

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

DAVID G. RIDINGS,)	
)	
Plaintiff,)	
)	
v.)	No. 22-0332-III
)	
DAVIDSON COUNTY ELECTION)	
COMMISSION, and)	
TENNESSEE DEMOCRATIC PARTY,)	
)	
)	
Defendants.)	

(PROPOSED) VERIFIED SECOND AMENDED COMPLAINT FOR INJUNCTIVE
RELIEF

Comes now Plaintiff David G. Ridings, by and through counsel, pursuant to Tenn. R. Civ. P. 15, and files this Second Amended Complaint against the Davidson County Election Commission and the Democratic Party of Tennessee. Plaintiff states and alleges as follows:

PARTIES

1. Plaintiff David Ridings ("Mr. Ridings") is a resident of Davidson County, Tennessee. Mr. Ridings has filed, and the Davidson County Election Commission has accepted, his petition to seek the office of General Sessions Judge, Division VII, in Davidson County, Tennessee.
2. Defendant Davidson County Election Commission ("DCEC") is the entity charged with the duty of conducting elections in Davidson County, Tennessee. It may be served at 1417 Murfreesboro Pike, Nashville, TN 37217.

3. The Tennessee Democratic Party (“the Party”) is a political party organized under the laws of the State of Tennessee. It is governed by a State Executive Committee, which serves by law as the Primary Board for the party in state and local elections.
4. The Party authorizes and controls local county party organizations, one of which is the Davidson County Democratic Executive Committee. (“DCDEC”)
5. All members of both executive committees are elected in races conducted by the DCEC.
6. The General Assembly permits disqualifications from primary ballots pursuant to Tenn. Code Ann. § 2-5-204. The Party therefore performs this function as a state actor and the public has a right to the fair, impartial, and honest performance of these public duties.
7. The law does not provide for any genuine measure of procedural due process as required by the Fourteenth Amendment to the Constitution of the United States and Article I, Section 8 of the Constitution of the State of Tennessee. There are no provisions for candidates to be advised of complaints against them or to defend themselves in any hearings conducted regarding complaints.
8. Plaintiff has a liberty interest in being placed on the ballot. The voters of Davidson County have a right under the First Amendment to the Constitution of the United States to vote for a candidate of their choice.
9. Plaintiff also had a right to equal protection and a fair consideration of his right to appear on the ballot free of selective application of the procedures employed.
10. The removal of Plaintiff from the ballot was arbitrary, unreasonable, capricious, unjustified, and tainted by impermissible considerations and clear conflicts.

11. As stated elsewhere herein, the Party deprived Mr. Ridings the right to choose to run as an independent by leading him to believe he would be on the Democratic Primary ballot. In reliance on this conduct, he submitted his petition in good faith.
12. The Party should be estopped from denying Plaintiff a place on the ballot and from excluding him from running as an independent candidate in the general election set for August 4, 2022.

JURISDICTION AND VENUE

13. This Court has jurisdiction over the subject matter of this action pursuant to Tenn. Code Ann. § 16-11-101, *et seq.*
14. Personal jurisdiction is proper in this Court pursuant to Tenn. Code Ann. § 20-2-223.
15. Venue is proper in Davidson County, Tennessee pursuant to Tenn. Code Ann. § 20 4-101, *et seq.*

FACTS

16. David Ridings is a licensed attorney in Davidson County, Tennessee. He meets all the statutory and constitutional qualifications by education, licensure, age, and residency to serve as a General Sessions Judge in Davidson County.
17. On February 9, 2022, the plaintiff filed the proper qualifying petition with the Davidson County Election Commission to run as a candidate for General Sessions Court Division VII in Davidson County, Tennessee.
18. In furtherance of his campaign the plaintiff made public announcements of his intent to run as a Democrat for the position of General Sessions Judge and continuously thereafter, both at public events and on social media.

19. Triumph Strategies is a fundraising and political consulting firm in Nashville, Tennessee. A client of the firm is Mr. Marcus Floyd, the only remaining candidate in the Democratic primary for Division VII General Sessions Judge in Davidson County.
20. Mr. Floyd has paid Triumph Strategies, as of his campaign finance report of January 31, 2022, \$7,949.20.
21. The first disclosed payment to Triumph Strategies was made on October 7, 2021. It should therefore be inferred that the work of the company began prior to that time.
22. Tara Houston is the managing director of Triumph Strategies. She is personally involved in and profits from the campaign of Mr. Floyd.
23. Tara Houston is a member and the chair of the Davidson County Democratic Executive Committee. Ms. Houston served in that capacity when a complaint involving Mr. Ridings' Democratic bona fides was received and determined by the county party.
24. Jacob Kleinrock is the founder and principal of Triumph Strategies. He is also a member of the Davidson County Democratic Executive Committee and served in that capacity when the bona fides complaint was considered.
25. On October 20, 2021, Plaintiff paid \$500 to host a Davidson County Democratic Party event and to speak about his campaign. The Party accepted the donation. But Mr. Floyd's employee, Tara Houston advised him that an "agenda" had already been prepared and he would not be allowed to speak but he could speak at a springtime party event in April of 2022. This event is still advertised by the party. A copy is attached as **Exhibit A.**

26. Plaintiff attended the October event, over which Ms. Houston presided. There was no agenda for candidates to speak, and nothing prevented Mr. Ridings from doing so except for Ms. Houston.
27. Plaintiff continued to campaign and to spend money on signs, written materials, and other traditional campaign items. He filed his campaign financial disclosure statement for the period ending January 31, 2022. He was the only known candidate competing against Mr. Floyd and the only one to have pulled a petition. As a consultant with a client in the race, Ms. Houston was aware that Mr. Ridings was her client's only impediment to win the election.
28. Eight days prior to the deadline, Mr. Ridings filed his qualifying petition, which was accepted by the DCEC.
29. After the qualifying deadline, the Davidson County Democratic Executive Committee, presided over by Mr. Floyd's hired fundraiser and consultant, voted to seek Mr. Ridings' disqualification from the Democratic ballot. No basis was given to Mr. Ridings. He was not allowed to respond to defend his bona fides before the committee.
30. A complaint to remove another candidate for a different judicial office came before the committee. That candidate had no better record of voting in Democratic primaries than plaintiff, but the Committee, under the leadership of Ms. Houston, did not even bring the motion to a vote.
31. The county party advised Mr. Hendrell Remus, State Democratic Chair, that it had voted to disqualify Mr. Ridings.
32. In the intervening time, based upon the belief that his candidacy in the Democratic Primary was assured, Plaintiff held public fundraisers and raised a considerable amount

of money in the furtherance of his campaign. Plaintiff has spent in excess of \$40,000.00 to date for campaign support staff, signs, and other campaign memorabilia. The plaintiff has placed hundreds of signs in the ground in anticipation of this election. He has loaned his campaign \$105,000.00 to date and he has raised almost \$50,000.00 from campaign donations. All of these expenditures were done because he was lead to believe that he would be on the Democratic primary ballot in the May primary election.

33. On February 19, 2022, the Tennessee Democratic Party Executive Committee, through its Chair, Hendrell Remus, sent a letter to Mr. Ridings notifying him of his “disqualification from the Democratic ballot per Tenn. Code Ann. § 2-5-204.” A true and accurate copy of the purported disqualification letter is attached hereto and incorporated herein as **Exhibit B**. The letter did not provide Mr. Ridings with any reason for his purported disqualification.
34. The plaintiff received the letter on February 24, 2022.
35. The letter advised the plaintiff of his right to appeal to Mr. Hendrell Remus, chair of the Tennessee Democratic Party.
36. The plaintiff gave notice of an appeal on February 24, 2022. A true and accurate copy of the purported appeal letter is attached hereto and incorporated herein as **Exhibit C**.
37. The plaintiff received an email dated March 4, 2022 from the Tennessee Democratic Party that simply stated “your appeal was timely received” and summarily denied the appeal in the same email. A true and accurate copy of the purported disqualification email is attached hereto and incorporated herein as **Exhibit D**.
38. Because the deadlines set forth in Tenn. Code Ann. § 2-5-204 have passed, plaintiff’s name has been removed from the ballot for the May Democratic primary election set

for May 3, 2022. As a result, the plaintiff will be irreparably harmed because he detrimentally relied upon the unbiased acceptance of his qualifications to run in the Democratic primary and now lacks the ability to run as an independent candidate in the general election set for August 4, 2022 unless this Court orders it to be done.

The Corrupt Involvement of Triumph Strategies

39. Triumph Strategies is a fundraising and political consulting firm in Nashville, Tennessee. A client of the firm at all times material hereto is Mr. Marcus Floyd, a candidate in the Democratic primary for Division VII General Sessions Judge in Davidson County.
40. Because the first disclosed payment by Mr. Floyd's campaign to Triumph Strategies was made on October 7, 2021, Ms. Houston and through her, the County Democratic Party, were aware that she had an obvious conflict when she made representations to Mr. Ridings and took his money.
41. Ms. Houston is a member and the chair of the Davidson County Democratic Executive Committee. Ms. Houston served in that capacity when a complaint involving Mr. Ridings' supposed Democratic bona fides was received and determined by the county party. She was the chair and employed by Mr. Floyd when the Party accepted the Plaintiff's donation of \$500, which it has never refunded.
42. David Kleinrock is the founder and principal of Triumph Strategies. He is also a member of the Davidson County Democratic Executive Committee and served in that capacity when the bona fides complaint against Mr. Ridings was voted upon.
43. When Ms. Houston forwarded to Mr. Hendrell Remus, Chair of the State Democratic Executive Committee and Primary Board, the Democratic County Executive

Committee's request that Mr. Ridings be removed from the ballot her conflict of interest in October, 2021 was not disclosed to Mr. Remus.

44. When Plaintiff paid to host a Davidson County Democratic Party event and to speak about his campaign, the chair was actively involved in the campaign of his opponent. But Mr. Floyd's employee, Tara Houston advised him that he would not be allowed to speak but promised that he could speak as a candidate at a springtime party event in April, 2022. It was therefore reasonable for Mr. Ridings to assume he would still be a candidate at that time. This event is still advertised by the party. A copy is attached as **Exhibit A.**

45. Mr. Ridings filed his qualifying petition eight days prior to the deadline, Mr. Ridings filed his qualifying petition.

46. After the qualifying deadline, the County Executive Committee, presided over by Mr. Floyd's hired fundraiser and consultant, voted to seek Mr. Ridings' disqualification from the Democratic ballot. No basis was given Mr. Ridings. He was not allowed to respond to defend his bona fides before the committee.

47. A complaint to remove another candidate for a different judicial office came before the committee, but the Committee, under the leadership of Ms. Houston, did not even bring the motion to a vote on that candidate's bona fides.

48. Upon information and belief, Plaintiff avers that neither Ms. Houston nor her business partner, Mr. Kleinrock, recused themselves from the activity due to their palpable conflicts, nor did they disclose such conflicts to the committee prior to the vote.

49. The County party, under Ms. Houston's leadership, requested of the Democratic State Executive Committee and Primary Board that Mr. Ridings be removed from the

primary ballot. The State Chair, Mr. Hendrell Remus, notified Mr. Ridings of his disqualification on February 19, 2022. A copy of the notice has previously been tendered to the court as Exhibit A to the First Amended Complaint and it attached hereto as **Exhibit B**.

50. Mr. Remus advised plaintiff of his right to appeal. He did not inform him, however, of any basis for the removal, who was responsible for it, or what the subject matter might be for such an appeal. Mr. Ridings nonetheless gave notice of his purported appeal, which was predictably denied. Plaintiff was intentionally deceived.
51. The Davidson County Democratic Party accepted and has not refunded Mr. Ridings' contribution; promised him an opportunity to speak at a date *after* the qualifying deadline; was aware of his candidacy, but took no action until the deadlines had passed; then voted to remove him with the direct participation of at least two persons who had received money from his opponent; refused to let him speak or even be informed of the allegations against him; and, failed even to take a vote on another candidate whose bona fides had been challenged.
52. Had Mr. Ridings not been led to believe that he would be allowed to remain on the Democratic primary ballot, he would have filed his petition as an independent. By accepting his contribution, never communicating any concerns and inviting him to speak at a Democratic event after the deadline, Mr. Ridings was induced to remain in the primary, which is customary in Davidson County due to its political makeup.
53. Had Mr. Ridings qualified as an independent, the candidate for whom Ms. Houston and her partner worked would have had an opponent in the general election in August, 2022. By encouraging his participation and accepting his money, and then removing

him after the decision in a star chamber proceeding in which he could not participate based upon allegations he was not allowed to rebut, Ms. Houston and her partner elected Mr. Floyd by removing his competition.

DEPRIVATION OF PROCEDURAL DUE PROCESS

54. Plaintiff has a liberty interest in running as a candidate in the primary election that is sufficient to invoke the procedural or substantive protections of the Due Process Clause. *Board of Regents v. Roth*, 408 U.S. 564 (1972).
55. The Defendants, acting under color of law, have deprived Plaintiff of his rights to Procedural Due Process. Plaintiff was deprived of notice and had no opportunity to be heard before the Defendants' decision to disqualify him or an opportunity to appeal that decision post-deprivation before being eliminated from the judicial race entirely.
56. As a direct and proximate result, the Defendant DCDEC has violated Plaintiff's procedural due process rights protected under the Fourteenth Amendment to the United States Constitution and its counterpart under Article ____ of the Tennessee Constitution.

DEPRIVATION OF SUBSTANTIVE DUE PROCESS

57. Plaintiff has a substantive due process right to have his candidacy determined via rules implemented in a fair and impartial manner.
58. The DCDEC's acts and omissions, and violation of their own procedures indicate that the system and its resulting deprivation of Plaintiff's substantive due process rights was for an improper motive and by means that were pretextual, arbitrary, and capricious, and without any rational basis.

59. The deceitful conduct of the DCDEC and its gamesmanship with eliminating Mr. Ridings has deprived Plaintiff of his substantive due process rights, and also eliminated the choice of a judicial candidate for the voters in Davidson County.
60. Thus, the DCDEC's actions have stifled the First Amendment under the pretext of challenging Plaintiff's bona fides.
61. As a direct and proximate result, Plaintiff has been deprived of his substantive due process rights guaranteed by the Due Process Clause of the Fourteenth Amendment.

INJUNCTIVE RELIEF

62. Plaintiff detrimentally relied on the Tennessee Democratic Party of his acceptance into the party when he filed his petition to run in the democratic primary. The Party, through the actions of Ms. Houston, encouraged Mr. Ridings to file a petition in the Democratic primary and intentionally delayed his removal until after the deadline for filing as an independent.
63. The qualifying deadline to run as an independent on the general ballot on August 4, 2022 was February 17, 2022.
64. Plaintiff filed his petition to run in the democratic primary on February 9, 2022.
65. Plaintiff seeks an order from this court to place his name on the August general election ballot because he detrimentally relied on the Democratic Party's acceptance of him into the party and because of the actions of Ms. Houston and her partner.
66. Plaintiff will be irreparably harmed if his name is not placed on the August general election ballot because he will be unable to run as a judicial candidate and no amount of money can remedy that harm.

67. The Tennessee Democratic Party will not be harmed by placing Plaintiff's name on the general election ballot because the party will be able to run its own candidate.
68. The Davidson County Election Commission will not be harmed because the commission will still be able to run the election and enforce the statutes that authorize them to run the election.
69. There is no law that prohibits a candidate that was disqualified from the primary race to then run in the general election. Tenn. Code Ann. 2-5-101(f), prohibits an "unsuccessful" primary candidate from running in the general election. The Tennessee Supreme Court has allowed a candidate to run and ultimately win when a primary candidate lost one election and entered another nonpartisan election, after the qualifying deadline, after the candidate relied on an official opinion. See *Crowe v. Ferguson*, 814 S.W.2d 721 (Tenn. 1991).
70. The principles in *Crowe* equally apply here and give this court authority to place Plaintiff's name on the August general election ballot. The public interest will be served by placing Plaintiff's name on the ballot because it will allow the citizens of Davidson County to have multiple candidates to choose from. The public has an interest under the First Amendment and their right to association to have candidates on the ballot.
71. The public interest will be further served by showing the public that members of a political party cannot act in a deceitful manner to remove from the ballot a qualifying name for the purposes of allowing a favored candidate to succeed without any election of that candidate at all. Ms. Houston had a financial incentive, as a political consultant for Marcus Floyd, to remove Plaintiff's name from the Democratic primary and had

the ability to do so because she is on the executive committee that voted to remove Plaintiff's name. This court cannot allow these actions to succeed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands as follows:

1. That process issue, requiring the Defendants to answer in the time prescribed by law.
2. That this Court issue an order requiring the Davidson County Election Commission to place Plaintiff on the ballot as an independent candidate for the Davidson County General Sessions Judge, Division VII held on August 4, 2022;
3. That Plaintiff be awarded court costs, and discretionary costs in this matter; and
4. For such other, general, or equitable relief to which the Plaintiff is entitled.

VERIFICATION

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

I, David G. Ridings, after being duly sworn, state that I have read the foregoing allegations in the (PROPOSED) Verified Third Amended Complaint and state that they are true and correct to the best of my knowledge, information and belief.


David G. Ridings

Sworn to and subscribed before me, on this 30th day of March, 2022.


Notary Public

My Commission Expires: July 3, 2023



Respectfully submitted,

Respectfully submitted,

THE BLACKBURN FIRM, PLLC

/s/ Gary Blackburn

W. Gary Blackburn (#3484)

Bryant Kroll (#33394)

213 Rep. John Lewis Way North, Suite 300

Nashville, TN 37219

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Casey W. Elrod (#35995)

John F. Romero (#38841)

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Attorneys for Plaintiff

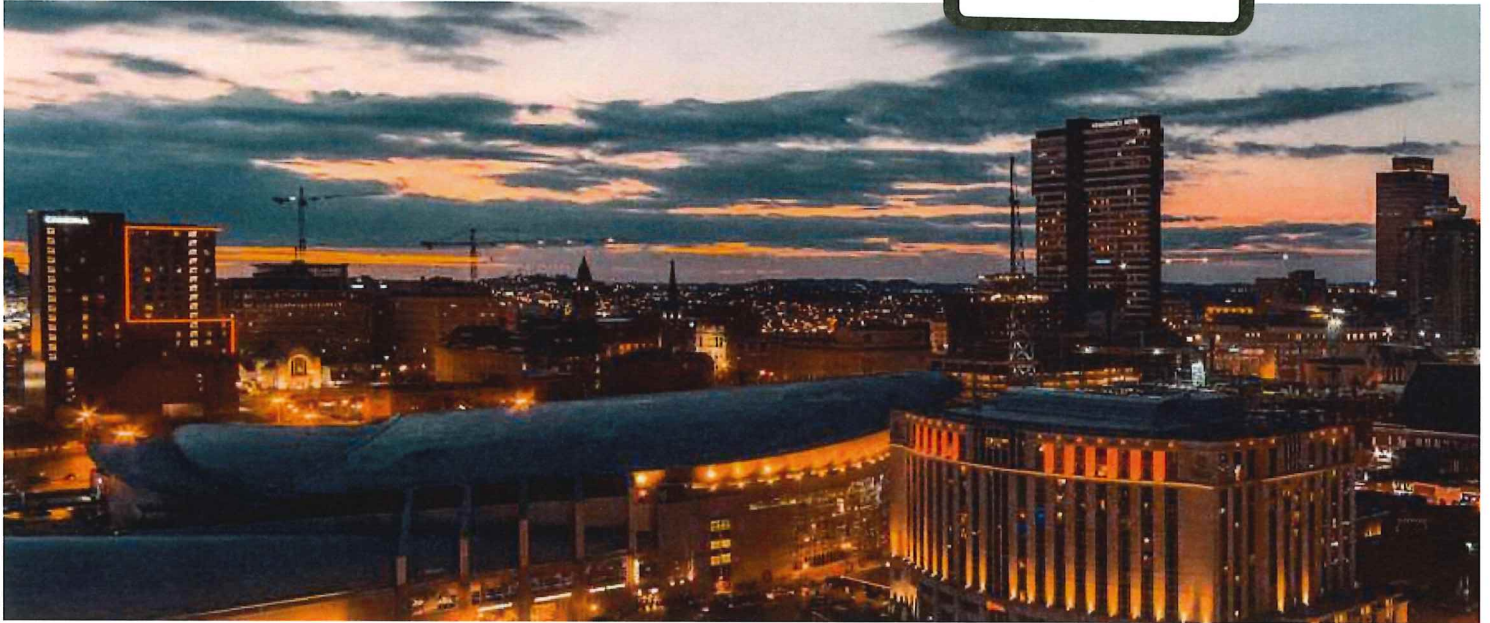
CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Amended Complaint was served upon the following attorneys for the defendants this 31st day of March, 2022:

Catherine J. Pham, #28005
Metropolitan Legal Department
108 Metropolitan Courthouse
Nashville, TN 37219
(615) 862-6341
cate.pham@nashville.gov

Janet M. Kleinfelter, #13889
Office of Tennessee Attorney General
500 Dr Martin Luther King Jr Blvd
Nashville, TN 37243
(615) 741-7403
Janet.Kleinfelter@ag.tn.gov

/s/ Jeffery S. Roberts
Jeffery S. Roberts



DAVIDSON COUNTY DEMOCRATIC PARTY

Invites you to join us for:

GOOD (TROUBLE) FRIDAY

Save the
date!



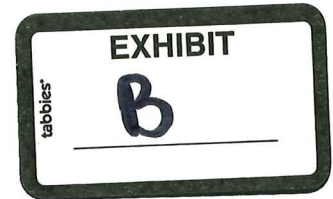
See you
there!

**SPRING
BREAKFAST**

April 15 | 8 AM at Cabana

Paid for by Davidson County Democratic Party. Jonathan Richardson, Treasurer

A Better Deal for Nashville.



February 19, 2022

David G. Ridings
211 Union St Ste 205
Nashville, TN 37201

Dear David G. Ridings,

This letter serves to notify you of your disqualification from the Democratic ballot per Tenn. Code Ann. § 2-5-204. Further, you have the following recourse, per state law:

Tenn. Code § 2-5-204 (2)

(B) If an executive committee submits a candidate's name to be excluded from the ballot pursuant to subdivision (b)(2)(A), the executive committee shall provide the candidate written notice of the exclusion within two (2) days after submission. The executive committee shall mail the notice by certified mail, return receipt requested, or any form of expedited mail that requires a signature at receipt, to the residential address or the business address of the candidate as listed on the candidate's nominating petition. The executive committee shall retain the return receipts, or other documentation of timely notification, for a period of not less than one (1) year from the date the notification was sent. The candidate may appeal the determination in writing and must file the original appeal with the executive committee and a copy of the appeal with the coordinator of elections within two (2) days of receipt of the notice from the executive committee. Unless the coordinator of elections receives a letter from the executive committee withdrawing the committee's determination of the candidate's disqualification no later than the close of business seven (7) days after the original withdrawal deadline, the candidate's name must be excluded from the ballot. The executive committee may file the withdrawal letter with the coordinator of elections by fax, email, hand delivery, or through a priority mail process.

Addresses for submission of written appeals:

TNDP Executive Committee
Chair Hendrell Remus
319 Plus Park Blvd Suite 202
Nashville, TN 37217

Mark Goins, Coordinator of Elections
Division of Elections
Office of Tenn Secretary of State Tre Hargett
312 Rosa L. Parks Ave., 7th Floor
William R. Snodgrass Tower
Nashville, TN 37243

Sincerely,

A handwritten signature in black ink, appearing to read "Hendrell Remus", written over a horizontal line.

Hendrell Remus,
Chair, Tennessee Democratic Party

February 24, 2022



TNDP Executive Committee
Chair Hendrell Remus
319 Plus Park Blvd., Suite 202
Nashville, TN 37217

Mark Goins, Coordinator of Elections
Division of Elections
Office of Tennessee Secretary of State Tre Hargett
312 Rosa L. Parks Ave.
7th Floor
William Snodgrass Tower
Nashville, TN 37243

Re: The Committee to Elect David Ridings Judge

Whom it may concern:

This will serve as notice of my intent to appeal the decision of the TNDP executive committee disqualifying me from the ballot for General Sessions Court Judge Division VII.

I filed my qualified petition for this election on February 09, 2022 shortly after 10 a.m.

I received my first notice from the democratic party this very day, Thursday February 24, 2022.

Respectfully,

A handwritten signature in black ink, appearing to read "David G. Ridings".

David G. Ridings

Phone: (615) 851-1888
Fax: (615) 851-1886
211 Union Street
Suite 205
Nashville, TN 37201

www.RidingsLawGroup.com
David@RidingsLawGroup.com



From: Maria Brewer maria@tndp.org
Subject: TNDP Disqualification and Appeal
Date: Mar 4, 2022 at 2:06:48 PM
To: David G. Ridings, Esq. david@davidridings.com
Cc: Hendrell Remus hremus@tndp.org

Hello Mr Ridings,

Your appeal was timely received and presented to the TNDP Executive Committee Primary Board. The decision to disqualify your candidacy was not overturned.

Thank you,

Maria Brewer
Director of Party Affairs
Tennessee Democratic Party
(she/her)

319 Plus Park Blvd, Ste 202
Nashville, TN 37217

Office 615-327-9779 x103

Fax 615-891-7453

Paid for by the Tennessee Democratic Party Chair Hendrell Remus, 319 Plus Park Blvd, Suite 202 Nashville, TN 37217 and not authorized by any candidate or candidate committee.