered a motion on whether the revised version of Mississippi Code Annotated Section 93-5-1 should apply in this case. The Court ruled that this case falls under the prior version of the statute.

10. On June 10, 2019, Plaintiff's Attorney made an *ore tenus* motion asking the court to reconsider its previous ruling. Tee's attorney requested that this court apply the

revised version of Mississippi Annotated Section 93-5-1, because it is a procedural change that relaxes the corroboration requirement for divorce on habitual cruel and inhuman treatment. The Court denied the motion to reconsider, however, it indicated that it would announce in its opinion how it would have ruled under the new statute if the plaintiff is not awarded a divorce under the old statute.

11. This Court heard two days of testimony solely on the issue of whether Tee had grounds for divorce. Mike did not countersue for divorce. He testified he did not want a divorce and he did not believe in divorce.

12. Tee claimed in her testimony that there has been an emotional break in the marriage. Their relationship went from one that was satisfying to one of very few words and no physical contact.

13. According to Tee, in 2012, Mike moved out of the master bedroom and the parties have not had sexual intercourse since that time. Mike gave her no reason for moving out of the bedroom and she repeatedly asked him to return, but he refused.

14. Since she was not getting any attention at home, she started a relationship with Danny Gray in October 2012. This relationship turned sexual in January 2013, and continued until the Spring of 2013. Although she regrets having the affair, she felt that this relationship validated her as a woman.

15. Mike admitted he moved out of the master bedroom. He testified he did not move out until December 2013. Mike moved because his wife was complaining about his snoring and about the noises that his CPAP machine made. Snoring was always an issue in their marriage. Mike went to a doctor, who prescribed a CPAP machine to alleviate the

snoring. After he got the CPAP machine and had it for a time, Tee began to complain about the noises the machine made. So Tee could get some rest, he moved upstairs to the playroom.

16. He would return to the master bedroom every three to four weeks, and the parties would engage in sexual intercourse on most of those occasions. Mike testified he dressed in the master bathroom every morning. He did not remove any of his clothing from the master bedroom.

17. Tee admitted in her deposition that she slept, in the same bed as Mike during the months of August, September, and October 2014. She admitted that Mike would come down from the playroom occasionally to sleep with her.

18. A week or two before Tee moved out of the marital home, the parties had sexual intercourse three nights in a row. On the third night, Tee told Mike he did not do her any good sexually anymore. Mike asked Tee why did she engage in sex with him. She indicated she wanted to make sure. Tee left Halloween 2014.

19. In June 2014, Tee began an extramarital relationship with Paul Bertucci. Tee claimed the relationship became sexual in nature in December 2014. Tee's friend, Andrea Tyre, testimony seems to indicate otherwise. She, Tee, and Beth Durrett ran the Color Vibe Run on the Mississippi Gulf Coast in August 2014. They stayed in adjoining condos Paul Bertucci owned. Tee stayed in the condo with Paul, and Andrea and Beth stayed in the other condo. Tee and Paul's relationship was friendly and flirty on this trip.

20. Andrea's birthday is October 1. Tee, Andrea, and a couple of other friends went to the Coast to celebrate Andrea's birthday in October 2014. Tee made the

arrangements. They stayed at Paul Bertucci's condos again. Tee stayed in the condo with Paul, while she, Beth, and another friend stayed in the other condo. On this trip, Tee and Paul were holding hands, kissing, and were very friendly, and affectionate like a couple.

21. Paul Bertucci wined and dined Tee and her friends on both trips. Paul purchased clothing, shoes, makeup, and jewelry for Tee. He has given her use of a credit card. She is driving a Mercedes Benz.

22. Mike admits he was not aware of Tee's adultery prior to her leaving the marital home. He found out about her affairs in 2017 during a deposition.

23. Despite her adultery, Mike testified he is willing to take his wife back because of grace, hope, and forgiveness.

24. Tee testified she has no intentions of returning to the marriage under any circumstances. After the marriage counselor recommended a trial separation, she felt validated in leaving the marriage. To go back to the home is revolting, and it makes her sick to her stomach to think of moving back to Mike.

25. Tee also claims Mike abuses his prescription pain medication, forces his religious beliefs on her, exhibits controlling behavior toward her, and suffers outbursts of anger and other erratic behavior.

26. Five years ago, Mike had five fusions in his lumbar. Six years ago he had five fusions in his neck, and previous to that, Mike had three lumbar surgeries, three knee surgeries, and one shoulder surgery. The fusion surgeries were due to deterioration of his spine, which caused him severe pain.

27. According to Tee, two of these major spine surgeries occurred in 2012 and

2013, respectively. She claims before his surgeries, Mike took Lorcet for pain but after the surgeries in 2012 and 2013, Michael started taking morphine twice a day and Oxycontin every three hours along with medication for depression, migraines, muscle relaxers, and sleep medication.

28. Tee testified his medication causes him to fall asleep while eating, and it makes him forgetful and emotionally unstable to the point that the slightest thing makes him furious. Mike looked drugged out all of the time. She and the children had to walk on egg shells in the home. Tee further testified that Mike admitted in counseling that he has been addicted to pain medications for about nine (9) years.

29. Mike denies he developed an opioid addiction. He said his pain medication did not cause him to act erratically or fall asleep before others. He took his medication as prescribed by his doctor. Tee was the one who was raising heck about him taking pain medication, and wanted him off of it. So, they went to a psychiatrist, who prescribed Suboxone for him.

30. According to Taylor, the parties' son, Mike goes to the gym every day. He works out one and half to two hours each day. He has been doing this workout routine since before his mother moved out.

31. Mike went to barber school and opened a barber business called Family Barber. He has been in business for 20 years. In 2013, Mike was declared disabled by the Social Security Administration. In 2014, he stopped cutting hair, and he went solely into the management phase of the business.

32. Mike goes to the shop every day. He gets up about 9:00 in the morning, to

get to the barber shop by 11:00 a.m. According to Taylor, Mike takes care of the barbers. He cashes their checks, gets their lunches and supplies each day.

33. Kira Tatum has worked as a barber at the shop for 17 years. She works on Monday from 8:00 a.m. to 6:00 p.m., and Tuesday, Wednesday, Thursday from 8:00 a.m. to 5:00 p.m. Kira testified that Mike is responsible for paying the barbers daily, ordering and picking-up daily lunch for the barbers, ordering supplies, hiring and firing barbers, routine repairs, and ordering Family Barber T-shirts. She further testified that Mike calculates the barbers' pay without the use of a calculator and that she would be unable to do the same without a calculator.

34. Kira also testified she has never seen Mike lose his temper, rage at any customer, suffer memory loss, or appear over medicated.

35. Robyn Haralson is also a barber at the Family Barber and has been since 2005. She works Monday through Thursday 9:00 a.m. to 4:30 p.m. She testified that Mike comes in on the days that she works. Robyn said Mike does a little bit of everything at the shop. From 2012 through 2014, she did not observe Mike having any changes in personality, being forgetful, or losing his temper. Robyn described Mike as very hard working, consistent, and a good business man.

36. Gerri Clarke, the parties' housekeeper since 1995, testified that Tee told her that Mike has a problem with prescription drugs, but, she has never seen him appear over medicated.

37. Tee claims Mike forces his religious belief on her by posting scripture on his bathroom mirror and by questioning her and the children every morning about what they

are praying for, and are thankful for. Mike posted 22 notes containing scripture about marriage, divorce, and what God thought about divorce. She felt that his behavior was over the top, and out of character. When he would question her about what she was praying for, she told him that she is not in Sunday School and does not have to answer his questions.

38. Tee also testified that Mike called her Satan and told her that she did not walk with the Lord.

39. Mike admits to the posting of scripture. He started posting scripture in September 2014 when his wife told him she wanted a divorce. He was willing to do anything to let his wife know that he did not want a divorce. God does not want divorce. Divorce is not right. He posted scripture in accordance with the Bible, where it says, you shall write it on the doorpost of your house and on your fence post. This was something that his mother and nephew did. It was not unusual for his family to post scripture in a crisis.

40. Gerri Clark said she saw the scripture postings, and that Tee was upset about them. She said she had never seen anything like that before, and was afraid that Mike might kill Tee and commit suicide.

41. Tee testified that Mike exhibited controlling behavior toward her. He has taken over all of the household responsibilities that she performed during the course of their marriage. According to Tee, Mike said that he could do it better. At first, she was upset, and they would argue over it, but she recognized it would be better to walk away and allow Mike to do the household chores, rather than to continue arguing.

42. According to Tee, Mike, also, asserts controlling behavior over her through

finances. The parties had a HELOC account through BankPlus. The bank issued a debit card to each party. She used her debit card to pay for a hotel room and food for two nights, when she was moving her daughter to Mississippi State. She also used it to pay for dinner on the Coast. The parties had maxed out their other credit cards, so she had to use the HELOC debit card. When Mike received the billing statement, Mike was upset, and yelled at her, without giving her an opportunity to explain. He said she had no right to use the card, except for emergencies, and Mike did not consider her uses an emergency. He made a list of punitive measures he would take in retaliation for her using the debit card.

43. Mike testified Tee "checked out" of the marriage, and the family, and stopped tending to chores she had previously performed. If he did not step in and do them, they wouldn't get done. Thus, he began doing the laundry, cooking, grocery shopping and other tasks. In the meantime, Tee stayed away from the house more and more. Mike tried to talk to Tee about this, but it only angered her. Mike denied pushing Tee out of these roles.

44. As to the HELOC account, the parties had agreed that the account would be used only for emergencies and the children's college expenses. Tee used the HELOC once when she spent \$455.00, and another time on one of her trips to the Coast. Mike testified, if Tee was going to go on trips, she should use funds from her account.

[Tee] had her own account that I never touched. She had her own part-time job, so I don't know why she wasn't managing it. She should have had money. She worked 20, 30, hours a week, and she never paid a penny on the mortgage, never paid a penny on water, electricity, nothing for the kids, nothing on automobiles, I kept her in a new car. So I don't know why she had to lean on the HELOC. She should have had money . . .

45. After finding out about the charges to the HELOC account, Mike admits he made a list, but he did not follow through on it, except for issuing a stop payment on Tee's car insurance (which he reversed) and withdrawing \$450.00 out of a joint account, that Tee exclusively uses, to reimburse the HELOC account.

46. He took these actions because he was concerned about the parties' finances. Bills were being paid late at the barber shop. Tee had over drafts on her account. All available credit had been used on the parties other credit cards. He took over the finances in 2014 to restore their financial health.

47. Tee testified Mike coached their children in the little league baseball. He was ejected from Madison-Ridgeland Youth Baseball for cheating and anger issues somewhere in 2009, 2010, or 2011. He would yell at the referee if he did not like the call. She finally stopped sitting with him at the games because he embarrassed her.

48. Mike testified he coached all three children in four sports for 12 years. He was ejected twice as a parent sitting on the sideline, not as a coach. He never cheated in sports when he was coaching.

49. Tee testified Mike drives erratically. She recounted an incident that happened when the parties and their children were going to Watercolor, Florida on vacation. Mike was driving fast and weaving in and out of traffic. His driving frightened Tee and she asked him to slow down. Mike slammed on brakes and asked if she wanted to drive. Tee said she declined, because she was afraid that if she got out of the car Mike might drive off, and leave her on the side of the road.

50. Mike admits he was driving fast and that he occasionally passed a car, but he

denies he was weaving in and out of traffic. He also said he slowed down when his wife asked, and he drove to Watercolor and back to Mississippi. After their vacation, Tee continued to ride as a passenger while he was driving including to and from football games in Columbus and Greenville, Mississippi.

51. Tee testified Mike purchased, a dog to live in the home when he knew his daughter suffers from asthma. She had a serious asthma attack and was hospitalized.

52. According to Mike, Garner wanted a puppy for his 15th birthday. They looked for a shorthaired dog because Brittany has asthma. They got a white boxer that turned out to be deaf. Mike said he would allow the dog to come into the house during bad weather. Brittany loved the dog more than anybody else. She would make up excuses to bring the dog into the house. The dog has a pallet in the den, and it does not go into Brittany's room.

53. Taylor testified when Brittany's asthma comes on, they will clean the house, and Brittany goes into her room.

CONCLUSIONS OF LAW

HABITUAL CRUEL AND INHUMAN TREATMENT

In order to establish the basis for a divorce on the ground of habitual cruel and inhuman treatment, the claimant must show by a preponderance of the evidence conduct that:

either endangers life, limb, or health or create a reasonable apprehension of such danger, rendering the relationship unsafe for the party seeking relief, or in the alternative, be so unnatural and infamous as to make the marriage revolting to the non-offending spouse and render it impossible for that spouse to

discharge the duties of marriage, thus destroying the basis for its continuance. *Kumar v. Kumar*, 976 So. 2d 957, 961 (115) (Miss. Ct. App. 2008).

Such conduct must be habitual, that is, done so often, or continued so long, that its recurrence maybe reasonably expected whenever occasion or opportunity presents itself. *Burnett v. Burnett*, 271 So. 2d 90, 91 (Miss. 1972). Although the cruel and inhuman treatment usually must be systematic and continuance, a single incident may provide grounds for divorce. *Rakestraw v. Rakestraw*, 7171 So. 2d 1284, 1287 (18) (Miss. Ct. App. 1998). While ordinarily one act or an isolated incident will not establish a charge of habitual cruel and inhuman treatment, one incident of personal violence may be of such a violent nature as to endanger the life of the complainant spouse and be of sufficient gravity to establish the charge of habitual cruel and inhuman treatment. *McKee v. Flynt*, 630 So. 2d 44, 48 (Miss. 1993). The charge means something more than unkindness or rudeness or mere incompatibility or want of affection. *Rakestraw*, 7171 So. 2d at 1287 (18).

When evaluating habitual cruel and inhuman treatment, chancellors look not only at the offending spouse's conduct but also at the impact made on the plaintiff spouse. *Reed v. Reed*, 839 So. 2d 565, 569 (117) (Miss. Ct. App. 2003).

The party alleging cruel and inhuman treatment typically must corroborate the testimony. *Gatlin v. Gatlin*, 234 So. 2d 634,635 (Miss. 1970). Nonetheless, corroborating evidence need not be sufficient in itself to establish habitual cruelty, but rather need only provide enough supporting facts for a court to conclude the plaintiff's testimony is true. *Anderson v. Anderson*, 190 Miss. 508, 200 So. 726, 728 (Miss. 1941).

According to Mississippi case law, habitual cruel and inhuman treatment as a

grounds for divorce must be proved by a preponderance of the evidence. *Rawson v. Buta*, 609 So. 2d 426, 431 (Miss. 1992). The chancellor, as the trier of fact, evaluates the sufficiency of the proof based on the credibility of witnesses and the weight of their testimony. *Rainey v. Rainey*, 205 So. 2d 514, 515 (Miss. 1967). Additionally, a causal connection between the treatment and separation must exist. *Fournet v. Fournet*, 481 So. 2d 326, 329 (Miss. 1985). It is extreme set of facts that will provide a divorce based upon habitual cruel and inhuman treatment. *Moses v. Moses*, 879 So. 2d 1043, 1047 (19) (Miss. Ct. App. 2004).

CONSTRUCTIVE DESERTION

The Mississippi Supreme Court has defined constructive desertion as follows:

If either party, by reason of such conduct on the part of the other as would reasonably render the continuance of the marital relationship unendurable, or dangerous to life, health or safety, is compelled to leave the home and seek safety, peace and protection elsewhere, then the innocent one will ordinarily be justified in severing the marital relation and leaving the domicile of the other, so long as such conditions shall continue, and in such case the one leaving will not be guilty of desertion. The one whose conduct caused the separation will be guilty of constructive desertion and if the condition is persisted in for a period of one year, the other party will be entitled to divorce. *Grant v. Grant*, 765 So. 2d 1263, 1267 (Miss. 2000).

Chancellors should grant a divorce on the ground of constructive desertion only in extreme cases. *Hoskins v. Hoskins*, 21 So. 3d 705, 710 (120) Miss. Ct. App. 2009.

As noted by one commentator, the line between the heretofore seldom used ground of constructive desertion and the ground of habitual cruel and inhuman treatment is blurred with the only distinction being that in the former, the non-complaining party is

compelled to leave and the objectionable conduct continues for one year. *Shorter v. Shorter*, 740 So. 2d 352, 358 (Miss. Ct. App. 1999).

RECRIMINATION

Under the common-law doctrine of recrimination, if each party to a marriage proved a fault-based ground for divorce, then neither party was entitled to a divorce. *Dorman v. Dorman*, 737 So. 2d 426, 430 (Miss. Ct. App. 1999). The doctrine is founded on the basis that equal guilt of a complainant bars his/her right to divorce. *Parker v. Parker*, 519 So. 2d 1232, 1235 (Miss.1988). And under the common-law principle, the complainant must come into court with clean hands. *Id.* For the doctrine to apply, the offense committed by each spouse need not be the same, but both spouses' offenses must be sufficient to constitute grounds for divorce. *Dorman*, 737 So. 2d at 430 (¶9).

But recrimination is no longer an absolute bar to divorce. In 1964, the Mississippi Legislature modified the common-law recrimination defense by enacting Mississippi Code Annotated section 93-5-3. *Id.* Section 93-5-3 provides "if a complainant or cross-complainant in a divorce action shall prove grounds entitling him to a divorce, it shall not be mandatory on any chancellor to deny such party a divorce, even though the evidence might establish recrimination on the part of such complainant or cross-complainant. *Id.* As a result, chancellors are no longer bound by the strictures of the common-law doctrine. *Id.* Therefore, under Section 93-5-3, one party's adultery, even if established at trial, does not prevent the chancellor from granting a divorce to that party. *Dickerson v. Dickerson*, 34 So. 3d 637,643 (¶19) (Miss. Ct. App. 2010).

ANALYSIS

Tee filed an amended complaint seeking divorce on the grounds of habitual cruel and inhuman treatment and constructive desertion. Mike filed his answer and affirmative defenses to the amended complaint for divorce, but did not file a counterclaim for divorce. Therefore, the burden lay solely upon Tee to establish her grounds for divorce.

A. HABITUAL CRUEL AND INHUMAN TREATMENT

Mississippi Code Annotated, § 93-5-1 provides that a divorce may be granted to the injured party based on habitual cruel and inhuman treatment and wilful continuous desertion for the space of one year. Habitual cruel and inhuman treatment ground for divorce is established by evidence that the conduct of the spouse either:

endangers life, limb, or health or create a reasonable apprehension of such danger, rendering the relationship unsafe for the party seeking relief, or in the alternative, be so unnatural and infamous as to make the marriage revolting to the non-offending spouse and render it impossible for that spouse to discharge the duties of marriage, thus destroying the basis for its continuance.

Kumar v. Kumar, 976 So. 2d 957, 961 (¶ 15) (Miss. Ct. App. 2008).

Conduct such as will support a divorce on the ground of habitual cruel and inhuman treatment must be habitual, that is, done so often, or continued so long, that its recurrence may be reasonably expected whenever occasion or opportunity presents itself. *Burnett v. Burnett*, 271 So. 2d 90, 91 (Miss. 1972). Although the cruel and inhuman treatment justifying a divorce on the ground of habitual cruel and inhuman treatment usually must be shown to have been systematic and continuous, a single incident may provide ground

for divorce. *Rakestraw v. Rakestraw*, 7171 So. 2d 1284, 1287 (18) (Miss. Ct. App. 1998). One incident of personal violence may be of such a violent nature as to endanger the life of the complainant spouse and be of sufficient gravity to establish the charge of habitual cruel and inhuman treatment. *McKee v. Flynt*, 630 So. 2d 44, 48 (Miss. 1993).

Habitual cruel and inhuman treatment divorce ground does not require physical violence, as the negative impact upon the plaintiff can be to mental health, but it does require something more than mere unkindness, rudeness, petty indignities, frivolous quarrels, incompatibility or lack of affection. *Bodne v. King*, 835 So. 2d 52, 58-59 (Miss. 2003).

Cruelty for divorce purposes may be found from a series of separate events or acts such as willful failure to support, verbal abuse, neglect, and the like, if taken alone, will not constitute cruelty but, when taken together, will manifest a course of conduct as a whole which may amount to cruelty. *Jackson v. Jackson*, 922 So. 2d 53 (Miss. Ct. App. 2006).

When evaluating habitual cruel and inhuman treatment, chancellors look not only at the offending spouse's conduct but also at the impact made on the plaintiff spouse. *Reed v. Reed*, 839 So. 2d 565, 569 (117) (Miss. Ct. App. 2003).

The party alleging cruel and inhuman treatment typically must corroborate the testimony. *Gatlin v. Gatlin*, 234 So. 2d 634,635 (Miss. 1970). Nonetheless, corroborating evidence need not be sufficient in itself to establish habitual cruelty, but rather need only provide enough supporting facts for a court to conclude the plaintiff's testimony is true. *Anderson v. Anderson*, 190 Miss. 508, 200 So. 726, 728 (Miss. 1941).

According to Mississippi case law, habitual cruel and inhuman treatment as a

grounds for divorce must be proved by a preponderance of the evidence. *Rawson v. Buta*, 609 So. 2d 426, 431 (Miss. 1992). The chancellor, as the trier of fact, evaluates the sufficiency of the proof based on the credibility of witnesses and the weight of their testimony. *Rainey v. Rainey*, 205 So. 2d 514, 515 (Miss. 1967). Additionally, a causal connection between the treatment and separation must exist. *Fournet v. Fournet*, 481 So. 2d 326, 329 (Miss. 1985). It is an extreme set of facts that will provide a divorce based upon habitual cruel and inhuman treatment. *Moses v. Moses*, 879 So. 2d 1043, 1047 (19) (Miss. Ct. App. 2004).

Tee claimed the last two years of a twenty-two-year marriage to Mike were emotionally unbearable. She acknowledged that prior to those last few years she was satisfied with her marriage. Their relationship changed when Mike moved out of the marital bedroom for no reason at all. He moved into the playroom and slept on a couch. Tee said she repeatedly asked him to return to the bedroom and resume cohabitation with her, but he refused. Mike admitted he moved out of the master bedroom, but denies it was in 2012. He testified he moved out in December 2013, while Tee was on a trip to Atlanta with her friends. Mike further stated he moved out of the master bedroom because Tee constantly complained about his snoring and the noises his CPAP machine made. So, Tee could get some rest, he moved upstairs to the playroom.

Tee also claimed that Mike refused to have sexual intercourse with her and withdrew his affections from her. The last time the parties had sex was prior to his moving out of the bedroom in May 2012. Mike took issue with Tee's allegations that the parties stopped having sex when he moved out of the master bedroom. He testified that the parties continued to engage in sexual relations until Tee moved out of the marital home in October

2014. Mike specifically testified that he returned to the master bedroom every three to four weeks, and he initiated sex with Tee on most of those occasions. A week or two before Tee moved out of the house, they had sex three (3) nights in a row. On the third night, Tee told him that he did not do her any good sexually anymore. Mike asked, why did you have sex with me? She answered she wanted to be sure. Halloween 2014, Tee left the marital home and the marriage for good.

Tee claimed that Mike began abusing his prescription pain medication after his neck and spinal surgeries in 2012 and 2013. Before those surgeries, he took lorcet for pain, and after the surgeries, Mike began taking morphine two times a day, oxycontin every three hours, and a host of other medications on a daily basis for anxiety, migraines, muscle spasms, and insomnia. Tee testified the medications Mike was taking made him forgetful, and emotionally unstable to the point that any issue that arose made him furious. She and the children walked on eggshells in the home.

Tee claimed Mike controlled her finances. The parties had a HELOC account through BankPlus. The bank issued a debit card to each party. She used her debit card to pay for a hotel room and food for two nights, when she was moving her daughter to Mississippi State. Tee testified she also used the card on one of her trips to the Mississippi Gulf Coast. The parties other credit cards were maxed out, so she had to use the HELOC debit card. When Mike received the billing statement, he was upset, and yelled at her, without giving her an opportunity to explain. Mike made a list of punitive measures he would take in retaliation for her using the debit card.

According to Tee, Mike took the following punitive measures: (1) he withdrew

\$450.00 from her checking account, (2) removed her from his business account, and (3) shredded her credit card. She was mortified. Tee said she did not think someone you were married to would try to punish you financially. Tee offered the list into evidence to corroborate her testimony.

Tee further testified Mike employed another mechanism of control. He took over the household finances, cooking, cleaning, and other household duties that she had previously done. Mike confirmed that he did take over these duties, not because he was pushing Tee out, but because she refused to do them.

Tee testified that Mike sent her lengthy text messages of Bible Scriptures. These religious text messages made her feel sad. It made her angry that Mike would continually throw his religious beliefs on her. Mike told her he was praying for her all of the time. Not only did he text lengthy religious messages, Mike also posted Bible scriptures using sticky notes and duct tape to his bathroom mirror in the master bedroom. These notes also contained scripture about divorce and how God felt about divorce. Tee said his behavior was over the top and out of character. If that was not enough, Mike had a dry erase board in the kitchen. Every morning, according to Tee, Mike would ask her and the children what they were praying for and what they were thankful for. Tee said she told Mike that she was not in Sunday School, and she did not have to answer his questions every day.

Mike admits he posted the scriptures on the mirror, because he wanted his wife to know that he did not want a divorce. God does not like divorce. Divorce is not right. He posted scripture in accordance with the Bible, where it says, you shall write it on the door post of your house and on your fence post. Posting scripture is something that his family

did in the times of crisis.

During her testimony, Tee claimed Mike drives erratically. She recounted one incident that occurred when the family was going to Watercolor, Florida on vacation. Mike was driving fast, and weaving in and out of traffic. She asked him to slow down, and Mike became angry, and slammed on brakes, and asked her if she wanted to drive. Tee said she declined, because she was afraid that if she got out of the vehicle, Mike might drive off, and leave her on the side of the road.

Mike also recalls this incident, and his version of the facts are somewhat different. He admits he was driving fast, but denies he was weaving in and out of traffic. He passed a car every now and then. Mike also stated that he slowed down when his wife asked him to. He drove all the way to Watercolor and back to Mississippi. Mike testified that after this vacation Tee continued to ride as a passenger while he was driving including to and from football games in Columbus and Greenville, Mississippi.

Tee testified that Mike was no longer allowed to coach in Madison-Ridgeland Youth League because he was accused of cheating and had anger issues. She further testified that Mike was ejected two or three times from Garner's soccer games for yelling at the referee. Tee said she could not recall the exact dates, but she believes it was some time in 2009, 2010, or 2011. She testified that Mike became agitated at soccer games during this period of time. She stopped sitting with Mike at soccer games because he embarrassed her. However, in 2012, once Garner began playing football in Madison Central High School, Tee did sit with Mike, and she testified that Mike behaved at the football games.

Mike testified he coached all three children in four sports for 12 years. He was

ejected twice as a parent sitting on the sideline, not as a coach. Mike denies he ever cheated in sports when he was coaching his children. One of the times he was ejected, he disagreed with the referee's call and the other time he was trying to motivate the team during a tournament game.

Tee testified Mike allowed a dog to live in the home when knew that their daughter, Brittany, suffers from asthma. Brittany had a serious asthma attack and had to be hospitalized. Mike admits he purchased a puppy for Garner's 15th birthday. They looked for a shorthaired dog because Brittany has asthma. They found a white boxer, named Daisy, and the dog turned out to be deaf. Daisy was an outside dog, but he would allow her to come into the house during bad weather. Brittany fell in love with the dog, and he believes she loved it more than any other family member. She would make up excuses for the dog to come into the house, and he acquiesced, and Daisy now sleeps on a pallet in the den, but is not allowed to go into Brittany's room. Taylor testified when Brittany's asthma flares up, they will clean the house and Brittany goes into her room.

Finally, Tee testified the stress of her deteriorating marriage exacerbated her underlying anxiety. Her doctor had to increase her anxiety medication from a low dose to 40 milligrams due to Mike's cruel treatment of her. Consequently, Mike has endangered her mental health and well-being rendering it unsafe and unnatural for her to cohabit with him. So, she left the marital home on October 31, 2014.

To corroborate her testimony, Tee called three witnesses, Taylor Land, Gerri Clarke, and Cherri Porter. Taylor is the oldest son of the parties. He is twenty-five (25) years old, and graduate of Jackson State University. He testified that he had no knowledge of his

parent's sex life and did not want to have any knowledge of their sex life. He concedes he had a conversation with his mother while she was on her birthday trip in Atlanta about helping his father move a bunk bed up to the playroom. He further testifies that his father told him that he was moving upstairs because his snoring and CPAP machine disturbed his mother. Taylor testified his parents were having marital problems and they would get emotional. He also testified that his father takes prescription medication that has caused negative side effects. That medication has been changed, and his father no longer suffers negative side effects. He said after his father was declared disabled, he did help out around the house more.

Gerri Clarke was the housekeeper for the Land Family. She has been keeping the house for them for about 27 years. She remembers when Mike stopped sleeping in the master bedroom because she only made up Tee's side of the bed. However, she does not recall the year he stopped sleeping in the bed, and was not given any explanation as to why Mike was not sleeping in the bed. Gerri testified that she saw the scripture postings on the mirror. The postings went up gradually. There would be a new one every week. She read them, and they were bible verses about divorce and possibly about adultery. The postings made Tee upset. Gerri further testified that the postings did not appear to be normal behavior. She has never seen anything like that before. Gerri said she was afraid that Mike was going to kill Tee and commit suicide. Tee mentioned to her that Mike's medication was the problem, but, Gerri, admitted that she has never seen Mike over medicated.

Cherri Porter is a friend of Tee. She has known Tee since 12th grade. They reconnected in 2012. She and Tee took a trip to Atlanta in late November of 2013. On the

return trip, Taylor called, and told his mother that he helped his father to move a bed upstairs. The call seemed to upset Tee. Cherri also testified that Tee was not allowed to attend her wedding in November 1992 or to go out to eat with the girls.

This Court having carefully considered the testimony given and the evidence presented, finds that Tee's testimony is not credible with respect to Mike refusing her sex and abusing prescription pain medication. Tee testified Mike moved out of the bedroom in May 2012 and never returned. Then, she changed her testimony, and indicated Mike slept with her occasionally during the period in question. Tee even admitted in her deposition that she slept in the same bed with Mike in August, September, and October 2014. Mike testified that he initiated sex with Tee almost every time he returned to the bedroom. Tee never refused him sex, except for one time. He recounted the one time Tee refused him sex. The parties had sex three nights in a row, and on the third night, Tee rejected him, saying that he did not do her any good sexually anymore. As Mike recounted his wife's rejection of him, the Court could see the hurt in his eyes, and hear the pain in his voice. This testimony, along with Tee's contradictory testimony, helped convinced this Court that Mike was telling the truth about their sex life. Therefore, there was no refusal of sex as Tee claimed.

Tee also testified that Mike abused his prescription pain medication. She said that Mike walked around looking drugged out every day. He took morphine twice a day, oxycontin every three hours, and host of other medications daily. Four witnesses testified to this issue, and one of the four, is a witness Tee called. All of the witnesses testified they have never seen Mike over medicated. Two of the witnesses who had almost daily contact

with Mike, testified they did not observe any changes in his personality, being forgetful or losing his temper. Mike ordered and picked up lunches for the barbers daily, worked six days a week, and calculated the barbers' daily pay without a calculator. His son testified Mike exercised one to two hours six days a week. If Mike ingested the amount of medication that Tee claimed on a daily basis, it would be physically impossible for him to do all of things these witnesses testified about.

Accepting the rest of Tee's testimony as true, this Court finds that her allegations do not rise to the level necessary to maintain a suit for divorce on habitual cruel and inhuman treatment. Her allegations that her husband exhibited controlling behavior, drove erratically on one occasion, forced his religious beliefs on her, allowed the dog to sleep in the house, and her daughter suffered an asthma attack and had to be hospitalized, show no more than incompatibility. Inability to live together as husband and wife is no grounds for divorce. "Our Mississippi Supreme Court has noted, the parties may be miserable, the marriage incompatible, and the problems insurmountable," *Wilbourne v. Wilbourne*, 748 So. 2d 184, 187 (Miss. 1999) but the law does not permit courts to sever marriage bonds and to break up households on the basis of cruelty because the marriage is "troubled and possibly irreparable." *Anderson v. Anderson*, 54 So. 3d 850, 855 (Miss. Ct. App. 2010). Tee has failed to meet her burden of proof on habitual cruel and inhuman treatment.

B. WILLFUL AND CONSTRUCTIVE DESERTION

In addition to her allegation of habitual cruel and inhuman treatment, Tee alleged that Mike deserted the marriage for a space of one year. She relied on the doctrine of constructive desertion, alleging that Mike's behavior drove her to leave the marital home.

The Mississippi Supreme Court has defined constructive desertion as follows:

If either party, by reason of such conduct on the part of the other as would reasonably render the continuance of the marital relationship unendurable, or dangerous to life, health or safety, is compelled to leave the home and seek peace and protection elsewhere, then the innocent one will ordinarily be justified in severing the marital relation and leaving the domicile of the other, so long as such conditions shall continue, and in such case the one so leaving will not be guilty of desertion. The one whose conduct caused the separation will be guilty of constructive desertion and if the condition is persisted in for a period of one year, the other party will be entitled to divorce. *Grant v. Grant*, 765 So. 2d 1263, 1267 (Miss. 2000).

Chancellors should grant a divorce on the ground of constructive desertion only in extreme cases. *Hoskins v. Hoskins*, 21 So. 3d 705, 710 (¶ 20) (Miss. Ct. App. 2009). The burden of proof is on the party seeking the divorce to prove her ground by preponderance of the evidence. *Id.* At 707 (¶ 6).

Tee's allegations under the constructive desertion theory are essentially the same as her allegations that Mike's behavior constituted habitual cruel and inhuman treatment. As noted by one commentator, "the line between the seldom used ground of constructive desertion and the ground of habitual cruel and inhuman treatment is blurred with only one distinction being the former, the non-complaining party is compelled to leave and the objectionable conduct continues for a year." *Shorter v. Shorter*, 740 So. 2d 352, 358 (¶ 29) (Miss. Ct. App. 1999). For the same reasons, this Court denied her divorce on the basis of habitual cruel and inhuman treatment, her claim for constructive desertion must also dissipate. Accordingly, this Court finds Tee has failed to meet her burden of proof for constructive desertion.

The Court previously ruled that if it denied Tee a divorce under the old statute, it would announce how it would have ruled under the new statute. This court would have ruled the same way under the new statute since the basis for denial was not the lack of corroboration.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Tee Complaint for Divorce is hereby denied.

SO, ORDERED AND ADJUDGED this the 22nd day of October 2019.


CHANCELLOR

Civil Case Filing Form

(To be completed by Attorney/Party
Prior to Filing of Pleading)

County # 45 Judicial District 1 Court ID CH
Month 01 Date 15 Year 2020

2020

Local Docket ID 114
JE

Mississippi Supreme Court Form AOC/01
Administrative Office of Courts (Rev 2016) This area to be completed by clerk Case Number if filed prior to 1/1/94

In the CIRCUIT Court of MADISON County — Judicial District —

Origin of Suit (Place an "X" in one box only)
☒ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other
☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Land Last Name Michael First Name — Maiden Name, if applicable — D — M.I. — Jr/Sr/III/IV —
Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: —
Estate of —
Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: —
D/B/A or Agency —

Business —
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A —

Address of Plaintiff Madison County, Mississippi

Attorney (Name & Address) Macy D. Hanson, 102 First Choice Drive, Madison, MS 39110 MS Bar No. 104197
Check (x) if Individual Filing Initial Pleading is NOT an attorney
Signature of Individual Filing: Macy Hanson

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual Bertucci Last Name Paul First Name — Maiden Name, if applicable — J — M.I. — Jr/Sr/III/IV —
Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: —
Estate of —
Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: —
D/B/A or Agency —

Business —
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A —

Attorney (Name & Address) - If Known Stephen Simpson, 2510 14th St., Ste 1125, Gulfport, MS 39501 MS Bar No. —

Check (x) if child support is contemplated as an issue in this suit.*
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

| | | | |
|--|--|--|---|
| Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other <u>—</u> | Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other <u>—</u> Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Alcohol/Drug Commitment (voluntary) | <input type="checkbox"/> Alcohol/Drug Commitment (voluntary) <input type="checkbox"/> Other <u>—</u> Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Other <u>—</u> Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <u>—</u> Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other <u>—</u> Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other <u>—</u> | Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other <u>—</u> Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Other <u>Alienation of Aff.</u> |
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