

IN THE DISTRICT COURT OF FULTON COUNTY, ARKANSAS

State of Arkansas,

Plaintiff,

VS.

Case NOs. CR-24-543, CR-24-542,
CR-24-541 and WR-24-285

Dave Campbell,

Defendant.

MEMORANDUM OF AUTHORITIES IN SUPPORT OF DEFENDANT'S
OPPOSITION TO O'DELL'S MOTION TO QUASH SUBPOENA

"A winning motion to quash must attack the sufficiency of the subpoena itself, not the merits of the lawsuit. In other words, informing the Court that they don't have personal jurisdiction over you might be proper grounds for a motion to quash. But just telling the Court you didn't do it is not proper grounds. If you want to address the merits of the lawsuit, that's what the litigation process is all about." (Quoting John Whitaker, Motion to Quash; Motion to Sever; Motion to Dismiss: What's the Difference? :

Getting to the bottom of the allegations made against Defendant, et ux by Barry O'Dell and James Turnbough will *"advance the ball"* for Defendant to prepare his defense, which is *"conspiracy to retaliate"* committed by Turnbough, O'Dell, et al. *"Even if a district court believes the evidence is insufficient to prove the ultimate point for which it is offered, it may not exclude the evidence if it has the slightest probative worth."* United States v. Whittington, 455 F.3d 736, 738-739 (6th Cir. 2006). *"A piece of evidence does not need to carry a party's evidentiary burden in order to be relevant; it simply has to advance the ball."* Dortch v. Fowler, 588 F.3d 396, 401 (6th Cir. 2009).

In *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, a subpoena could not be quashed for someone who might be called to the stand. At 429 U.S. 252, 268 (1977). At a Bench Trial, Barry O'Dell **will be called** to the stand to testify concerning exonerating material facts.

Barry O'Dell has made a considerable amount of defamatory posts against Dave and Dawn Campbell, without cause. On June 06, 2024, Barry O'Dell revealed 8 months of pent-up aggression against Dave and Dawn Campbell for referring to him as "Pastor O'Dell" on 10/28/23. We did not call Mr. O'Dell a "*pastor*" in June of 2024. At that time, we referred to Barry O'Dell as "Mr. O'Dell." Mr. O'Dell's lashing out at us in June of 2024 revealed he indeed received the previous email we'd sent him in October of 2023, which stated "*Good Morning Pastor O'Dell*" and informed him of Mrs. Betty Dunn's 10/26/23 fall and fallout with her sons. It was alleged to us by one of Mrs. Dunn's offspring, Barry O'Dell had visited Betty Dunn in the West Plains Hospital. Barry O'Dell, who is a preacher and city councilman, did not respond to Campbells' 10/28/23 email until instructing us to "*correct*" our "*records*," because he is "*not a pastor*" in June of 2024, when he was not called a pastor. **(Ex. 7 and Ex. 14)** Betty Dunn has never been discussed by "*Preacher*" O'Dell, leaving suspicion. On 12/06/23, Chief Turnbough notified Dave and Dawn Campbell, a document at City Hall notifies of the fact Gary and Randy Dunn are prohibited from 435 Bethel AV until Betty Dunn dies.

Under the Arkansas Rules of Civil Procedure, a party is entitled to obtain discovery when, among other things, the requested materials are relevant to a viable legal claim or defense in a pending lawsuit. See Ark. R. Civ. P. 26(b)(1); *Dodson v. Allstate*

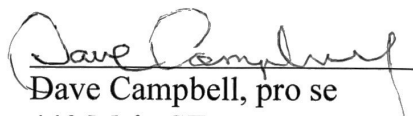
Ins. Co., 345 Ark. 430, 446, 47 S.W.3d 866, 876-77 (2001) In the four criminal charges alleged against me, Barry O'Dell is a crucial witness in support of my claim of conspiracy, as set forth in my presented Disclosures, pursuant to Ark. R. Crim. P. 18.3. It was explained in Atkins v. Fewell, discovery is permitted with regard to viable legal claims presented in the case. Case No. CA 02-1286, available at 2003 WL 22407427, at *10 (Ark. Ct. App. Oct. 22, 2003)

In Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 268 (1977), the Court recognized the high relevancy of admissible evidence in equal protection cases. This is an equal protection case, because I was actually the one assaulted by Gary Dunn, Randy Dunn, and Brenda Dunn.

Arkansas Rule 45(2) states, *"The court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (i) quash or modify the subpoena if it is unreasonable or oppressive or (ii) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents or tangible things."*

Mr. O'Dell's Motion to Quash fails to provide any evidence the subpoena is *"oppressive."*

Respectfully Submitted,



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