

IN THE THIRD JUDICIAL DISTRICT
CHANCERY COURT FOR HAWKINS COUNTY
AT ROGERSVILLE, TENNESSEE

CLEAR FILED
2022/07/11 3:05

CHURCH HILL RESCUE SQUAD, INC.

Plaintiff,

vs

Civil Action No. 2022-CH-148

SUMMER WELLS
REWARD FUND DONORS and
INTERESTED PARTIES

FIONA O'CONNOR and
QIANA CARLOCK

THE CHILD ADVOCACY CENTER
OF THE THIRD JUDICIAL DISTRICT

Defendants.

PETITION FOR INTERPLEADER
AND
DECLARATORY JUDGMENT
TO DETERMINE RIGHTS
WITH RESPECT TO A FUND

This is a cause which implicates the phrase "*no good deed goes unpunished*" as a sardonic commentary on the frequency with which acts of kindness backfire on those who offer them. Plaintiff brings this cause for the purpose of determining a question of actual controversy among the parties; and for cause of action aver as follows:

JURISDICTIONAL STATEMENT

1. That Declaratory Judgment pursuant to the provisions of *Tenn. Code Ann. §§29-14-101 et seq.* and *Tenn. R. Civ. Pro. 57*; and an action in the nature of interpleader pursuant to *Tenn. R. Civ. Pro. 22* is sought.
2. That the events giving rise to this cause of action occurred within Hawkins County, Tennessee.
3. That this Court has jurisdiction over the subject matter and parties to this action.
4. That venue is proper in this Court.

FACTS

5. That Plaintiff Church Hill Rescue Squad, Inc., hereinafter Rescue Squad, is a Tennessee public benefit corporation.
6. That Plaintiff Rescue Squad is expressly exempt from the requirements of statutes relating to solicitation of charitable funds pursuant to *Tenn. Code Ann. §48-101-502(a)(3)*.
7. That after 5-year-old Summer Wells was reported missing on June 15, 2021, Plaintiff Rescue Squad acted as the Incident Commander in the search and rescue effort by many agencies including the Federal Bureau of Investigation, Tennessee Bureau of Investigation and the Hawkins County Sheriff's Office, for that missing child over a period of many weeks.
8. That the outpouring of support in regard to the child's disappearance led to a public response from the community in the form of a desire to make donations to assist in the investigation both of supplies and monies.
9. That because of Plaintiff Rescue Squad's role in the search and rescue effort, it had become the public face of that effort; and, thereafter agreed to open an account at Civis Bank (now Thread Bank) to accept donations for what has become known as the Summer Wells Reward Fund, hereinafter referred to as the Disputed Funds.

10. That after its meeting on June 21, 2021, Plaintiff Rescue Squad publicly announced that the Summer Wells Reward Fund was open for donations and would remain open for six (6) months; after which, any monies remaining in the account would be distributed to Defendant The Child Advocacy Center of the Third Judicial District, a Tennessee nonprofit corporation.
11. That Civis Bank (now Thread Bank) began accepting what ultimately totaled some twenty-eight (28) deposits, some as small as Two and no/100's Dollars (\$2.00) each, which were deposited in the Disputed Funds account.
12. That such donations deposited in the Disputed Funds account were made with the knowledge that the Disputed Funds would be kept open for six (6) months after which any remaining monies would be distributed to Defendant The Child Advocacy Center of the Third Judicial District, a Tennessee nonprofit corporation.
13. That Civis Bank (now Thread Bank) did not retain a record of those who made in-person cash deposits in the Disputed Funds account; nor did Civis Bank (now Thread Bank) retain a record of the address of those who mailed or made in-person deposits by check in the Disputed Funds account, some identified by name and City and others by name and state or country in some cases; thus, the identity and whereabouts of each of those donors making up those twenty-eight (28) deposits is not presently known and would be difficult, if at all possible, to reconstruct.
14. That in October and November, 2021, Defendant Qiana Carlock, the only donor using wire transfers, deposited a total of Thirty-two Thousand One Hundred Ninety-three and 34/100's Dollars (\$32,193.34) into the Disputed funds account.
15. That after the expiration of the initial six (6) month period a decision was made to maintain the Disputed Funds for an additional six (6) months before distributing the monies on deposit.
16. That internet social media, as well as some local broadcast and print media, have publicly reported or posted some information that was not entirely correct, as well as publicized what

could be described as unfounded rumors concerning the Disputed Funds, including certain actions of some donors, so as to bring into question the propriety of the administration and manner of distribution of the Disputed Funds.

17. That said Disputed Funds held on deposit at Civis Bank (now Thread Bank) **ARE NOT** all the funds that have been publically alleged to be available for information leading to the recovery of Summer Wells; but, they are the only funds of which Plaintiff Rescue Squad has possession. Such funds which Plaintiff Rescue Squad does not have possession, include some Thirty-five Thousand and no/100's Dollars (\$35,000.00) in alleged additional reward money consisting of a check in the amount of Twenty-five Thousand and no/100's Dollars (\$25,000.00) from an individual who sent his check to the Kingsport Times-News and which was returned to him by an unknown party; and a local firm's check in the amount of Ten Thousand and no/100's Dollars (\$10,000.00) that pursuant to the donor's instructions, was never made a part of said Disputed Funds and was also returned to him. Upon information and belief, those funds may still be available if a tip is received that leads to Summer's recovery; but, in such event, that those parties would handle the matter directly.
18. That Plaintiff Rescue Squad has received E-mail correspondence from Defendant Fiona O'Conner alleging inappropriate donation instructions may have been used in international solicitation by Defendant Qiana Carlock of approximately Thirty-two Thousand One Hundred Ninety-three and 34/100's Dollars (\$32,193.34) of the monies deposited into the Disputed Funds, a copy of which E-mail is attached hereto as Exhibit "A."
19. That the true identity — of both Defendants Fiona O'Conner and Qiana Carlock — is questionable. Defendant Fiona O'Conner shows an address of 2 New Street, Northants, NN8 4QP, United Kingdom; however an internet search reveals numerous persons having the same name in multiple countries of the UK. As to Defendant Qiana Carlock, an internet search reveals an address of 3550 East Lake Mead Boulevard, Las Vegas, NV 89115; however, such internet search also reveals multiple similar names, all outside Tennessee.

20. That Plaintiff Rescue Squad, as a disinterested stakeholder, has custody or possession of the Disputed Funds which presently total Forty Thousand Three Hundred Five and 47/100's Dollars (\$40,305.47), held on deposit at Civis Bank (now Thread Bank), consisting of the aforesaid Thirty-two Thousand One Hundred Ninety-three and 34/100's Dollars (\$32,193.34) deposited by Defendant Qiana Carlock; plus, the other twenty-eight (28) deposits accepted by Civis Bank (now Thread Bank) for the Disputed Funds account.
21. That as a result of such massive public and wide spread notoriety, Plaintiff Rescue Squad has a real and reasonable fear of liability or vexatious, conflicting claims directed against the Disputed Funds and is not in the position to safely determine which, if any, claim or potential claim to the Disputed Funds is meritorious without great hazard and possible multiple liability.
22. That Plaintiff Rescue Squad claims no interest in the Disputed funds yet cannot safely distribute the money or any part of it without an Order of the Court establishing the rights of donors and potential claimants.
23. That Plaintiff Rescue Squad is entitled to join all persons asserting claims against the Disputed Funds in a single proceeding so that it may avoid duplicative litigation and the possibility of multiple or inconsistent liability for conflicting and adverse claims.

WHEREFORE, Plaintiff requests the following relief:

1. That after diligent inquiry and reasonable search of the public records, the present whereabouts of both Defendants Fiona O'Conner and Qiana Carlock, who are believed to live outside Tennessee, is not reliably known.
2. That Plaintiff Rescue Squad, pursuant to *Tenn. R. Civ. Pro. 4.08*, request an Order for Constructive Service by publication on Defendant donors, and Defendants Fiona O'Conner and Qiana Carlock whose residence is outside Tennessee as stated in this verified complaint in accordance with *Tenn. Code Ann. §21-1-203(5)* and *204*.

3. That publication be made for four consecutive weeks in the Rogersville Review, a newspaper published and of general circulation in Hawkins County, notifying Defendant Donors and Defendants Fiona O'Conner and Qiana Carlock to appear and make defense to the Complaint in this cause, or said cause shall be taken as confessed by said persons and shall be set for hearing *ex parte*.
4. That unless otherwise directed by the Court, that Plaintiff Rescue Squad be allowed to freeze and cease accepting donations to the Disputed Funds.
5. That the Court Order Plaintiff Rescue Squad to pay into the custody of the Clerk & Master the entire current balance of the Disputed Funds held at Civis Bank (now Thread Bank).
6. That Defendant Donors and any other interested Parties be required to interplead and assert in this proceeding and settle between themselves any and all claims which each or any of them have to the Disputed Funds.
7. That any and all claimants to the Disputed Funds, and each of them, be permanently enjoined and restrained from commencing or prosecuting any separate action against Plaintiff Rescue Squad for the recovery of the Disputed Funds or any part thereof, or any claimed damages related thereto in any state or United States Court until further order of this Court.
8. That upon payment to the Clerk & Master of the Disputed Funds, Plaintiff Rescue Squad be discharged from all liability relating to such funds and specifically from any further liability to any and all claimants to the Disputed Funds and dismissed from this lawsuit.
9. That the Court award such other and further relief as the Court may deem just, equitable and proper under the circumstances.

**THIS IS THE FIRST APPLICATION FOR
EXTRAORDINARY RELIEF IN THIS CAUSE**

CHURCH HILL RESCUE SQUAD, INC.

Hayden Joyner

by: HAYDEN JOYNER,
Its President of the Board of Directors

STATE OF TENNESSEE |
COUNTY OF HAWKINS |

HAYDEN JOYNER, President of the Board of Directors of CHURCH HILL RESCUE SQUAD, INC., Plaintiff in the above action, after being duly sworn in accordance with law, make oath that he has read the foregoing Complaint, knows the contents thereof, and that the matters and things alleged in the forgoing complaint are true and correct to the best of his knowledge, information and belief.

Hayden Joyner
HAYDEN JOYNER

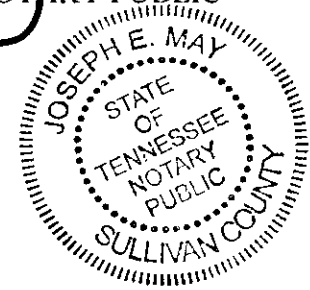
SWORN TO AND SUBSCRIBED before me this 30th day of June, 2022.

Joseph E. May
NOTARY PUBLIC

My Commission Expires: 11/21/2024

ATTORNEYS FOR PLAINTIFFS:

Joseph E. May
Joseph E. May #7087
LAW OFFICE OF MAY & COUP
Horizon Credit Union Building
130 West Main Street
Post Office Box 1804
Mount Carmel, Tennessee 37645
Telephone (423) 357-2244
Telecopier (423) 357-2246



COST BOND

We acknowledge ourselves as sureties for the payment of all costs and damages which may be awarded in this cause pursuant to *Tenn. Code Ann. §20-12-120*.

by: *Joseph E. May*

Church Hill Rescue Squad
351 West Main Boulevard
Church Hill
TN 37642

Miss Fiona O'Connor
2 New Street
Northants
NN8 4QP
United Kingdom

Email: fionaconnor1@yahoo.co.uk

Date: 9th June 2022

To The Treasurer of Churchill Search and Rescue Squad.

RE: The Summer Wells Reward Fund

My name is Fiona O'Connor and I am an independent investigator. I have been conducting an investigation into three of the donations received into the said reward fund from Qiana Carlock.

The following donations into are subject to my investigation:

10/25/21 - \$17,179.85 (Qiana Carlock)

11/10/21 - \$12,281.07 (Qiana Carlock)

11/29/21 - \$2,772.42 (Qiana Carlock)

Qiana Carlock, as I am sure you are aware held an unregulated, illegal fundraiser on Youtube over the course of 10 days. The said fund-raiser was unregulated on the grounds donations were illegally solicited from members of the Public as an intentional diversion from donating directly to Civis Bank. All the above transactions were collected "on behalf" of the Summer Wells Reward Fund. I am aware that the status of Churchill Rescue is of charitable 501 c (4), therefore, rendering the said Summer Wells reward fund and beneficiaries thereof as a Charitable Reward fund. Any fundraising on behalf of your organisation and without prior consent from your good selves is deemed under State and Federal Law as a Criminal Offence.

Video evidence was made available by Qiana Carlock with regards to telephone conversations she recorded with Captain Tim Coup and other staff members at Churchill Search And Rescue. The video of the said calls were placed onto YouTube and provide clear evidence that Captain Tim Coup and other staff members were aware that the above donations originated from a fund-raiser on behalf of "your" Summer Wells Reward fund-raiser.

I am also aware of a number of complaints received by Hawkins County Sheriffs Office, Nevada Attorney Generals Office and Fraud Action in the UK in relation to the three transactions listed above.

I have personally received a number of concerns from members of the public who donated to the unregulated fund-raiser who would like answers as to why Churchill Search and Rescue accepted the above transactions in full knowledge of their origin and having been made aware of numerous complaints made to Authorities in the US and the UK. US and UK crime reference numbers are available should you wish to peruse the evidence of such complaints being formalized.

I have an open investigation case number regarding the unregulated fund-raiser, spearheaded by Qiana Carlock with Action Fraud UK in relation to UK donors, whom are deemed victims of a

fraudulent charitable fundraiser. The case number for your reference is: NFRC/220104957887. In Addition, the fraudulent fund-raiser was reported to the UK Police Cybercrime Division and further to Action Fraud UK By Mr Carl Nichols. The case reference numbers are; 098520102021 and NFRC211004806736 respectively.

Please could you kindly address the following questions in the first instance;

1. Did you, at any time seek advice or consultation from local or federal Law Enforcement with regards to the appropriation of illegal funds?

2. Did you undertake any due diligence in full knowledge that Qiana Carlock had solicited the said funds on behalf of a charitable fund and without your consent?
3. Did you at any time subsequent to being made aware by Qiana Carlock that the proceeds derived from illegal activity. Namely a charitable fund-raiser without your consent or necessary accreditations required to fund-raise legally on your behalf. Did you report the receipt of the said transactions to Law Enforcement? If not, why not?.
4. I have evidence that throughout Churchill Search and Rescue Squads promotion of the said reward fund, you failed to stipulate that all cheques or money orders should be made payable to "The Summer Wells Reward Fund". On the contrary, you stated cheques could made payable to Civis Bank or sent directly to yourselves. Your failure to provide clear instructions to potential donors may have led to monies sent to yourselves instead of the intended beneficiary. This in itself is potentially a breach of the regulations regarding the solicitation of donations. On this basis, are you able to provide proof of all monies into Churchill Search and Rescue Squad subsequent to the promotion of the Summer Wells Reward fund and why you failed to provide clear stipulation who the cheques should be made payable to.

I await you meaningful response within the seven days from the date of this letter. Failure to respond will result in a formal complaint being lodged against yourselves with the relevant authorities regarding breaches of charitable solicitation requirements.

Kind Regards,

Fiona O'Connor LLB.Hons

PP. Carl Nichols

