



IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

WENDALL RAY LEWIS,)

PLAINTIFF,)

v.)

CASE NUMBER:

ROBERT BENTLEY, Governor of)
Alabama, in his individual and official)
capacities;)

REBEKAH MASON, in her individual)
and official capacities;)

ALABAMA COUNCIL FOR)
EXCELLENT GOVERNMENT;)

RCM COMMUNICATIONS, INC.;)

BENTLEY FOR GOVERNOR, INC.;)

and FICTITIOUS DEFENDANTS "A",)

"B" and "C", those persons, firms,)

corporations, universities, trade associations,))

think-tanks, non-profits, or other entities)

who or which paid Rebekah Mason from)

January 1, 2010 to the present;)

FICTITIOUS DEFENDANTS "D",)

"E" and "F", those persons, firms,)

corporations, universities, trade associations,))

think-tanks, non-profits, or other entities)

who or which contributed money directly)

or indirectly to Mason, whether by cash,)

check, PayPal, or other means, or provided)

other benefits or things of value to)

Defendant Mason, through RCM, or any of)

Defendant Mason's businesses, any of Jon)

Mason's businesses, ACEGOV, and/or)

Bentley for Governor, Inc.;)

FICTITIOUS DEFENDANTS "G", "H")

and “I”, those persons, firms, corporations)
 universities, trade associations, think-tanks,)
 non-profits, or other entities who or which)
 were the employers, masters, or principals)
 of or for Defendant Mason from January 1,)
 2010 to the present;)

FICTITIOUS DEFENDANTS “J”, “K”)
and “L”, those persons, firms, corporations)
 universities, trade associations, think-tanks,)
 non-profits, or other entities who or which)
 participated in the act of feeding to certain)
 Alabama journalists misleading information)
 about the overtime worked, earned and/or)
 paid to Plaintiff by the State of Alabama;)
 and **FICTITIOUS DEFENDANTS “M”**,)
“N” and “O”, those persons, firms,)
 corporations, universities, trade associations,)
 think-tanks, non-profits, or other entities)
 who or which undertook actions which lead)
 to the loss of one of Plaintiff’s duties for)
 the State of Alabama, and/or which lead to)
 his constructive discharge and early)
 retirement, and/or which resulted in his)
 employment opportunities evaporating with)
 The University of Alabama and/or)
 Alabama Power Company,)

DEFENDANTS.)

COMPLAINT

COMES NOW Plaintiff, Wendall Ray Lewis, and for his complaint against
 Defendants, **ROBERT BENTLEY**, Governor of Alabama, in his individual and
 official capacities; **REBEKAH MASON**, in her individual and official capacities;

ALABAMA COUNCIL FOR EXCELLENT GOVERNMENT; RCM COMMUNICATIONS, INC.; BENTLEY FOR GOVERNOR, INC.; and **FICTITIOUS DEFENDANTS “A”, “B” and “C”**, those persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which paid Rebekah Mason from January 1, 2010 to the present; **FICTITIOUS DEFENDANTS “D”, “E” and “F”**, those persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which contributed money directly to Defendant Mason, whether by cash, check, PayPal, or other means or provided other benefits or things of value to Defendant Mason, through RCM, or any of Defendant Mason’s businesses, any of Jon Mason’s businesses, ACEGOV, and/or Bentley for Governor, Inc.; **FICTITIOUS DEFENDANTS “G”, “H” and “I”**, those persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which were the employers, masters, or principals of or for Defendant Mason from January 1, 2010 to the present; **FICTITIOUS DEFENDANTS “J”, “K” and “L”**, those persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which participated in the act of feeding to certain Alabama journalists misleading information about the overtime worked, earned and/or paid to Plaintiff by the State of Alabama; and **FICTITIOUS DEFENDANTS “M”, “N” and “O”**, those

persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which undertook actions which lead to the loss of one of Plaintiff's duties for the State of Alabama, and/or which lead to his constructive discharge and early retirement, and/or which resulted in his employment opportunities evaporating with The University of Alabama and/or Alabama Power Company, says as follows:

1. Plaintiff, Wendall Ray Lewis, is of legal age and is a citizen and resident of the State of Alabama and Tuscaloosa County. Lewis, until he was forced against his will to retire early, was a career law enforcement officer and Alabama State Trooper, in which position, until the facts made the subject matter herein, he was Chief of the Office of Dignitary Protection and Head of the Governor's Security Detail.

2. Defendant Robert Bentley is, on information and belief, of legal age and is a citizen and resident of the State of Alabama. He currently serves as the Governor of Alabama, and is sued both in his individual and official capacities.

3. Defendant Rebekah Mason is, on information and belief, of legal age and is a citizen and resident of the State of Alabama. Her employment and sources of income at present are unknown but at all times material herein, she served as an agent or servant of Defendants Bentley, the Alabama Council for Excellent Government,

RCM Communications, Inc., Bentley for Governor, Inc., and/or Fictitious Defendants “A” - “I”. She is married to Jon Mason, who at all times material herein was head of the Governor’s Office of Faith-Based Initiatives.

4. Defendant Alabama Council for Excellent Government (“ACEGOV”) is an Alabama 501(c)(4) non-profit corporation established in 2014 by Cooper Shattuck, Esq., on information and belief at the request of Defendant Bentley, reportedly to advanced the beliefs and policies espoused by Defendant Bentley. ACEGOV at all times material herein was doing business in Montgomery County, Alabama. Its Registered Agent is CT Corporation System with the Registered Office mailing address of 2 North Jackson Street, Suite 605, Montgomery, Alabama 36104.

5. Defendant RCM Communications, Inc. (“RCM”) is an Alabama corporation incorporated by Defendant Rebekah Mason. Defendant Mason was at all times material herein the Registered Agent, Incorporator, and/or Director of RCM with the Registered Office street address of 2702 Saratoga Lane, Tuscaloosa, Alabama, 36406.

6. Defendant Bentley for Governor, Inc. is an Alabama corporation. Its Registered Agent for Service is Algert Agricola and its Registered Office address is 60 Commerce Street, Suite 1400, Montgomery, Alabama 36104.

7. Fictitious Defendants “A”, “B” and “C” are the persons, firms,

corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which paid Rebekah Mason from January 1, 2010 to the present.

8. Fictitious Defendants “D”, “E” and “F” are the persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which contributed money directly or indirectly to Defendant Mason, by any means, including, but not limited to, cash, check, money order, electronic transfer, PayPal, or provided any other benefits or things of value to Defendant Mason, through RCM, or any of Defendant Mason’s businesses, any of the businesses of her husband, Jon Mason, ACEGOV, and/or Bentley for Governor, Inc., and/or any other entity whose name or identity is, at present, unknown but whose name will be substituted upon being discovered.

9. Fictitious Defendants “G”, “H” and “I”, are the persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which were the employers, masters, or principals of or for Defendant Mason from January 1, 2010 to the present.

10. Fictitious Defendants “J”, “K” and “L”, are the persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities who or which conducted and/or participated in funneling information to the press regarding overtime worked and/or paid to Plaintiff by the State of Alabama that lead

to the defamatory statement by Defendant Bentley as set out hereinabove.

11. Fictitious Defendants “M”, “N” and “O”, are the other persons, firms, corporations, universities, trade associations, think-tanks, non-profits, or other entities whose or which wrongful conduct caused harm to Plaintiff.

12. The Fictitious Defendants are not known to Lewis at this time, or if their identities are known to him at this time, their identities as proper party defendants are not known to him. Their true and correct names will be substituted by amendments hereto when the necessary information is ascertained.

STATEMENT REGARDING GOVERNMENTAL IMMUNITY

13. All claims set forth herein made against Defendant Bentley, and Mason during her employment as a state employee, are made against them in both their official and individual capacities. Their wrongful acts and omissions were committed in the performance and line and scope of their employment as employees, officials, and/or agents of the State of Alabama, and were wilful, malicious, fraudulent, in bad faith, and/or beyond their authority, hence permitting Plaintiff to come within the express exceptions to governmental immunity as set forth in Ex parte Paul J. Cranman, 792 So.2d 392, 405 (Ala. 2000).

14. At certain times herein, Defendant Mason was not an employee or agent of the State of Alabama, and therefore is not afforded any immunity for her acts or

omissions during that period or those periods. In addition, her conduct alleged herein was wilful, malicious, fraudulent, in bad faith, and beyond her authority.

15. Defendants ACEGOV, RCM and Bentley for Governor are not agents of the State of Alabama, and therefore cannot cloak themselves in any purported claim of state immunity.

16. To the extent any Fictitious Defendant is a state agent or employee, he, she, or it is being sued in his, her, or its personal and individual capacities and his, her, or its conduct as alleged herein was wilful, malicious, fraudulent, in bad faith and beyond his, her, or its authority, per Ex parte Paul J. Cranman, 792 So.2d 392, 405 (Ala. 2000).

STATEMENT OF FACTS

17. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-16 of this Complaint as if set out anew herein.

18. Bentley was elected to the position of Governor of Alabama in 2010 and was sworn in on January 17, 2011. He was re-elected in 2014.

19. Ray Lewis started with the Alabama State Troopers on July 31, 1989, as a Trooper Cadet, in which position he served for eight months. In 1990 he became a Trooper and served in that position for seventeen years, or until 2007. In 2007 he became a Corporal, and served in that position for three years, or until 2010. In 2010,

he became a Sergeant, and served in that position for four years, at which time, in 2014, he became a Lieutenant.¹ In 2010, he moved to Montgomery as Training Coordinator for the Alabama Bureau of Investigation (“ABI”).

20. On election night in November of 2010, Lewis became Detail Leader for the Governor’s Security Detail.² In February 2014, he became Chief of Dignitary Protection. In that position, he oversaw the twenty-two State Troopers who were assigned to provide security protection for the Governor, Lt. Governor, Speaker of the House, and Attorney General.³

21. With regard to Lewis’ duties as Chief of the Governor’s Security Detail, the detail consisted of seven to eight Troopers. Lewis was the “body person”, meaning that he had a driver (a Trooper), the driver rotated among the seven to eight members of the detail, and Lewis was designated as the person to protect - - and, if

¹During the 2010 collegiate football season, Lewis was part of the protection team for Alabama Football Coach Nick Saban. Observes Lewis, “I learned a lot from Coach Saban, about character, about how you conduct yourself, about business. I’ve got a lot of respect for Coach Saban.”

²While working with the Alabama Football detail, Lewis was in a state car on his way to Knoxville as part of the security advance for the Alabama-Tennessee game. He got a call from then-Captain (now Major) Charles Ward, who at the time headed the Dignitary Protection Unit. He said, “If Robert Bentley were to win the election, would you be interested in being his detail leader?” Lewis said yes on the spot.

³Speaker Pro Tem Del Marsh declined to have a security detail, to which he was entitled.

necessary, take a bullet for - - the Governor.⁴

22. Lewis spent his time between serving as Head of the Governor's Security Detail in the Capitol, and at headquarters, conducting operations and scheduling the twenty-two State Troopers within the Office of Dignitary Protection.

23. Governor Robert Bentley had a physical and sexual affair with Defendant Mason, which the Governor confirmed to Plaintiff. Plaintiff, among others, including David Byrne, the Governor's Legal Advisor; Seth Hammett, the Governor's Chief of Staff; and Bill O'Connor, former head of the Business Council of Alabama ("BCA"), all went separately to the Governor and pleaded with him that he needed to end the affair with Mrs. Mason. None of them succeeded.⁵

24. As the Governor once told Plaintiff, "If they don't stop treating her like some sort of ... I'll fire 'em all. In fact, I'll fire anybody who continues to mistreat Rebekah."⁶

⁴Per protocol, the Governor had a driver; the Governor would sit in the front passenger seat; and, as "the body man", Lewis would sit in the backseat of the car. Occasionally, Mrs. Bentley would ride in the vehicle, or anyone with whom the Governor needed to speak or deal with. There would also be a lead vehicle, and a trail vehicle.

⁵In fact, on one occasion, two of the Governor's sons, Paul and Matthew, went to Haleyville to meet with Mrs. Mason's parents to plead with them, to no avail, to help get Mrs. Mason to end the affair. When the Governor found out, he was furious.

⁶On a couple of occasions, the Governor told Lewis that he loved Rebekah. One time, on the front porch of the Governor's Tuscaloosa home, he also told Plaintiff, "I love Dianne. But I love Rebekah more."

25. In what Lewis believes to have been February of 2014, the Governor and Mrs. Bentley had an argument about Mrs. Mason. The Governor got mad and drove himself to the beach. Mrs. Bentley informed Lewis about this, and expressed concern that the Governor might harm himself. Stan Stabler was on call at the time. The Governor had left in such a rage he forgot his wallet, which was flown by helicopter to him - - at state expense.

26. The flight log for that day should reflect who made the call to have Bentley's wallet flown to him. Lewis learned about the wallet flight after the fact, from Collier. Lewis would have driven the wallet to the Governor.

27. When news of the flying wallet broke, Stabler claimed he did not see the text message from the Governor to Mrs. Mason. That was not a truthful statement; he did. It was sexual in nature.

28. May 4, 2014, is when Lewis first learned that Governor Bentley might be having an affair with Mrs. Mason. The Governor was flying to Talladega for a race, at which he was the Grand Marshall. Lewis, Paul Bentley (the Governor's oldest son), the Governor, Mason, and the Governor's grandchildren were on a State plane. Paul Bentley leaned over and said to Lewis, "I need to talk to you later in the

week.” Ray replied, “Okay. What about?” “Mom says she is seeing ghosts.” “What do you mean?”, asked Lewis. Paul Bentley replied, “She thinks Dad is having a relationship with Rebekah.”⁷

29. A couple of months before the May 2nd plane conversation with Paul Bentley, the Governor called Lewis into his office. He said, “I need you to talk to the ladies in the office. They’re spreading rumors about Rebekah and I having a relationship.” Lewis told the Governor that he would be glad to, because “if it is coming from your office, people are going to believe it.” Lewis expressed his willingness to talk to the employees in the Governor’s office to try to put an end to these vicious rumors.

30. A day or two later, Lewis; Lesley Helton, the Governor’s Assistant; Wanda Kelly, the Governor’s Secretary⁸; Linda Adams, the Governor’s Scheduler; and Julie Lindsey, on loan from Power South, assembled in Linda’s office. Plaintiff told them, “the Governor is concerned about you spreading rumors about the

⁷Where quotation marks appear herein, Plaintiff has made his best attempt, consistent with his memory, certain notes, and certain recordings, to recall exactly what was said.

⁸Wanda Kelly was apparently the first person other than the Governor and Mason to know what was going on. Once, the Governor told Lewis, “I think Wanda puts her ear to my door.” The Governor wanted Wanda’s desk moved because he thought she was listening to him. Kelly told Lewis that she thought it was inappropriate that the Governor was in there for such long periods with Mason. Lewis mentioned this to the Governor, who said he wanted “Wanda gone.”

Governor and Rebekah.” They did not admit making statements to this effect, but agreed that they should not address the topic.

31. Members of the Governor’s security detail went everywhere with him except in his office. Plaintiff had an office in the Capitol just steps away from that of the Governor, and when Plaintiff kept his door open, which he did almost all of the time, the view from his desk was directly toward the Governor’s office and the front door to the Governor’s office.⁹ He could see anyone coming or going, and could take note of how long someone had been in the Governor’s office. There were times when Plaintiff would observe Rebekah Mason coming out of the Governor’s office, with her hair all messed up, and straightening up her skirt as she emerged from the Governor’s office, after having been in there for hours.¹⁰ Lewis also attended the Governor’s staff meetings.

32. On May 7, 2014, three days after Paul Bentley approached Plaintiff on the plane to Talladega, Lewis was in the Governor’s office and could tell that the Governor had been crying. He asked, “Governor, what’s wrong?” The Governor replied, “I’ve got some problems.” Lewis asked, “What’s wrong?” The Governor

⁹The Governor’s office has an interior elevator, permitting ingress and egress undisclosed to others.

¹⁰Mason had a special request of state government: she wanted a couch in her office. Stan Stabler told Plaintiff one day, “we lost the Governor over there.”

replied, “I’ve got problems with Dianne.” Later that day, one of Plaintiff’s security staffers, Frank Cezarre, informed him, “the Governor wants to see you **right now**.” (Emphasis added.) Lewis hurried to the Capitol where he found the door closed. (According to Lewis, the Governor would spend hours with Rebekah behind closed doors.) He opened the Governor’s door, went in, and the Governor was crying. Mason was in there, and appeared to have also been crying. Lewis asked, “Governor, what is going on?” Bentley replied, “Dianne has accused me of having an affair, and she has a recording.” He added that his wife, Dianne, had a recording, but had given it to his son (Paul). The Governor asked Lewis to go talk to Paul. Lewis inquired, “What do you want me to do?” The Governor replied, “Find out if he has a recording.” He sent Mason out of the office, and she went up to the Lt. Governor’s conference room.

33. Bentley then replied, “Ray, I am embarrassed for you to hear what’s on that recording. It’s between Rebekah and I. I am ashamed of what came out of my mouth.” Lewis inquired, “Governor, are you telling me that this is true?” “Yes,” replied the Governor, “I am ashamed of what I have done.”

34. Lewis mustered up his courage and said to the Governor, “You know that you are getting into a touchy situation because we use state vehicles, we use state planes, to move about. You’re requesting to put her in there, that’s a problem. This

is bigger than you and Rebekah. This is about the State of Alabama.” The Governor replied, “Ray, I know. I need you to go upstairs and break-up with Rebekah for me.” Lewis replied, “I will go up and talk to her.”

35. Lewis was in uncharted territory. He went upstairs, and found Mason in Lt. Governor Kay Ivey’s conference room. He sat across from her at the conference table. He put on his most sober face and reached deep for his most serious tone and said, “The Governor sent me up here and he says this has to end. Rebekah, this would embarrass the Governor, his family and everybody involved. This would embarrass you and your family. You can’t be his girlfriend and have him take you around in state cars and planes.” Mason replied, “I know.” The meeting lasted an hour, with both Lewis and Mason crying much of the time. Toward the end of the meeting, the Governor walked in, started rubbing and massaging Mason’s shoulders, stroking her hair, and saying, “Baby, it’s gonna be alright.”

36. Lewis hesitated, but finally asked, “So we’re in agreement this is gonna end today?” The Governor replied, “Yes, it is ending.” Lewis then replied, “Okay. I’ll drive to Tuscaloosa and talk to Paul and see what I can find out about this recording.” Lewis then left the conference room with the Governor and Mrs. Mason, and headed toward Tuscaloosa.

37. On the way to Tuscaloosa, Lewis called Paul Bentley. He informed him

that he needed to come talk, to which Bentley replied, “Come on up.” He met Bentley at his office. He inquired, “Paul, is there a recording with your Dad and Rebekah on it?” Paul Bentley replied, “Yes, and you ain’t gettin’ it.” Paul Bentley added that his mother had made the recording.¹¹ He said, “I don’t have it but Melissa does.” Melissa was Paul Bentley’s wife. Paul Bentley added, “I don’t want to hear my Dad talking like that.”¹²

38. Lewis called the Governor back, and confirmed the existence of the tape. The Governor was angry, saying in an agitated voice, “Well, Ray, whoever recorded that, it’s illegal.” Later, in the same conversation, the Governor said, “Ray, I need you to drive to Gulf Shores. Rebekah still doesn’t get it.” Governor Bentley said that Mrs. Mason and her family were all going to be at the beach for a week, and added, “You need to get down there early, because Jon [her husband] won’t be there at the beginning.” Lewis prepared to leave early the next morning.

39. The next morning, the Governor called Lewis and said, “Ray, you don’t

¹¹Lewis was concerned about Mrs. Bentley’s health – to whom he was very close – and even was concerned that she might take her own life. On one occasion both Mrs. Bentley and Paul Bentley told Lewis the Governor wanted to fire Lee Sentell, his Director of the Office of Tourism, and replace him with Jon Mason, Rebekah’s husband. Lewis went to the Governor and told him he couldn’t do that.

¹²In January of 2016, Lewis went by Paul Bentley’s office, at which time Bentley showed Lewis numerous text messages from his father to Mrs. Mason.

need to go. Rebekah is fine.” Lewis replied, “Sir, you’re making a big mistake, because Rebekah’s not going to let this go.” The Governor responded, “Oh, she’ll be alright.”

40. Later that day, Mrs. Mason sent Plaintiff a text to the effect that he wouldn’t have to worry about her anymore, noting that her office wouldn’t be in the Capitol anymore, and that Bill O’Connor¹³ had some things in the campaign for her to do.

41. For Lewis, however, the damage was done. He had seen too much. He had heard too much. He knew too much. The Governor had confided in him too much. He had tried too hard to do what the Governor had asked him several years earlier to do: to tell him when he was doing something wrong. Regarding Rebekah, the Governor didn’t want to hear it. As for Rebekah, it was clear: Ray Lewis needed to go.

42. From time to time, Lewis informed the Governor that Mason was interfering with the performance of his job duties. For example, when Lewis removed Billy Ervin from the Governor’s security detail, Paul Bentley informed Lewis that Mason was livid. The Governor began complaining to Spencer Collier about the

¹³Lewis didn’t know exactly what O’Connor did, but concluded, “You always knew he had the Governor’s ear.”

detail.

43. All of this was confusing to Lewis, and somewhat ironic. Talking with the Governor in his office early on in 2011, the Governor had told Lewis, “Ray, I have values. I want to be a person who does right, who is respected. If you ever see me doing anything wrong, Ray, let me know.” Lewis responded, sincerely, “I will.” And, as became evident in the Bentley/Mason world, he did. Or, at least he tried.

44. The Governor at times would scroll through the pictures on his phone, showing Lewis pictures of Rebekah, saying “Rebekah has always loved me.” One day the Governor told Lewis he was no longer to hold Mrs. Bentley’s hand in public because it made him look weak.

45. Even after Mason left the state payroll, she had access to her Capitol card, meaning parking access on the Hill. Lewis told Seth Hammett, the Governor’s Chief of Staff, that she should not have access to public parking when she was on campaign staff, but nothing changed. One time, the Governor called Lewis, telling him that Mason had left her iPad in his office. Lewis retrieved it and took it to her in Tuscaloosa the next day. She was on the campaign staff at the time.

46. Mason would come in the office, be around as if nothing had changed, and work on media events. This came as no surprise. The Governor had informed

Lewis he was going to create a “501(c)(4) to get Rebekah paid.”¹⁴

47. Mason would go into the Governor’s office for hours at a time. As matters continued, Lewis began getting pressure from both Paul Bentley and Dianne Bentley to keep the Governor and Mrs. Mason apart when they traveled. In the course of those conversations, Dianne Bentley personally confirmed to Lewis that she had recorded the Governor’s statements about Mrs. Mason.

48. Apparently, Mrs. Bentley was able to do that because at some point, the Governor’s staff had given him an iPad. The Governor didn’t take to it, so he gave it to Mrs. Bentley. The iPad had been synced to the Governor’s iPhone.¹⁵ Either when his staff gave him the iPad, they neglected to tell the Governor that it was synced to his phone; or they had informed him that the iPad was synced to his cell phone, and he forgot that fact; or his staff informed him that the iPad had been synced to the cell phone, and he had no idea what that meant. As a result, there came a time

¹⁴On one occasion, Dr. Henry Mabry, then the Executive Secretary of the Alabama Education Association, said he could get Mason paid to the tune of \$150,000. Paul Bentley told Lewis that Cooper Shattuck, the Governor’s former Legal Advisor, set up the 501(c)(4) for Mason. On information and belief, that 501(c)(4) was Defendant ACEGOV. Seth Hammett told Lewis he had a conversation with the Governor in which Hammett informed the Governor that because of the Governor’s relationship with Mrs. Mason, Mason could not be on the state payroll, therefore the need for the 501(c)(4). Bentley confirmed that conversation to Lewis, saying of Hammett, “I want his ass gone.”

¹⁵Either Stan Stabler or Mrs. Bentley told Lewis about the iPad and iPhone being synced; Lewis cannot recall which.

when Mrs. Bentley started getting the Governor's steamy cell phone text messages to Mrs. Mason on the iPad. Mrs. Bentley told Plaintiff about them.¹⁶ (After Lewis retired, earlier than he had ever intended because of the actions of Bentley and Mason, on January 8, 2016, he went by to see Paul Bentley. Paul Bentley showed him some of the text messages between his father, the Governor, and Mrs. Mason, which were sexual in nature.) The recordings which have been made public were made by Mrs. Bentley.

49. On August 28, 2014, Mason visited the Mansion while Dianne Bentley was away and stayed an hour and a half, as confirmed by the guard at the gate, Nathan Mills. At the Mansion, there is a gate log showing who came and went, and the times of arrival and departure. Lewis has a picture of that log, and Mrs. Bentley is aware of it. J. T. Jenkins, Collier's number two guy, came to Lewis and informed him that Collier wanted him to remove that log. Lewis refused. According to Stan Stabler, eventually the Governor and Mrs. Mason began meeting at the Blount House, where they kept no logs. Lewis was not along for the infamous Las Vegas trip, but was informed that Mason and the Governor had adjoining rooms.

50. Plaintiff's working relationship with Mason was strained at best. She

¹⁶On one occasion, Lewis told the Governor he should be careful about using state phones for emails and texts.

knew he wasn't going to do anything to facilitate her relationship with the Governor; she wanted him gone. Plaintiff was beginning to reach an important conclusion: once you got in Rebekah's cross hairs, that was it. She ordered the hit, and the Governor carried it out. At one point, the Governor barked to Lewis, "if anybody says another thing about Rebekah, I will fire their ass."

51. Campaign events would go through Mrs. Mason. Lewis found it increasingly more difficult to learn of the Governor's campaign schedule.

52. On July 29, 2014, Bill O'Connor asked if he could meet with Plaintiff. They met that night. O'Connor expressed his concern about what was going on between the Governor and Mrs. Mason. O'Connor stated, "We created Rebekah, but it wasn't to sleep with the Governor."¹⁷ O'Connor saw the Governor the next day, after which, things began to change for Lewis, and not for the better.

53. On election day in 2014, Paul Bentley told Plaintiff, "Clay [Clay Ryan] says anytime there are issues with information or things being released, you can assume it came from security," meaning Ray Lewis.

54. On August 4, 2014, the Governor leased a plane for his campaign. Plaintiff had been telling the Governor, "You can't put Rebekah on a state plane."

¹⁷O'Connor had called Lewis and informed him he knew things were getting out of hand with the Governor. O'Connor went to speak to the Governor. Shortly thereafter, the Governor told Lewis, "They've told me that after the election I've got to let my special friend go."

While on the plane with the Governor, Plaintiff reiterated, “Governor, I don’t think it’s a good idea to have Rebekah on these planes.” Governor Bentley replied, “That’s why I lease these planes.” They flew from Montgomery to Jasper on a private plane, **because the private plane did not have to keep a manifest.** On the ground, Bentley said, “Listen, guys. I want Rebekah on these planes.” On the plane, Mason would sit across from the Governor and discreetly touch his leg. One campaign staffer saw the Governor touch Mason’s leg. Zach Lee was concerned that “the Governor was losing it.”¹⁸

55. The first time Lewis was on the campaign plane, they were taxiing on the runway in Montgomery. He, the Governor, and Zach Lee were on board. Mason called Zach. He told Lewis, “Rebekah is going nuts.” Lewis asked the Governor what he wanted to do. The Governor looked pitiful. He said to Lewis, “It’s your call.” Lewis knew the Governor wanted to go back and get her, so they turned the plane around, went back, and loaded the Governor’s precious cargo onboard.

¹⁸One day, during the election campaign, Lewis picked up the Governor to drive him to Birmingham for a campaign event. The Governor made him swing by Mason’s home to pick her up. She was not on State payroll. Lewis objected: “Governor, I don’t think that’s the thing to do.” Bentley replied, “It’ll be alright,” so Lewis picked up Mason and they headed to Birmingham. Bentley regularly had Lewis put Mason in the state car or on the state helicopter. According to Lewis, “The Governor didn’t worry about the manifest on state aircraft.” Mason flew, while Jennifer Ardis, his Director of Communications, drove, as, for example, one campaign trip to Wilcox County. Mason went on the state helicopter. Ardis drove. During the reelection campaign, Bentley would always go to a state function, then swing by a campaign event.

56. On August 5, 2014, Plaintiff met with his boss, Spencer Collier, in Collier's office, at which time Plaintiff informed Collier about the Governor's affair. Before the meeting, Plaintiff called Paul Bentley, who said that his Dad did not believe that the tape existed. Paul Bentley told Plaintiff that he, Plaintiff, needed to hear at least part of the recording. Melissa Bentley, Paul Bentley's wife, emailed the tape to Plaintiff's gmail account. In the meeting with his boss, Collier, Plaintiff and Spencer Collier listened to the tape, in which the Governor talked about touching Rebekah Mason's breasts, his need to be with her, the need to lock the door, kissing her on the ear, etc. Collier and Lewis decided to go to Greenville with the Governor (about which trip Collier has spoken publicly) so Plaintiff and Collier drove the Governor to Greenville, Alabama, that night.¹⁹

57. The Greenville trip was a campaign trip. Lewis drove, with the Governor in front and Collier in the back. They both laid it out for him. They told him if his affair with Rebekah Mason involved planes and cars, anything that was state property, he could run afoul of the law. Lewis said, "Governor, if you're doing that it would be improper." They both told him, "Governor, you've got to end this relationship." The Governor, crying, replied, "Spencer, how did you end yours?"

¹⁹The Governor sent Spencer Collier to Linda Adams' house to recover the tape (though she did not have it). Adams was terrified, and went to her attorney.

[Spencer Collier had apparently had an affair; Collier had told Lewis about having his mistress in a hotel room, while Collier talked on the phone to his wife. Collier didn't properly end the call, and his wife heard things Collier did not want her to hear.] Collier replied, "Governor, I just cut it off at the nub. I just ended it. You're just gonna have to cut it off at the nub. And it's gonna bleed, but you will eventually get over it." The Governor replied, "I'm gonna end it." The Governor called Collier the next day, telling him, "I can't do it, I love her."²⁰ It was later that week when Zach Lee had made his comment to Plaintiff, informing him that he didn't know how he, Lewis, still had a job.

58. On August 6, 2014, Clay Ryan called Plaintiff and informed him that he wanted to meet with him. Ryan was considered "the fixer". Anytime Mason was unhappy with Lewis, she would call Ryan, who would call Paul Bentley, and, in theory, Lewis would get reigned in. Plaintiff met with Ryan. Ryan was concerned about the tape, and who else had it. Plaintiff informed Ryan that he thought Heather Hannah, Dianne Bentley's assistant, had a copy. (Paul Bentley or Melissa Bentley, one or the other, had told Plaintiff this.) Ryan then talked to Hannah. Collier called Clay Ryan the next day and informed him that he needed to stay away from law

²⁰The Governor's desire to be with Mason at all costs meant that, on at least one occasion, they met at a lake with no security present.

enforcement.²¹

59. On August 8, 2014, Plaintiff picked up the Governor, and he was furious. Lewis told the Governor, “I know you’re furious with me. But you are putting everybody at risk over your relationship with Rebekah.” The Governor screamed at him, “Ray, you and Paul (Bentley) can’t fix this.” Lewis told the Governor he was concerned about his job, because Zach Lee had made a comment to Lewis, “I don’t know how you still have a job.” Lewis then stated, “If you will let me make it to the election, I will retire and be out of your hair.”

60. The relationship between the Plaintiff and Governor Bentley was deteriorating very quickly. After the comment about letting him make it to the election, and then he would retire, Governor Bentley seemed pleased.²²

61. Regarding Bentley’s relationship with Mrs. Mason, Lewis told the Governor, “That relationship is going to be found out eventually.” Governor Bentley replied, “Well, if anybody comes to you, just tell them the truth. And that’s what I plan to do, too.”

²¹On one occasion, the Governor told Lewis that he had grown tired of Ryan, Bill O’Connor and Mike Echols, a Tuscaloosa lobbyist, saying, “they’re trying to do some things that are illegal, and I want no part of it.” Lewis did not know to what the Governor was referring, nor if the Governor’s accusation had any truth to it.

²²The Governor had gotten to the point where his ego took over and he enjoyed intimidating people, saying to them, “I’m the Commander in Chief.”

62. During that conversation, Lewis and the Governor were sitting in Lewis' truck, at the airport about to get on a plane. Lewis asked the Governor, "Governor, there's a lot of talk going on. Was it a physical relationship?" After initially hemming and hawing, the Governor replied, reluctantly but clearly, "Yeah, it was physical."

63. Lewis had noticed that the Governor always had two cell phones: his state cell phone and his personal cell phone. Then one day, he noticed a third phone.²³ Stan Stabler informed Lewis at one point that the Governor had separate email accounts. Eventually, Lewis noticed that the Governor started calling him from an unknown number - - a bit disconcerting for the head of your security detail.

64. During this time, Plaintiff was feeling a lot of pressure regarding his job, describing it as "I'm wound tight about all of this."

65. A few weeks later, on or about June 18, 2014, due to all of the pressure on him, Plaintiff thought he was having a heart attack. He went to Jackson Memorial Hospital, checked into the Emergency Room, and had an EKG. Apparently it was just an anxiety attack. They told him to go to his regular physician. He went to the office of his personal physician, Dr. Mark Ricketts, shortly thereafter, and after an

²³Mrs. Bentley told Lewis that the Governor bought a truck with Bluetooth, so he could go outside, sit in the truck, and talk on the phone unheard and undetected.

examination, his personal physician told him, “Ray, you look like shit.” Lewis informed him as to why. A number of tests were done and Lewis was checked out.

66. Lewis was concerned about his health. He was not sleeping, and he was torn up inside over the fact that the Governor, who he viewed as a father-figure, was turning his back on his wife, Dianne, with whom Lewis had a great relationship, and his kids, whom Lewis also knew and cared for, and the Governor didn’t seem to care.²⁴

67. About this time, Jennifer Ardis, Press Secretary to the Governor, called Plaintiff. She said, “Ray, I want to give you a heads up. A reporter in Huntsville wants to do a story on your overtime.” Collier and his press secretary did an extensive review of Plaintiff’s overtime, duties, and gave it to Ardis.²⁵

68. Governor Bentley had admitted on a telephone call which Plaintiff put on speaker phone and recorded, that a lot of people on security details got a lot of overtime. Lewis informed Ardis that Governor Bentley had said lots of people on lots of security details were paid overtime and that she, Ardis, should emphasize that to the press. Soon thereafter, on September 7, 2014, an al.com story by John Archibald

²⁴About this time, Lewis said to Bentley, “Governor, if you love Rebekah, why don’t you just divorce Mrs. Bentley and marry Rebekah?” The Governor replied, referring to Dianne, “I’ll always take care of her.”

²⁵At one point, when Lewis’ comp time was piling up, he went to the Governor to talk to him about it. Bentley informed Lewis, “I want you with me all the time.”

appeared regarding extensive overtime by Lewis.

69. On September 7, 2014, John Archibald wrote the following on al.com: “The head of Governor Robert Bentley’s security detail made \$16,918.00 in August, thanks to overtime he earned **following the Governor across the globe.**” (Emphasis in original.) He added, “At that rate, Wendall Ray Lewis would pull in \$203,000.00 a year, or about \$112,000.00 more than his annual salary as a State Trooper. It pushes his actual pay so far this fiscal year to \$153,000.00 with a month still to go. It’s almost fifty grand more than the colonel who runs the Department of Public Safety made in the same time period.”

70. After Archibald began inquiring of the State about Lewis’ overtime, as Archibald reported on September 7, 2014, “Spencer Collier, the head of the Alabama Law Enforcement Agency, also ended overtime for all members of the protection detail **after the Lewis papers were made public** (Lewis made \$580,000.00 in the last four years.)” (Emphasis in original.)

71. Archibald ended his column by noting that Lewis “seemed to receive special treatment while standing guard over Gov. Bentley, ...”

72. Chuck Dean, a long-time and much respected political and governmental reporter for the *Birmingham News*, questioned Governor Bentley about the Lewis overtime. On September 15, 2014, in a piece published by al.com, Dean wrote, “Last

week in an interview in Decatur Bentley categorically said he had nothing to do with approving overtime for Lewis or for his later promotion.” He added, “Nor did he authorize anyone on his staff to act to clear overtime for Lewis.” According to Dean, Bentley stated, “I have never had anything to do with promotions. I have never had anything to do with overtime. I have never had anything to do with anyone’s salary. Honestly, I don’t have time to deal with things like that,” said Bentley. “I didn’t know who was making overtime and who wasn’t making overtime. I really didn’t.”

73. After Archibald’s attack on Lewis for his overtime, Bill Britt in the *Alabama Political Reporter* wrote a story entitled “Trooper Overtime for Governor Bentley Consistent with Other Governors”. In the article, Britt noted the following:

However, a comparison of the past three administrations, dating back to 1999, show [sic] that overtime pay for Gov. Bentley’s protective service detail is consistent with those for Gov. Don Siegelman and Gov. Bob Riley.

...

Under Alabama State law, the Department of Public Safety, now known as ALEA, is required to provide 24 hour-a-day/7day-a-week protection for designated public officials. These include: the Governor; Lt. Governor; President Pro Tem of the Senate; Speaker of the House of Representatives; and the Attorney General....

A search of around 1800 documents provided by ALEA, after receipt of a FOIA request by this publication found that standards of protection provided by the Protective Services Unit, as well as overtime pay, have been uniformly applied over the last three administrations.

A comparison of overtime pay, per diem for Wendall Ray Lewis... Bentley Administration, Ronald P. Hayden... Riley Administration, and Danny M. Hester... Siegleman [sic] Administration show that each man received approximately the same pay.

...

State statute under Section 36-21-4 states, "Overtime - - Compensation general. Each state law enforcement officer in the service of the State who is assigned to duty for more than 40 hours during the calendar week shall be paid time and one-half for such excess hours worked or he shall be given time and one-half compensatory leave as herein provided, ...

...

... compensatory time... may be paid for overtime worked. The decision of whether to accept overtime pay or compensatory time shall be at the sole option of the officer....

In August, 2014, ALEA Secretary Spencer Collier issued a directive to the Dignitary Protection Unit, that no one would accrue any non-contractual overtime while assigned to a protective detail....

74. On August 11, 2016, State Representative Allen Farley released a recorded conversation he had with Governor Bentley in 2015 after the Governor's divorce. Farley taped the phone call. Bentley brought up the topic of overtime pay, among other things, and the first portion of the recorded conversation dealt with Ray Lewis. On the recording, according to John Archibald in his al.com story of August 12, 2016, "Bentley tells Farley he investigated the overtime pay after the stories broke on AL.com, and found that heads of security, such as Lewis, were paid overtime

while many others were compensated in comp time. Bentley said the policy was then changed to pay all in comp time. ‘It wasn’t Ray’s fault,’ the Governor said on the recording. ‘He was just paid like other past security chiefs had [been].’ ” He added, “security people have a lot of overtime.” Lewis told Archibald on August 12, 2016, and as appeared in the on-line column of that date, “Now the people of Alabama know I earned every penny of the overtime hours I was paid while working the governor’s detail,” he said.

75. As Archibald wrote, “Bentley in 2014 **said he had nothing to do with paying Lewis** or any of the employees in the office. [Emphasis in original.] ‘I do [sic] not have anything to do with that,’ Bentley said. ‘I do not have anything to do with overtime. I know they work hard when we go to Europe, go to different parts of the world or just around here. They work hard because I work hard and they have to guard me because we have people that threaten me. I had nothing to do with their pay. I had nothing to do with their promotion.’” Archibald added, in his August 12, 2016 story, “On Thursday, however, Lewis said ‘the governor personally approved payment of my overtime hours.’”

76. According to Lewis, “When the Governor said he didn’t know anything about my overtime, he’s the one that approved it.” If the Governor said he did not approve Lewis’ overtime, which he has done, he was not being truthful and, in fact,

defamed Plaintiff. Sometime in 2011 or early 2012, Governor Bentley had said, “I want Ray with me all the time.” Bentley said that to Angie Smith, his political advisor and assistant to Chuck Malone, the Governor’s Chief of Staff at the time; Zach Lee, the Governor’s assistant; and Malone, in the Governor’s Office. And Lewis was, day and night.

77. According to the Alabama Department of Public Safety “Dignitary Protection Unit Policy & Procedure Manual”, under the duties of a detail member, he or she “may be called upon 24 hours a day and be required to travel frequently. It may be necessary for personnel to be away from home for extended periods of time; ...”

78. On August 14, 2014, former House Speaker and Chief of Staff to the Governor Seth Hammett called Lewis and said, “The shit is about to hit the fan about your overtime.” Hammett added, “You’re gonna have to choose between being Chief of the Dignitary Protection or the Governor’s detail.” Lewis replied, “Seth, I don’t have a damn thing to do with that.” This was the first time Lewis had ever dealt with Seth Hammett. He told Hammett, “I haven’t done anything wrong.” Hammett replied, “I know.” When Lewis was no longer the detail leader, in his words, “I became irrelevant.”

79. The same day, Lewis went to Bentley campaign headquarters to talk to

the Governor. The Governor knew about the ultimatum Hammett had given Lewis. The Governor teared up and told him, “You haven’t done anything wrong.” When their conversation was over, Bentley hugged Lewis. Lewis knew that was it, the beginning of the end. He thought to himself, “I don’t know how Jesus felt when Judas betrayed him, but I felt I was being betrayed.” The only difference: Judas never hugged Jesus.

80. During Lewis’ meeting with the Governor on August 14, 2014, Zach Lee sent him a text message at 11:14 a.m., which said, “Rebekah is listening in on yall’s conversation.” Lee later informed Plaintiff that Mrs. Mason had her ear against the door to the room in which Lewis and the Governor were meeting.

81. Shortly thereafter, Bill Britt and the *Alabama Political Reporter* did a story which pointed out that the payment of overtime to the body men for three governors in the last three administrations was essentially the same, which ended the Ray Lewis overtime story.

82. On August 14, 2014, Collier informed Lewis, “The Governor says he wants Billy (Ervin) to be the Detail Leader.” Billy Ervin was a member of the Governor’s Security Detail, of which Ray Lewis was the head. Lewis thought to himself, “Rebekah had enough clout to get me out.” Later that day, Billy Ervin, who took over from Plaintiff as head of the Security Detail, put Darren Blake, one of the

men on the detail, and who was the Governor's "body person," out of the truck in order to put Mrs. Mason and a TV crew in the truck. Mason, who was not a state employee, ordered Ervin to do this. Ervin later told Plaintiff, "Chief, I want to make one thing clear. I'm not going to jail for nobody."

83. On August 14, 2014, Spencer Collier informed Lewis that the Governor had Collier moving money around to pay for an assistant to Chief of Staff Seth Hammett, Jon Barganier, to the tune of \$111,000.00; the assistant in the Medicaid Program, Stephanie Azar, to the tune of \$150,000.00; and David Byrne, the Governor's Legal Advisor, to the tune of \$170,000.00. Collier moved this money around to cover those salaries so that the Governor could hide their salaries and, therefore, in the campaign, look fiscally responsible. According to Collier, those monies were federal funds and came from the Department of Homeland Security. Collier was concerned about it, and had some local police departments concerned that they were not getting federal funds.

84. August 14, 2014, was the end of Lewis' time on the Governor's Security Detail.

85. On August 14, 2014, per the Governor's directive, all overtime was cut for security details.

86. At that point, Lewis was getting very nervous. July 2014 meant Lewis

had spent twenty-five years with State Government. He had intended to stay around another five years, if not more. Instead, with the handwriting on the wall, he stayed on as Chief of the Dignitary Protection Unit for the remainder of the year, and then retired on March 31, 2015, a good four or five years sooner than he had intended to retire.

87. On December 1, 2014, Lewis complained again to Seth Hammett and Stan Stabler about the need for Governor Bentley to break off his affair with Mrs. Mason.

88. There is a log kept at the Governor's Mansion which reflects those who come and go for meetings at the Mansion. While Dianne Bentley was out of town, Rebekah Mason would go to the Mansion. On January 27, 2015, for example, J. T. Jenkins, a member of the Governor's Security Detail, texted Lewis, asking him if it was still necessary to keep the visitor log at the Mansion, because Mason had been at the Mansion that day while Dianne Bentley was out of town.

89. When Plaintiff informed the Governor that his, the Governor's, emails to Rebekah Mason could be retrieved, Bentley ceased emailing Mrs. Mason.

90. During this time, on a helicopter with the Governor and Mrs. Mason, Lewis overheard Mason say to Governor Bentley, "Now, Governor, don't you let anybody get in your head but me."

91. According to Lewis, during calendar year 2014 and until he retired early in 2015, his contention was, “whatever people may say, Rebekah Mason was the Governor of Alabama. People could talk to the Governor, but whatever Rebekah said went.” Lewis added, “You could tell Rebekah was power-hungry.”

92. Lewis was severely disappointed in the failure of Governor Bentley to publicly confirm that he had approved every penny of Lewis’ overtime. He says, “I was willing to lay down my life for this man. He was like a father to me. All he had to do was say, ‘I approved his overtime.’ He didn’t.” He lied. Lewis added, “I don’t know this person the Governor has become.”

93. On information and belief, Governor Bentley wrote a drug prescription for Mrs. Mason. Lewis saw a text message in which the Governor inquired whether Mrs. Mason had gotten the medication he prescribed for her.

94. On at least one occasion, Governor Bentley ordered generic Viagra in Dianne Bentley’s name, and had it shipped to the Mansion. She intercepted it and informed Lewis of this fact.

95. On February 2, 2015, Lewis again complained to Seth Hammett, the Governor’s Chief of Staff, about the Governor’s affair and the need for him to break it off.

96. As Lewis has noted, “You don’t get very many opportunities in life to

stand up for what's right.”

97. As Lewis contends, “I do believe I was wronged, and my family was wronged.” “When I was working for the Governor, I was a miserable human being, but I was making good money.”

98. A few months after Lewis retired earlier than he had ever intended to, he was contacted about a senior security position with The University of Alabama. He met with Cooper Shattuck, formerly Governor Bentley's Legal Advisor and now General Counsel to the University System. Shattuck spoke to Lewis about helping with University security, perhaps having a role with Coach Saban, whom Shattuck described as “the University's greatest asset.” Eventually, Shattuck turned the conversation to the Governor. He asked Lewis his thoughts. Lewis told Shattuck, honestly and soberly, that he thought eventually the Governor would be held accountable, and that he should be. Shattuck replied, “Well, I plan to be a friend to him when he falls.” Lewis never heard back from Shattuck about the University security job. When Lewis eventually himself got back in touch with Shattuck, he told Lewis to reach out to Ronnie Robertson. Lewis followed up with Robertson, who had nothing to do with anything Lewis and Shattuck had talked about. Needless to say, no job offer was forthcoming.

99. Lewis also heard about this same time from Clay Ryan, a Birmingham

attorney, who asked Lewis if he would be interested in the job of head of security for Alabama Power. Lewis responded in the affirmative. By text message on July 24, 2015, Ryan informed Lewis that the “pay will be ‘what it takes’ [one can assume, to get Lewis there]” and “You would be crosswhite’s [sic] guy” meaning Mark Crosswhite, the President and CEO of Alabama Power. Lewis replied, that same day, “Thanks Clay. This is a great opportunity!” But it never materialized. Ryan asked Lewis to send him a resume, which he did. But then Ryan asked Lewis how he intended to respond if and when the questions started flowing about the Governor. Another honest answer from Lewis. Another no call back.

100. Ray Lewis has a security business, WRL Security Services, LLC, a professional services firm specializing in safety, security, and regulatory compliance for K-12 schools, colleges, and universities, among others. But, thanks to Defendants herein, it has little to no business.

COUNT I
INVASION OF PRIVACY
(ALL DEFENDANTS)

101. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-100 of this Complaint as if set out anew herein.

102. Beginning on or about September 7, 2014, and continuing thereafter, Bentley, Mason, and all Defendants invaded Lewis’ privacy by putting him in a false

light and position in the eyes of the public by stating that Lewis worked overtime which was not approved by the State of Alabama. Such statements implied to the public that Lewis took advantage of his position to earn excessive amounts of income that were not approved by his supervisor or anyone in State government and that he essentially stole money from the State to which he was not entitled.

103. These statements were highly offensive and Defendants knew they were false and knew, or could reasonably foresee, the false light in which Lewis would be placed.

104. These statements were made and published with malice and with knowledge and intent to hurt and discredit Lewis.

105. As a result thereof, Lewis was damaged as set forth hereinabove.

WHEREFORE, PREMISES CONSIDERED, Lewis demands judgment against Defendants, to include Fictitious Defendants, which is fair and reasonable, to include compensatory and punitive damages, plus interest and costs of these proceedings.

COUNT II
DEFAMATION
(ALL DEFENDANTS)

106. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-105 of this Complaint as if set out anew herein.

107. Defendants falsely and maliciously published to the media and to the public that Lewis was paid overtime for hours which either he did not work or which were not authorized by anyone in a position of authority in State government, which, ultimately, would be Defendant Bentley.

108. These statements were made and published with malice and with knowledge of their falsity. Defendant Bentley, expressly, denied to a respected reporter for the State's largest circulation newspaper, that he approved Lewis' overtime and, in fact, denied any knowledge of who received overtime. Those statements were untrue, and Bentley knew at the time he made them they were untrue. They were designed to, and did, cast Lewis in a false light and position in the eyes of the public, and reflect adversely on a dedicated and selfless public servant.

109. As a result thereof, Lewis was injured and damaged as set forth hereinabove.

WHEREFORE, PREMISES CONSIDERED, Lewis demands judgment against Defendants, to include Fictitious Defendants, which is fair and reasonable;

1) to include compensatory and punitive damages, plus interest and costs of these proceedings;

2) as to Defendant, Bentley, he demands a retraction, e.g., a statement from the Governor, that he, Governor Robert Bentley, lied to the people of Alabama when

he stated he neither approved Lewis' overtime, nor did he have any knowledge of it; and an apology, that Governor Bentley genuinely regrets disparaging Plaintiff by suggesting that he, Lewis, worked overtime for his own financial gain without approval by anyone in a position of higher authority; and

3) Plaintiff demands that this Honorable Court enter an injunction to enjoin all Defendants from disparaging Plaintiff in the future.

COUNT III
INTENTIONAL INTERFERENCE WITH
BUSINESS OR CONTRACTUAL RELATIONS
(MASON; ALABAMA COUNCIL FOR EXCELLENT GOVERNMENT;
RCM COMMUNICATIONS, INC.; BENTLEY FOR GOVERNOR, INC.;
and FICTITIOUS DEFENDANTS A - O)

110. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-109 of this Complaint as if set out anew herein.

111. At all times material herein, Lewis had a business relationship with, and a property interest in, his job with the State. Mason and said Defendants had knowledge of said business relationship.

112. Said Defendants intentionally interfered with Lewis' business relationship with the State by transmitting through Mason, or causing others (on information and belief, Jennifer Ardis) to transmit, information regarding the lawful and approved overtime worked by Plaintiff to members of the media with the

intention, and result, that stories would be written reflecting adversely on Plaintiff that he had been compensated significantly beyond any compensation earned, and/or that the overtime worked was not approved.

113. There was no justification for Mason's interference, nor, as a non-state employee at that time, did Mason or any of the other said Defendants, have authority or legal status to permit them to terminate Plaintiff, to have him removed from any position or duty of his employment, to demote him, or have his overtime reduced or eliminated.

114. Bentley's decision to falsely claim to the public that Lewis did not have approval for his overtime was based, in part, on information and belief, on the interference of Mason and other said Defendants.

115. Said Defendants' interference was based on improper, personal and ulterior motives because Lewis knew of the physical and sexual affair between Bentley and Mason; Lewis had been asked by the Governor to personally go to, and did go to, Mason in an effort to terminate the affair; and Mason knew that Lewis was close to Mrs. Bentley and the Bentley's children, and that Lewis disapproved of the affair and would continue to follow the Governor's wishes to attempt to end the affair.

116. At the time of said Defendants interference with Lewis' job, Mason was

acting on her own behalf, not as an employee of the State of Alabama, but on behalf of herself and/or Defendants ACEGOV, RCM, Bentley for Governor, Inc., and/or Fictitious Defendants “A” - “O”.

117. Said Defendants interference continued into the fall and winter of 2014, as Plaintiff became more and more limited in his duties, was ostracized, marginalized, and excluded from meetings and discussions in which he had previously participated, all of which led Plaintiff to his ultimate conclusion to retire much earlier than he had intended, for which reason Plaintiff believes he was constructively discharged.

118. As a result thereof, Lewis was injured and damaged as set forth hereinabove.

WHEREFORE, PREMISES CONSIDERED, Lewis demands judgment against Mason and other said Defendants in an amount that is fair and just, to include compensatory and punitive damages, to be determined by a jury of his peers, plus interest and costs of these proceedings.

COUNT IV
CONSTRUCTIVE DISCHARGE
(ALL DEFENDANTS)

119. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-118 of this Complaint as if set out anew herein.

120. Plaintiff Lewis was a career law enforcement officer who was dedicated

to his job as a State Trooper, and who committed himself to fulfillment of the mission of State Troopers. The allegations that he had worked massive amounts of overtime **without** the approval of the Governor or anyone in State government significantly sullied Lewis' good name; made him to appear to the public to be greedy, if not corrupt; and created great dissension in the ranks among all State Troopers who were not privileged to receive such overtime pay.

121. After the stories appeared in Alabama media about Lewis' allegedly unauthorized overtime, especially after the Governor's false but pointed denials that he had approved it, Lewis began to receive criticism and the opprobrium of the public and his peers.

122. In addition, having been stripped of his position as Head of the Governor's Security Detail, and relegated to the task of assigning Troopers to security details for the Governor, Lt. Governor, Attorney General, and Speaker of the House, Lewis knew that his days were numbered.

123. Having seen, over the fall of 2014 and early 2015, his subordinates who he once supervised take over his tasks of providing protection for the Governor, having been frozen out of meetings, discussions, and stripped of responsibilities for protecting the Governor, over time the criticism, exclusion, and opprobrium became insufferable, resulting in Plaintiff's early retirement on March 31, 2015.

124. As a result thereof, Lewis was injured and damaged as set forth hereinabove.

WHEREFORE, PREMISES CONSIDERED, Lewis demands judgment against Bentley, Mason, and all other Defendants, in an amount that is fair and just, to include compensatory and punitive damages, to be determined by a jury of his peers, plus interest and costs of these proceedings.

COUNT V
NEGLIGENT, WANTON, RECKLESS
AND/OR INTENTIONAL MISCONDUCT
(FICTITIOUS DEFENDANTS “J” - “O”)

125. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-124 of this Complaint as if set out anew herein.

126. Fictitious Defendants “J” - “O” negligently, wantonly, recklessly, maliciously and/or intentionally engaged in conduct which aided, abetted, facilitated, and encouraged Defendants Bentley, Mason, and other named Defendants, in defaming Plaintiff, tortiously interfering with his business and contractual relationships, casting him in a false light, and constructively discharging him.

127. As a result thereof, Lewis was injured and damaged as set forth hereinabove.

WHEREFORE, PREMISES CONSIDERED, Lewis demands judgment

against Fictitious Defendants “J” - “O” in an amount that is fair and just, to include compensatory and punitive damages, to be determined by a jury of his peers, plus interest and costs of these proceedings.

COUNT VI
INTENTIONAL INTERFERENCE WITH
BUSINESS OR CONTRACTUAL RELATIONS
(ALL DEFENDANTS)

128. Lewis adopts and realleges each and every allegation and fact contained in Paragraphs 1-127 of this Complaint as if set out anew herein.

129. At all times material herein, after retiring from state government, Lewis had an interest in securing employment which would permit him, as a single father of three sons, to provide for his family.

130. Lewis was sought out by two respected and powerful employers, The University of Alabama (“The University”) and Alabama Power Company (“APCO”) for senior security positions.

131. On information and belief, one or more Defendants intentionally interfered with Lewis’ business relationships with The University and APCO.

132. The prospect of employment with both entities was attractive, lucrative, and ones which Plaintiff would have seriously considered. Instead, however, when

questions were put to Plaintiff about his possible prospective testimony about the Governor, and Plaintiff made clear that he would tell the truth, said job prospects immediately disappeared.

133. As a result thereof, Plaintiff was injured and damaged as set forth hereinabove. Plaintiff cannot find employment, and is financially damaged as a result thereof.

WHEREFORE, PREMISES CONSIDERED, Lewis demands judgment against Bentley, Mason, and all other Defendants, in an amount that is fair and just, to include compensatory and punitive damages, to be determined by a jury of his peers, plus interest and costs of these proceedings.

**PLAINTIFF DEMANDS TRIAL BY A STRUCK JURY
ON ALL CLAIMS SO TRIABLE.**

Respectfully submitted,

/s/ John D. Saxon

John D. Saxon

Alabama Bar No. ASB-3258-071J

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