



## AlaFile E-Notice

01-CV-2024-903958.00

To: LEROY MAXWELL JR.  
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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BRUCE PETTWAY V. CHRISTOPHER BROWN ET AL  
01-CV-2024-903958.00

The following complaint was FILED on 10/3/2024 2:36:38 PM

Notice Date: 10/3/2024 2:36:38 PM

JACQUELINE ANDERSON SMITH  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
716 RICHARD ARRINGTON, JR BLVD  
BIRMINGHAM, AL, 35203

205-325-5355  
jackie.smith@alacourt.gov



Case:

01

Date of Filing:

10/03/2024

Judge Code:

State of Alabama  
Unified Judicial System  
Form ARCiv-93 Rev. 9/18

**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

Case: 01  
Date of Filing: 10/03/2024  
Judge Code:

**GENERAL INFORMATION**

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**  
**BRUCE PETTWAY v. CHRISTOPHER BROWN ET AL**

**First Plaintiff:**  Business  Individual  Government  Other  
**First Defendant:**  Business  Individual  Government  Other

**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:

**TORTS: PERSONAL INJURY**

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: \_\_\_\_\_

**TORTS: PERSONAL INJURY**

- TOPE - Personal Property
- TORE - Real Property

**OTHER CIVIL FILINGS**

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Service

**OTHER CIVIL FILINGS (cont'd)**

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejection/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- EPFA - Elder Protection From Abuse
- QTLB - Quiet Title Land Bank
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

**ORIGIN:** F  **INITIAL FILING**      A  **APPEAL FROM DISTRICT COURT**      O  **OTHER**  
R  **REMANDED**      T  **TRANSFERRED FROM OTHER CIRCUIT COURT**

**HAS JURY TRIAL BEEN DEMANDED?**  YES  NO      **Note:** Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

**RELIEF REQUESTED:**  **MONETARY AWARD REQUESTED**  **NO MONETARY AWARD REQUESTED**

**ATTORNEY CODE:**

MAX016

10/3/2024 2:36:37 PM

/s/ LEROY MAXWELL JR.

Date

Signature of Attorney/Party filing this form

**MEDIATION REQUESTED:**  YES  NO  **UNDECIDED**

**Election to Proceed under the Alabama Rules for Expedited Civil Actions:**  YES  **NO**



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
CIVIL DIVISION**

**BRUCE PETTWAY,** )

**Plaintiff,** )

**v.** )

**CHRISTOPHER BROWN and** )

**1819 NEWS, LLC,** )

**Defendants.** )

**CIVIL ACTION NO.** \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DEFAMATION  
(Libel & Slander)**

**NOW COMES** the Plaintiff in this action, Bruce Pettway (hereinafter “Plaintiff or Mr. Pettway”), a citizen and resident of Jefferson County, AL, by and through undersigned counsel filing this action against Mr. Christopher Brown (hereinafter “Defendant Brown”) and 1819 News, LLC (hereinafter "Defendant1819”), and in support thereof alleges and states as follows:

**PARTIES**

1. Plaintiff is a citizen and resident of Jefferson County, Alabama, is at least nineteen (19) years of age, and at all times relevant to this complaint has been an upstanding member in his community. Plaintiff is the brother of the Jefferson County Sheriff, Mr. Mark Pettway (hereinafter “Sheriff Pettway”) and the owner of Employer Benefits Consulting, LLC (hereinafter “EBC”).

2. Defendant Brown is a citizen and resident of Jefferson County, Alabama, is at least nineteen (19) years of age, and is the Chairperson of the Jefferson County Republican Party.

3. Defendant 1819 is a local news outlet organized and operating as a Limited Liability Company with its principal place of business being located in Birmingham, Alabama.

## JURISDICTION

4. This Court has jurisdiction over this matter pursuant to Ala. R. Civ. P. 82 as the events related to this action occurred in this judicial district.

5. Venue is proper in the Circuit Court of Jefferson County, Alabama, pursuant to Ala. R. Civ. P. 82, as the events giving rise to this action occurred exclusively in this Court's judicial district.

## STATEMENT OF FACTS

6. As far back as 2019, Plaintiff has been the subject of a targeted and unwarranted misinformation campaign designed to impugn and destroy his reputation. Upon information and belief, the primary instigators of these actions have been, Republican Party operatives' intent upon discrediting and maligning his brother, Sheriff Mark Pettway.

7. Among these operatives are the Attorney General of the State of Alabama, Steve Marshall (hereinafter "A.G. Marshall"), and Defendant Christopher Brown. In early 2019, A.G. Marshall illegally seized \$240,000.00 in the business accounts of EBC under the unfounded and unsupported claim that the Plaintiff was secreting proceeds from an illegal gambling scheme. After a federal judge held that the seizure was "facially suspect" and found support for Plaintiff's allegations that A.G. Marshall's actions were "politically motivated," the funds were released. Indeed, the Federal Court held that "Plaintiff's allegations plausibly state a claim that the State's actions...were politically or personally motivated, have been procedurally tainted, were all with the intent to harass Plaintiff and were all in bad faith."

8. The U.S. District Court chose to assert jurisdiction over the proceedings to provide Plaintiff with adequate due process and to prevent "irreparable injury" to the Plaintiff and his businesses. Defendants were undoubtedly aware of the District Court's findings in light of the fact that both are intimately involved in Republican politics, and Defendant Brown is the chief

strategist and chairperson of the Jefferson County Republican Party. Consequently, it is clear that as far back as 2019, Defendants understood that Mr. Pettway was not involved in any illegal gambling activities, nevertheless these politically motivated accusations persisted with the express malicious intent of causing actual harm to the Plaintiff.

9. In furtherance of this campaign on March 13, 2024, Defendant Brown appeared on “Alabama’s Morning News with JT” and stated that “[Sheriff Pettway’s] brother helps to manage much of these illegal gambling operations.” This statement was printed and republished by Defendant 1819 in its March 13, 2024, publication. Both statements were made with actual malice and/or a reckless disregard for the falsity of its content. These defamatory statements were calculated to cause, and did cause, great injury to Plaintiff’s reputation and livelihood.

10. For many years Plaintiff has enjoyed a reputation for honesty, uprightness of character and truthfulness in the business community. In fact, Plaintiff has founded or co-founded seven businesses in Birmingham, Alabama and for each of the past 15 years these businesses have been lauded for their excellence in service. Most notably, EBC as well as his six other businesses have been featured by the Birmingham Business Journal as a Who’s Who in Healthcare.

11. Defendants’ false and malicious actions have caused serious and irreparable harm to Plaintiff’s reputation and his goodwill in the business community. As a direct and proximate result of Defendants’ actions Plaintiff has suffered real and actual damages to his reputation and livelihood.

### **REQUEST FOR RETRACTION**

12. Both Defendants Brown and 1819 were served with cease-and-desist letters demanding a retraction of the defamatory statements. Defendant 1819 never responded and has failed and refused to comply with the demand. Defendant Brown **ADMITTED THAT HIS**

**STATEMENTS WERE FALSE**, and that he had “no knowledge or evidence that Mr. Bruce Pettway is a ‘Manager’ of any unlawful gambling operations in Jefferson County.”

13. In making and/or publishing these defamatory statements the Defendants jointly and severally intended to impugn the reputation and character of Mr. Pettway, and the publication of the same to thousands of readers and listeners accomplished that desired goal. As such, they must be held accountable.

### **DEFAMATION PER SE**

14. To establish a prima facie case of defamation under Alabama law, Plaintiff must show: (1) that the defendant was at least negligent, (2) in publishing, (3) a false and defamatory statement to another, (4) concerning the plaintiff, (5) which is either actionable without having to prove special harm (actionable per se) or actionable upon allegations and proof of special harm (actionable per quod), *Birmingham Broad. (WVTM-TV) LLC v. Hill*, 303 So. 3d 1148, 1158 (Ala. 2020); *see also Tucker v. Salazar*, 163 So. 3d 375, 380 (Ala. Civ. App. 2014).

15. Defendant's statements were clearly defamatory as they falsely imputed the commission of a crime committed by Plaintiff, which is considered defamatory per se under Alabama law.

16. Defendant Brown has admitted the statements accusing Plaintiff of criminal activity were false when made, establishing the pre-requisite set forth in Ala. Code § 6-5-182.

17. Because the statements are defamatory per se, Plaintiff is entitled to presumed damages without the need to prove actual harm to reputation or any other damage. *Drill Parts & Serv. Co. v. Joy Mfg. Co.*, 619 So. 2d 1280, 1289 (Ala. 1993); *see also Delta Health Group, Inc. v. Stafford*, 887 So. 2d 887, 897 (Ala. 2004).

18. As a result of Defendants’ publication, Plaintiff has sustained damages to his reputation, emotional distress and other special and actual damages.

19. Plaintiff is entitled to nominal and compensatory damages due to the defamatory nature of the statements being actionable per se. *See Delta Health Group, Inc. v. Stafford*, 887 So. 2d at 897, *see also Drill Parts & Serv. Co. v. Joy Mfg. Co.*, 619 So. 2d at 1289.

#### **PUNITIVE DAMAGES**

20. Plaintiff also seeks punitive damages as Defendants acted with actual malice, either with knowledge that the statements were false or with reckless disregard for their truth or falsity. *See K-Mart Corp. v. Weston*, 530 So. 2d 736 (Ala. 1988).

#### **JURY DEMAND**

21. Plaintiff demands a trial by jury on all issues so triable.

#### **REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiff requests judgment against the Defendants, jointly and severally,  
*to wit*:

1. General damages in an amount to be determined at trial;
2. Presumed damages due to the defamatory statements being actionable per se;
3. Punitive damages for Defendants' malicious conduct;
4. Costs of this action; and
5. Such other and further relief as the Court deems just and proper.

Respectfully submitted, this 3rd day of October 2024.

By: /s/ Leroy Maxwell, Jr.  
Leroy Maxwell, Jr. (MAX016)  
Kristen E. Gochett (GOC001)  
Maxwell & Tillman  
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**DEFENDANTS SERVED VIA PROCESS SERVER**

**Christopher Brown**  
*Served via Private Process Server*

**1819 News, LLC**  
**Attn: Bryan Dawson**  
**2213 Morris Avenue Floor #1**  
**Birmingham, AL 35203**  
*Served via Private Process Server*

/s/ Leroy Maxwell, Jr.  
OF COUNSEL

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<sup>1</sup> Mr. Wardell's *pro hac vice* admission is pending.