

FILED

JUL 10 2009

PHYLLIS STALEY
Circuit Clerk & Ex-Officio Recorder
TEXAS COUNTY, MO

IN THE CIRCUIT COURT OF TEXAS COUNTY
STATE OF MISSOURI

MILDRED S. WILLIAMS,)
)
Plaintiff,)
)
vs.)
)
MICHAEL R. ANDERSON,)
)
Defendant.)

Case No.: 09TE-000212

Jury Trial Demanded

PETITION

GENERAL ALLEGATIONS

Plaintiff, Mildred S. Williams, for her cause of action, states as follows:

1. Plaintiff Mildred S. Williams is a resident of Texas County, Missouri.
2. Michael R. Anderson is a resident of Texas County, Missouri.
3. All, or substantially all, of the acts and omissions alleged in this complaint occurred in Texas County, Missouri, and venue is proper in this Court.

COUNT I – MALICIOUS PROSECUTION

Plaintiff, Mildred S. Williams, for Count I of her claim and cause of action against defendant Michael R. Anderson, alleges and states as follows:

4. Defendant Michael R. Anderson commenced and instigated a civil lawsuit against plaintiff on May 31, 2006, a copy of which is attached hereto as Exhibit A, and incorporated by reference as if fully set forth herein.
5. Said lawsuit was dismissed without prejudice on July 10, 2006 by defendant Michael R. Anderson.

6. Defendant Michael R. Anderson has subsequently abandoned that lawsuit by failing to re-file within the time permitted by law, and that litigation has therefore terminated in favor of plaintiff.

7. Defendant Michael R. Anderson lacked probable cause for filing the lawsuit against plaintiff and did not have a belief in the facts that he alleged in that lawsuit based on sufficient circumstances to reasonably induce such belief by a person of reasonable prudence in the same or similar situation, and did not have a reasonable belief that under such facts his claim was valid under the applicable law.

8. Defendant Michael R. Anderson instituted and commenced the lawsuit against plaintiff maliciously and without reasonable grounds.

9. On December 18, 2005, plaintiff was visiting Monica Hutchison, who was employed at the time by Mike Anderson, Prosecuting Attorney of Texas County. At approximately 1:20 a.m. that morning, Ms. Hutchison's home telephone rang and the answering machine picked up. Defendant Anderson left a message stating that he was coming over and that he had something to tell Ms. Hutchison. Plaintiff and Ms. Hutchison turned the lights off in the house, but defendant Anderson arrived at plaintiff's home and knocked on her front door. Plaintiff did not answer the door, and after a few minutes defendant Anderson returned to his vehicle. Ms. Hutchison's home phone rang again and defendant Anderson left another message to the effect of "send the boy out, I want to talk to you, I have something to tell you." Defendant Anderson then came back to the front door and banged on it and went back to his vehicle and made another call, but hung up. Plaintiff and Ms. Hutchison heard defendant Anderson get back out of his vehicle, slam his door very hard, and stomp up the stairs to her door. Defendant Anderson beat on the door and even wiggled the door handles trying to open it. Defendant Anderson then left the front door and went to the car port door

and started banging on it real hard. Defendant Anderson was mad, and plaintiff and Ms. Hutchison heard him say "Ignore me you fucking bitch". Ms. Hutchison then called the Licking Police Department, and as soon as the officer on duty drove by, defendant Anderson left Ms. Hutchison's house. Defendant Anderson then called Ms. Hutchison's house again and left a long message on her answering machine indicating that he had feelings for her and that he loved her;

10. In instigating and prosecuting the above referenced civil lawsuit against plaintiff, defendant Michael R. Anderson acted with an improper or wrongful motive constituting legal malice and entitling plaintiff to punitive damages herein. Defendant Michael R. Anderson's improper or wrongful motive included illegally retaliating against plaintiff for being a witness to defendant's sexual harassment of Monica Hutchison and attempting to intimidate or coerce her into not testifying regarding defendant's sexual harassment of Monica Hutchison.

11. As a direct and proximate result of the aforesaid actions of defendant Michael R. Anderson, plaintiff has suffered damages and continues to sustain irreparable harm in numerous respects, including, but not limited to, the following:

- a) She has suffered loss of self esteem, emotional distress and significant mental anguish;
- b) She sustained embarrassment, loss of prestige and public humiliation;
- c) She has incurred attorney's fees and expenses in defending herself against the civil lawsuit filed against her by defendant Michael R. Anderson.

12. Defendant Michael R. Anderson's actions alleged herein with respect to his malicious prosecution of a lawsuit against plaintiff was outrageous because of his evil motive or reckless indifference to the rights of others, entitling plaintiff to compensation for punitive damages.

WHEREFORE, plaintiff prays this Court grant her the following relief:

a) A judgment against defendant Michael R. Anderson and in favor of plaintiff for payment of compensatory damages for her emotional pain and suffering, embarrassment and humiliation, mental anguish, costs and expenses in defending herself against defendant Michael R. Anderson's civil lawsuit against her, and her loss of enjoyment of life as a direct result of defendant Michael R. Anderson's malicious prosecution of the lawsuit against plaintiff;

b) A judgment against defendant Michael R. Anderson and in favor of plaintiff for punitive damages as allowed by law in order to deter defendant and others from like conduct;

c) For such further and other relief as the Court deems just and proper.

COUNT II – ABUSE OF PROCESS

Plaintiff, Mildred S. Williams, for Count II of her claim and cause of action against defendant Michael R. Anderson, alleges and states as follows:

13. Plaintiff incorporates by reference as if fully set forth herein Paragraphs 1 through 3 of the General Allegations and Paragraphs 4 through 12 of Count I of this Petition.

14. Defendant Michael R. Anderson commenced and instigated a civil lawsuit against plaintiff on May 31, 2006, a copy of which is attached hereto as Exhibit A, and incorporated by reference as is fully set forth herein.

15. Said lawsuit was instituted for the unlawful and collateral purpose of quieting plaintiff from making any statements regarding defendant Michael R. Anderson, intimidating plaintiff, and to coerce plaintiff into silence regarding defendant's unlawful employment discrimination against Monica Hutchison on the basis of sex.

16. As a direct and proximate result of defendant Michael R. Anderson's abuse of process as set forth above, plaintiff was damaged and continues to sustain irreparable harm in numerous respects, including, but not limited to, the following:

- a) She has suffered loss of self esteem, emotional distress and significant mental anguish;
- b) She sustained embarrassment, loss of prestige and public humiliation;
- c) Defendant Michael R. Anderson's actions alleged herein with respect to his abuse of process against plaintiff was outrageous because of his evil motive or reckless indifference to the rights of others, entitling plaintiff to compensation for punitive damages.

WHEREFORE, plaintiff prays this Court grant her the following relief:

- a) A judgment against Michael R. Anderson and in favor of plaintiff for payment of compensatory damages for her emotional pain and suffering, embarrassment and humiliation, mental anguish, and her loss of enjoyment of life as a direct result of defendant Michael R. Anderson's abuse of process against plaintiff;
- b) A judgment against defendant Michael R. Anderson and in favor of plaintiff for punitive damages as allowed by law in order to deter defendant and others from like conduct;
- c) For such further and other relief as the Court deems just and proper.

COUNT III – DEFAMATION

Plaintiff, Mildred S. Williams, for Count III of her claim and cause of action against defendant Michael R. Anderson, alleges and states as follows:

17. Plaintiff incorporates by reference as if fully set forth herein Paragraphs 1 through 3 of the General Allegations and Paragraphs 4 through 12 of Count I of this Petition and Paragraphs 13 through 16 of Count II of this Petition.

18. Defendant Michael R. Anderson made false and defamatory statements regarding plaintiff Mildred S. Williams, including that plaintiff used her position in the Texas County Associate Circuit Clerk's Office to "do favors" for friends, and "to coordinate and orchestrate a "swinger" style sex ring out of the Texas County Prosecuting Attorney's Office and the Texas County Associate Court office", and "conspiring" with Monica Hutchison "to cover up the removal of criminal investigative documents from the Texas County Prosecuting Attorney's office".

19. Said false and defamatory statements were published in writing in the damage complaint filed against plaintiff by defendant Michael R. Anderson and in press releases defendant Michael R. Anderson issued in connection with that lawsuit and were published verbally to reporters, Court personnel, and the public at large.

20. Said communications by defendant Michael R. Anderson have been read and heard by the public, and have been republished frequently.

21. Defendant Michael R. Anderson acted with reckless disregard for whether or not the information he was disseminating in a malicious, libelous and slanderous fashion as set forth above was true or false at a time when defendant Michael R. Anderson had serious doubts as to whether said information was true and/or knew that said information was false.

22. Plaintiff Mildred S. Williams was not and is not a public official or public figure within the meaning of those terms as used in connection with defamation.

23. The false and defamatory statements set forth above tended to expose plaintiff to hatred, contempt, ridicule, and embarrassment, and deprived the plaintiff of the benefit of public confidence and social associations.

24. As a direct and proximate result of the defamatory and false statements of defendant Michael R. Anderson, plaintiff's reputation was damaged.

25. Defendant Michael R. Anderson's actions alleged herein with respect to his defamatory, libelous, and slanderous statements against plaintiff were outrageous because of his evil motive or reckless indifference to the rights of others, entitling plaintiff to compensation for punitive damages.

WHEREFORE, plaintiff prays this Court grant her the following relief:

- a) A judgment against Michael R. Anderson and in favor of plaintiff for payment of compensatory damages for her emotional pain and suffering, embarrassment and humiliation, mental anguish, and her loss of enjoyment of life as a direct result of defendant Michael R. Anderson's abuse of process against plaintiff;
- b) A judgment against defendant Michael R. Anderson and in favor of plaintiff for punitive damages as allowed by law in order to deter defendant and others from like conduct;
- c) For such further and other relief as the Court deems just and proper.

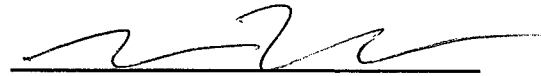
DEMAND FOR TRIAL BY JURY

Plaintiff hereby makes demand for trial by jury on all counts herein.

Respectfully Submitted,

STEELMAN, GAUNT & HORSEFIELD

By:



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IN THE CIRCUIT COURT FOR TEXAS COUNTY, MISSOURI

FILED
MAY 31 2005
PHYLLIS STALEY
Clerk & Ex-Officio Recorder
TEXAS COUNTY, MO

MICHAEL R. ANDERSON)
Petitioner,)
)
v.)
)
MONICA DANIEL and MILDRED WILLIAMS)
Defendants.)

Case No. CV806- 221 CC

DAMAGE COMPLAINT

COMES NOW the Plaintiff Michael R. Anderson, and for his claim for damages for libel and slander against Defendants does state as follows:

1. Defendant Monica Daniel is a resident of Texas County, whose home address is 320 School Street, Licking, Missouri, and said defendant can be served at said address.
2. Defendant Mildred Williams is a resident of Texas County, whose business address is, 210 North Grand, Houston, Missouri, and said defendant can be served at said address.
3. For a period of time from March 2005 through May 2006, said defendants have entered into a conspiracy to malign, libel, and slander Plaintiff Michael R. Anderson in order to deprive him of his publicly held position of Texas County Prosecuting Attorney, for the County of Texas, State of Missouri.
4. That such malignant, libelous and slanderous conduct by said defendants has included:
 - a. conspiring with each other to disseminate false information that Plaintiff Michael R. Anderson made threatening comments during a series of telephone calls made to the home phone of defendant Monica Daniel on or about December 18, 2005.
 - b. conspiring with each other to disseminate false information that Plaintiff Michael R. Anderson made comments of a sexual nature during a series of

EXHIBIT
A

telephone calls made to the home of defendant Monica Daniel on or about December 18, 2005.

- c. conspiring with each other to disseminate false information that Plaintiff Michael R. Anderson engaged in inappropriate behavior during a prosecutor's training seminar in September of 2005.
 - d. using public offices held by Defendant Daniel and Defendant Williams to remove and conspiring to cover up the removal of criminal investigative documents from the Texas County Prosecuting Attorney's office to the detriment of Plaintiff Michael R. Anderson and the office of the Texas County Prosecutor, and the people of Texas County.
 - e. using public offices held by Defendant Daniel and Defendant Williams to conspire to do favors for their friends and others to the detriment of Plaintiff Michael R. Anderson and the office of the Texas County Prosecutor, and the people of Texas County.
 - f. conspiring with each other to use their public offices to coordinate and orchestrate a "swinger" style sex ring out of the Texas County Prosecuting Attorney's office and the Texas County Associate Court office, to the humiliation and detriment of Plaintiff Michael R. Anderson.
5. That said Defendants entered into said conspiracy with the intent to disseminate false information as set forth in the previous paragraphs.
 6. That said Defendants acted with reckless disregard for whether or not the information they were disseminating in a malignant, libelous and slanderous fashion was true or false at a time when the Defendants had serious doubts as to whether said information was true.
 7. That defendants have recklessly engaged in malignant personal conduct within the auspices of their public offices which have caused a loss of public confidence and social association for Plaintiff.
 8. That such conduct and conspiracy to malign, libel and slander Plaintiff has deprived Plaintiff of the benefit of public confidence and social associations.
 9. That such communications and conduct have been read and heard by the public.