

request that this matter be dismissed and all costs taxed to the Plaintiff. Additionally, Defendant requests such other and further relief to which she may be entitled under the law or in equity.

COUNTER-CLAIM

COMES NOW, Defendant/Counter-Plaintiff, Pamela Castle, by and through her counsel of record and hereby asserts her Counter-Claim for damages against the Plaintiff/Counter-Defendant, Candace Stewart Eubanks and in support thereof would show unto the Court as follows:

1.

The Plaintiff/Counter-Defendant, Candace Stewart Eubanks, is a resident of Forrest County, Mississippi as alleged in her Amended Complaint and may be served with process in this matter by serving her attorney of record, Phillip Londeree, Esquire at Londeree & Townsend, LLC, P. O. Box 445, Petal, Mississippi 39465 via electronic means or U. S. Mail.

2.

The Defendant/Counter-Plaintiff herein, Pamela Castle, is an adult resident citizen of Forrest County, Mississippi.

3.

The County Court of Forrest County, Mississippi, has jurisdiction over the parties to this matter and over the subject matter and venue is proper in this Court as both the Defendant/Counter-Plaintiff and Plaintiff/Counter-Defendant are residents of Forrest County, Mississippi.

4.

The Amended Complaint which has been responded to herein, was filed against this Defendant/Counter-Plaintiff without substantial justification and with malice and for the sole purpose of harassment, threat and intimidation against this Defendant/Counter-Plaintiff. Accordingly, Defendant/Counter-Plaintiff asserts a Counter-Claim pursuant to §11-55-5 of the Mississippi Code of 1972, as amended, known as the "*Litigation Accountability Act*" and would claim damages in the form of all defense costs and expenses incurred in defending the Amended Complaint in this action, if a voluntary dismissal is not immediately had following receipt of this responsive pleading and Counter-Claim by the Plaintiff/Counter-Defendant.

5.

In addition to the claims under the *Litigation Accountability Act*, the Defendant/Counter-Plaintiff herein is entitled to sanctions and damages against the Plaintiff/Counter-Defendant pursuant to Rule 11 of the Mississippi Rules of Civil Procedure.

6.

Defendant/Counter-Plaintiff would show that she has proof that the Plaintiff/Counter-Defendant surreptitiously, tortuously, by use of deception and intrusion, invaded the privacy of Defendant/Counter-Plaintiff herein by eavesdropping into a private automobile without prior consent and without being personally present. Such actions violate the federal "*Wiretap Act*" as codified at 18 USC 2511(2)(d). Additionally,

Plaintiff/Counter-Defendant violated Mississippi law as codified at §41-29-531(e) which requires prior consent of the party prior to recording any conversation.

7.

By her actions, Plaintiff/Counter-Defendant has invaded the reasonable expectation of privacy of the Defendant/Counter-Plaintiff herein and such invasion of privacy amounts to a tortious intrusion against the Defendant/Counter-Plaintiff herein in violation of both federal and state law, giving rise to damages on behalf of this Defendant/Counter-Plaintiff and also subjecting the Plaintiff/Counter-Defendant to criminal violations of the law and in derogation of 18 USC 2511(2)(d) and §41-29-531(e) of the Mississippi Code of 1972, as amended. Defendant demands damages for such violations and reference of proof of these violations to the appropriate authorities.

8.

By her intentional acts, the Defendant is guilty of the tort of trespass of a highly offensive nature to the Defendant/Counter-Plaintiff Pamela Castle and she would further show that the same conduct would be highly offensive to a reasonable person.

9.

In addition to the intentional conduct stated above, Defendant/Counter-Plaintiff would show that the Plaintiff/Counter-Defendant Candace Stewart Eubanks is guilty of extreme and outrageous conduct as defined by Mississippi law entitling this Defendant/Counter-Plaintiff to damages for severe emotional distress as well as physical sickness and inability to sleep.

10.

Due to the intentional conduct stated above, Defendant/Counter-Plaintiff has incurred damages to be shown at a trial of this matter which have all been caused in fact directly from the conduct of the Plaintiff/Counter-Defendant Candace Stewart Eubanks.

11.

Defendant/Counter-Plaintiff herein seeks a judgment against the Plaintiff/Counter-Defendant in an amount sufficient to cover all defense costs, fees and expenses incurred by the Defendant/Counter-Plaintiff in defending the action filed against her by the Plaintiff/Counter-Defendant as well as all damages against Plaintiff/Counter-Defendant and her counsel as allowed by §11-55-5 of the Mississippi Code of 1972, as amended. Additionally, Defendant/Counter-Plaintiff requests damages which may be allowable under federal and state law for the unlawful wiretapping and invasion of privacy claims in an amount with the jurisdictional limits of this Court.

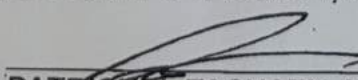
12.

Defendant/Counter-Plaintiff requests such other and further relief to which she may be entitled including but not limited to dismissal of the original Complaint and continued prosecution of the Counter-Claim as stated herein above.

Respectfully submitted,

Defendant/Counter-Plaintiff Pamela Castle

By and through: ZACHARY & LEGGETT, PLLC


PATRICK H. ZACHARY, MSB NO. 6674

IN THE COUNTY COURT OF FORREST COUNTY MISSISSIPPI

CANDACE EUBANKS

PLAINTIFF

VS.

FILED

CAUSE NO. CO15-0723

PAMELA CASTLE

FEB 05 2016

DEFENDANT

Ann L. White
FORREST COUNTY CIRCUIT CLERK

RESPONSE OF DEFENDANT TO REQUEST FOR ADMISSIONS

COMES NOW, Defendant, Pamela Castle, by and through her undersigned counsel and hereby files her formal response to the Request for Admissions served upon her and without waiver of motion to strike and objection to the "definition" portion of said discovery would respond to the Request for Admissions only at this time as follows:

1.): Admit that you voluntarily entered into a sexual relationship with Timothy Eubanks during his marriage to Candace Eubanks..

RESPONSE NO. 1.): Denied.

2.): Admit that at all times during this sexual relationship you were aware that Timothy Eubanks was married to Candace Eubanks.

RESPONSE NO. 2.): Denied.

3.): Admit that you made arrangements to meet with Timothy Eubanks for the purpose of engaging in sexual congress on one or more occasions.

RESPONSE NO. 3.): Denied.

3.) (sic): Admit that you engaged in communications with employees of the Forrest County Sheriff's Department so as to dissuade adverse action by Candace Eubanks..

RESPONSE 3.) (sic): Denied.

4.): Admit that you either requested, encouraged, or with knowledge preceding permitted and/or failed to attempt to prevent employees of the Forrest County Sheriff's Department to/from attempts to persuade Candace Eubanks to decline to proceed with any suit or adverse action against you.

RESPONSE 4.): Objection. The Request for Admission is compound and cannot be responded to per the applicable Rule. Accordingly, objection is hereby made and reserved.

5.): Admit that you declined to disclose your relationship with Timothy Eubanks in cases before the Justice Court of Forrest County in which he served as a witness for prosecution.

RESPONSE NO. 5.): Denied.

6.): Admit that your relationship with Timothy Eubanks caused the failure of his marriage to Plaintiff.

RESPONSE NO. 6.): Denied.

RESPECTFULLY SUBMITTED, this the 5th of February, 2016.

PAMELA CASTLE, DEFENDANT

By:


PATRICK H. ZACHARY, MSB NO. 6674