IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

BRIAN BRITT — **APPELLANT**

vs. — **CAUSE NO. 2022-CP-00165**

CRAIG BRADLEY ORRISON, AND THE SHED, INC. — **APPELLEES**

Consolidated with: 2017-TS-01292

BRIAN BRITT — **APPELLANT**

vs.

CRAIG BRADLEY ORRISON, AND THE SHED, INC. — **APPELLEES**

Consolidated with: 2017-CP-00700-COA

BRIAN BRITT — **APPELLANT**

vs. — **CAUSE NO. 2017-CP-00700**

CRAIG BRADLEY ORRISON, AND THE SHED, INC. — **APPELLEES**

Appeal from the Chancery Court of Jackson County, Mississippi, Cause No: 2012-1736-NH
Honorable Neil Harris, Chancery Judge

Brief of Appellant

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IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

BRIAN BRITT **APPELLANT**

vs. **CAUSE NO. 2022-CP-00165**

CRAIG BRADLEY ORRISON, AND THE SHED, INC. **APPELLEES**

CERTIFICATE OF INTERESTED PARTIES

The undersigned Appellant, Pro Se, certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal:

1. Plaintiff, and Appellant Pro Se, Brian Britt

2. Defendants, Craig Bradley Orrison, and The Shed, Inc.

3. Counsel for Defendants, Nathan Prescott, Lauren Reeder McCrory and Ryan Frederic with the firm of Page, Manino, Peresich, and McDermont, PLLC.

4. The Honorable Neil Harris, Chancery Judge.

/s/Brian Britt
Plaintiff/Appellant

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2. The trial court committed manifest error by falsely accusing Britt of violating the September 19, 2012 order and falsely accusing Britt of failing to convey the Wilson House to Orrison by October 17, 2012 as agreed, when Britt did in fact convey it.

3. The trial court erred in failing to find Orrison in contempt when Orrison had put on no defense whatsoever to show why he failed to perform by October 17, 2012 as ordered.

4. The trial court erred in declaring damages were irrelevant to the contempt hearing, and further, in failing to consider Britt's claim for damages caused by Orrison's breach.

5. The trial court erred in raising the question of the moving of the Wilson House by the City of Gautier, and making this the sole focus at hearing, and without first giving Britt proper notice, and without examining the legitimate reasons it was forced to move.

6. The trial court erred in ignoring completely and avoiding altogether the very heart and paramount issue of the contempt petition: Orrison's failure to abide by the court order and perform his obligations by October 17, 2012 as promised and as ordered.

7. The trial court erred in falsely accusing Britt of conveying property that he did not own and falsely accusing Britt of fraud and perjury when signing a document in 2016.

8. The trial court erred in falsely accusing Britt of lies and deception and appealing the court's decision after property was conveyed to Gautier in 2016, which was totally false.

9. The trial court erred in failing to allow Britt the opportunity to amend his nine-year-old pleadings to accurately reflect the changed set of circumstances of the last nine years.

10. The trial court erred when Judge Harris refused to disqualify himself amidst the tremendous bias and open hostility exhibited toward Britt, the double standard applied by the court, conflicts of interest between Britt and members of Judge Harris's family, and most importantly, the continuing shroud of suspicion created by two ex parte phone conferences between Judge Harris and Orrison's attorney Nathan Prescott on September 10 and 11, 2012, which have yet to be disclosed or explained.

11. The trial court erred in requiring Britt to go forward with the hearing before an overwhelmingly biased and openly hostile court, which violated Britt's Constitutional rights to Due Process and Equal Protection and right to a fair and impartial hearing.

12. Britt's rights of equal protection and due process were denied when Britt was never informed of entry of a judgement despite numerous inquiries and requests by Britt, and Britt had no opportunity to file any post-judgment motions within the ten-day time period.

13. The trial court abused its discretion in failing to invoke the "Clean Hands Doctrine" when it was clearly proven through uncontested and unrefuted evidence that Orrison wholly and blatantly breached his multiple promises of the Settlement Agreement and violated the Order by failing to take any action by October 17, 2012.

14. The trial court committed manifest error in continually disputing the unanimous ruling of the Court of Appeals and needlessly arguing that the appellate court was wrong regarding Rule 81 summons, property description "lack of specificity", etc.

15. Unjust Enrichment and Public policy demand Orrison still be held to his remaining commitments to pay Britt $20,000 and convey the 2 ½ acre parcel as promised.

STATEMENT OF ASSIGNMENT

Appellant believes that this matter is already familiar to the Mississippi Court Of Appeals because the prior appeal in this case was ruled upon by the Court of Appeals in 2021.

STATEMENT OF ORAL ARGUMENT

The Appellant would state that oral argument in this case is probably not necessary due to the numerous straightforward issues and the obvious errors committed contrary to well settled law.

PREFACE

Appellant is ever mindful of MRAP Rule 28(l) and its serious consequences. Appellant has tried earnestly in his brief to show no disrespectful language toward the trial court, the trial court reporter, the trial court clerk, the defense attorneys, or the defendants in this matter. However, it is impossible to openly, truthfully and candidly discuss the complex series of events presented in this very unique situation without casting the aforementioned players in a negative light. In order to argue errors committed, Appellant must discuss unflattering and inflammatory circumstances, truth of which is 100% proven in the record. Please don't shoot the messenger.

The record of the prior appeal in this case contained many mistakes and omissions, even after the three long years taken to complete it. It is now consolidated with the record of this current appeal, so things are even more complicated and confusing. Included in the record of the prior appeal was a Transcript, Corrected Transcript, and two Supplemental Transcripts. Also, the exhibits were not all listed sequentially. Due to the myriad of hearing dates, the numbering used on many exhibits was reset at subsequent hearings, resulting in the duplication of many exhibit numbers over the years used to designate completely different items. The record of the current appeal has transcripts and exhibits from only two dates, Nov. 4, 2021 and Jan. 5, 2022.

Accordingly, references in this brief will give the Exhibit number, the date of the hearing, and if necessary, the specific page number of multi-paged exhibits (e.g., Exh#1-D,11/20/13,P95). References to transcripts of the prior appeal will use "T" to designate Transcript, "CorT" to designate Corrected Transcript, "SupT1" to designate the Supplemental Transcript from hearing of January 4, 2017, and "SupT2" to designate the Supplemental Transcript from hearing of March 24, 2017. References to transcript of the current appeal will use "2ndT". References to Clerk's Papers of the prior appeal will use "CP" to designate Clerk's Papers, and "SupCP" to designate Supplemental Clerk's Papers. References to Clerk's Papers of the current appeal will use "2ndCP". Appellant, Brian Britt, is Pro Se, so first person is used many times for simplicity.

BRIEF OF APPELLANT

STATEMENT OF THE CASE

1. The Nature of the Case

On August 22, of 2012, Plaintiff Brian Britt ("Britt") filed a complaint in the Chancery Court of Jackson County to enforce a written contract whereby Defendants Brad Orrison and The Shed, Inc. ("Orrison") agreed to buy and relocate an historic two-story log house owned by Brian Britt known as the Wilson House, with consideration in cash plus about 2 ½ acres of real property.

On September 4, 2012, the parties announced to the court that a settlement had been reached, and substantially the same as the original contract, and the court required the settlement agreement to be read into the record. The Order was prepared by Orrison's attorney and approved by the court with Order entered on September 19, 2012, *15 days* after the agreement stated in court.

On October 24, 2012, Britt filed his *Motion For Defendants To Be Adjudged In Contempt Of Court* after Orrison failed to relocate the Wilson House as agreed and as Ordered, with Notice of Hearing for December 10, 2012. On Friday, December 7, 2012, Orrison filed a *Motion to Set Aside Order,* with *no* notice of hearing. On December 10, 2012, the court refused to hear Britt's Motion for lack of a Rule 81 Summons, and the court immediately proceeded to hear Orrison's *Motion to Set Aside Order,* over objection by Britt for lack of notice of any kind to Britt.

On January 29, 2013, the court entered its Order granting Orrison's *Motion to Set Aside,* ruling the property description drafted by Orrison's attorney in the agreed settlement Order lacked specificity and thus the entire settlement agreement Order, prepared by Defendants, was set aside.

On March 1, 2013, Orrison filed an Answer to Britt's complaint, with a counterclaim. The court told Britt on many different occasions in court that no written answer was required of Britt, but Britt filed his Answer nevertheless on November 20, 2013. Upon hearing on Britt's original Complaint, the court granted Orrison's motion for directed verdict. The sole reason given by the court for was same as before, a lack of specificity in the property description.

On Monday, December 2, 2013, Britt filed his Motion for New Trial by depositing same in the mail by USPS (the tenth day had fallen on Saturday, November 30, 2013). The Defendants moved to strike Britt's Motion for New Trial by claiming it was untimely, ignoring Rule 6(e) which added three days for mail service. The court summarily granted Orrison's Motion to Strike Plaintiff's Motion for New Trial, entering its Order on July 22, 2015, based on Defendants' arguments only, without ever considering the application of MRCP Rule 6(e) computation of time.

Hearing on Orrison's counterclaim was set for July 22, 2015. Due to serious illness Plaintiff was not able to attend, so Britt filed his Motion To Continue by having his Motion hand delivered and filed early before court on July 22, 2015, by Britt's son who is a U.S. Marshal. The court would not take up Britt's Motion To Continue, and instead, completely ignored Britt's Motion and refused to acknowledge it, and summarily entered its *Default Judgment On Counterclaim* on July 23, 2015, for reason stated by the court that "*Plaintiff failed to file an answer or a responsive pleading to Defendants' Counterclaim*", despite the fact that Britt did in fact file his *Plaintiff's Answer To Defendants' Counterclaim* on the morning of November 20, 2013.

On August 13, 2015, the court entered an Order setting the matter for a Writ Of Inquiry. Britt filed his Notice of Appeal on August 21, 2015, believing the trial court had lost its jurisdiction based upon statutory law and *Covington County Bank v Magee,* because there had been no seizure of property whatsoever and, relying upon current law, the court had no jurisdiction to conduct a Writ Of Inquiry and therefore Plaintiff realized the Default Judgment of July 23, 2015 had become a final judgment. Nevertheless, the Defendants filed their Motion to Dismiss Appeal and Britt's Appeal was subsequently dismissed by Order from the Supreme Court on November 9, 2015. The trial court once again on August 9, 2016, scheduled the matter for a Writ Of Inquiry, and on January 4, 2017, a Writ Of Inquiry was conducted in Britt's absence, and Order was entered with judgment against the Plaintiff on January 17, 2017. Britt filed his (2nd) Motion For New Trial on January 27, 2017, and his (2nd) Motion For Recusal on March 23, 2017. On March 24, 2017, the court

refused to hear Britt's Motion For Recusal and summarily denied it, and after a *five-minute argument allowance*, the court also denied Britt's Motion For New Trial. On April 13, 2017, the trial court entered its Order granting final judgment to Orrison and denying all relief to Britt. Out of an abundance of precaution, Britt re-filed his Notice Of Appeal (2nd time) on May 15, 2017.

The Court of Appeals ("COA") ruled in Britt's favor on June 29, 2021, reversing and rendering on every major issue that was reviewed by the COA, and reversing and remanding for a hearing on Britt's Motion for Contempt, which hearing Britt was deprived of in 2012, to determine whether Orrison was in contempt for his failure to perform his obligations as ordered in 2012. After hearings on November 4, 2021, and January 5, 2022, the trial court entered its Judgment on January 18, 2022, ruling in favor of Orrison and dismissing entirely Britt's Petition for Contempt, stating that Orrison was not required to fulfill his obligations to Britt by the October 17, 2021 deadline for performance as agreed in the Settlement Agreement and as Ordered by the court, due to a change in circumstances that was yet to occur many years later into the future in 2016 and 2017. Further, the trial court did not grant Britt any judgment for his requested costs of appeal that had been previously awarded to Britt on appeal by the COA, nor would the court even consider any damages caused in 2012 (and the continually mounting damages for the many years that followed) as a result of Orrison's violation in 2012 of the Settlement Agreement/Order. Britt filed a post-judgment motion but did not pursue it because it was filed after the ten-day time period because Britt was never notified of entry of the judgment and Britt only learned of the judgment's entry on the tenth and final day due to Britt's own initiative and determination. Britt filed his Notice of Appeal on February 17, 2022, appealing the trial court Judgment of January 18, 2022.

2. Statement of Facts

This case began when Brad Orrison changed his mind about purchasing from Brian Britt, in 2012, a beautiful 2-story log home known as The Wilson House Inn Bed & Breakfast that sat along I-10 in Jackson County. The land it sat on sold in November, 2011 to Bienville Orthopaedics

("Doctors"), and their sales contract promised the Doctors the historic house would be moved from the property, knowing already that Orrison wanted it. Britt had parceled out a small corner lot of almost one acre where Britt's new model log home for his soon-to-be-opened Southland Log Homes ("SLH") dealership was located. Orrison signed a contract with Britt in January, 2012, paid $1,000 deposit, and agreed to move the house at his expense as soon as possible since Britt had already sold the real property to the Doctors. (CP29). Orrison never moved the house as promised, and in July 2012 he suddenly told Britt that he was "backing out of the deal". The reason Orrison wanted out of the contract is not known, but what was presented as evidence and uncontested at trial without any denial or challenge from the Defendants, is that Orrison decided to intentionally vandalize the house in mid-July in hopes it would excuse him from the contract. (SupT2,P5,L6-9). Britt went to Orrison's business, The Shed BBQ, 7/12/12, to tell Orrison to come get his trailer that Britt had loaded with a 18'x25' room/addition (as a free gift to Orrison) which was removed from the back of the original historic home in preparation for moving the house. (CorT180-183). That weekend, July 13-14, 2012, Orrison disconnected an upstairs bathroom water line by unscrewing it, causing the house to flood all weekend, ruining irreplaceable artwork and other valuable contents. (SupT2,P5,L10-13). Among things ruined was a hand-painted portrait by Mrs. Marjorie Welch Wilson of her father who was president of Western Union in New York in the 1920's. It was irreplaceable. (CorT220). Orrison himself told Britt it had flooded 4 days, and the scene revealed he was right. Orrison called Britt at 4:33pm on July 17, 2012 saying someone had just called him and said the Wilson House was "flooding from an upstairs water pipe" with water "pouring out the ceiling and could be seen from the street", and "it had been flooding for 4 days". Orrison knew so many specific details that were later determined to be true, but he was the only person who knew these things. Orrison told Britt Gautier police cut the water off. (CorT184-186). At trial Orrison gave many different versions of the caller who alerted him about the upstairs water leak, but Orrison's phone records showed there were *no incoming calls* for that time period, with

the 2 most recent incoming calls from Orrison's wife. (SupCP44). Gautier Police was first alerted via an "anonymous" phone caller with blocked caller I.D., saying the Wilson House was flooding, "water leaking really bad". (CorT123,L13-19). By coincidence, Britt had just arrived from out of town 3 hours earlier and, like always, went to check on the house. Britt remained in his car and didn't go inside because everything looked perfectly normal from outside. (CorT193-197). It was only after Orrison's call that Britt quickly went to see, and only first saw the water under the front porch as he started up the front steps. The water was turned off at the pump house (private water well), so Gautier employees never went inside the locked house. When Britt went inside, he learned Orrison was exactly right. The water was indeed coming from upstairs just as Orrison said, and the swollen bathroom cabinet doors upstairs confirmed Orrison was also correct about the water running for several days. Britt learned there was no busted pipe. A threaded connection at the upstairs bathroom faucet had been unscrewed, but it certainly did not unscrew by itself. Orrison was the only person who knew the specifics that only the perpetrator would have known. (CorT197-200). Orrison's actions seemed bizarre...he never came to look. Here was the purchaser who was all excited about buying the Wilson House, yet when he "suddenly" learned of an emergency disaster at *his* house, he "immediately" called Britt but never came to look! He didn't rush right over like any other person would do. Nope, he never even bothered to come look and see what had happened even though he testified "*he lived right across the street*". (CorT82,L5-6). As it turned out, he never once was curious enough to ever come look at the house until more than three months later! Later when Britt testified about the disconnected water line at trial, Orrison never said one word. He sat silent and "turned red as a beet". (SupT2,P5,L18-29). Britt went to The Shed one week after Orrison told him about the upstairs pipe. Britt had heard nothing from Orrison. Orrison immediately told Britt on July 24, 2012, that he was backing out of the deal because the house was ruined (although he never came to see for himself). Britt told Orrison the beautiful 80-90 year-old heart-pine wood was full of natural pine resin and that the water had not

harmed it at all but had only made a big mess. (CorT124-126). Photos at trial showed the flooring boards underneath the house looked just like new lumber, showing no trace of any water stain. (Exh#5,12/13/12). Britt begged and pleaded with Orrison to come look at the house and see for himself that it was not damaged, but Orrison refused to listen to reason and steadfastly said he didn't want the house and that he was backing out of the deal. (CorT124-127). When Orrison breached, Britt got an ultimatum to move the house from the Doctors who bought the land, so Britt felt obligated to keep his word even though Orrison had broken his promise to Britt and had created a terrible hardship since there was nowhere to put the house and time had already run out because 9 months had passed since the land had sold and Orrison still had not moved it . (CorT127-128).

Britt explained his unforeseen dilemma to the City of Gautier, who verbally agreed to let the historic house be temporarily relocated to prevent it from being demolished, giving Britt time to seek enforcement of the contract in court. Britt paid $15,150 to have the house moved 200-300 feet temporarily onto remaining property where Britt and his wife were opening a dealership for Southland Log Homes. Britt filed this cause in Chancery Court to enforce the contract. (CP24). The very day Orrison was served, he immediately tried to get Britt to settle. (CorT309-311). A settlement agreement was read into the record in court September 4, 2012, just 12 days after Brad Orrison had been served, and the settlement agreement was almost exactly the same as the original contract. Orrison was to pay $20,000 and deed a 2½ acre parcel of land to Britt, and to move the house at Orrison's expense within 28 days, just as agreed before, plus Orrison was to reimburse Britt $15,150 for moving the house off the sold land. (CorT15-19). It took Orrison's attorney 15 days to prepare the 1-page Order and have it entered, during which time the attorney had secret Ex Parte conferences with the judge. The Order was very brief and less specific than Britt's original contract. (CP43). Britt delivered a Bill of Sale to Orrison's attorney October 17, 2012, as agreed, but Orrisons breached once again, failing to hire a house mover or take any steps to move the house. (CorT78). The day after the deadline, Britt watched Orrison and 2 employees and his

brother-in-law appear with beers in their hands and obviously under the influence, and Orrison busted in the back door of the Wilson House. (CP46-47). Britt filed a Motion for Contempt. (CP 44-77). Hearing was set for December 10, but on Friday night, December 7, Defendants handed Britt a Motion to Set Aside Order with no Notice attached. (CP78). Monday morning, the court refused to hear Britt's Contempt Motion saying that Rule 81 service can't be waived although Defendants had no objection and announced "Ready". The court refused to enforce the settlement agreement. (CorT247-248). The court, over Britt's objection, then decided to go ahead immediately with Orrison's Motion to Set Aside with no notice to Britt. The hearing began December 13, three business days after Britt was served with *No Notice*. The court set aside the settlement agreement Order, saying the Order *which Orrison's attorney had drafted* was not specific enough. (CP159). Orrison was rewarded, to Britt's detriment, for the "lack of specificity" in the Order they had prepared. As things dragged on in court, the "temporary" Wilson House arrangement with the City of Gautier became an ultimatum to move the house. Gautier told Britt and his wife they would not get a final inspection or certificate of occupancy on Southland Log Homes, nor a business license, until Orrison moved the house away. The Britt's had spent $250,000 to get their dealership started, every penny they owned. (CorT326,L18-29). Years passed with the court always ruling for Orrison. Britt and his wife suffered tremendous losses after Orrison failed to move the Wilson House. Orrison ruined their SLH business when he breached. (CorT327). Southland Log Homes corporate office hired two employees for Britt's business and scheduled a Grand Opening in 2012, relying upon the court order that said Orrison would have the Wilson House moved on or before October 17, 2012. Grand Opening was postponed several times before all hope was lost and Britt realized his SLH dealership would never open until Orrison moved his house. City of Gautier refused to let Britt open for business until Orrison moved his house. Gautier knew the matter was being litigated in court, but nevertheless continually hounded Britt to move the house, and finally they filed criminal charges against Britt on May 16, 2013. The

court was fully aware of this May 31, 2013. (Tvol 6 of 7, P326, L11-17). The court also knew the tremendous pressure Britt was under to move the house, and the ever-mounting losses Britt and his wife were suffering for each day their SLH business could not open, yet Orrison's business across the street was booming and he was making thousands of dollars each day while Britt's losses grew exponentially. After criminal charges had been pending for more than three years for zoning violation, Gautier persuaded Britt to donate the house to the city and they would move it. Britt agreed in order to cut his losses. Gautier moved the house in 2017 while this matter was on appeal. Britt had filed his Notice of Appeal on April 21, 2015, which was later ruled as being filed prematurely before a final judgment. After final judgment was finally entered two years later, Britt subsequently re-filed his Notice of Appeal out of an abundance of precaution, on May 15, 2017.

Upon review, the COA ruled unanimously in favor of Britt on June 29, 2021, reversing and rendering on every major issue addressed, and reversing and remanding on the issue of whether Orrison was in contempt in 2012 for failing to perform his obligations under the settlement agreement by October 17, 2012 as ordered. The COA awarded costs of the appeal to Britt, but upon remand the trial court would not grant Britt a judgment for costs of the appeal as requested. Also on remand, the trial court would not even address Orrison's violation in 2012 of the settlement agreement/court order when Orrison wholly failed to do as required by October 17, 2012. Instead, the trial court made a quantum leap into the future and would only discuss events that occurred in 2016 and 2017. The court ruled January 18, 2022 that Orrison was not required to obey the order by October 17, 2012 because Gautier moved the Wilson House in 2017! Britt appealed here again.

SUMMARY OF THE ARGUMENT

This was a remanded case to provide me, Appellant Brian Britt, hearing on my Motion for Contempt that I was wrongfully deprived of eleven years ago in 2012. The issue on remand was this: Were the defendants, Orrisons, in contempt for violating the settlement agreement/order of September 19, 2012 by failing to do those things they were ordered to do by October 17, 2012?

It was supposed to be a contempt hearing, but the trial court *never* conducted a hearing on the contempt charges. The court never once questioned why Orrison failed to do what he agreed and what he was ordered to do by October 17, 2012! Instead, the court launched its inquisition, its attacks upon me, and put me on trial to try to blame me somehow for everything bad that ever happened for the last 11 years, and all the while protecting and insulating Orrison from any scrutiny whatsoever, and holding Orrison completely blameless throughout this 11-year ordeal, despite the fact Orrison *NEVER* attempted to comply as ordered, and Orrison never contested the facts or put on any defense at all as to why he disobeyed the court order of September 19, 2012, not doing as promised by October 17, 2012. The court focused on something outside the scope of the contempt hearing, and strangely jumped from 2012 to 2016, four years into the future, and would only discuss future events from 2016 and beyond. Never was Orrison's misconduct in 2012 questioned.

Also, the court refused to accept the findings and decision of the appellate court. On appeal it was determined: (1) I conveyed the Wilson House to Orrison October 17, 2012; (2) Rule 81 Summons service had been waived and did not apply in our case; (3) the property description was sufficient to meet the statute of fraud requirements; (4) I was entitled to reimbursement of costs on appeal. T*he court totally refused to accept any of these 4 truths.* The judge argued he was right, and when told the issues had already been decided and on which page of the appellate ruling it was discussed, the judge got very angry at me. The judge totally ignored COA findings and wasted precious time arguing why he was right and I was wrong (which meant the Court of Appeals was also wrong)! He was hostile and belligerent to me, and I was totally deprived of due process!

ARGUMENT

1. The trial court committed manifest error in failing to enter a judgement for court costs of appeal as previously awarded to Britt by the Mississippi Court of Appeals ("COA").

The Mississippi Court of Appeals ("COA") ruled in Appellant Britt's favor in the prior appeal of this case and issued its **Mandate** on July 20, 2021, and clearly stated therein: "***Appellees taxed with costs of appeal***". The **Mandate** also told the Jackson County Chancery Court, "***YOU***

ARE COMMANDED, that execution and further proceedings as may be appropriate forthwith be had consistent with this judgment,,," (emphasis added). Clearly, the Jackson County Chancery Court was ordered by the appellate court to act consistently with its ruling which specifically awarded Britt the costs of the appeal. The trial court did not do as ordered.

At hearing on January 5, 2022, Britt introduced evidence (Exh.#1, 01/05/22) without objection, and Britt also testified and explained the document, which included an itemization of court costs of the appeal with a total amount of $4,065.00 in filing fees and other costs, and out of pocket expenses for the appeal in excess of $1,000.00. Defendants did not object and did not questions it in any way, and therefore it was wholly undisputed and unchallenged and uncontested and should have been granted in the form of a money judgment in favor of Appellant Britt since this was 100% ***consistent with*** the **Mandate** of the COA. The trial court wouldn't grant it.

The trial court did not act consistent with the **Mandate** of the appellate court. Instead, the trial court acted inconsistent with the **Mandate** of the appellate court. *THIS WAS ERROR*, plain and simple. This was in direct opposition and disobedience of the Court of Appeals' command! Even without a specific authoritative reference to show that a trial court has a duty to obey an appellate court, I think this court can most certainly take judicial notice of the fact that a lower court ***is required*** to obey an order or command from a higher court. Such logic is quite obvious.

"A judge shall hear and decide ***all*** *assigned matters..."* (MCJC Canon 3B(1))

One of the *"assigned matters"* on remand included the costs of appeal already awarded!

The irony of this situation is that the entire premise of the remanded case was the wrongful action of the Defendant Orrison in disobeying in 2012 a direct court order, while on remand the trial court likewise directly disobeyed the command from a higher court. Wrong is wrong, and this was wrong. Britt was entitled at the very least to a money judgment in the amount of $4,065.00 for reimbursement of official fees and costs, and without any objection or challenge from Orrison,

Britt should have received a judgment in the amount of $5,065.00 because it was ***totally uncontested***. Britt received nothing at all. In doing this, the trial court committed reversible error.

Unfortunately, Britt only learned of the trial court's judgment on the late afternoon of the tenth day following entry of the judgment, so Britt was unable to file a post-judgment motion within the ten-day period. Britt did make an attempt to file a post-judgment motion challenging the judgment and showing that the motion should be accepted since Britt did not receive timely notice. However, Britt abandoned hopes of pursuing his motion or any favorable outcome since Britt has never once received any favorable treatment from the trial court, and there seemed no reason to believe this would be any different and that making additional trips, 300-mile round trip, to Jackson County would just be an additional waste of time and money. Instead, Britt simply waited to address this issue of costs of the prior appeal at this time, along with all the other errors.

2. The trial court committed manifest error by falsely accusing Britt of violating the September 19, 2012 order and falsely accusing Britt of failing to convey the Wilson House to Orrison by October 17, 2012 as agreed, when Britt did in fact convey it.

> ***THE COURT:*** *But your agreed order of September the 19th of 2012 said that you, "Plaintiff shall deliver good, marketable and clear title of the Wilson House to the Defendants within 28 days of this order." And you did not do that. You conveyed it to the city.*
> ***MR. BRITT:*** *The Court of Appeals states on page 7 that when I -- when Brenda and I gave them the bill of sale on October 17th of 2012, that it conveyed and transferred ownership to Orrison. And at this point, Britt, had met his obligation under the agreed order. And I have never changed my position. We did what we were supposed to do. We conveyed it to him by bill of sale. The Court of Appeals said so. They ruled that we conveyed it. (2nd CP 236-237)*

The trial court falsely stated that I did not convey title of the Wilson House within 28 days as agreed and as ordered. This was absolutely *NOT TRUE*. To put it in the common everyday vernacular, this was an outright *LIE*! The judge was falsely accusing me of violating the agreed court order. This was untrue. This was slanderous. This was highly, highly improper and in violation of the Judicial Code of Conduct! Not only that, it was just plain *WRONG!*

This was "gaslighting" by the court. The court completely made up this untruth. Not only did the court fabricate this false statement, but the court also intentionally tried to confuse all of the facts and falsely claim that instead of conveying the Wilson House to Orrison within 28

days, I conveyed it to the City of Gautier (implying that I conveyed it within 28 days of the September 19, 2012 order *INSTEAD* of conveying it to Orrison within those 28 days). The court intentionally tried to confuse and comingle future events that happened many years later with 2012. The court made a "*quantum leap*" forward from 2012, to four years into the future, arriving in the year 2016! This was *HORRIBLY WRONG*! The proper time frame is this:

September 19, 2012: the agreed order is *finally* entered, *15 days after it should have been*;

October 17, 2012: Britt and his wife conveyed the Wilson House to Orrison as ordered;

May 16, 2013: Gautier files criminal charges against Britt, the house violates zoning laws;

May 31, 2013: Britt tells court he is worried, Gautier filed criminal charges against him;

November 20, 2013: Trial court tells Britt the house is his again to do with as he wishes;

August 10, 2016: Britt conveyed house to Gautier, 3 years *into* the criminal zoning charges;

November 4, 2021: Trial Court falsely accused Britt of *NEVER* conveying it to Orrison.

This shows just how terribly biased the court was against me, and just how badly the court wanted to discredit me, and just how unbelievably low the trial court would stoop to try to assassinate my character in public, in open court. This was *not true*! This was ***OUTRAGEOUS***!

What makes this even more outrageous, and more immature and silly, is the fact that the Court of Appeals discussed this issue thoroughly and stated once and for all in their ruling that:

> *"Britt signed a bill of sale on October 17, 2012, conveying and transferring ownership of the Wilson House to Orrison. At this point, Britt had met his obligations under the agreed order. (2nd CP 50; Court of Appeals Ruling, June 29, 2021, page 7)*

To say that the trial court judge was very angry at me would be a *HUGE* understatement! Why would a judge make such an obviously false, defamatory, and hurtful statement in a public forum, on the record, that could so easily be disproven? This was a huge, horrible error! I deserve better. Our Mississippi Judicial System and its credibility and image deserves better! This was as wrong as wrong can possibly be! This should be investigated by the proper body.

3. The trial court erred in failing to find Orrison in contempt when Orrison had put on no defense whatsoever to show why he failed to perform by October 17, 2012 as ordered.

As part of the agreed settlement, Orrison was ordered by the court to remove the Wilson House from Britt's Southland Log Homes location on or before October 17, 2012. Orrison didn't move the house by October 17, 2012 as ordered. In fact, he never moved the house. At hearing, Britt and his wife both testified in depth as to Orrison's failure to obey the court order and the resulting tremendous damages and problems caused by Orrison's violation of the order. Also presented were numerous exhibits which corroborated and supported the testimony. Britt's Motion for Contempt was attested so it also served as an affidavit which was also introduced into evidence. The following testimony tells the story, and sets out the facts and specifics, of Orrison's contempt:

> *MR. BRITT: As far as the contempt, as I understand -- if I understood the Court of Appeals ruling, the contempt would address those things that were pertinent at the time Mr. Orrison was ordered to move the house. He was ordered to pay me for the property -- to pay me for the house. He was ordered to convey the two and-a-half acres. That's my understanding is that those things that apply today are dealing with why he didn't move the house when he was under the court order to do it. He was ordered to move the house within 28 days. He didn't do it. As far as the house today it is a moot question because he doesn't want it. He abandoned it. So it is not really a question of any ownership. Gautier has the house. Brad didn't want the house. So that's really kind of a moot irrelevant point here. The only question with the contempt was him answering to the Court for not obeying the court's order.*
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> *He was supposed to move the house. He was supposed to pay me. He was supposed to deed property. He didn't do any of those things. He didn't even make an attempt to move the house. He was -- it was killing us even then. We were trying to get our business open, and it was preventing us from opening our Southland Log Homes' business. And he had 28 days -- which our agreement, when we came here and made the announcement in court on February the 4th of 2012, we announced that he had 28 days in which to move the house. That was supposed to run from September 4th.*
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> *By the time the order was entered, it was 15 days later. So actually he had 43 days in which to move the house. But in those 43 days, he made no attempt to move it. None. There was a house mover, Clay Fauver House Movers out of Alabama, and he was the one that had moved the house to its location where it sat on the corner. It was sitting on these steel beams. The City of Gautier had insisted that the house not be taken off the steel beams. And so the house sat on the steel beams, and those steel beams were owned by Clay Fauver.*
>
> *And so Brad had indicated and -- in some of these e-mails -- there's e-mails on this -- what exhibit was that? Anyway, the exhibit that was marked either five or six. And in those e-mails, one of them, Mr. Prescott had indicated that the house mover had been -- I believe that was an e-mail from October the 18th, which actually was one day after the expiration of Brad's time period in which to move the house. He was supposed to move the house by October 17, and he didn't do it. October 18, Mr. Prescott ended up saying that the house mover had been hired.*
>
> *But Clay Fauver House Mover had come over there to that location. I met with him, Brad met with him. And he had a laundry list. He had a homework assignment for Brad.*

And the first thing he had to have was a signed contract. He insisted on having a signed contract with Brad. Brad had to pay him some money. He wasn't going to make any effort to get started on anything until he got a signed contract and had some money in his hand.

And he also went and looked at the properties where Brad wanted to move the house to. Brad was planning on moving the house -- as far as I knew, as far as Clay Fauver knew, because it is what Brad said, and at that time Brad had just -- he had just opened up a new access road back to that additional property that he had purchased that was adjoining the property where The Shed is at. And he had a new road constructed.

Clay Fauver looked at that, and he said it is not wide enough for that house to go there. There were trees. And there were things that had to be cleared. So one of the things on the laundry list -- one on the list -- the homework assignment, was Clay Fauver insisted that you got to widen that access road. It's got to be wider so we can get the house down there. The other thing was that you have to get an okay. You have to get an approval or get a go ahead notice from Singing River Power Company, from the phone company, from the cable, or whatever utilities were in the way from where the house was sitting on my property and where it was going to -- over at the Shed.

Clay Fauver had made it clear that that was not something that he arranged, that Brad was supposed to have gotten written permission approval from all of -- the utility companies. So he had to get approval from the utility companies. He had to sign a contract. He had to pay the Fauver House Movers a deposit of some amount. And he had to widen the access road to be able to get the house down through there because of the width of it. Brad didn't do any of these things. He didn't take any of those steps, not a one. Even when Mr. Prescott's e-mails came through on the 18th of October of 2012 -- which was the day after his time expired -- he was under court order to move by the 17th. On the 18th, Mr. Prescott said the house mover has been engaged. He has been hired. That was not true. That was not a true statement then.

I contacted him -- Mr. Fauver, and found out that was not true. He had never been hired, never had a contract, never been paid, anything. In fact, that -- oh, they were -- under the agreed order, he was to assume my contract with Fauver that I had -- when I had moved the house temporarily, when the Wilson House was moved and keeping it from getting destroyed, and moved it to that corner, he was -- the order was for him to assume that contract.

Well, Clay Fauver never found out about that because he called me and wanted to know what had happened in court on September the 4th. He wanted to know what took place. Then I told him it was -- we had a hearing on it. And so he never heard anything from Mr. Prescott or from Mr. Orrison or from The Shed. He didn't know anything. They didn't assume the contract, because Clay Fauver certainly -- the contract was with him and he would have known about it. And he didn't know about it. He didn't know what had happened in court. I told him that we had reached a settlement. I told him about the settlement.

So anyway, the 28 days came and went and Brad did not move the house. Brad did not pay me the $20,000 he was ordered to pay. Brad did not convey the two and-a-half acres of property. He did not convey it. He did not give me the deed to the property. He didn't pay the $20,000. He didn't move the house. And like I said, right now the moving of the house is not an issue. But as for the other things, he still owes me the $20,000. He still owes me the two and-a-half parcel of land.

He came over there on the 18th. And when he came over on the 18th, he did not -- had not taken any steps. And the reason I know he had not taken any steps to remove the house is because -- wait, I have a note right here. It was in one of our hearings. Brad was on the witness stand, and he was testifying -- and this is in the record from the corrected -

- it is in the corrected transcript, page number 274, line 9 through 11. And Brad Orrison was on the stand in this courthouse, and he was testifying about what happened October the 18th, and Brad said, "I didn't go over to inspect the house. I went over to figure out what I needed to do to move the house." And that's a quote.

So when he was on the stand, he admitted the first time we went over there to look at the Wilson House on October 18th, his time was up. Time was already up. He totally ignored the court order. He didn't bother obeying the court order. And this shows that he had taken no steps to even begin to abide by the court order, because he went over there to figure out what he needed to do to get started. And I'm paraphrasing, but "I went over to figure out what I needed to do to move the house". So that's an admission that up until that point, he had done nothing. He had taken no steps. Now, that's what the contempt is about, why in the world he agreed to something? It is an agreement. It is also made into a court order. He is ordered to follow this. And he simply didn't do it, because that's where the willfulness comes in. He thought he could do whatever he chose. And he changed his mind again. Why I don't know, but apparently he did. He decided he didn't want to move it. He wasn't going to move it. And there's a court order ordering him to do it.

He just thought that he was above the law and he didn't have to abide by the court order. That's what this is all about. That's what the contempt is all about; his callousness, his recklessness, and thumbing his nose at the court order. And he cost me. It cost my wife, Brenda. It cost us a lot, because as long as the Wilson House stayed there, it was killing our Southland Log Homes' business. Gautier would not let us open it.

Just like my wife Brenda said, they would not let us open our business because they said the property was not in compliance that it was -- the Wilson House sitting there, it was illegal. It couldn't stay. It had to go, and until it went, they weren't going to give us a certificate of occupancy, and they weren't going to give us a business license. That we were -- we were shut -- we were shut down. We could not do anything with the property. That was zoned commercial. So we couldn't live there. Nobody could live there. We couldn't rent out the business because not only was Southland Log Homes was not going to be allowed open for business, nobody else was going to be able to operate a business out of there. They made it very clear, the property was not in compliance.

That's where the $500 payment to the surveyor came in. That was part of our consequential damages, our costs -- that was a small cost. But we discussed this in a court hearing previously because you asked me one time -- and I know you don't remember probably -- but you asked me in court, and you asked me who was Chet Smith, and I explained then, all of the things that Mr. Prescott was asking about a while ago, I explained.

THE COURT: All right.

MR. BRITT: I said at that time that I was doing everything that I could to get our business opened, and I wasn't pulling a fast one with the City of Gautier. I explained to them that I'm trying to get the house... I'm trying to get Brad to move it. I'm trying to get him forced to move it. But until I can get it moved physically, the best thing I can do is move it legally -- technically, and that is why we had to hire a surveyor, because I didn't have a legal description. And we had to have a legal description. And I had to get a survey on that. And once I got the survey, then I parceled out -- the surveyor gave us a description. We parceled out the real property where the Wilson House was -- parceled out the area where the Wilson House was sitting.

And just so there was no confusion, whatsoever, to the City of Gautier rather than even to put it back in our name, we decided to just get it out of the Britt's name completely for clarification. And so we could have put it in my son's name or daughter's name, but we put it in Brenda's son name, Chet, an honorable person. He understood the circumstances.

I said, we just needed to convey it, get it -- I was wanting to get it so it's not even associated with Southland Log Homes at all. Once we did that, we took the deed -- and I said now Southland Log Homes is in compliance with the code, with the ordinances and of the building code. It is in compliance because the Wilson House was no longer on our property. "You didn't ask our permission. So we're not going to acknowledge it. We're not going to honor that".

So there again that question is -- and in fact, this check to the surveyor was April the 8th of '13, and Brenda was talking about the effect that this had on me, and the stress and how it took its toll on me and on her. April the 8th of 2013 was when we paid the surveyor $500. Well, when we -- when we approached the City of Gautier, and we had some hope -- we were optimistic hoping that this was going to satisfy them until we could get the building physically moved, and they would allow us to open up. And then came the crushing blow that, nope, it is not going to work, nope. "Until that building goes, you -- there is not going to be a business there". It killed me. It crushed me.

And that was on a Friday, May the 3rd, I believe when I got the word that, "no, it is not going to happen. It is not opening. You are not going to have a business here not until Brad moves that house". That was Friday, I believe May the 3rd. Well, Mr. Prescott wants to know about the stress and how it affected me. Well, it was just over 24 hours from that and I believe it was in the middle of the night, 2, or 3, or 4 o'clock in the morning Sunday morning, May the 5th, I started having my heart pounding out of my chest, and an irregular heartbeat. And I went to Ocean Springs Hospital Emergency Room, and I turned white as sheet, and they started hooking me up with wires and things, and they made it very clear that the stress was just about to kill me. They put me in coronary intensive care, and I was there for days. And the doctor made it very clear, he wanted to know what was going on in my life, and what was happening, and I told him the situation, and he said, "well, it's going to kill you. Worrying over that business and the house not being moved, it is going to kill you"...

Well, the point is that, that was a crushing blow. We were doing everything we could to get our business opened. And Brad, as I said, he was making money hand over fist with The Shed. His business was booming, and he was making thousands of dollars every day. And he knew the strain that he had on our business. He knew very well, because we had all discussed it. We had a litigation going on at that time. Mr. Prescott is very well aware of it because he and I had discussed that up to a point, that it is killing us. We have no income. We have poured everything we had into Southland. We weren't allowed to open. And now our hopes, our dreams, our income is gone.

Anyway, Brad was supposed to pay $20,000 within 90 days. He didn't do it. He was supposed to deed two and-a-half acres. He didn't do it. That's what this is about. And as far as the other losses, we went four and-a-half years without any income from Southland. He was the sole cause of that because Brad did not move it. That was the sole cause why we couldn't open for business. We had inspections and the City of Gautier was -- I believe I know what brought it about was the City of Gautier told me don't let the house down on permanent foundation.

Clay Fauver appeared one day, and he said, I've got to have my steel beams. I've got to have them -- I said the city said that the house can't be put down on permanent foundation. "It's got to go". And he said, well, Brad never made any arrangements, and never hired him, and he said, "I've got to have my equipment". So it was out of my hands. I couldn't tell the man he couldn't have his stuff. But I told the City of Gautier what was going on. But I'm certain when he got his steel beams and pulled them out from under the house, and set things temporarily up on high cinder blocks, I'm certain that the Bienville Orthopedics people, they saw that house being set down on those blocks, even though it is

a temporary situation, they started raising cane with the City of Gautier, and the City of Gautier was raising cane with me. And that's when they came down hard on me because they thought I was trying to pull a fast one on them. They thought I was trying to leave it there permanently. I wasn't trying to leave it there permanently. I had nothing to do with it -- the steel beams being removed. The man had to have his equipment. He said he had a big job on Dauphin Island and he needed it. And he came and got his equipment, and the only way for him to get his equipment out was he raised the thing up and they blocked it up temporarily until the litigation played out. Well, the litigation's been going on ten years now. So that was when we were dealt the question, because once the City of Gautier said "no", there was no compromise and no negotiation, "you are not opening for business, get that thing gone". And we couldn't get it gone. (2nd CP 219-231)

The Defendants never put on any evidence whatsoever in opposition to the prima facie case of contempt Britt made out against Orrison which clearly showed Orrison intentionally and blatantly violated the order of the court by failing to move the Wilson House by October 17, 2012.

THE COURT: All right. You can step down. Do you rest on your petition for contempt, Mr. Britt?
MR. BRITT: I rest.
THE COURT: Are you going to put on any proof?
MR. PRESCOTT: I have nothing further, Your Honor. (2CP 263, L 5-11)

How many times has this ever happened in Mississippi legal history? A defendant is charged with contempt, and an open-and-shut case is spelled out very clearly, and yet the defendants who are represented by counsel choose not to put on any proof whatsoever! If this were basketball, it would be called a slam dunk! The defendants, represented by an attorney had nothing at all to present in defense of the clear and convincing case against them. Yet the court nevertheless ruled in favor of Orrison! The court's ruling not only went against the overwhelming weight of the evidence, it went against *ALL OF THE EVIDENCE* presented! Orrison put on no evidence. Orrison simply had no defense whatsoever. There was absolutely *NO* evidence offered to defend against Orrison's violation of the order dated September 19, 2012. It was proven by uncontested evidence this was simply a willful, wanton, stubborn refusal by Orrison to fulfill his obligations, *twice promised*, and his blatant intentional violation of the court order.

The order of September 19, 2012 clearly states that Orrison was required to pay Britt $20,000, required to convey a two and one-half (2 ½) acre lot to Britt, required to move the Wilson House from the SLH property by October 17, 2012, and required to assume the contract that Britt

had signed with Fauver House Movers. Orrison did *NONE* of these things. Orrison didn't pay Britt $20,000. Orrison didn't convey a 2 ½ acre lot. Orrison didn't move the Wilson House. Orrison didn't assume the contract. Additionally, the record clearly shows that Fauver House Movers also had numerous requirements for Orrison to meet before Fauver would get started moving the house. (1) Orrison had to widen an access road on his property to allow the house to move; (2) Orrison had to get written permission from Singing River Electric for the move; (3) Orrison had to get written permission from AT&T; (4) Orrison had to get written permission from Cable One and any other utility company having interest along the moving route; (5) Orrison had to sign a written contract with Fauver House Movers; (6) Orrison had to pay an earnest money deposit to Fauver before Fauver would ever begin the project to move the house. Orrison did not do *ANY* of these things. Orrison's only excuse was mentioned briefly in pleadings filed ten years ago. In September, 2012, "*Orrison traveled to South Louisiana to serve food to those displaced by the Hurricane Isaac*".(CP 81) So, he was *too busy* because he was in Louisiana in September, 2012, with his portable food-vendor trailer, feeding hurricane victims, when he was supposed to be obeying a court order. Of course, Orrison was saying this to try to elicit sympathy from the court by showing an honorable act of feeding his fellow man, although this was no legitimate excuse even if it were true. Actually, this was *NOT* an altruistic act on Orrison's part at all. Orrison does not have an altruistic bone in his body. Anyone can read between the lines and see that Orrison's so-called "*generosity*" was actually purely opportunistic and purely selfish. We all know what Marketing Public Relations ("MPR") is. Orrison was simply promoting his business and advertising his business in Louisiana under the guise of playing the part of *Dudley Do-right* to the rescue. Orrison saw an opportunity to promote his business and hopefully make news headlines, while writing the entire expense off as "advertising". Orrison knew that wherever a major event occurs, major news media would be there also, and Orrison is an expert at getting broadcast and print media news organizations to spotlight him and his business and give him free advertising.

So Orrison was in Louisiana growing his business and ignoring a direct court order, all the while Britt's SLH business sat shut down and unable to open until Orrison moved his house. This shows the true heart and true mindset of Brad Orrison. After all, Orrison said braggingly in a TV audition video that he had 250 employees (CP 48), so why couldn't they go to Louisiana and let Orrison get about the business of keeping his promises and obeying the court order? Why? He just wanted to be in the spotlight and hopefully be on TV! That's Brad for you! That shows who he truly is.

In Re Smith, 495 B.R. 291 (2013) and Dykes v. Forrest County, 96-CT-00506-COA are two cases that dealt with unrebutted affidavits. Both of these cases actually dealt with summary judgment situations, not trial, where there were unrebutted affidavits. M.R.C.P. 56 (c) deals with Summary Judgment and says that a party is entitled to judgment where there is no genuine issue to any material fact and the moving party is entitled to a judgment as a matter of law. Summary Judgment cases are *even more strictly scrutinized* than a trial such as in our present case. Orrison disputed nothing. There was no genuine issue as to any material fact regarding Orrison's failure to abide by the September 19, 2012 court order in moving the Wilson House by October 17, 2012. Britt was entitled to a judgment as a matter of law. The trial court did not follow controlling law.

4. The trial court erred in declaring damages were irrelevant to the contempt hearing, and further, in failing to consider Britt's claim for damages caused by Orrison's breach.

The trial court erred by declaring that the court would not consider damages.

THE COURT: Well, it is a petition for contempt. It is not a petition to enforce anything. It is not a petition to ask for damages. (2CP 167, L 20-22)
The court made it very clear that the court would not consider awarding any damages.
THE COURT: ...I don't see -- I don't see the relevance of it based on my 104 hearing that I had just this second, and Rule 41... (2ndCP 168, L 1-3)
MR. BRITT: Judge, it goes to consequential damages as a result of Mr. Orrison not moving the Wilson House like he was court ordered. (2CP 168, L 14-16)
THE COURT: I don't think it is relevant (2CP 169, L 14)

"The elements of breach of contract are: (1) the existence of a valid and binding contract; (2) breach of the contract by the defendant; and (3) money damages suffered by the plaintiff." Guinn v. Wilkerson, 963 So. 2d 555, 558 (P8) (Miss.Ct.App. 2006).

Surely, under Mississippi law Britt was entitled to damages and most certainly, *contrary to what the trial court said,* was allowed to present proof of damages at the hearing.

(1) There definitely was the existence of a valid and binding contract. The settlement agreement was a contract. It was also a court order which required Orrison to do it.

(2) There was a breach of contract by the defendants. Orrison never did what was ordered.

(3) There were most definitely tremendous money damages suffered by Britt as a result of Orrison's breach amounting to hundreds of thousands of dollars in losses and damages.

The court was wrong in saying damages were irrelevant. When Britt attempted to put on evidence of just the smallest of out-of-pocket expenses, the court said this was irrelevant. After hearing the court announce that, ***"It is not a petition to ask for damages",*** Britt was now forced to abandon his plans to go forward with presenting the hundreds of thousands of dollars in lost revenue to Britt's SLH business caused solely by Orrison's wrongful conduct, simply out of fear of suffering the wrath of the hostile trial court by doing what the court clearly stated was not to be discussed. This was simply wrong. A litigant should never be bullied or intimidated into being fearful to do what our law says is proper. This was wrong. My due process rights were denied!

> *Now, we're sitting here with our log home. We can't open for business. We'd sunk $300,000 into a business in hopes of opening it and having an income from that business, and the City of Gautier says, "no, you are not going to open because the Wilson House is sitting there. Brad hasn't moved it and until it goes somewhere, you are not opening this house". That in a nutshell is what the situation was.*
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> *Well, for five years our investment just sat there like a hole in the ground. We had -- our property sit there. It was costing us money. We had poured our blood, sweat, and tears into that and invested every penny we had and mortgaged every penny we had to get that business up and going.*
>
> *And Brad sitting there -- he is making thousands of dollars a day at his business. His business is booming across the road. And, yet, we can't open our business because of his misconduct. He didn't move the house. He was court ordered to move it, and he didn't move it. He abandoned it.(2CP 174 L 21-175 L12)*

It is time for Orrison to grow up and be a man. It is time for him to pay the piper. There should have been a full discussion of damages, but how do you do that when the court tells you

repeatedly that your requests for damages are completely irrelevant? Do you dare run the risk of further suffering the wrath of a judge who already falsely accused you in anger? This was error.

5. The trial court erred in raising the question of the moving of the Wilson House by the City of Gautier and making this the sole focus at hearing, and without first giving Britt proper notice, and without examining the legitimate reasons why it was forced to move.

The attorney for Orrison came to court November 4, 2021, using his typical trial-by-ambush method where he blindsided everyone with his usual surprise attack. Is this the only way he knows how to practice, resorting to sneaky, shady, underhanded, unethical tactics? This was all complained of in my first Appellant's Brief two years ago and discussed at length with numerous colorful examples of his despicable manipulation. In fact, the attorney for the City of Gautier, who was not actively participating, was there because Mr. Prescott, Orrison's attorney, notified him at 5:45am the morning of the hearing, and he told the court of his same-day notice!

Orrison's attorney did not give Britt prior notice either of his intent to "chase another rabbit", so Britt was caught totally off guard and had no opportunity to prepare against the latest foolishness raised by Orrison, but which was fully embraced whole-heartedly by the trial court. The trial court never once focused upon the reason why Orrison never moved the Wilson House in 2012 or any of the other requirements that Orrison failed to do in 2012. Instead, the court wrongfully put Britt on trial and *focused on one thing only*... moving of the Wilson House in 2017 by the City of Gautier. Britt tried to explain to the court that the moving of the house five (5) years later in 2017 had absolutely nothing to do with the hearing for contempt which was all about Orrison's misconduct in 2012. The moving of the house five years later was totally irrelevant.

Did the moving of the house in 2017 explain why Orrison failed to move it by October 17, 2012 as ordered? NO! Did the moving of the house in 2017 explain why Orrison failed to pay Britt $20,000 in 2012 as ordered? NO! Did the moving of the house in 2017 explain why Orrison failed to convey 2 ½ acres to Britt in 2012 as ordered? NO! Did the moving of the house in 2017 explain why Orrison never assumed the contract Britt had signed with Fauver House Movers as

ordered in 2012? NO! Did the moving of the house in 2017 explain why Orrison failed to get the required written permission from Singing River Electric, AT&T, Cable One, and other utility companies in 2012? NO! Did the moving of the house in 2017 explain why Orrison failed to widen the access road on his property as required in 2012 to provide proper clearance for the house to move? NO! Did the moving of the house in 2017 explain why Orrison failed to sign a contract with Fauver House Movers and pay the requisite deposit in 2012 as necessary to get started with the move? NO! Did the moving of the house in 2017 explain why Orrison took absolutely no first step at all to get started moving the Wilson House in 2012? NO! Did the moving of the house in 2017 explain why Orrison took off to Louisiana and thumbed his nose at a direct court order? NO!

The moving of the Wilson House by the City of Gautier in 2017 was totally irrelevant to the hearing on the charge of contempt which was based solely upon Orrison's lack of action in 2012 to perform as ordered. Whatever happened five years later was outside of the scope of the contempt hearing. Admittedly, had the court examined fully the events of 2012 and Orrison's failure to do as required and the damages caused by his lack of action, which it didn't, then the next pending question would have been examination of the reinstated settlement agreement and the circumstances surrounding it to properly and equitably determine what is a fair and equitable enforcement of the agreement. This would have required a *FULL* examination of the entire *Sitz im Leben* surrounding the moving of the Wilson House in 2017, which the court did not do. For example, (1) "Why did the house move when it did?" (2) "Was Britt forced by the City of Gautier to move it?" (3) "What became of the criminal charges initiated on May 16, 2013 by Gautier against Britt when Orrison failed to move the house as ordered, of which criminal charges the court had been made fully aware of on May 31, 2013 (Exh.1, 5/31/13), and of which the trial court had known for three (3) long years before Britt ever agreed to sign the paperwork on August 10, 2016 which allowed Gautier to remove the Wilson House?" (4) "What would Gautier have done to Britt if he had refused to allow Gautier to move the house?" (5) "Was Britt justified in allowing Gautier

to move the house?" (6) "How long was a reasonable time for Britt to be forced to wait before taking appropriate action to move the house?" (7) "Did Britt's duty to mitigate damages require Britt to wait any longer than four years, from 2012 until 2016, before authorizing Gautier to move the house?" (9) "Had Orrison abandoned the property by refusing to move it as ordered and repeatedly declaring that he did not want the house?" (10) "How many more years must Britt's Southland Log Homes dealership business sit idle and unable to open for business after Orrison breached the contract and violated the order?" (11) "How many hundreds of thousands of dollars in lost revenue must Britt and his wife continued to suffer before being justified to allow Gautier to remove the house?" (12) "Because Orrison's wrongful conduct was the sole cause of the Wilson House remaining improperly on Britt's SLH property for all of those years, should Britt be penalized now, instead of Orrison, by not enforcing the surviving terms of the settlement agreement since Britt was an innocent party?" (13) Why shouldn't Orrison be required to follow through with the surviving terms of the agreement since he was to blame for the house being moved by Gautier since, after all, if Orrison had moved the house as ordered in 2012 Britt would have never been required to take action in 2016?" (14) "How much physical damage had already occurred to the house from 2012 to 2016, and how much more damage was likely to occur in the years to come if it did not move in 2017?" (15) "Was Orrison prepared to pay for all of the continuing physical damage befalling the Wilson House as it sat unprotected on temporary blocks?" (16) "Should the Clean Hands Doctrine bar Orrison from complaining about the moving of the Wilson House in 2017 by Gautier since it was Orrison's wrongful conduct in the first place that created this frustrating dilemma?" (17) "Should Equitable Estoppel prevent Orrison from complaining since he was the wrongdoer in this situation and Britt was the innocent party who did everything that was required of him under the agreement and Britt had fulfilled his obligations?" (18) and ultimately, "Was it a reasonably prudent act of mitigation of damages by Britt in allowing Gautier to take the house, and didn't Orrison benefit when Britt thus lessened his damages claim?"

And many, many, many more similar and legitimate questions were required to be covered before a fair and neutral court. The trial court jumped to conclusions and wrongfully called Britt a liar and a cheater and a fraud when it is easily proven that all such accusations were totally unfounded and just plain wrong! Otherwise, Orrison would be now paying 10+ years of damages.

If somebody throws a rock through your big plate-glass window and subsequently, he is ordered by the court to fix it, how long do you have to wait on the defendant and the court to do the right thing? Do you wait over a year? Everyone knows you can't heat a house in the winter or cool it in the summer with a big gaping void area in the wall of your house, so how long do you wait? Orrison threw a rock through my window and made a horrible mess. I waited over four years for Orrison to do the right thing and for the court to do the right thing. Why should I be forced to wait any longer? Why should I be forced to wait four long years in the first place before I fix it myself? A crude analogy, perhaps, but certainly an accurate one! And now, both Orrison and the court say that Orrison doesn't have to pay for fixing the window because it is already fixed! "It's all Britt's fault...It's all Britt's fault" is all that they can say. This is ludicrous. This is insanity.

I told the trial court on May 31, 2013 that it was extremely urgent that this matter gets resolved quickly because the City of Gautier had lost its patience after ten (10) months of Gautier's verbal permission to *temporarily* allow the Wilson House to sit there, and had now filed charges:

> *MR. BRITT: My greatest problem with this trial being continued is the City of Gautier has got criminal charges against me. I have already given Mr. Prescott a copy of this now. THE COURT: Well, all you need to do is tell Judge Thornton you're here on a matter and I think Judge Thornton will probably understand.* (Tvol 6 of 7, P326, L 11-17)
> *THE COURT: Brandy, put in the order the Court understands that there is an issue regarding matters before the court that may be in the City of Gautier and that this matter is set for trial for resolution of the matters between Mr. Orrison and Mr. Britt on August 13th. Ask the City of Gautier if they will give you a continuance. I'm not going to put that in the order, but you can take this order over there and tell them it is set for trial. Maybe it will help you. I would think Judge Thornton is a reasonable person.*(Tvol 6 of 7, 329,2-13)

Gautier's position was the same as mine... there had been more than enough time for Orrison to move his house. It had been almost a year since Gautier gave "*temporary permission*", and yet the trial court had full knowledge that Gautier was now coming after me with criminal

charges. Did the trial court honestly think that a municipality would let this matter go on year after year, simply because the court said to *"tell Gautier's city court judge the matter was pending in chancery court"*? How long should the criminal charges for zoning violation remain pending before I was justified in allowing Gautier to take the house away? I had waited much, much longer that was reasonable under the circumstances. I was the innocent one. Criminal charges began in 2013. The house ultimately moved in 2017, five years after it was ordered to be moved. Orrison was to blame for violating the court order and causing the house to sit there for five years. The trial court was to blame for not following the controlling law and enforcing the settlement agreement. If Orrison had done what he was supposed to do, or the trial court what it was supposed to do, the house would have already moved before 2016 and I would never have been put in the horrible predicament I was in. I did everything I was supposed to do, yet I got blamed for everything! It's time for others to take personal responsibility and stop blaming me!

6. The trial court erred in ignoring completely and avoiding altogether the very heart and paramount issue of the contempt petition: Orrison's failure to abide by the court order and perform his obligations by October 17, 2012 as promised and as ordered.

The only reason for this case being remanded to the trial court was for the purpose of providing Britt with the hearing that he was deprived of in 2012 on his Motion for Contempt. The Motion for Contempt dealt with Orrison's failure to obey the court order by October 17, 2012, and the nightmare of problems and complications and losses and damages that occurred as a result of Orrison's failure to comply. This is what the case was all about. The questions to be examined were supposed to be, "Why didn't Orrison do what he was supposed to do?" and "What were the resulting damages that Britt suffered when Orrison failed to do what he was supposed to do?"

This was actually a very simple case. There was nothing complex or complicated about it. (1) Orrison promised to perform numerous acts. (2) Orrison failed to do what he promised and was ordered to do. (3) Orrison's failure resulted in tremendous losses and damages to Britt.

The defense tried to make this into a complicated case, and the trial court also tried to make this into a complicated case, but the truth is that it really was a "*no-brainer*". The trial court was commanded by the Court of Appeals to conduct a contempt hearing. This never happened. The trial court never looked at 2012 or discussed 2012. The trial court would never look at or discuss Orrison's required acts to be performed by October 17, 2012, nor would the trial court look at or discuss Orrison's failure to perform his required acts in 2012. Neither would the defense do this.

Instead, both the defense and the court engaged in a bizarre technique of gaslighting. Neither the defense nor the court would ever talk about the events of 2012 and Orrison's violation of the court order in 2012. Both the defense and the court focused entirely upon only those events that occurred from 2016 to the present, pretending as though some kind of futuristic time warp allowed Orrison to somehow claim an exemption from obeying the court order in 2012 because of something that happens many years later in the future. I can find no authority on point, either for or against, that discusses the ability of a defendant to adopt a retroactive defense to a contempt occurring in 2012 because of something that hasn't even happened yet... and will not happen until four or five years into the future. This was gaslighting, and it was highly, highly improper. Not only that, it was just plain ridiculous! Britt was the only one who discussed issues, facts, and events regarding the contempt in 2012 and the tremendous chaos it caused. Despite Britt's best efforts, the defense and the court kept pulling Britt "*back to the future*" with their gaslighting in an attempt to totally ignore and totally avoid the sole issue of Orrison's violation of the court order in 2012.

The defense and the trial court worked in tandem, exactly just as they had done ten years ago! It was wrong then, and it is wrong now! It was like a tag-team match with two against one, just like ten years ago. It was déjà vu all over again. To say that Orrison is not guilty of contempt for refusing to obey a court order in 2012 because Gautier moved the house in 2017, makes just about as much sense as the man who robbed a bank in 1990 and when finally captured and stood

trial many years later, he used as his ***one and only defense***, "I can't be found guilty of robbing that bank in 1990 because it went out of business and closed down in 1995"! It is insane gaslighting!

7. The trial court erred in falsely accusing Britt of conveying property that he did not own and falsely accusing Britt of fraud and perjury when signing a document in 2016.

When Orrison didn't move the Wilson House as ordered, it created a tremendous hardship on Britt and his wife. They were unable to open their new business until the house moved. Also, the Doctors who purchased the adjoining land from Britt were terribly upset that the house was still sitting haphazardly on temporary blocks of wood and concrete next to their newly constructed medical complex. The City of Gautier had actually filed criminal charges against Britt in 2013 as a result of Orrison not moving the house. Although Gautier initially gave verbal consent because it was supposed to only be a temporary situation, after almost a year Gautier grew impatient of Orrison's house sitting on the corner in violation of zoning laws. Although the highly questionable ruling of the trial court was being appealed beginning in 2015, this still did not provide any magical solution to Britt who was facing the ever-increasing pressure to move the house, so Gautier finally convinced Britt on August 10, 2016 to convey the Wilson House to the City of Gautier in an agreement which would allow Britt to finally open his new business, Southland Log Homes, that had sat idle for four years. Gautier actually moved the house the following year in 2017.

The trial court judge had very clearly told Britt in open court, on the record, November 20, 2013, that the Wilson House was Britt's property to do with as he pleased, and that Orrison did not want it and had no claims to it and that it was Britt's again "free and clear". (T vol 7 466-468)

> *THE COURT: Mr. Britt, as far as -- as far as the Court is concerned, you're free to do what you want with that house what you want to. If you can sell it for $100,000, I think you're free to do that. I don't think they have any claims. And I want to do know right now, do y'all have any claims on that, or if he can do something with it, IS he free to do something with it? Put that on the record. Don't you want to know that, Mr. Britt?*
> *MR. BRITT: Yes, sir. I would like to know.*
> *MS. McCRORY: He doesn't want it, Your Honor.*
> *THE COURT: He doesn't want the house? Is that -- Mr. Orrison, raise your right hand. Do you swear or affirm that the testimony that you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?*
> *MR. ORRISON: Yes, Your Honor.*

THE COURT: You have no claim to the Wilson House?
MR. ORRISON: None.
THE COURT: Zip?
MR. ORRISON: Zero.
THE COURT: Nada, nothing?
MR. ORRISON: Nada, nothing.
THE COURT: No lien?
THE COURT: Do you expect to have a lien on the house or is he free to go do with it what he wants to?
MR. ORRISON: ...He's free to do whatever he likes with the house.
THE COURT: So the answer is he's free to do whatever he wants to do with the house.
MR. ORRISON: Free as a bird.
THE COURT: You have no lien on it?
THE COURT: ... Is he free to have the house?
MR. ORRISON: ...He's free to have the house.
THE COURT: All right. Mr. Britt, I just want to the get this
MR. BRITT: I'm sorry, Judge. I thought you were done. I apologize -
THE COURT: No, you're all right. We're still on the record. He says you can have the house... But he says you can have the house to do with it what you want to. Says he doesn't have a lien... But from what I have heard and what is in the record, Ashlee after 1:30 is going to prepare an order that there is no lien on this house and that Mr. Britt is entitled to do with it what he wants to. *(T vol 7, P 466-468)*

The judge told me over and over and over and over again that the Wilson House was mine to do with as I wished. Orrison's attorney said Orrison didn't want the house. Orrison even testified himself and repeated over and over and over again that he didn't want the house, he had no lien on the house, and I could do whatever I wanted with the house. The court entered its order on that same day, November 20, 2013 (1stCP bk 2, 222) and said:

> *"On the record Defendant Brad Orrison stated that he has no interest in the Wilson House. Brad further stated that Brian may do whatever he wants with the Wilson House, including finding a buyer for the house. Orrison relinquishes all interest in the home and stated he does not have a lien on the Wilson House and does not plan to secure a lien."*

So, after four devastating years of no income, lost revenue, pending criminal charges hanging over my head, and pressure from Gautier and the Doctors to move the house, I finally relied upon the judge's reassurances only to be called a liar because I did as he told me to do.

I had fully explained the situation to Gautier in August, 2016, and I explained to Gautier that the court instructed me to do whatever I wished with the Wilson House. I simply told the truth! But in 2022, the judge called me a liar because I was naïve enough to believe what he said.

THE COURT: This document according to what the parties have agreed to was signed August the 10th of 2016. And your son and Mr. Britt swore under oath on that date that there is no existing issue of ownership regarding this log cabin...So do you have any knowledge why Mr. Britt would sign -- why Mr. Britt and your son would sign this document... Do you know why he would do that?...
...Mr. Britt, your husband, and your son represent that there is no existing issues of ownership regarding the log cabin on August 10th of 2016. Do you know why they would say that under oath?
THE COURT: No. Somebody has lied to the Court of Appeals. And I'm trying to find out who did. Somebody said under oath on August 10th that there was no issue of ownership, and yet there was an appeal filed about issues of ownership. Do you know why?
(2nd CP 216-218)

The trial court was wrong in three ways, (1) *nobody lied* because the judge had told me that it was mine to sell or do with whatever I wished, so that was a truthful statement I made in 2016, (2) there was *never any issue of ownership* on appeal... the appeal was based upon errors committed at trial and the wrongs committed by Orrison trying to weasel out of his commitments. The bill of sale was delivered to Orrison's attorney on October 17, 2012 conveying ownership, but the trial court declared on November 20, 2013 that the house was Britt's problem to deal with once again. (3) the *appeal was already filed* in 2015, long before the point of eruption when Gautier's ultimatum finally forced the moving of the Wilson House. Here again, the trial court is taking another quantum leap from 2016 to five years into the future in 2021. The court continues to deploy this bizarre "*back to the future*" gaslighting technique of calling me a liar for a truthful statement made in 2016 that the court now perceives was turned into a "*lie*" in 2021. This is insane.

THE COURT: Yes, sir. The Court of Appeals had the wool pulled over their eyes. They didn't know that somebody else had conveyed it to the City of Gautier. (2ndCP 191, L14-17)

I told the judge November 4, 2021, that I did not lie. It was a truthful statement I made on August 10, 2016. My only fault and my only sin was when I was stupid enough to believe that it is okay to trust and rely upon (to my detriment) a Jackson County, Mississippi Chancery Court Judge when told something directly, *REPEATEDLY*, in open court in front of God and everybody! The court told me, not once, but *several times* (*which, to me added weight*) that the Wilson House was mine to dispose of or do whatever I needed to do to lessen my losses and damages. Why did

he tell me this if it were not true? Why did he tell me this *if he knew in 2013* there was a probability he would be reversed on appeal? Why was he calling me a liar for doing the very exact thing that he told me to do? Nobody reading this can ever begin to imagine the psychological torment, the mental anguish, the frustration, the embarrassment, the confusion, the sickening feeling in the stomach, the overwhelming urge to scream out in desperation at that very moment when standing all alone in open court and having the judge call me a liar and say that I had lied by saying I was the owner of the Wilson House, when all that I ever did was simply to believe him when he told me *it was mine to do with as I wished.* The court reporter may take down the words, and the appellate court may review what was said, but nobody reading the record of this case can ever hear the snickering and giggling and sneers of the defendants and their attorney, and see the smirks on their faces, or experience the humiliation and the crushing defeat and sense of utter hopelessness when I am standing there, innocently, all alone and the court is publicly lashing out mercilessly in anger and calling me a liar and blaming me for what the court itself did. It was the court's fault, not mine. I only did exactly what the judge told me to do. I didn't lie. I never lied. The record proves this conclusively. In fact, I am the only one in this case that ever told the truth, over and over again, and the record proves it! Orrison didn't keep his word. The court didn't either. I did.

This was wrong. This was untrue. This was unprofessional. This was groundless slander. Nobody, and I mean *NOBODY*, should ever again be subjected to such cruel and agonizing character assassination. This was a judge telling me that I am a liar for believing what he told me! When a judge tells you something publicly in open court, are you supposed to believe him? Are you supposed to rely upon his word? Or instead, are you supposed to turn and run as fast as you can and get as far away from him as quickly as possible because you know it is all just a ruse and you are about to be caught up in his dastardly snare that will entangle you and choke the very life out of you? This must truly be the lowest of lows to which our Mississippi Judicial system has now sunken. Is this really the new judicial standard of deception and dishonesty that we now

leave as our legacy? I hope not. Why was it *MY* fault simply because I was stupid enough to believe what a judge told me? This is insane! If you can't believe a judge, who can you believe?

This was my unrehearsed testimony in court November 4, 2021, based strictly upon my recollection of what had transpired eight years earlier. Judge for yourself who is telling the truth:

> *MR. BRITT: Brad agreed on September 4, 2012, four and-a-half years earlier to move the house within 28 days. He didn't do it. He didn't move it in 28 days. He never moved it. Gautier stayed on me and stayed on me and stayed on me that the property was illegal. That the house had to go. It was Samantha Able,*
> *THE COURT: Ms. Yancey is the city manager; is that correct?* [interruption by the court]
> *MR. BORDIS: She is now. Ms. Able was before.*
> *MR. BRITT: I believe was her name. Samantha Able called me out of the blue one day and she said she had a solution to the problem that would allow us to get the Wilson House gone. I was all ears. The solution was they had some grant money, and they said they could move the house to Shepard State Park and turn it into a Welcome Center or visitor center and --*
> *THE COURT: Did they do that?* [interruption by the court again]
> *MR. BRITT: So I talked with them. I explained that it was in litigation. I explained that -- all about that it had been conveyed. We had conveyed it to Brad. My wife and I had conveyed it to Brad. It was in litigation. And they said, "well, it's got to go". This was their solution, that they would take the house. So that's how that came about. At that time, there was a written court order. Like I said, at the conclusion of that hearing when we were all sitting back there, I remember you talking to Brad, and you said, "Do you have any interest in the house?" And he said, "no." And you said, "Well, you've relinquished all of your rights and your interest." And he said, "Yes." And you said, "Okay. Mr. Britt, it's yours. You can do with it what you want now. He has no desire for it." That's how it came about. So I was talking about the ownership at that time. **It is true** because it had been thrown back in my lap **at that time** according to the -- **what this Court had told me that it is now mine again.***
> *THE COURT: Here is the problem. Today you want to rely on what I said, but you appealed me in the Supreme Court that what I said was wrong. The Court of Appeal said, "Judge Harris you are wrong. You are wrong in telling Mr. Britt that he owns that property." And you can't rely on that today.*

The Court of Appeals never made any such statement as, "*you are wrong in telling Mr. Britt that he owns* ***that property***". That statement by the trial court was not true. There was no such statement in the appellate ruling. Here again is one more instance of gaslighting because ownership of the house was *never an issue* before the court. The trial court erroneously took a reference out of context, because instead of referring to the *Wilson House*, the "***property***" that the Court of Appeals was discussing and was referring to was the 2 ½ acre lot of "*REAL PROPERTY*" which the Court of Appeals did say should belong to me that Orrison didn't convey as ordered.

While I admit that I was not able in court to precisely recall all of the words verbatim which I had heard nine years earlier, I was definitely able to accurately remember what was said. The reason I could remember this so clearly was simply because this was a tremendously traumatic event for me when it happened in 2013. I was totally dumbfounded by the shocking, unexpected, and irrational ruling of the court, and just like a car wreck or a death in the family, or any other seriously traumatic event in a person's life, this moment was permanently burned into my memory so deeply that I couldn't ever forget it. This is why I could recall events throughout this decade-long litigation exactly as they happened, and be able to testify over and over again consistently. You never forget the truth when you have actually lived it, especially when you have lived it with pain and anguish! People many times may forget a previous lie or alibi they have told. It is probably difficult to keep track of which lie you told to whom and when and where. But you never forget the truth! If you have any doubt of who was telling the truth about all of the facts and circumstances in this case, just compare my decade-old testimony to the record.

8. The trial court erred in falsely accusing Britt of lies and deception and appealing the court's decision after property was conveyed to Gautier in 2016, which was totally false.

Just like the previous discussion, the trial court falsely accused me of defrauding the Court of Appeals. The trial court falsely accused me of intentionally conveying the Wilson House prior to filing the previous appeal. This is absolutely *FALSE*! This is just one more example of gaslighting by the court. The court didn't just make false accusations once, but rather, repeated them over and over and over and over again. It's a classic telltale sign when someone is gaslighting and trying to manipulate your mind and public perception and spin a perverted "truth". (2nd CP 236)

> *THE COURT: ...it may be fraud upon the court. And then I have got to deal with that.*
> *THE COURT: No. Somebody has lied to the Court...* (2nd CP 218, L6)

Sadly, we see this same technique used on a national level in our country by elected officials who are likewise sworn to tell the truth and uphold the Constitution...yet they don't... they instead gaslight. We continue to see in the national news our sworn leaders say, "Our Borders

are Secure", "Our Borders are Secure", "Our Borders are Secure", "Our Borders are Secure", over and over and over and over again... all the while we see shocking and sickening footage of millions and millions of illegal aliens pouring over our border, in living color, bringing with them unbelievable amounts of deadly illegal drugs. How can people live with themselves after saying such a thing? How can those elected politicians, both national and our local officials, do this? I don't know. It is sad and it is sickening to see it happen, but it is much, much more saddening and sickening when it is happening to you personally while in standing in court and being blamed for something you did not do, and knowing you are the target of such manipulation of the mind.

Both the defendant's attorney and the court repeatedly, over and over and over again, kept suggesting and pretending that I withheld relevant information from the Court of Appeals about the moving of the Wilson House, and that I had a duty to inform the court of something that was outside of the scope of the trial court record. This was more gaslighting. **First**, as mentioned above, the moving of the Wilson House in 2017 had absolutely nothing to do with Orrison's refusal in 2012 to move the house and pay the $20,000 and deed the 2 ½ acres as ordered by the court. **Second**, I told them I saw no relevance and that it didn't affect the appeal because the appeal was based upon the errors committed in the trial court. The question of the moving of the Wilson House in 2017 did not affect the appeal in any way, and it would only come into play when later deciding what is a fair and just way to enforce the remaining and surviving terms of the settlement agreement since the moving of the house was no longer an issue when I was forced to take action myself (i.e., I was forced to "*fix the window*" myself when the court and Orrison both failed me). **Third**, Orrison's attorney, Mr. Prescott, made such a big clamor about pretending I had a duty to discuss things that were outside the record, but what about *HIS DUTY*? I knew the moving of the house was irrelevant, but Prescott said otherwise and said the court should have known. Well, if he was the only one who thought it was important, *when I didn't*, and he was the only one who seemed to know some method of skirting the record on appeal and bringing to the attention of the

court a new post-trial event, *when I didn't*, then *WHY DIDN'T PRESCOTT* tell the court? He said he knew how to do it. I didn't. He said he thought it was important to the appeal. I didn't. Mr. Prescott, yet once more, again, was gaslighting! He pretended that he "only learned of the moving of the Wilson House in 2017" just shortly before court on November 4, 2022. *OH, REALLY?* Orrison's attorney put on a dramatic act saying he just found out. Mr. Bordis (attorney for the City of Gautier who was not actively involved in the case but was present only as an observer in the interest of the City of Gautier) appeared in court November 4, 2021, and told the court that he had only received notice from Mr. Prescott at 5:45am that very morning! This was not only outrageous that Mr. Prescott always gives only an eleventh-hour... nay, twelfth-hour notice, but this is common practice for him and Mr. Prescott's normal mode of operation. This was exactly how Mr. Prescott had behaved throughout the *ENTIRE* last ten years of our litigation, and that is precisely why I called the appellate court's attention to it and complained of it in my prior appellate brief and gave numerous examples. Mr. Prescott acted surprised and pretended that he just found out of the moving of the house that occurred **five years** earlier. ***BUT***, Mr. Prescott was representing Orrison in 2017 when the house moved, ***AND*** Mr. Prescott continued representing Orrison through 2022 and the present day. How could an attorney make such a preposterous statement? Are we to believe that Orrison and his attorney never spoke nor communicated for ***FIVE YEARS*** from 2017 to 2022? After all, Orrison stated on the witness stand previously that "***I live right across the street***" (i.e., from the Wilson House)(CorT 82, L5-6). This is precisely what I have had to put up with all these years... last-minute, blindsided surprise attacks and trial-by-ambush, manipulation, lies, and deceit. Orrison most certainly knew in 2017 of the house moving with heavy equipment blocking the roads, because he said he ***lived right across the street***. If the moving of the house was such a big deal for the defendants, they could have and should have felt obligated to inform the court in 2017, not me, because I knew then and I still know now moving of the house was totally irrelevant to Orrison's failure to perform in 2012. This was a classic example of gaslighting

and trying to make it look like I intentionally withheld important information, when this was an absolutely false accusation and Mr. Prescott knew it. He had a much higher duty and obligation to inform the court because he most certainly knew about it in 2017 when his client knew it. His tongue-in-cheek pretention that he only learned just before court is nothing less than a ludicrous fabrication. The story was all over the news on WLOX TV, in the Sun Herald newspaper, and most important of all... *his client*, Mr. Orrison, *lived right across the street*! There had been numerous newspaper articles about the historic Wilson House, some of them front-page stories, written both before and after the move, and Defendant's very own exhibits prove this. Defendants simply chose to wait until the day of court, as usual, to launch their sudden surprise attack and pretend this was some shocking new "*concealed*" act. They did this simply because they were desperate as usual, and they could think of no other possible defense. This is proven by the record which shows, again, Orrison put on ***no*** evidence to refute the specific contempt charges in 2012.

I filed my Notice of Appeal on August 21, 2015, after the trial court entered what I believed was a final judgment on July 23, 2015. The court said it was going to conduct a Writ of Inquiry, however I knew from our Mississippi statutes (Miss. Code Ann. 11-37-101 et seq.) and Magee v. Covington Cnty Bank (2011-CA-00589-COA) that a Writ of Inquiry was not proper in our case and was not lawful. First, there had been *NO* seizure of property, as required. Second, Orrison was *the Plaintiff* in the Counterclaim, not *the Defendant*, as required. Nothing about our case fit the statutory requirements for a Writ of Inquiry, and according to case law, the trial court lost jurisdiction to conduct a lawful Writ of Inquiry, and therefore, I was confident that the judgment of July 23, 2015 was a final judgment and that I must act to file my Notice of Appeal. Defendants argued that there was no final judgment, and the appeal was subsequently dismissed because it was deemed to be filed prematurely before a final judgment had been entered. Rule 4(b) of the M.R.A.P. states that a Notice of Appeal filed prematurely, before final judgment is entered, is acknowledged as being filed the same day of the final judgment. So, under Rule 4(b) M.R.A.P.,

my Notice of appeal filed on August, 21, 2015 was considered to be actually filed on April 13, 2017, the date final judgment was entered. Although Rule 4(b) would apply to show my Notice of Appeal being filed April 13, 2017, I also knew I had already been struck down over and over again when the law and the court rules were in my favor, and even though I knew that it was unnecessary to re-file a Notice of Appeal, I could just see the handwriting on the wall, so to speak, so out of an abundance of precaution, I did re-file the Notice of Appeal on May 15, 2017.

9. The trial court erred in failing to allow Britt the opportunity to amend his nine-year-old pleadings to accurately reflect the changed set of circumstances of the last nine years.

I filed my Motion for Contempt on October 24, 2012 and, of course, it dealt with facts and events and matters from 2012 because I had no idea the unbelievable and undeserved turn of events that would take place over the next ten years. But when our hearing first began on November 4, 2021, the court started very selectively picking out various quotes from my nine-year-old pleadings, and the court was putting a spin on my words to interpret them very, very strictly as if I had just now said them in the present year 2021. I knew immediately that I was in trouble when the court did this, and I saw where this was all headed, so I quickly made a request that I be allowed to amend my nine-year-old Motion before the court had time to lock me into un-updated requests that were made almost a decade ago. If the court was going to follow my requests from 2012 with no thought for the changes in circumstances over the past decade, then I needed to make sure I covered all bases and updated everything in the pleadings to reflect the changes in circumstances over the past nine years:

> *MR. BRITT: The moving of the house is pretty much a moot question. The question on the contempt was his behavior at that time.*
> *THE COURT: Just a second. I just read that sentence. I can't make him convey something he doesn't have. How do I do that?*
> *MR. BRITT:* ***Well, I would ask that I be allowed to amend the pleading because I did not have a crystal ball at that time to know that it would be ten years down the road when I would finally be dealing with my motion. My motion was made with the facts and circumstances at that time.***
>
> *Now as far as him having to move the house, that's a moot point now. He didn't want it. He threw it back on me. The Court said it is mine to do with it as I pleased. I had a duty to mitigate circumstances -- to mitigate my damages. I had to mitigate my*

damages. The law requires that of me. And the house sat there and destroyed our own business for four and-a-half years. And since the Court said it was my house to do with it as I pleased, Gautier saying "it has got to go, we will move it, we will take it, you will get the benefits of it". (2nd CP 184, L 25- 185 L 21)

The court did not allow such amendment. Instead, the court played this silly game of reading from pleadings that were written nine years earlier in 2012, and then making, yet again, another "*quantum leap*" into the future to the year 2021. *This was error.* The court was actually suggesting that I still wanted him to grant my 2012 request that Orrison be forced to move the house... ***NO***, I wanted it to be moved in 2012, and that was what I asked for in 2012... but now in 2021 the house had already been moved when I was forced to take action in 2016, so that was a moot point, although many other legitimate requests in my Motion still remained viable. This was silly and immature, and everyone in the courtroom saw that the judge was mad at me and was trying to make my 2012 requests look ridiculous by putting a 2021 interpretation on everything. It was error to take things out of context and try to lock me into a time capsule without allowing me an opportunity to amend pleadings accordingly to reflect present day.

10. The trial court erred when Judge Harris refused to disqualify himself amidst the tremendous bias and open hostility exhibited toward Britt, the double standard applied by the court, conflicts of interest between Britt and members of Judge Harris's family, and most importantly, the continuing shroud of suspicion created by two ex parte phone conferences between Judge Harris and Orrison's attorney Nathan Prescott on September 10 and 11, 2012, which have yet to be disclosed or explained.

The trial court judge refused to hear Britt's Motion to Recuse on January 5, 2022, because the court said that it "*did not follow the Rules*". (2ndCP 251) Maybe he was right. Maybe he was not. It all depends upon which *Rules* he was talking about. But we will never know which Rules he was talking about because he never explained nor elaborated. If he was talking about procedural rules, he was probably correct. The defendants and the trial court have both always run circles around me procedurally throughout this entire 11-year nightmare. Herein lies the problem: I should never have been forced to file a *Motion to Recuse* in the first place because it was never *MY* burden to point out the obvious... the *Rules* of Judicial conduct make it *very* clear that a judge

should take the initiative *ON HIS OWN* to recuse himself and step down from a case when there is even the "*appearance of impropriety*". Just this one fact alone that: *THIS SAME JUDGE* and *THIS SAME DEFENSE ATTORNEY* had previous lengthy secret Ex Parte conferences on 2 consecutive days on September 10 and 11, 2012 at the exact precise time when Defendant's attorney was also cleverly drafting a "Settlement Agreement/Order" which he almost immediately then turned right around and successfully challenged and had the court set it aside for "*lack of specificity*"... *that* alone is enough to make the "*average reasonable person*" cringe and shake his head and suspect this is just another prime example of "*good ol' Mississippi politics*" at play. They both were ***wrong***!

The following will put the events in context to show how it happened: Two weeks after filing the Complaint on August 22, 2012, the parties announced to the court September 4, 2012, that a settlement had been reached, and it was read into the record. The court instructed Orrisons' attorney to prepare an agreed Order and instructed Britt to agree to it and to sign it whenever it was presented to him. (CorT19-20). One week later on September 10, 2012, Orrisons' attorney, Nathan Prescott, conducted a private Ex Parte phone conference with the trial court judge for 24 minutes to discuss the Order he still had not yet prepared. We know this because a *Writ of Inquiry* was conducted on January 4, 2017, at which time Orrison's attorney, Ms. McCrory asked the court to award attorney fees, and the court instructed the attorney to call her law office and have them fax over the billing records and to submit the billing records into evidence as an exhibit. Orrison's attorney complied and she testified about the billing as being correct and truthful. (SupT1,P16-20).

> Entries from her billing Exhibit #4 show the Ex Parte conferences. (Exh#4,1/4/17)
>
> ***"9/10/2012** Telephone **conference with Judge Harris** re: compliance with Order, **Billed Hours .4"*** (Id.)

.4 HOURS = 24 MINUTES! ***Attorney Prescott and Judge Harris talked secretly for 24 minutes!***

24 MINUTES... That's *5 times* what I was allowed to argue an entire Motion for New Trial!

> *THE COURT: ...I read your paperwork on your Motion for a New Trial. I am going to give you **five minutes.*** (SupT2,P3,L8-10)

In fact, I was called on the carpet and publicly humiliated for "*wasting*" *one-fifth* that time to prepare Exhibits after being forced to defend at an impromptu hearing conducted with *NO notice* given to me whatsoever. (CorT,54,L8-24). ***24 minutes to bend the ear of the court?*** Whatever happened to our Constitution... to due process... to equal protection... "and justice for all"?

The very next day, September 11, 2012, ***the trial court judge called Mr. Prescott*** and again they conducted another Ex Parte phone conference for some length of time for less than ***3.2 hours***. ***9/11/2012*** ...***receive call from Judge Neil Harris***... ***Billed Hours 3.2*** (Exh#4,1/4/17)

We don't know how long the secret Ex Parte conference lasted the second day because, unlike the day before, other tasks were cumulatively billed for a total of 3.2 hours. All we know for certain, *and this is paramount*, is that Mr. Prescott only prepared the Agreed Settlement Order *immediately* ***after*** his second Ex Parte phone conference with Judge Harris. We know this for certain because Mr. Prescott's billing records chronologically listed his billing time for preparing the agreed order only *AFTER* his second secret phone conference with Judge Harris! He was instructed one week earlier to prepare the Order but was only now doing it *AFTER* having two (2) consecutive Ex Parte conferences with the presiding judge! This was the very Order that Orrisons fought so desperately to have set aside by Rule 60(b) motion less than three months later, and incredibly, it was indeed set aside by the court... ***not re-drafted***, the court completely set it aside!

The average reasonable person apprised of all of the facts and circumstances of this situation would immediately see this for exactly what it looks like... good old *home cookin'*. Could it have been innocent ex parte conferences? We don't know. Even if it were innocent and they were only discussing the details of their last golf game, it *STILL* would have the ***appearance*** of impropriety. We don't have the luxury of knowing what was said because nobody has ever yet come forward and disclosed or explained what went on during those secret meetings on two consecutive days in September, 2012. We only know what it looks like... and it doesn't look good. We do know from Mr. Prescott's own billing records that they were discussing the order... the

same order that was wrongfully set aside. Our rules require that a Judge's conduct rises above suspicion or even the *appearance of impropriety*. When the "*average reasonable person*" test it applied here, ***that test fails miserably!*** It was not my responsibility to be put in such an awkward predicament in the first place to suggest to the court that there was an incredibly overwhelming conflict of interest and deep-seated bias. The trial court judge was required under the rules of conduct to step down on his own initiative without me ever having to say one word. When he didn't, it fell upon me to assume the unpleasant (and unforgivable) task of pointing out the obvious, that it was highly improper for Judge Harris to sit on this case.

The trial court also had a double standard. Instead of conducting a contempt hearing, the court turned its attention exclusively to the August 10, 2016 donation of the Wilson House to Gautier. The court *NEVER* looked beyond the conveyance to examine *WHY* the house was forced to move. No, it was simply a litmus test, or a go/no-go test. The simple fact that it was conveyed to Gautier was all the court needed to form its prejudiced opinion. The "*whys*" did not matter. So why didn't the court apply this same litmus test, this go/no-go test to Orrison? After all, it was easily proven that Orrison violated horribly the September 19, 2012 court order, so why didn't the judge treat him the same way? If the same standard had been applied to Orrison, the court would have ruled so quickly it would make your head spin, "Go to jail, go directly to jail, do not pass GO, do not collect $200... GO TO JAIL!" Why didn't he apply this same litmus test standard? BIAS!!!

The trial court also had a double standard in questioning of witnesses. Orrison was able to ask anything... anything at all. Even though we were supposed to have a full day to for the hearing, we learned the day before we would convene at 1:30pm because the judge had to attend a funeral, and also informed we would stop at 4:14pm. (2ndCP 232) So, although time was precious and we had driven 150 miles to attend court that day, Orrison's attorney could ask any foolish question he wanted, such as, "How long have you known Mr. Britt?", "Where did y'all meet?", "What time does your husband go to bed?", "Do you go to bed at the same time as your husband?", "What

subjects did you teach in school?", "How many times did Chet visit down south from Flowood?", "How many times did he visit Southland Log Homes?", "What medications does your husband take?", and on and on and on with ridiculous questions that had absolutely *NOTHING* to do with the only issue in this case, *"WHY DIDN'T ORRISON OBEY THE COURT ORDER"!* The court freely allowed this, saying he could go, ***"Back from the beginning of time until now"*** (2ndCP 204), and again, ***"From the beginning of time until now"*** (2ndCP 205). Anything irrelevant was OK.

The judge called me a liar, called me a fraud, falsely accused me of perjury, falsely accused me of violating the court order, grilled me on the witness stand, interrupted me mid-sentence repeatedly and wouldn't let me finish because he continued non-stop with rapid-fire questions, one after another without any chance to catch my breath, tried to put words in my mouth by trying relentlessly to get me to agree with him, asking me a string of leading and argumentative questions even though I said more than once that I refused to argue with him, and on and on and on! It is nearly impossible to cite each instance of these occurrences in the record because it happened continuously throughout the hearings when I was trying to testify, but it is all there in in the transcript in black and white. The transcript reveals the tremendous, unbelievable, unabashed bias exhibited by the court against me throughout the entire proceedings. This was outrageous conduct. Mississippi deserves better. Our Mississippi Judicial system and its credibility deserve better. The only way we will ever change this perception or change Mississippi's image is to rigidly enforce our *Rules*... *ALL* of our *Rules*, *NOT* just procedural rules... but also the ***Rules of Conduct!*** It was only fair and just that an unbiased, neutral, and impartial judge be appointed to hear this matter, but that never happened, and my rights of due process were ripped to shreds! (MCJC, Canon 2).

> *"...A judge must avoid all impropriety and appearance of impropriety" ...*
> *"...The test for appearance of impropriety is whether, based on the conduct, the judge's impartiality might be questioned by a reasonable person knowing all the circumstances..."*

11. The Trial Court erred in requiring Britt to go forward with the hearing before an overwhelmingly biased and openly hostile court, which violated Britt's Constitutional rights to Due Process and Equal Protection and right to a fair and impartial hearing.

When the trial court asked me at the beginning of the hearing if I was ready, I said, "No". I was not prepared to go forward before *THIS* judge in the hostile environment that existed. The judge forced me to go forward anyway. I was entitled to a fair trial before an impartial and neutral judge. I never received that. I have *NEVER* received a fair and impartial trial before Judge David Neil Harris. The last appeal in this case proves this conclusively because of the many, many, many overturned points of law that were very obviously made in error and went against well established law. A reading of my last appellate brief in this case and a reading of the Court of Appeals ruling in this case raises very quickly the question of, "how could a knowledgeable judge possibly get so very many things wrong like this?" The answer is very simple: BIAS! It is extremely obvious. It was extremely obvious from a reading of the transcript of the last appeal, and it is extremely obvious again from a reading of the transcript of this current appeal. What's worse is the fact that on remand I was thrown back into the same lion's den with the same defense attorney and the same presiding judge who both had previously already violated ethical rules of conduct by conducting secret Ex Parte meetings which have never been explained to this day. The ruling was, although absolutely correct, certain to highly displease the trial court judge because it made him look bad and that just made him all the more angrier at me! That anger manifested itself in court continually.

12. Britt's rights of equal protection and due process were denied when Britt was never informed of entry of a judgment despite numerous inquiries and requests by Britt, and Britt had no opportunity to file any post-judgment motions within the ten-day period.

At the end of the hearing on January 5, 2022, the trial court judge said:

> *THE COURT: I will get y'all a decision by the end of the day.* (2nd CP 265, L 22-23)
> *THE COURT: I'm going to look at the past exhibits that have been entered in this case. And I'm going to look at the exhibits today and I will get you a decision by the end of the day.* (2nd CP 265, L 27- 266, L 1)

TWICE the judge said he would hand down his decision on January 5, 2022. This didn't happen. Debating whether we should wait on his decision after having been repeatedly called a liar and a fraud, and having been intimidated and humiliated continuously, I decided together with my wife that it was probably best for both my blood pressure and my mental health's sake to go ahead

and leave the courthouse and begin our 150-mile journey back home. Having believed what the judge had just said in court, *which habitually has been my downfall*, I surely anticipated an order to be entered at least within the next one or two or, most certainly, three days. For this reason, I constantly kept calling the court clerk's office every day and inquiring whether an order had yet been entered. The judge said on January 5, 2022 that he would have his decision, "*by the end of the day*". It happened January 18, 2022, ***NOT*** *January 5, 2022*, almost ***TWO WEEKS LATER!***

> *This Court issued its judgment on January 18, 2022, however Plaintiff was never notified by the Court nor the Court Clerk of entry of the Judgment despite numerous attempts by the Plaintiff to inquire whether an order had ever been entered and despite repeated requests by the Plaintiff to be notified as soon as an order had been entered in this cause.*
>
> *Plaintiff sent email requests on three consecutive days of January 11, 12, and 13, 2022, as shown by Exhibits 1, 2, 3, and 4 attached hereto, begging the court clerk (and chancery clerk administration) to please notify Plaintiff as soon as a judgment or order was entered, however Plaintiff was never contacted in any manner, and worse, Plaintiff never even received the courtesy of any response whatsoever.*
>
> *Plaintiff called the court clerk's office January 14, 2022 inquiring whether any decision by the court had yet been entered, and Plaintiff then also made reference to Plaintiffs numerous electronic messages which never were answered. Plaintiff decided to be patient and just wait to be notified.*
>
> *Plaintiff again called the court clerk's office two weeks later on January 28, 2022, only to be informed that judgment had been entered TEN DAYS EARLIER on January 18, 2022, but Plaintiff had NEVER BEEN NOTIFIED! It was late afternoon, and Plaintiff begged to be provided a copy of the judgment by email, however the clerk said that was impossible because the judgment was 34pages long. Plaintiff was told he could drive to the clerk's office to pick up a copy, to which Plaintiff explained that it was a 150-mile one-way trip from Plaintiffs residence! Plaintiff again begged and pleaded to receive a copy of the judgment by email, and Plaintiff also questioned why Plaintiff had never been notified by USPS mail. Plaintiff was told that a copy had been sent by USPS mail on Tuesday, January 25, 2022, ONE FULL WEEK AFTER ENTRY, and that," ... it should be arriving soon"! Plaintiff explained that any post-judgment motions were required to be filed within ten days, however this fell upon deaf ears. THIS WAS THE TENTH DAY! The clerk's office yet refused to provide a copy of the judgement nevertheless.*
>
> *No copy of a judgment ever arrived since that day at Plaintiffs residence by USPS. In fact, Plaintiff was provided information by the USPS that proved the clerk's office never mailed a copy to the Plaintiff as alleged. USPS provided actual scanned images of Plaintiffs first class mail received which clearly showed no correspondence from the court clerk's office. Even if the clerk had actually mailed Plaintiff a copy of the judgment on January 25, 2022 as alleged (which they didn't), Plaintiffs constitutional rights to due process were violated by waiting one full week, and Mississippi law and Court Rules were violated by the court clerk's failure/refusal to do his duty.*
>
> *After the court clerk refused to email Plaintiff a copy of the judgment, Plaintiff immediately sent an email request to Defendant's attorney, attached as Exhibit 5, and Defendants' attorney promptly provided an email copy to Plaintiff, attached as Exhibit 6.*

Defendants' attorney never complained that the electronic file was "34 pages long". An electronic file is an electronic file ... it is not pages! (2ndCP 129-130, Britt Motion 2/7/22)

The above is quoted from my Motion filed *AFTER* I obtained a copy of the judgment of January 18, 2022. The following is quoted from an email message to the clerk's office which I sent each day on January 11, 12, and 13, 2022. They are exhibits attached to the Motion:

In Cause number 2012-01736, has there been an Order entered since we were in Court last Tuesday, January 5, 2022? The judge said he would have a decision that same day, January 5, yet I have not received anything in the mail other than the original of my Motion For Recusal filed last Tuesday, which just arrived in yesterday's mail.

If there has been an order entered, please email a copy to me because I do not have any means of accessing the electronic Court records, and I will only have ten days to file any necessary motions when the judge rules against me as he always does!

Thank You, Brian Britt (2ndCP 133-136, multiple exhibits to Britt Motion 2/7/22)

Another exhibit showed how I obtained, *ON MY OWN INITIATIVE*, a copy of the judgment from a source *OTHER THAN* the clerk's office because the clerk *REFUSED*:

Mr Prescott,

I just called the clerk's office a few minutes ago to check whether an order had ever been entered. I have only just now learned that a judgment was entered a week and one half ago on January 18. I told the clerk that I have never been informed of this. I explained to the lady that I only have ten days in which to file any motions, and I pleaded with her to email me a copy but she refused. I was informed that a copy was mailed to me on Tuesday, one week after entry, and that, "you should be getting it soon". Would you please be so kind as to email me a copy? I don't know when, or if, I will ever receive the mailed copy from the clerk, and I have no means of accessing the electronic court documents.

Thank you in advance, Brian Britt (2ndCP 137-138, email to Atty 4:36pm 1/28/22)

The clerk's office never sent me a copy. As mentioned above in my Motion, the USPS showed no mail from the clerk's office. As a subscriber to USPS "Informed Delivery" service, the USPS sends me an email every day that shows actual scanned photos of each piece of mail being delivered each day. I still have all copies of all my past USPS Informed Delivery emails! The clerk never sent it! It is shocking to see the clerk's office actually sent email notices of the entry of the judgment to ELEVEN (11) different people, but *DID NOT* send an email to me even though I repeatedly Begged to be kept informed. (2ndCP 141). My Constitutional right of Equal Protection was tossed out the window when *I DID NOT* receive equal treatment! The clerk sent email notice to 11 people, yet I beg and beg and beg, day after day after day, and get *NOTHING*!

13. The Trial Court abused its discretion in failing to invoke the "Clean Hands Doctrine" when it was clearly proven through uncontested and unrefuted evidence that Orrison wholly and blatantly breached his multiple promises of the Settlement Agreement and violated the Order by failing to take any action by October 17, 2012.

Brad Orrison breached our contract/settlement agreement and violated the court order of September 19, 2012 by completely failing to do *ANYTHING* he was supposed to do. What did he have to say for this when confronted with charges for contempt? ***NOTHING!*** He did not testify in his own defense. ***NOBODY*** testified in defense of these serious charges of wrongdoing. The defense put on no testimony, no documents, and no evidence whatsoever in defense of the contempt charges. Borrowing Orrison's own words (from November 20, 2013), he presented: "ZIP", "ZERO", "NADA", "NOTHING"! His wrongdoings as proven in court were completely unrefuted, unchallenged, and uncontested in any way as to why he refused to comply with the September 19, 2012 order to fulfill his commitments and promises by his deadline of October 17, 2012. So where is the Good Faith? There was none. There's never been any Good Faith from him.

Why didn't the court invoke the "Clean Hands Doctrine" at a time when Orrison was as dirty as sin? Why did the court condone all of Orrison's despicable wrongdoings and give him the court's blessings and reward his wrongful misconduct? Why was Orrison rewarded when he was 100% at fault, and I was punished, ridiculed, criticized, and slandered when I was 100% innocent?

Whatever happened to the "Clean Hands Doctrine"? Does it no longer exist?

14. The Trial Court committed manifest error in continually disputing the unanimous ruling of the Court of Appeals and needlessly arguing that the appellate court was wrong regarding Rule 81 summons, property description "lack of specificity", etc.

Judge Harris was still very obviously upset at trial that his multiple interpretations of the law in this case had been reversed. He took it *way too* personal. The COA ruled decisively and unanimously on these issues. Why couldn't the judge just swallow his pride, lick his wounds, be big enough to admit that he was wrong, accept the ruling of the appellate court, and move on. *But no*, what precious little time we had in court was wasted for no good reason when the court repeatedly attacked the COA decision of June 29, 2021, and tried to rehash losing arguments that

had already been specifically addressed one by one and discussed in depth by the appellate court and finally put to rest. Even though Britt tried in court to call the court's attention to the ruling of the appellate court and refer to the specific page of the appellate decision where the truth could be found, it all fell upon deaf ears. Nothing that Britt said mattered, and very obviously, nothing that the appellate court had said seemed to matter either. The trial court's mind was made up and nothing was going to change that.

(1) The Court of Appeals (COA) ruled I conveyed the Wilson House to Orrison 10/17/12.
(2) The COA ruled that Rule 81 summons had been waived at our trial a decade ago.
(3) The COA ruled the property description in our contract did meet the statute of fraud.

All three of these issues were thoroughly discussed on the last appeal, and were ruled upon in my favor decisively by the unanimous appellate court. However, for some odd reason our trial court judge just simply could not and would not accept this. Instead, the court wished to continue to re-hash old arguments already settled on appeal. The court repeatedly, over and over, argued that he was right, and that the Court of Appeals, and myself the Plaintiff, and everyone else was wrong!

> ***THE COURT:*** *But your agreed order of September the 19th of 2012 said that you, "Plaintiff shall deliver good, marketable and clear title of the Wilson House to the Defendants within 28 days of this order." And you did not do that...* (2ndCP 236, L20-25)

The trial court disputed what the COA had ruled, and disputed the truthful facts of this case!

> *THE COURT: ...this Court could find no Rule 81 summons in this matter. Because the Court of Appeals* ***dismissed all other relief,*** *Mr. Britt was required to file a Rule 81 summons, which he did not do.* (2ndCP 98-99; Judgment of 1/18/22)

Here the trial court in its judgment, just as in open court in 2021 and 2022, continued to dispute and argue against what the COA had just ruled! Not only that, the trial court has the nerve to say the COA "dis*missed all other relief*", making it sound as though they ruled against me! ***No***, they didn't *dismiss my requests for relief, INSTEAD*, they ruled in *MY* favor, reversing and rendering! This is just one more instance of the many, many, many instances of gaslighting by the court!

> *THE COURT: Here is the question I have: No. 1, what does the agreed order of September 19th say about that? And where is the document required under the statute of fraud to convey land? Where is that documented? (2ndCP 188-189)*
> *THE COURT: Is there a specific -- does it tell us where the land is? Do I need to take that agreed order and go out there and find it by myself?*

THE COURT: Can I take that agreed order and locate it on the maps in the land records of Jackson County, Mississippi?
THE COURT: I'm the best chancellor in this district to locate a piece of land using the maps. My question to you is: You think as good as I am, could I go out there and find that piece of land based on that agreed order and the land records?
THE COURT: That's my problem with the statute of fraud, because when you're conveying land it requires a specific description. That's my memory of the statute (2ndCP 188-191)

Here, once again, the trial court was mocking what had been fully explained and ruled upon already by the COA. The court was determined to have the final word on this silly losing argument. When I tried in earnest to point out the ruling of the COA, the judge snapped at me:

MR. BRITT: All of that has been discussed on Page 21 of the ruling.
THE COURT: I have a pending question to Mr. Prescott. (2ndCP 190)

I interpreted that last remark at the time by the court as, **"SHUT UP AND SIT DOWN!!!"** It was obvious that the judge did not want to hear what I had to say, nor what the Court of Appeals had to say. All that mattered was that the judge was the boss and ***he*** would decide the law.

15. Unjust Enrichment and Public policy demand Orrison still be held to his remaining commitments to pay Britt $20,000 and convey the 2 ½ acre parcel as promised.

It is said, "When the world hands you lemons… make lemonade". Here, in this case, I made lemonade. I took a horribly undesirable and undeserved dilemma and somehow made something good come out of it, and yet the trial court wished to crucify me for doing so. Orrison made it perfectly clear that he did not want the Wilson House and he was never going to move the Wilson House as promised no matter how many court orders commanded him to do so.

Gautier graciously allowed the Wilson House to be moved temporarily to prevent its destruction after Orrison breached his promises and violated the court order, but nearly a year later Gautier demanded that it must be moved and initiated criminal charges against me… *NOT AGAINST ORRISON*, but against me, Brian Britt! Our new business was unable to open, my wife and I suffered tremendous losses, Gautier was breathing down our necks, and all the while Orrison was smiling and laughing and celebrating the success and growth of his business across the street, year after year after year, while the we suffered in torment, loss, and uncertainty.

The trial court blamed me... *it was all Britt's fault!* Actually, I did everything that I promised to do and everything that was required of me, yet the court still wished to crucify me.

This may sound like a fictional Hollywood drama or a John Grisham novel... but no... this is reality. The trial court consistently blamed the only innocent victim of this whole unbelievably sordid tale! When pushed to unimaginable extremes and facing head-on the looming criminal charges, I did the only reasonable thing a person could do. Orrison had created this entire horrible mess by not moving the house as ordered, yet Orrison still refuses to this day to accept any responsibility for his wrongful conduct. Gautier agreed to move the Wilson House and use it as a Welcome Center/Visitor Center at Shepard State Park in Gautier. The remarkable historic two-story log building is now available for the world to see and for the entire public to use and enjoy. Orrison thumbed his nose at a direct court order. Orrison changed his mind about buying and moving the Wilson House for some reason, and once he decided that he didn't want it any longer, nobody... *NOBODY* was going to force him to keep his word. Orrison was above the law. Orrison had plenty of money and believed he could buy his way out of any situation with the right high-priced lawyer. Apparently, he was right. Orrison, as determined by the trial court, has successfully proven that you can buy your way out of any predicament if you throw enough money in legal fees at the problem and somehow drag things out long enough, year after year after year, until your opposition finally, no matter how innocent a victim they may be, is totally crushed and destroyed commercially, financially, economically, mentally, physical, medically, and in every other sense imaginable. Is this what our world has now become? Is this our legacy? Is this our example for future generations to follow as their benchmark? If not, then Orrison should finally be shown once and for all that he is not above the law as he thinks he is. This court needs to prove to Orrison, emphatically, that our world has not yet in fact degraded to his loathful standard of decadence. Public policy demands our laws must prevail. The trial court allowed Orrison to escape all responsibility for his misdeeds and rewarded him by refusing to

hold Orrison's feet to the fire and make him keep his word on the remaining terms of the settlement. In doing so, the trial court condoned unjust enrichment by giving Orrison the court's blessings while punishing me when all I ever did was to ask the court to do the right thing and ***please make Orrison do as Orrison promised!***

CONCLUSION

As stated previously, this case sounds like it could be a Hollywood science fiction/drama or a John Grisham novel, but unfortunately, this is reality. This is the true real-life horror story that my wife and I have involuntarily been forced to live for these past eleven (11) years. This was a very simple case 11 years ago. Actually, it is still a very simple case today. A man, Orrison, signed a contract in 2012 and agreed to do certain things but later changed his mind and went to unimaginable lengths to weasel out of the contract. For 11 years he has somehow been able to get favorable rulings from the trial court, against all reasoning, against the facts of this case and against *ALL* controlling laws and court rules. He has never kept his word although he agreed, *NOT ONCE*, but twice, to do the things promised. Now, in this latest episode, he did not even testify or put on any defense whatsoever to show why he failed to keep his commitments as promised and as ordered by the deadline of October 17, 2012. And yet, both the defendant and the court, working in tandem, tried desperately to sell their completely illogical and completely bizarre defense of ***Time Travel***, claiming that Orrison can somehow reach into the future four or five years to grab something, that has not yet happened, and drag it back to the year 2012 to nonsensically use that future event as their sole defense to explain why Orrison is now totally forgiven by the court for violating the September 19, 2012, order of the court in taking no action whatsoever to fulfill his obligations by his deadline of October 17, 2012. Orrison wrecked our lives! He continued to grow his business all the years he knowingly prevented our business from ever opening. He bragged of having 250 employees. Thanks to Orrison's misconduct, for four years we couldn't even have one employee! He and his attorney knew the stranglehold he had on us because I told them in 2012 emails. It was

intentional. It was outrageous! It was merciless! It was cruel and absurd! Yet, the trial court allowed it. The man needs to finally pay for his wrongdoings for these past 11 years. Nothing can give us those 11 years back again, but Brad Orrison needs to be taught a lesson that he is not above the law. He is not King of the Courts. It is time for him to pay! I was entitled to court costs of the last appeal, and I was entitled to massive amounts of damages, and I was entitled to have the existing terms of our settlement agreement enforced. I deserve justice! I have never received justice at the trial level. The Court of Appeals ruled truthfully and fairly, but *NOT* the trial court!

I proved all of the required elements of my case during the remanded hearings. My Motion filed October 24, 2012 (Exh. 1, 11-04-2021), was attested, and as such served as an affidavit at trial because it was introduced into evidence and acts as sworn, uncontested testimony. Orrison never contested and never challenged my prima facie case, and Orrison never put on any evidence to deny it, refute it, or overcome the presumption, so my entire case in chief is totally uncontested. It is not my fault that Orrison, represented by counsel, chose foolishly to put all his eggs into the one ridiculous basket of "back to the future", "quantum leap", "time warp" theory of absurdity, Orrison rested his case without having presented anything at all, ZIP, ZERO, NADA, NOTHING! He failed to put on any defense whatsoever to the realistic charges against him. My case was proven, and, being an uncontested case, I was, and am, entitled to my uncontested requests for damages. At trial I showed that I was entitled to costs in the amount of **$5,065** (Exh. 1, 1-5-2022), and **$500** (Exh. 3, 11-4-2021), and **$25,236** (Exh. 1, 1-5-2022), and **$696,000** (Exh. 1, 11-4-2021, P7, Motion of 10-24-2012) (i.e., 1,392 days from October 18, 2012 to August 10, 2016 X $500), and **$2,500** (Exh. 1, 11-4-2021, P7, Motion of 10-24-2021), **for a total of $729,301**, *PLUS* conveyance by deed *either* the E ½ or W ½ of Lot 16, Fountainbleu estates as ordered, and all cost. I am entitled to requested and proven damages of **$729,301** + **Deed** that were 100% uncontested.

Respectfully submitted,

/s/ Brian Britt
Brian Britt, Appellant, Pro Se

CERTIFICATE OF SERVICE

I, Brian Britt, do hereby certify that I have this day hand delivered and filed a true and correct copy of the above and foregoing document and also an electronic file copy thereof with the Clerk of the Court, and have mailed a copy to:

Nathan Prescott
Page, Mannino, Peresich & McDermott
759 Vieux Marche Mall
Biloxi, MS 39533
Attorney for Craig Bradley Orrison and The Shed, Inc.

I, Brian Britt, do hereby certify that I have this day mailed by United States Mail, postage pre-paid, a true and correct copy of the above and foregoing to:

Honorable D. Neil Harris, Chancery Judge
Jackson County Chancery Court
P.O. Box 998
Pascagoula, MS 39568

This the 31st day of January, 2023.

/s/ Brian Britt
Brian Britt, Appellant, Pro Se