

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

SEAMUS LAGAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:19-cv-00050
)	
JOHN MARK WINDLE,)	Chief Judge Crenshaw
)	Magistrate Judge Newbern
Defendant.)	Jury Demand

VERIFIED AMENDED COMPLAINT

Plaintiff, Seamus Lagan, by and through undersigned counsel, hereby files this Verified Amended Complaint for claims of defamation and false light invasion of privacy against Defendant, John Mark Windle.

PARTIES

1. Plaintiff, SEAMUS LAGAN (hereinafter “Plaintiff”), is a citizen of Northern Ireland and resident of the Bahamas. Plaintiff is not a public figure.
2. Upon information and belief, Defendant, JOHN MARK WINDLE (hereinafter “Defendant” or “Representative Windle”), is an individual currently residing at 113 Calvin Street, Livingston, Tennessee 38570. Defendant represents Tennessee House of Representatives District 41 as a member of the Tennessee General Assembly. Defendant is also an attorney licensed to practice law in Tennessee.

JURISDICTION AND VENUE

3. This court has subject matter jurisdiction over this action on the basis of diversity of citizenship, pursuant to 28 U.S.C. § 1332:

- a. Plaintiff is a citizen of Northern Ireland.
 - b. Defendant is a citizen of Tennessee.
 - c. The amount in controversy exceeds, exclusive of interest and costs, Seventy-Five Thousand Dollars (\$75,000.00).
4. Venue is proper in this judicial district, pursuant to 28 U.S.C. § 1391, as Defendant is a citizen of Tennessee, the state in which this judicial district is located, and Defendant resides within this judicial district; and Defendant is subject to personal jurisdiction in this judicial district.

STATEMENT OF FACTS

1. Plaintiff is an experienced and accomplished businessman who has worked in financing and executive management for approximately thirty (30) years. Plaintiff focuses his career on negotiating complex financing deals for companies facing economic hardship for the purpose of revitalizing them and expanding them into economically successful enterprises. Plaintiff has personally invested millions of dollars in businesses in the United States. In the last few years alone, Plaintiff has raised in excess of Fifty Million Dollars (\$50,000,000.00) in capital for various business ventures and projects.
2. Plaintiff became involved with Rennova Health, Inc. (hereinafter “Rennova”) in 2011. Plaintiff currently serves as Rennova’s Chief Executive Officer and President. Rennova is a publicly traded company in the business of providing diagnostic laboratory services and healthcare technology software to healthcare providers. Plaintiff is currently a minority shareholder holding less than one percent (1%) ownership.
3. Beginning in late 2016, Rennova also began acquiring financially struggling hospitals throughout rural Tennessee. Rennova currently owns Big South Fork Medical Center, Inc.

(hereinafter “BSFMC”) in Oneida, Tennessee, Jamestown Regional Medical Center, Inc. (hereinafter “JPMC”) in Jamestown, Tennessee, and Jellico Medical Center, Inc. (hereinafter “JMC”) in Jellico, Tennessee. Rennova is the sole and complete owner of BSFMC, JPMC, and JMC. Rennova also owns a physician practice called Mountain View Physician Practice, Inc. (hereinafter “Mountain View”) in Jamestown, Tennessee, which it acquired as part of the acquisition of JPMC in June 2018.

4. All of Rennova’s hospitals have separate executive management teams and Plaintiff is not directly responsible for the management of the hospitals Rennova owns. At all times relevant to this Verified Amended Complaint, JPMC had a Chief Executive Officer other than Plaintiff. At no time was Plaintiff responsible for on-site operations as CEO of JPMC, and Plaintiff has always had a named CEO in place at JPMC at all times relevant to this Verified Amended Complaint. JPMC was already experiencing significant business hardship at the time of Rennova’s acquisition in June 2018.
5. JPMC is in Tennessee House of Representatives District 41 (hereinafter “District 41”), which is represented in the Tennessee General Assembly by Defendant. Upon information and belief, Defendant has represented District 41 in the Tennessee General Assembly since January 1991.
6. In December 2018, JPMC carried out a previously planned transition of billing services pursuant to contractual obligations. During this transition, several technical, administrative, and managerial errors occurring at the facility resulted in a significant and unexpected cash flow deficiency for JPMC. This deficiency at JPMC, in turn, created financial pressure for Rennova and its other hospitals.

7. On June 12, 2019, the Centers for Medicare and Medicaid Services (hereinafter “CMS”) terminated JRMC from participation in the Medicare program. Due to this termination causing a cessation of critical payments from CMS, Rennova had to temporarily close JRMC. Rennova has applied for reinstatement in the Medicare program so JRMC can once again provide medical services and conduct operations within the community.
8. On August 19, 2019, Rennova announced that Palmetto GBA, a Medicare administrative contractor for CMS, confirmed completion of its assessment of the application to reactivate Medicare enrollment for JRMC and has made a recommendation for approval to the Tennessee Department of Health. Rennova fully intends to re-open the facility following successful negotiations with CMS and BSFMC and JMC returning to financial health.
9. Beginning on or about June 14, 2019, Defendant began a malicious, intentional, and egregious campaign to harm Plaintiff by repeatedly defaming him in the news media.
10. Defendant has maliciously defamed and attacked Plaintiff through a series of derogatory and false statements made by Defendant to several news outlets. Defendant’s malicious campaign has continued throughout June 2019 and has significantly disrupted Plaintiff’s business operations and damaged Plaintiff’s professional and personal reputation.
11. Plaintiff would show that on or about May 16, 2019, Defendant made a press statement to the Herald-Citizen newspaper in Cookeville, Tennessee, in which he referred to Plaintiff, among other things, as an “Irish gangster,” after reports had emerged claiming that JRMC was at risk of closing. While it appeared at the time that Defendant’s remarks on May 16, 2019 regarding Plaintiff were an isolated incident, Defendant’s conduct in repeatedly and systematically attacking Plaintiff’s reputation beginning on June 14, 2019 subsequently indicated that Defendant’s remarks on May 16, 2019 were merely a prelude to a much

larger campaign Defendant fully initiated and continued to wage against Plaintiff throughout June 2019.

12. Plaintiff would show that news reports from multiple media outlets, including, but not limited to, the Independent Herald newspaper in Oneida, Tennessee, corroborate Defendant's labeling of Plaintiff as an "Irish gangster" in his press statement to the Herald-Citizen newspaper on May 16, 2019.

13. Plaintiff would further show that the legislative sessions of the Tennessee General Assembly generally occur between January and May of each year, and that the Tennessee House of Representatives legislative session for 2019 began on January 8, 2019, and ended on May 2, 2019, before Defendant uttered his statements labeling Plaintiff as an "Irish gangster" to the Herald-Citizen newspaper on May 16, 2019. A copy of the schedule and calendar of the Tennessee House of Representatives for the month of May 2019 is attached as **Exhibit A**.

14. On or about June 19, 2019, following the announcement of JRMC's temporary closure, Defendant made a statement to WATE Channel 6 (hereinafter "WATE"), in which he said:

It's not fair for people who have children in high school and college and have bills to pay for some thief to come into Tennessee and take these people's money and mistreat them . . . Unfortunately, an Irish gangster was allowed to buy the Jamestown Regional Medical Center. Since that time, he has constantly cheated the employees and mismanaged the hospital to such degree that it's no longer viable. He didn't pay federal income tax withholding, he didn't pay unemployment compensation, as he's required to by both federal and state law . . . He's simply a thief and should be prosecuted.

15. Plaintiff would show that Defendant's statements to WATE on June 19, 2019, were made to members of the news media and other private individuals and were neither made

pursuant to any of Defendant's duties as a legislator nor to any other members of the Tennessee General Assembly.

16. However, a letter addressed to the Department of Labor and Workforce Development (hereinafter the "DLWD"), dated June 18, 2019 and signed by Defendant and Kelly Keisling (another member of the Tennessee House of Representatives), inquired "whether or not Rennova Health Systems filed a Worker Adjustment and Retraining Notification (WARN) or a closure notification in accordance with Federal law provisions and Tennessee Code Annotated 50-1-601." A copy of this letter (hereinafter the "DLWD Letter") is attached as Exhibit B to Plaintiff's Verified Complaint and is incorporated hereto by reference. Plaintiff is currently unable to confirm whether Defendant in fact sent the DLWD Letter to the DWLD, if the signed image of the DLWD Letter was released to the public without actually sending it to the DWLD, or, if the DLWD Letter was in fact sent to the DWLD, exactly when it was sent and whether it was released to the public before or after it was sent.
17. Regardless, based on the fact that Defendant apparently signed the DLWD Letter on June 18, 2019, Defendant knew Rennova – *not* Plaintiff – owned JRMC prior to Defendant making the statements about Plaintiff to WATE on June 19, 2019, wherein he asserted, *inter alia*, that *Plaintiff* purchased JRMC.
18. Therefore, Defendant knew his statements to WATE regarding Plaintiff were false at the time he made them on June 19, 2019, and Defendant maliciously defamed Plaintiff's character by referring to him as an "Irish gangster," as well as by stating Plaintiff personally "cheated the employees" and did not pay unemployment compensation or federal income tax withholding. Additionally, although Defendant knew Rennova was the owner of

JRMC, he nevertheless subsequently accused Plaintiff of being a “thief” and suggested that he “should be prosecuted.”

19. Moreover, Plaintiff would show that Defendant orally referred to Plaintiff as an “Irish gangster” to various members of the news media on multiple occasions, including, but not limited to, in interviews with Cookeville, Tennessee’s Herald-Citizen newspaper, and other instances with members of the news media occurring before Defendant produced and signed the DLWD Letter on June 18, 2019 or conducted his interview with WATE on June 19, 2019.
20. By way of one example, Plaintiff would show that on June 14, 2019, News Talk 94.1/AM 1600, a radio station based in Cookeville, Tennessee, reported that Defendant had referred to Plaintiff as an “Irish gangster.” This reporting occurred prior to Defendant producing and signing the DLWD Letter on June 18, 2019 and Defendant’s interview with WATE on June 19, 2019.
21. Defendant’s knowingly false statements about Plaintiff, particularly those that accuse Plaintiff of criminal conduct, have severely damaged Plaintiff’s reputation and ability to conduct business in his profession. Plaintiff has never been charged with or convicted of any crime, including any crimes pertaining to the misappropriation of funds or property, and Plaintiff has relied on his ethical reputation and history to successfully conduct business and secure large, complex financing arrangements for companies with which he is involved.
22. Moreover, Plaintiff was never employed in an executive capacity by JRMC, as CEO or otherwise, and therefore it cannot be said that he “mismanaged” JRMC.

23. In addition, Rennova is a publicly traded company and Plaintiff would show that it is public information that Plaintiff is currently a minority shareholder with less than one percent (1%) ownership. Moreover, Plaintiff has at all times been very transparent about Rennova's financial condition and business strategy, and Plaintiff's ability to improve Rennova and drive its success is dependent on his ability to conduct business without tortious interference. Additionally, Plaintiff's personal financial success is directly related to the success of Rennova. Therefore, Defendant's statements that Plaintiff somehow utilized nonpayment of unemployment compensation or federal income tax withholding to enrich himself was made with reckless disregard as to the truth or falsity of those statements.
24. In addition, Plaintiff has not personally failed to pay any state or federal taxes.
25. Plaintiff would further show that Defendant's repeated, sustained, and defamatory attacks on Plaintiff's character in the news media has had a detrimental impact on shareholder value in Rennova.
26. Defendant's defamatory statements regarding Plaintiff were not made to another government official or during a government function. Rather, Defendant's statements were made primarily to members of the press – not fellow legislators, their staff, or the like – and were made independent of Defendant's participation in or performance of any official or legitimate function of the Tennessee House of Representatives.
27. In addition, Plaintiff would show that the Tennessee House of Representatives ceased to be in legislative session beginning on May 2, 2019 and that Defendant's defamatory statements regarding Plaintiff were therefore uttered when the Tennessee House of Representatives was not in legislative session.

28. Furthermore, Defendant did not make the defamatory statements in the course of speaking on the floor of the Tennessee House of Representatives, delivering remarks or directing questioning in any committee or subcommittee of the Tennessee General Assembly, or acting in an official capacity to further any legitimate informing, deliberative, or investigative functions or processes of the Tennessee House of Representatives.
29. Additionally, Defendant's defamatory statements regarding Plaintiff were neither necessary to nor legitimately in furtherance of any deliberative process in which Defendant may participate from time to time as a member of the Tennessee General Assembly.
30. Moreover, Defendant's repeated labeling of Plaintiff as an "Irish gangster" to the news media does not relate to matters within the scope of the Tennessee General Assembly's authority and does not fall within the legitimate legislative sphere simply by virtue of Defendant's status as a legislator alone.
31. Therefore, Defendant did not make his defamatory statements regarding Plaintiff when performing his legislative duties or in the performance of his legislative functions.
32. Since Defendant uttered these harmful public statements, Plaintiff has received numerous resentful personal messages through social media which have upset Plaintiff greatly and caused him emotional distress.
33. Since Defendant uttered these harmful public statements, numerous news outlets have reprinted Defendant's misleading or false statements.
34. Defendant's statements regarding Plaintiff have wrongfully directed anger, blame, and frustration towards Plaintiff and damaged Plaintiff's reputation and business interests.
35. Plaintiff avers that such communications are the direct and probable consequence of Defendant's malicious campaign to defame Plaintiff, and that the intentional spreading of

such harmful misinformation by Defendant is but one (1) of Defendant's aims in attacking Plaintiff and attempting to destroy his professional and personal life.

36. Plaintiff's reputation has already been significantly damaged by Defendant's defamation of his character, his need to routinely undergo extensive negotiations for large amounts of capital in order to obtain financing for business purposes (including that needed to fully reinstate operations at JRMC) notwithstanding, and the damage to Plaintiff's reputation has diminished his future earning capacity.
37. Plaintiff's business operations have already been negatively impacted by Defendant's untruthful statements due to decreased trust of and confidence in Plaintiff in the business financing and executive management community, and business operations will undoubtedly suffer decreased patient admissions or employee recruitment as a result of Defendant's untruthful statements.
38. Plaintiff has suffered immense and immeasurable reputational harm due to Defendant's baseless and false accusations, particularly regarding Plaintiff's corporate leadership role and efforts to re-obtain a nonimmigrant visa.
39. In addition to reputational and professional harm, Plaintiff has suffered extreme mental anguish and emotional distress due to Defendant's defamatory attacks.

CAUSES OF ACTION

COUNT I: DEFAMATION-SLANDER

40. Plaintiff incorporates each of the preceding paragraphs (1-39) as if each is fully set forth herein.
41. Defendant repeatedly published false statements about Plaintiff and Plaintiff's supposed tax evasion and other criminal activities.

42. Defendant repeatedly labeled Plaintiff as, among other things, an “Irish gangster” and a “thief” in statements he uttered to the news media.
43. These statements were published to, and subsequently circulated by, members of the press and news media, including several newspapers, talk radio stations, television news outlets, and the general public.
44. Defendant’s statements about Plaintiff were made with knowledge the statements were false or with reckless disregard for the truth, particularly considering Defendant’s letter dated June 18, 2019 acknowledging that Rennova owned JRMC rather than Plaintiff and Rennova’s status as a publicly traded company.
45. Defendant did not make his statements about Plaintiff when he was participating in or furthering an official or legitimate legislative function or when the Tennessee House of Representatives was in legislative session.
46. As a direct and proximate result of Defendant’s false and defamatory statements, Plaintiff has suffered tremendous loss in professional cultivation and reputational standing, decreased future earning power, decreased value of his ownership of Rennova, and serious mental and emotional injury in the form of extreme public embarrassment, stress, anxiety, and fear.
47. Defendant’s slanderous statements have caused mental anguish to Plaintiff.
48. Defendant’s slanderous statements have damaged Plaintiff’s personal and professional reputation.

COUNT II: FALSE LIGHT INVASION OF PRIVACY

49. Plaintiff incorporates each of the preceding paragraphs (1-39) as if each is fully set forth herein.

50. Defendant, through his repeated false statements regarding Plaintiff to members of the news media and others, has given publicity to matters concerning Plaintiff that place Plaintiff in a false light and invades his privacy.
51. Defendant's defamatory statements would be highly offensive to a reasonable person, particularly given the scurrilous nature of the defamatory statements and the targeted campaign to attack Plaintiff professionally and personally by repeatedly characterizing Plaintiff as a "thief" who "should be prosecuted" and an "Irish gangster" when Defendant knew Rennova rather than Plaintiff owned JRMC. Moreover, Plaintiff was always forthcoming and transparent regarding Rennova's financial health, and JRMC experienced significant financial hardship as a result of unexpected difficulties associated with the previously planned and contractually obligated transition of billing services at JRMC in December 2018.
52. Beginning with Defendant's initial statements made to the Herald-Citizen newspaper on May 16, 2019 and to WATE on June 19, 2019, Defendant had knowledge of or acted in reckless disregard as to the falsity of the publicized materials and the false light in which Plaintiff would be placed. Moreover, Defendant's letter dated June 18, 2019 acknowledges that Rennova owned JRMC rather than Plaintiff and Rennova's status as a publicly traded company.
53. For the aforementioned reasons, Defendant's statements constitute discrete and selective presentations of information that are susceptible to inferences casting Plaintiff in a false light.

54. Defendant did not make his statements about Plaintiff when he was participating in or furthering an official or legitimate legislative function or when the Tennessee House of Representatives was in legislative session.

55. Plaintiff has suffered damages as a result of Defendant's false light invasion of privacy against Plaintiff.

PUNITIVE DAMAGES

56. Plaintiff incorporates each of the preceding paragraphs (1-39) as if each is fully set forth herein.

57. Defendant has acted maliciously, intentionally, fraudulently, or recklessly by attempting to ruin Plaintiff's person and professional reputation through a calculated public smear campaign.

58. Defendant's actions in repeatedly uttering false and offensive defamatory comments about Plaintiff on several different occasions show a consistent pattern of intentional and malicious acts continuing to the present.

59. At the very least, Defendant's actions constitute reckless conduct in that Defendant should have known that there was no factual basis for most, if not all, of the statements made by Defendant.

60. As a result of Defendant's malicious, intentional, fraudulent, or reckless action, Plaintiff is entitled to punitive damages equal to the greater of two (2) times the total amount of compensatory damages awarded.

PRAYERS FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the following relief:

1. That proper process issue and be served on Defendant, and that Defendant be required to answer this Verified Amended Complaint within the time required by law;
2. That Plaintiff be allowed to amend this Verified Amended Complaint as justice requires or as this lawsuit progresses and more evidence is procured from the discovery process;
3. That Plaintiff be awarded judgment in his favor on all counts of this Verified Amended Complaint in such sums that shall be determined to fully and fairly compensate Plaintiff for all general, special, incidental, and consequential damage incurred, or to be incurred, by Plaintiff, but in no event an amount less than One Hundred Thousand Dollars (\$100,000.00);
4. That Plaintiff be awarded punitive damages against Defendant upon an evidentiary showing of Plaintiff's entitlement to the same;
5. That Plaintiff be awarded pre- and post-judgment interest;
6. That Plaintiff be awarded reasonable attorney's fees and costs, including court costs;
and
7. That Plaintiff be awarded any further and general relief deemed appropriate by this Court.

[SIGNATURE BLOCK TO FOLLOW]

Respectfully submitted,

/s/ Todd G. Cole

Todd G. Cole, Esq. BPR # 031078

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Attorneys for Plaintiff

[CERTIFICATE OF SERVICE TO FOLLOW]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing VERIFIED AMENDED COMPLAINT was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system:

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Counsel for Defendant


Dated this 13th day of September, 2019.

/s/ Todd G. Cole
Todd G. Cole, Esq.

VERIFICATION

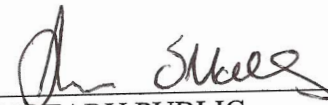
_____))
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I, SEAMUS LAGAN, being first duly sworn, make oath that I have read the foregoing Verified Amended Complaint, know the contents thereof, and that the same is true and correct to the best of my knowledge, information and belief.



SEAMUS LAGAN

SWORN TO AND SUBSCRIBED before me this 12th day of September, 2019.



NOTARY PUBLIC

My commission expires: N/A










ALISON O'MALLEY
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House Schedules and Calendars






Monday, April 29, 2019 - Sunday, May 5, 2019

MONDAY, APRIL 29, 2019



Time	Type	Event or Committee	Calendar/Agenda	Location	View Video
2:00 PM	House	Calendar & Rules Committee		House Hearing Room I	
3:30 PM	House	House Floor Session	 Regular Amendment Pack Message Amendment Pack Message Amendment Pack 2	House Chamber	
<i>Canceled</i>	House	Finance, Ways, and Means Subcommittee		House Hearing Room I	
<i>Canceled</i>	House	Finance, Ways, and Means Committee		House Hearing Room I	

TUESDAY, APRIL 30, 2019



Time	Type	Event or Committee	Calendar/Agenda	Location	View Video
9:00 AM	House	House Floor Session	 Message Amendment Pack Regular Amendment Pack	House Chamber	
3:00 PM	House	Finance, Ways, and Means Subcommittee		House Hearing Room I	

<i>Immediately follows Finance, Ways, and Means Subcommittee</i>	House	Finance, Ways, and Means Committee		House Hearing Room I	
<i>Immediately follows Finance, Ways, and Means Committee</i>	House	Naming, Designating, & Private Acts Committee		House Hearing Room I	
<i>Immediately follows Naming, Designating, & Private Acts Committee</i>	House	Calendar & Rules Committee		House Hearing Room I	
4:00 PM	House	House Floor Session		House Chamber	

WEDNESDAY, MAY 1, 2019

Time	Type	Event or Committee	Calendar/Agenda	Location	View Video
9:00 AM	House	House Floor Session		House Chamber	
			Message Amendment Pack		
			Regular Amendment Pack		

THURSDAY, MAY 2, 2019

Time	Type	Event or Committee	Calendar/Agenda	Location	View Video
10:30 AM	House	House Floor Session		House Chamber	
			Regular Amendment Pack		

FRIDAY, MAY 3, 2019


No events scheduled.

SATURDAY, MAY 4, 2019

No events scheduled.

SUNDAY, MAY 5, 2019

No events scheduled.

 [Print Schedule](#)

House Schedules and Calendars

Monday, May 6, 2019 - Sunday, May 12, 2019

MONDAY, MAY 6, 2019

No events scheduled.

TUESDAY, MAY 7, 2019

No events scheduled.

WEDNESDAY, MAY 8, 2019

No events scheduled.

THURSDAY, MAY 9, 2019

No events scheduled.

FRIDAY, MAY 10, 2019

No events scheduled.

SATURDAY, MAY 11, 2019

No events scheduled.

SUNDAY, MAY 12, 2019

No events scheduled.

 [Print Schedule](#)

House Schedules and Calendars

Monday, May 13, 2019 - Sunday, May 19, 2019

MONDAY, MAY 13, 2019

No events scheduled.

TUESDAY, MAY 14, 2019

No events scheduled.

WEDNESDAY, MAY 15, 2019

No events scheduled.

THURSDAY, MAY 16, 2019

No events scheduled.

FRIDAY, MAY 17, 2019

No events scheduled.

SATURDAY, MAY 18, 2019

No events scheduled.

SUNDAY, MAY 19, 2019

No events scheduled.

 [Print Schedule](#)

House Schedules and Calendars

Monday, May 20, 2019 - Sunday, May 26, 2019

MONDAY, MAY 20, 2019

No events scheduled.

TUESDAY, MAY 21, 2019

No events scheduled.

WEDNESDAY, MAY 22, 2019

No events scheduled.

THURSDAY, MAY 23, 2019

No events scheduled.

FRIDAY, MAY 24, 2019

No events scheduled.

SATURDAY, MAY 25, 2019

No events scheduled.

SUNDAY, MAY 26, 2019

No events scheduled.

 [Print Schedule](#)

House Schedules and Calendars

Monday, May 27, 2019 - Sunday, June 2, 2019

MONDAY, MAY 27, 2019

No events scheduled.

TUESDAY, MAY 28, 2019

No events scheduled.

WEDNESDAY, MAY 29, 2019

No events scheduled.

THURSDAY, MAY 30, 2019

No events scheduled.

FRIDAY, MAY 31, 2019

No events scheduled.

SATURDAY, JUNE 1, 2019

No events scheduled.

SUNDAY, JUNE 2, 2019

No events scheduled.

 [Print Schedule](#)

