

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

TIM POOL,)	
)	
Plaintiff,)	COMPLAINT
)	
v.)	Jury Trial Demanded
)	
HARRIS FOR PRESIDENT,)	Civil Action No. _____
)	
Defendant.)	

INTRODUCTION

1. Plaintiff Tim Pool is a social media content creator, commentator, and independent journalist. Mr. Pool has interviewed political leaders and current and former U.S. presidential candidates on all sides of our partisan divides, including former Democratic presidential candidate Marianne Williamson. Mr. Pool, who cast his ballot for Barack Obama in 2008 and endorsed Senator Bernie Sanders for president in 2016, holds views which defy easy categorization on the left-right political spectrum. If anything, Mr. Pool’s worldview is woven together by a common thread: deep skepticism of corporate and state power.

2. Mr. Pool’s skepticism grew as he observed the Global War on Terror and later when he interviewed protesters on the streets of New York City during the Occupy Wall Street movement. As President George W. Bush, whose administration and interventionist foreign policy Mr. Pool opposed, later put it regarding the bank bailouts that led to Occupy Wall Street and other populist movements, “taking taxpayers’ money and giving it to the powerful . . . really irritated a lot of Americans, and they haven’t gotten over it yet.” Ben Smith, *Q&A: David Rubenstein on the presidents, and George W. Bush’s theory of populism*, Semafor, Sept. 10, 2024, <https://www.semafor.com/article/09/09/2024/qa-david-rubenstein-highest-calling>. Mr. Pool never has “gotten over it”—and if his life’s work is any indication he never will.

3. In addition to being a critic of bailouts for politically connected financial interests, Mr. Pool is a committed civil libertarian and an avowed opponent of capital punishment, even for society's most reviled offenders. Mr. Pool has criticized members of both major political parties for abusing individual rights. Mr. Pool's views on these issues are not secret. He airs them every weeknight on his YouTube channel to viewers across America and around the world.

4. Our Republic is at a critical moment. In a nod to this reality, as part of his plea to elevate our political discourse, President Joe Biden criticized those he said who "live not in the light of truth but in the shadow of lies." Remarks by President Biden on the Continued Battle for the Soul of the Nation, Sept. 1, 2022, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/09/01/remarks-by-president-biden-on-the-continued-battle-for-the-soul-of-the-nation/>. Over Labor Day weekend, Defendant Harris for President (the "Harris Campaign"), the vehicle for Vice President Kamala Harris and Minnesota Governor Tim Walz's White House ambitions, stepped into the darkness.

5. In a post to the social media platform X, which has now been viewed more than 12 million times, the Harris Campaign stated Mr. Pool is promoting a "plan to give [former President] Trump total, unchecked legal power so they can jail and execute those who don't support Trump if he wins." The Harris Campaign did not hedge this statement or couch it as opinion. To the contrary, to any reasonable reader, the Harris Campaign was saying that Mr. Pool wants to suspend the Constitution, make President Trump dictator, and use state power to imprison and kill Mr. Pool and President Trump's political opponents. According to the Harris Campaign then, Mr. Pool's "plan" is to imitate one of the hallmarks of the most abhorrent, murderous regimes of the past and present.

6. What the Harris Campaign published was and is a lie. Mr. Pool has *never* advocated for the lawless, extrajudicial killing of his (or anyone else's) political opponents, to include in the video clip the Harris Campaign incorporated into its X post. Both the clip and its context demonstrate Mr. Pool's commitment to civil liberties, which is consistent with his past criticisms of drone strikes involving American citizens in the War on Terrorism. Shocked by the Harris Campaign's malicious disregard for the truth, Mr. Pool almost immediately threatened legal action, but the post and the deception it creates remains to this day.

7. Mr. Pool welcomes debate and discussion from all sides of the political spectrum, including from Vice President Harris, Governor Walz, and the Harris Campaign. As part of his commitment to open discussion, Mr. Pool has even taken out advertisements above the very New York City streets he once walked to engage people who disagree with him, putting millions of dollars where his mouth is on this issue. But with the Harris Campaign's lie still hovering over our democracy, Mr. Pool finds it more difficult to book guests with contrary views, including Democratic politicians and members of Congress.

8. The reputational harm the Harris Campaign inflicted on Mr. Pool will take millions of dollars to undo. At the same time, Mr. Pool is ramping up his security efforts as a shield against those who bought the Harris Campaign's lie and might seek to do him and those he cares about harm. A recent incident suggests one man might have already been set off by the Harris Campaign's false statement.

9. To paraphrase President Biden, with this suit, Mr. Pool is stepping out of the shadow the Harris Campaign cast over him while shining the light on falsehoods designed to defame and further inflame our political discourse. Mr. Pool cannot—and will not—remain silent

in the face of the Harris Campaign's lie, which works to cut Mr. Pool off from many of the very people he wants to engage and reach.

PARTIES, JURISDICTION, AND VENUE

10. Plaintiff Tim Pool is a social media content creator with millions of followers across numerous platforms. Mr. Pool has millions of subscribers on YouTube, and his content has generated more than 1 billion views on that platform. Mr. Pool explores current events on his nightly show *Timcast IRL* and other shows. Mr. Pool operates the X account @Timcast which has more than 2.1 million followers. Mr. Pool is a resident of West Virginia and this judicial district.

11. Defendant Harris for President (the "Harris Campaign") is a principal campaign committee with a registered address in Philadelphia, Pennsylvania. The Harris Campaign is the primary vehicle for Vice President Kamala Harris and Minnesota Governor Tim Walz's run for president and vice president of the United States. The Harris Campaign operates an account on X under the handle @KamalaHQ which links to the internet website www.kamalaharris.com.

12. The Harris Campaign's false statements were targeted at and harmed Mr. Pool, a West Virginia resident. Since at least as early as 2022, Mr. Pool's West Virginia residency was listed on his X (formerly Twitter) @Timcast profile. Upon information and belief, the Harris Campaign was aware of Mr. Pool's residency prior to publishing the post which gives rise to this case. Further, the Harris Campaign has solicited and obtained substantial donations from citizens of this forum, to include this judicial district. According to Federal Election Commission records, the Harris Campaign received \$570,150.26 in donations from West Virginia residents from January 1, 2023 to July 31, 2024. In addition to linking to the www.kamalaharris.com website,

on which the Harris Campaign solicits donations, it also uses the @KamalaHQ X account to ask for contributions. One such solicitation is shown below.



KamalaHQ (@KamalaHQ), X (Aug. 6, 2024),

<https://twitter.com/KamalaHQ/status/1820831178993049632>.

13. Because of the Harris Campaign’s contacts with this forum, this Court has specific personal jurisdiction over the Harris Campaign under the Due Process Clause of the Fourteenth Amendment and West Virginia’s Long-Arm Statute, W. Va. Code § 56-3-33.

14. This Court has subject matter jurisdiction over this case under 28 U.S.C. § 1332 because it involves citizens of different States and the amount in controversy exceeds \$75,000.

15. Venue is proper in this judicial district under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to Mr. Pool’s claims occurred here, the harm is felt here, and the Harris Campaign is subject to personal jurisdiction in this judicial district.

FACTUAL BACKGROUND

I. Tim Pool, a political commentator whose views defy simple categorization, launches a media company to air his views on matters like civil liberties.

16. Tim Pool is a social media content creator, political commentator, and independent journalist whose views are not cabined by the typical left-right political frame. Mr. Pool came of age in the aftermath of the September 11, 2001 terrorist attacks and in the midst of the Global War on Terror. As a young observer of these events, he became concerned about America's expanded role abroad and the impact anti-terrorism efforts were having on civil liberties here at home. Mr. Pool voted for Barack Obama in 2008 in part because he hoped that President Obama would address these issues and take America down a different path than the one trod by President George W. Bush.

17. When the Great Recession hit in 2008, like millions of other Americans, Mr. Pool looked on as Congress went to bat for large, politically connected financial institutions deemed "too big to fail," leaving taxpayers and working families to pick up the tab. The Troubled Asset Relief Program helped spur the Occupy Wall Street movement. Mr. Pool followed that movement onto the streets of New York City, where he interviewed protestors and recorded video footage which was later broadcast by NBC News and other mainstream media outlets.

18. As America continued to prosecute the Iraq War and other foreign conflicts under President Obama, and many of the civil liberties issues under the George W. Bush Administration remained unresolved, Mr. Pool became even more skeptical of state and corporate power. The experience cemented Mr. Pool's opposition to the death penalty and support for civil liberties and free speech.

19. To take these and other issues on from an independent perspective, Mr. Pool founded a media company and started doing livestream broadcasts on the social media platform

YouTube. *TimCast IRL*, Mr. Pool's flagship program, features nightly guests who discuss the news of the day in a free-wheeling, open discussion format. Mr. Pool structures his content this way to allow for debate even among regular panelists.

20. Mr. Pool seeks out guests to offer varying perspectives. Over the years, he has provided self-described liberals, greens, and libertarians with a platform to air their views. He has also interviewed political leaders on all sides of our partisan divides, including current and former presidential candidates such as Democratic contender Marriane Williamson, Republican candidates Donald Trump and Vivek Ramaswamy, and Independent candidate Robert F. Kennedy, Jr.

21. During these broadcasts, and on X, Mr. Pool repeatedly made his views on capital punishment and civil liberties known. On August 9, 2019, Mr. Pool told his X followers that "I oppose the death penalty and I always will." Tim Pool (@TimCast), X (Aug. 9, 2019, 10:40 AM), <https://x.com/Timcast/status/1159836851730956294>. Two weeks earlier, Mr. Pool announced his support for "ending private prisons," "ending the death penalty," and "ending regime change war." Tim Pool (@TimCast), X (July 25, 2019, 1:08 PM), <https://twitter.com/Timcast/status/1154438239257812992>. Further emphasizing his opposition to capital punishment, Mr. Pool later explained he did not make any exceptions to his abolitionist views on the death penalty. "I completely oppose the death penalty, I don't think anyone deserves to die," he wrote in May 2020. Tim Pool (@TimCast), X (May 11, 2020, 9:25 AM), <https://x.com/Timcast/status/1259837126415392768>.

22. Mr. Pool has also taken repeated stands in favor of civil liberties. As shown below, in October 2019, Mr. Pool articulated his opposition to violence, censorship, "mass

centralization of power in any form, against illegal spying and the security state, against racism, against fascism, [and] against war.”



I am anti violence, anti censorship, anti corporatist, against mass centralization of power in any form, against illegal spying and the security state, against racism, against fascism, against war

10:44 AM · Oct 19, 2019



Tim Pool (@TimCast), X (Oct. 19, 2019, 10:44 AM),

<https://twitter.com/Timcast/status/1185567427637272576>. In thousands of hours of video and audio content, Mr. Pool detailed his views on these issues.

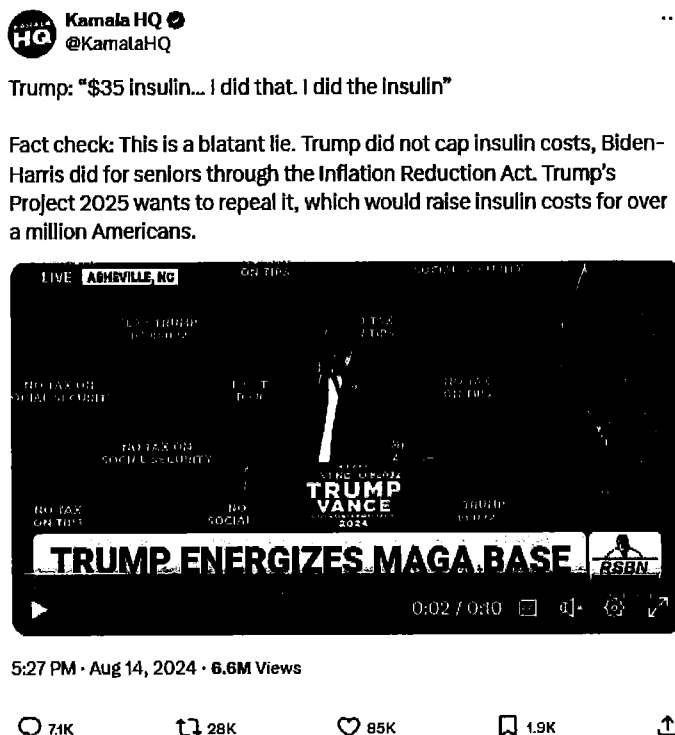
23. Consistent with these views, Mr. Pool criticized President Obama for his administration’s use of drone strikes such as in the events leading to the death of Abdulrahman Anwar al-Awlaki, a sixteen-year-old U.S. citizen killed in a drone strike in Yemen in 2011. “Obama killed American citizens in extrajudicial assassinations and created the Disposition Matrix aka the ‘Kill List’,” Mr. Pool wrote. Tim Pool (@TimCast), X (July 7, 2019, 10:14 AM), <https://twitter.com/Timcast/status/1147871498373349376>. Earlier this year, Mr. Pool openly asked whether there “[a]re any Republicans with the balls to bring criminal charges against Obama for killing Abdulrahman al-Awlaki.” Tim Pool (@TimCast), X (Feb. 6, 2024, 10:28 AM), <https://x.com/Timcast/status/1754889919795708115>.

II. The Harris Campaign uses its X account to bear false witness against Tim Pool, defaming the commentator to millions of people as a proponent of lawlessness and extrajudicial killings.

24. The Harris Campaign operates the X account Kamala HQ under the handle @KamalaHQ. The account serves as “the official rapid response page of Vice President Harris’

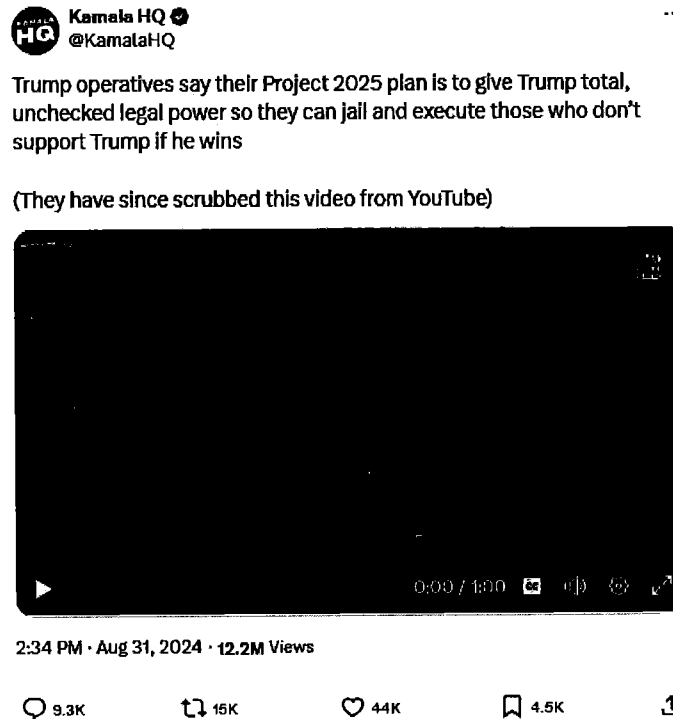
presidential campaign.” Kamala HQ (@KamalaHQ), X (July 21, 2024, 10:30 PM), <https://x.com/KamalaHQ/status/1815212766912803099>. The account currently has more than 1.3 million followers.

25. The Harris Campaign uses @KamalaHQ to disseminate information and analysis. In particular, among other things, the Harris Campaign uses the account to do “fact checks” of former President Trump’s claims. For example, as shown below, on August 14, @KamalaHQ called President Trump’s claim to have capped insulin prices “a blatant lie.”



Kamala HQ (@KamalaHQ), X (Aug. 14, 2024, 5:27 PM), <https://x.com/KamalaHQ/status/1823833798607614229>. The Harris Campaign also fact checked President Trump’s claims about his economic record. *See* Kamala HQ (@KamalaHQ), X (Aug. 7, 2024, 9:43 AM), <https://x.com/KamalaHQ/status/1821180289671962779> (“Fact Check: This is a lie. Trump left office with the worst jobs record since the Great Depression. More Americans now have jobs than they ever did under Trump.”).

26. On Saturday August 31, 2024, the Harris Campaign published a post on X featuring Mr. Pool. The post incorporated a one-minute clip from one of Mr. Pool's shows. X users who encounter the post, a true and accurate screenshot of which is shown below, immediately see Mr. Pool under the text.



Kamala HQ (@KamalaHQ), X (Aug. 31, 2024, 2:34 PM),
<https://x.com/KamalaHQ/status/1829950849482694938>.

27. In the body of the post, which has been viewed more than 12 million times now, the Harris Campaign asserted Mr. Pool is a “Trump operative” with a “Project 2025 plan” which “is to give Trump total, unchecked legal power so they can jail and execute those who don’t support Trump if he wins”—nothing short of lawless, extrajudicial killings. The Harris Campaign further asserted that Mr. Pool and his guest “since scrubbed this video from YouTube,” falsely suggesting that Mr. Pool was or is trying to hide the video the Harris

Campaign incorporated while also revealing the in-depth research it did into Mr. Pool and his views.

28. Virtually every aspect of this defamatory post is false. While Mr. Pool supports President Trump's 2024 bid for the White House, the content creator is not a "Trump operative," a claim tantamount to Mr. Pool being a paid agent of the Trump campaign. Mr. Pool zealously guards his editorial freedom and independence. Regardless, and upon information and belief by design, the Harris Campaign's assertion that Mr. Pool's coverage of the events of the day is essentially bought-and-paid-for undermines his credibility with his hard-won audience.

29. Nor does Mr. Pool have any "Project 2025 plan" as the Harris Campaign asserts in the post. Mr. Pool has interviewed people involved in Project 2025, but he is not a contributor to that project nor does he endorse its contents. Like President Trump himself, and even contributors to different components of the project, Mr. Pool takes exception to any number of items in *Mandate for Leadership*, including Project 2025's call to "[e]nforce the death penalty where appropriate and applicable." Project 2025 Presidential Transition Project, MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE, at 554 (2023), *available at* https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

30. The *Timcast IRL* show at issue was broadcast live on May 31, 2024, three months prior to the Harris Campaign's X post. As the transcript of the incorporated video clip shows, which is shown below, Mr. Pool made no reference to Project 2025 or executing anyone:

MR. POOL:

Should Democrats be in jail?

No question.

When Donald Trump gets elected, should he start locking them up?

No question.

Should there be lists of Democrats that need to go to jail? 100 percent.

The reason for that is they committed crimes.

We need to make sure that when Donald Trump wins, we've got an Attorney General, a Deputy Attorney General, a head of the CIA, and the FBI. Kash Patel would be fantastic. We can have attorney general—there are some names floating around.

And then they can start having their investigators and the feds issuing subpoenas, pulling up evidence, and with real evidence, bring them to judges for warrants.

Then these people can spend three years of lives fighting tooth and nail for against the government for crimes they committed and we can prove.

And the reason why we put them on trial is that we can show the whole world we will uncover what you've done. We will make sure everyone knows and you will be held accountable for it.

LAURA LOOMER:

Not just jail. They should get the death penalty. You know, we actually used to have the punishment for treason in this country.

31. Nowhere in this clip did Mr. Pool announce a plan “to give Trump total, unchecked legal power.” Of course, such a “plan” would be completely contrary to Mr. Pool’s prior public positions on civil liberties. In the clip, he specifically advocated for investigations and trials before “the whole world.”

32. Nor did Mr. Pool hedge or go back on his previous stated opposition to capital punishment. He did not advocate for executing anyone, much less punishing with jail time anyone who does not “support Trump.” The Harris Campaign falsely stated otherwise, charging Mr. Pool with supporting extrajudicial killings.

33. The *TimCast IRL* feed was cut after Mr. Pool’s guest commented about the death penalty being applied for treason, which raises issues under YouTube’s speech code. Later in the episode, which is and has been available on the Rumble platform, Mr. Pool stated that while the death penalty is available as a punishment for treason, “I don’t think what they’re doing is

treason though,” referring to the list. *Trump Raises RECORD \$52.8 MILLION In One Day, Bonus Uncensored Show w/Laura Loomer | Timcast IRL*, Timcast IRL, <https://rumble.com/v4yszzk-trump-raises-record-52.8-million-in-one-day-bonus-uncensored-show-wlaura-lo.html> (at 1:26:15 mark). “I oppose the death penalty,” Mr. Pool reiterated, pointing out again that he did not believe the people he was criticizing had committed treason. *Id.* (at 1:27:36 mark).

34. Mr. Pool later questioned his guest on her view. “You’re saying that when they are arrested— or when they are indicted, arrested, tried, and convicted, should they have been found to be guilty of treason by a jury of their peers, you say ‘death penalty.’” *Id.* (at 1:30:06 mark.) Ms. Loomer confirmed the same. Clearly then, Mr. Pool was not advocating for the execution of anyone, and no one on in the clip was calling for extrajudicial killings.

35. Media reporting immediately after the May 31 broadcast did not make such salacious, false accusations against Mr. Pool. For example, the website *Mediaite* ran a story on the clip, but the site focused on Ms. Loomer, who it reported “called for Democrats to be executed.” Jennifer Bowers Bahney, *Livestream Abruptly Ends As Laura Loomer Calls For Democrats to be Executed*, *Mediaite*, June 1, 2024, <https://www.mediaite.com/media/livestream-abruptly-ends-as-laura-loomer-calls-for-democrats-to-be-executed/>.

36. On Monday June 3, during the next episode of *Timcast IRL*, referring back to the May 31 broadcast, Mr. Pool said “my point was, and I said this, we will investigate where there are crimes, we’ll criminally charge, where there are charges, there will be trials. And where there are trials and we see convictions, we will then imprison the people who’ve broken the law.” *Trump Raises \$200M After Guilty Verdict BACKFIRES, Polls JUMP w/ Ron Coleman | Timcast IRL*, *TimCast IRL*, June 3, 2024, https://www.youtube.com/watch?v=H_JxPVcoc4c (at 23:10

mark). Mr. Pool elaborated further, citing his political opponents' support for the various prosecutions of former President Trump. "I take their own words they said about Trump, 'it's due process, it's the law, there's crimes, this is how juries work,' and then I said the exact same thing, and their brains exploded," Mr. Pool said. *Id.* (at 24:20 mark).

37. Upon information and belief, neither Mr. Pool's prior statements nor the context above regarding his remarks, the latter of which had been publicly available for months, was lost on the Harris Campaign before its August 31 X post. The Harris Campaign's diligence into Mr. Pool is evident from the face of the X post in at least two respects. First, the Harris Campaign falsely charged that Mr. Pool (and his guest) "since scrubbed" the clip at issue "from YouTube." The episode is not available on YouTube because of that platform's censorship policies, not any action by Mr. Pool or his employees. Even so, the Harris Campaign could not have made that assertion unless it researched Mr. Pool's YouTube channel. Upon information and belief, the Harris Campaign became further acquainted with Mr. Pool's views in the diligence it did prior to publishing the August 31 post.

38. The second way the Harris Campaign's familiarity with Mr. Pool is shown is in the clip itself. Upon information and belief, the Harris Campaign lifted the content from the above-cited *Mediaite* article, which contains none of the defamatory assertions against Mr. Pool which the Harris Campaign made against the content creator on August 31. The Harris Campaign published its lie against Mr. Pool anyway.

III. The Harris Campaign's defamatory statements about Mr. Pool harm him.

39. On August 31, the same day as the post, Mr. Pool threatened legal action against the Harris Campaign over the post. The Harris Campaign declined to take the content down or issue a correction or retraction.

40. Ultimately, the post accomplished what the Harris Campaign set out to do. The post gave Mr. Pool's opponents, including people he wants to reach and engage, with an excuse to distance themselves from Mr. Pool. Political leaders, and especially elected Democrats, are now less likely to appear on Mr. Pool's shows, despite his efforts to build bridges for discussion and debate. In this regard, Mr. Pool has put millions of dollars where his mouth is, purchasing high-impact advertising in his native Chicago and New York City's Times Square to raise awareness of his show above the very streets on which he took on corporatism in an effort to reach many of the same people he once considered friends and allies. To counter the effects of the Harris Campaign's disinformation, Mr. Pool will have to spend millions of dollars to win an audience with those who now falsely believe he wants a dictatorship that will imprison and execute his political opponents.

41. At the same time, Mr. Pool has had to invest in additional security to fend off those who wish to do him and those he cares about harm, laboring under the false belief that the content creator supports tyranny. Mr. Pool's concerns in this regard are not speculative. He and his employees have been victims of swatting. Shortly after the Harris Campaign's August 31 X post, a man showed up at a property owned by Mr. Pool. One of Mr. Pool's employees reported being assaulted by the man. Upon information and belief, the alleged assailant knew about the Harris Campaign's post, which served as inspiration for the unexpected visit. Mr. Pool is now working to secure round-the-clock security for himself and others shaken by this event. These security measures will cost hundreds of thousands of dollars.

42. Mr. Pool cannot stand idly by while the Harris Campaign's lie continues to fester, inflaming the public while harming his reputation and cutting him off from those he wants to reach and persuade.

COUNT I
Defamation/Libel Per Se Under West Virginia Law

43. Mr. Pool realleges the foregoing paragraphs.

44. The Harris Campaign published a false statement that Mr. Pool is a “Trump operative,” that he has a “Project 2025 plan,” that he wants to “give Trump total, unchecked legal power” to “jail and execute those who don’t support Trump if he wins.”

45. The statements were and are false because Mr. Pool never said such a thing in the incorporated video and has never said such a thing previously. The content the Harris Campaign clipped cannot be reasonably construed to support the claims made in the post at issue or from Mr. Pool’s prior statements and conduct.

46. The Harris Campaign cast its statement as fact, not opinion.

47. Accusations that Mr. Pool endorses lawlessness, executions, and extrajudicial killings harm his reputation and standing in his chosen career and profession.

48. The Harris Campaign published its statement on X to tens of thousands of third parties.

49. The Harris Campaign’s statement damaged Mr. Pool.

50. The Harris Campaign exhibited actual malice by claiming that Mr. Pool supported lawlessness and extrajudicial killings when he made no such claim and despite the campaign’s apparent research into Mr. Pool and his views.

COUNT II
Bad Faith Misconduct

51. Mr. Pool realleges the foregoing paragraphs.

52. The Harris Campaign’s misconduct, described previously herein, was at all times carried out in bad faith, vexatiously, wantonly and/or for oppressive reasons.

53. Mr. Pool was damaged by the Harris Campaign's bad faith misconduct as previously described herein in addition to his expenditures for the prosecution of this cause of action, which is necessary to clear Mr. Pool's name and restore his reputation.

54. The Harris Campaign's bad faith misconduct triggers this State's exception to the American Rule for payment of attorney's fees, as described in Syl. Pt. 3, *Sally-Mike Properties v. Yokum*, 179 W.Va. 48, 365 S.E.2d 246 (1986) et al.

55. The Harris Campaign's pre-litigation misconduct likewise triggers the exception to the American Rule for payment of attorney's fees, as described in *In re John T*, 225 W.Va. 638, 695 S.E.2d 868 (2010) et al. as the misconduct, among other things, caused Mr. Pool to incur legal expenses he would not otherwise have to pay.

PRAYER FOR RELIEF

WHEREFORE, Mr. Pool respectfully prays that this Court:

- A. Awards Mr. Pool all cognizable damages;
- B. Awards Mr. Pool his attorney's fees and costs;
- C. Orders the Harris Campaign to retract the original defamatory publication in the same forums and broadcast media and in the same prominence originally published; and
- D. Any other relief against the Harris Campaign the Court deems proper.

JURY TRIAL

Mr. Pool requests a jury trial on all issues so triable.

Respectfully submitted, this __ day of September, 2024.

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