**UNITED STATES BANKUPTCY COURT**

**FOR THE EASTERN DISTRICT OF ARKANSAS**

**NORTHERN DIVISION**

**IN RE: CASE NO.: 3:24-bk-13250**

**William Rogers CHAPTER: 13**

**Melissa Rogers**

**Debtor(s).**

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**OBJECTION TO CONFIRMATION OF INITIAL PLAN**

COME NOW Dave and Catrenia Dawn Campbell (“*Campbells*”), Counter-

Plaintiffs in Case No. 25CV-24-73, who would show the Court the following for which

relief is sought. It is reasonably believed and the proof will show, Rogers’ Chapter 13

Petition and Plan fail to comply with applicable provisions of the Bankruptcy Code for

the following reasons:

1. 11 U.S. C. § 1324(a)(1). Campbells have unliquidated claims with Melissa Rogers, which the Rogers failed to disclose. Campbells’ counterclaims are separate from Mrs. Rogers’ claim. The Rogers should have disclosed Campbells’ counterclaims under Item 34 of Official Form 106A/B which states *“Other contingent and unliquidated claims of every nature*.” The Rogers only disclosed Mrs. Rogers’ claim. **(Doc 10, P. 8)**
2. 11 U.S. Code § 523 (a)(4). Melissa Rogers committed fraud and defalcation while acting in a fiduciary capacity as *“Deputy Recorder/Treasurer and assistant to the mayor”* as follows: **(See Attachment 10, P. 2, No. 13)**
3. Melissa Rogers, et al entrapped Dave Campbell into an arrest in violation of RAS (Reasonable Articulated Suspicion) on 07/16/24. The arrest was made as a result of Dave Campbell standing his ground, which the State of Arkansas authorizes.  According to the fraudulent arrest documents, on 07/16/24, the group who attacked Dave Campbell notified the City of Mammoth Spring (including Mrs. Rogers) they were going to Campbells’ neighbor’s house and anticipated a conflict with Campbells.  In what now appears as a trap/fraud, on or about 12/06/23, Chief Turnbough notified Campbells said group was not permitted at Campbells’ neighbor’s residence while the neighbor is alive, due to the neighbor’s life rights *“without impeachment of waste.”* Melissa Rogers intentionally and maliciously ignored attackers’ warnings (who are known trespassers) and assisted in setting Dave Campbell up for an arrest. On 07/16/24, Police Chief (James Turnbough) stood down to the attacks against Dave Campbell, ignored Dave Campbell’s 911 call and lied to Dispatch, alleging no officers were available to respond to Dave Campbell’s plea for help. Mrs. Rogers’ work partner, Chief James Edward Turnbough, filed a SLAPP suit simultaneously with Mrs. Rogers against the Campbells while making the same material misrepresentation in his Injunction request on 07/16/24. The civil and criminal cases against Campbells began on the same day.
4. Melissa Rogers’ mother, Barbara Gann, works alongside Mrs. Rogers at Mammoth Spring City Hall. Barbara Gann received a reprimand by the Arkansas Secretary of State for her part in Dave Campbells’ 08/02 arrest. Ms. Gann permitted a third party to sign in place of the Affiant**.  (See Attachment 3)** All three (3) Mammoth Spring officers committed Brady Violations in ignoring video evidence before them and signing a warrant for Dave Campbell’s arrest, while making major material misrepresentations and relying on fabricated and poisonous fruit. The SLAPP suits are: 25CV-24-72 (Turnbough) and 25CV-24-73 (Rogers). Campbells believe Mr. Turnbough and Mrs. Rogers, contributed to causing four (4) criminal cases against Dave Campbell, which are Case Numbers: CR-24-541, CR-24-542, CR-24-543 and CR-24-544, also in Fulton County. The MSPD fraudulently entered *“unknown”* for the private residence in order to fraudulently add the charge of *“disorderly conduct.”* Lawfare conspiracy against Campbells was committed by Mrs. Rogers, et al, along with major abuses of power and color of law violations. Campbells believe Mrs. Rogers, et al’s lawfare was intended to cause financial harm. On 04/01/24, James Turnbough falsely alleged the Campbells needed to hire an attorney. Mrs. Rogers admitted in her SLAPP suit, *“Plaintiff and her husband went to town to discuss how to handle the situation after calming their family.”* **(See Attachment 10, P. 2)** Campbells believe the Rogers’ trip *“to town”* entailed conniving with Deputy Prosecuting Attorney / Mammoth Spring City Attorney Carl Dewayne Plumlee, who signed his name with what looks like, *“appeared”* on the fraudulent arrest documents used to unlawfully jail Dave Campbell. Evidencing more conspiracy, the Fulton County Sheriff’s Department fraudulently entered the alleged *“Battery”* charge as *“Domestic Battering”* resulting in Campbells now getting attacked while in public by asinine strangers parroting conspirators’ false allegations. **(Video Evidence Available)** Campbells cannot find any other Mammoth Spring Arrest Affidavit in which Mr. Plumlee signed. This is severely prejudicial to Dave Campbell.
5. 11 U.S. Code § 523 (a)(6). Melissa Rogers committed willful and malicious injury to Campbells.
6. Mrs. Rogers maliciously sued Campbells while making a material misrepresentation in her original complaint for an injunction request on July 16, 2024. While Mrs. Rogers’ attorney, John McGinnes, certified to have issued service three ways on July 15, 2024; processor, USPS and email, Mr. McGinnes did not serve Campbells until eight days later and after he was notified Campbells learned of Rogers’ and Turnbough’s fraudulent case by hearing it announced on the radio on 07/19/24 as if it were a criminal action. **(See Attachment 4)** Mrs. Rogers’ friend who read the elaborate statement contained in Attachment 4 fraudulently announced the requests as being Injunctions filed due to Campbells committing defamation on a sign. Without a trial, Campbells were prejudiced by Mrs. Rogers, et al, resulting in unfounded contempt toward Campbells in their community. Mr. McGinnes stapled on top of the service documents, a letter dated July 19, 2024 signed by himself, offering Campbells a settlement for $500 (Campbells could pay Melissa Rogers) if Campbells agreed to stop using their First Amendment Rights and make a public apology for stating, *“Jamie and Melissa get it on.”* The reality is, Campbells never made such a repulsive statement; *“Jamie and Melissa get it on”* are Mrs. Rogers and Mr. Turnbough’s words. Melissa Rogers and her police chief buddy recklessly and maliciously harmed Campbells, for which an adversarial complaint is warranted. **(See Attach. 11, No. 28)**
7. When Mrs. Rogers filed her SLAPP suit, she and her attorney (John McGinnes) failed to file the required sworn statements to evidence her suit was not brought to harass. Mrs. Rogers amended her complaint to remove *“Jamie and Melissa get it on”* from the Injunction request. **(See Attachment 10, P. 4, No. 28)** Mrs. Rogers still failed to file the required sworn statements, because Mrs. Rogers’ attorney deceitfully used an Acknowledgment Notarization instead of the required Notarized Jurat. **(See Attachment 9)** It appears Mrs. Rogers and Mr. McGinnes failed to file a Jurat in Mrs. Rogers’ SLAPP suit to protect Mrs. Rogers and Mr. McGinnes from perjury. The SLAPP suit was obviously brought to harass Campbells and deprive Campbells of Free Speech privileges. Had Campbells not discovered Mrs. Rogers’ SLAPP suit on the radio, Campbells believe Mrs. Rogers intended Campbells not learn of the case so she could secure a fraudulent Injunction. On 07/19/24, Campbells made Mrs. Rogers, Mr. Turnbough and Mr. McGinnes aware Campbells knew about the SLAPP suits by placing a new message in Campbells’ yard. Ironically, July 19th is the date Mr. McGinness finally gave the service to the FCSO to serve Campbells.
8. Mrs. Rogers amended her complaint to remove her material misrepresentation from her motion for Injunction. Mrs. Rogers again served the Campbells via the Fulton County Sheriff’s Department, which was an act of harassment. The Campbells were served twice in the same SLAPP suits in a highly-visible location on Main Street in Mammoth Spring, where Campbells reside. **(See Attachment 10, P. 6)** Mrs. Rogers had more pressing issues than filing a SLAPP suit and irresponsibly evaded her duties, in order to retaliate/interfere with Campbells’ rights to Freedom.
9. It is illogical Mrs. Rogers filed a SLAPP suit on 07/16/24 and for Bankruptcy on 10/04/24. Mrs. Rogers alleged last July in her SLAPP suit she is *“considering requesting unpaid FMLA leave or a work-from-home arrangement.”* **(See Attachment 10, P. 3, No. 20)** The Rogers’ bankruptcy was filed in the 90-day window of filing Mrs. Rogers’ SLAPP suit. The Campbells’ counterclaims against Mrs. Rogers were filed on or about 08/23/24. It appears the Rogers used illegal maneuvers to taint Mrs. Rogers’ debt to Campbells. It is nonsensical Mrs. Rogers sued Campbells in a SLAPP suit in July while being many months behind on a mortgage. The ambiguity evidences the level of Mrs. Rogers’ malice against Campbells in tossing aside her duty to protect her family in order to hurt an adversary. Mrs. Rogers’ ambiguity indicates her involvement in a conspiracy to harm. Mrs. Rogers indicated her knowledge her SLAPP suit against Campbells will fail by answering, *“No”* on Item 13 of Official Form 106I to the question, *“Do you expect an increase or decrease within the year after you file this form.”* **(Doc. 10, P. 27)** Mrs. Rogers misrepresented the reason for suing Campbells. Mrs. Rogers did not sue Campbells for *“slander.”* Campbells were sued by Mrs. Rogers over protected speech.
10. 11 U.S. Code § 523 (a)(4). Melissa Rogers committed fraud and defalcation while acting in a fiduciary capacity as the Mayoral Assistant and Deputy Treasurer/Recorder for the City of Mammoth Spring. On multiple occasions, Mrs. Rogers intercepted FOIA requests addressed to June Grant, the elected Treasurer/Recorder. Mrs. Rogers’ US Mail interceptions resulted in the spoliation of critical and noticed-to-be-preserved evidence. Campbells noticed the evidence to be preserved on 04/15/24 **(See Attachment 5)** On 04/22/24 Melissa Rogers sent an email to Chip at Guard Dog Security from her personal

email address stating*, “I am with City of Mammoth Spring and we have been given an audio/video preservation request. Can you get us the footage from April 1, 2024 between 5:00 and 9:00 pm in our council/courtroom and the lobby? We have the audio turned off, which is fine, we just need the video.”* **(See Attachment 4)** Mammoth Spring’s Mayor Busch sent Campbells a letter dated 04/23/24 stating, *“Video only recordings are kept only within the Mammoth Spring City Hall Lobby. This information has been requested (see included document) from the company who maintains our security system. The security company will pull this footage, however previous pulls have cost the city between $93.00 - $145.00 per incident. This amount includes the pulling of the footage, the USB drive, and all applicable taxes. This cost will be passed on to the party making the request…In regards to the April 1st Council Meeting held inside the Courtroom of the Mammoth Spring City Hall, video only footage has been requested, again for a fee that will be passed on to the party requesting the footage.”* **(See Attachment 6, Par. 2 – 3)** After Campbells made a FOIA request for the 04/01/24 meeting video, Mayor Busch sent Campbells a 06/21/24 letter stating, *“The April 1, 2024 meeting video is no longer available.”* **(See Attachment 7, Par. 2)** Mrs. Rogers caused an adverse inference against the City of Mammoth Spring concerning the spoiled video evidence of the 04/01/24 City Hall Meeting.

1. 11 U.S. C. § 1324(a)(1). Melissa Rogers failed to disclose her civil action attorney in 25CV-24-73, who is John McGinnes. Official Form 107, Page 2, Part 3, Item 6 **(Doc 10, Page 32)** should have listed Mr. McGinnes. Melissa Rogers’ SLAPP suit was filed 07/16/24, which is less than 90 days before Rogers’ bankruptcy was filed. Sensibly, Mr. McGinnes did not file Mrs. Rogers’ complaint, a motion to suppress, amend her complaint, respond to counterclaims three times and file a motion for summary judgment for less than $600.00.
2. 11 U.S. Code § 523 (a)(6). Melissa Rogers committed willful and malicious injury to Campbells. Mrs. Rogers proceeded in Case No. 25CV-24-73 against Campbells after the Automatic Stay was in place by hiring Attorney John McGinnes to file a Motion for Summary Judgment. Melissa Rogers maliciously caused the Campbells to defend her Motion for Summary Judgment and amend pleadings while knowing all filings are void, which frivolously wasted the Campbells’ limited resources. **(See Attachment 3)**
3. 11 U.S. Code § 523 (a)(14A). It appears the Rogers failed to disclose a tax debt for their residence. The Schedules list the Rogers property as being in Fulton County. The tax records indicate the property is in Sharp County**.** According to the Sharp County tax records, the Rogers failed to disclose they have not paid their 2023 taxes; therefore the Rogers omitted their debt. The Rogers paid their 2022 taxes on March 01, 2024. **(See Attachment 1, P. 3) (Doc. 10, P.10)** It appears the Rogers made a material misrepresentation on Official Form 106 E/F **(Doc 10, P. 23)** by stating 0.00 on line 6b. According to the Sharp County Assessor’s Office, 2023 the Rogers have not paid their 2023 property taxes. **(See Attachment 1)**
4. 11 U.S. Code § 1325(a)(4). In addition to a zero turn mower it appears the Rogers failed to disclose, Mrs. Rogers mother indicated in a public social media post, there could be an undisclosed *“side by side”*.**(See Attachment 2, P. 3, L. 3-4)**
5. 11 U.S. Code § 1325(b). The Rogers make approximately $32,000 above the

median income for the area. The Schedules appear inconsistent, as follows:

1. No homeowner’s insurance is listed on the Rogers’ Schedules. However, $250 is allotted, monthly, for veterinary bills for four $10.00 animals (not $10 per). Considering the Rogers’ home value is 160k and the value of the equity is 160k, it seems there would not be a mortgage. Page 10, Document 10, Item 2 is questionable on the amount of exemption claimed on home being $129,807. According to the Schedule, the Rogers’ last house payment was made in July 2023. The Schedule fails to disclose the type of claim and nature of lien. **(Doc. 10, P. 13)** No mortgage payment is included in the Rogers’ budget. **(Doc. 10, P. 29)**
2. The Rogers’ Schedules show 100% equity in three vehicles and 0.00 is budgeted for vehicle payments. If the vehicles are paid off, it is ambiguous Chrysler, et al are listed on the Schedules as Creditors.
3. There is a conflict in the Rogers Schedule 106J, in that Item 24 states, *“Debtors current* (sic) *have 8 individuals living in the home to help out with birth of grandchild.”* This is a conflict with Official Form 122C-1 **(Doc 10, P. 40)** which states on 16b, there are 4 people in the Rogers’ household. There could be 4, 8, or 9 individuals in the residence; the Rogers’ Schedules are ambiguous. If there are 8 individuals, that means a newborn is also providing care, according to the Schedule. There are four to eight people living in the Rogers’ home who are taking care of a new baby. All household adults should be contributing to, or receiving from the Rogers, support. The Rogers’ Schedules fail to explain (plus, or minus) contributions by the additional adults residing inside the home. According to public social media posts, it appears living in the Rogers’ home are:
4. Mr. and 2) Mrs. Rogers; 3) son; 4) son at college; 5) married daughter;

6) son-in-law; 7) grandson; and 8) grandbaby. Adults should contribute.

1. There are no toys, tools, etc. listed on the Rogers’ Schedule despite the Rogers making over $100,000.00 per year for over a decade.
2. Mrs. Rogers’ Schedules do not reflect overtime hours while working for the City of Mammoth Spring. Mrs. Rogers’ alleged in her SLAPP suit, *“Plaintiff has had to work extra hours, including weekends, to manage the influx of people demanding explanations for the sign…”* **(See Attachment 10, P. 2, No. 14)** Mrs. Rogers receives an hourly wage. On Page 26 of Document 10, Mrs. Rogers entered 0.00 under *“overtime pay.”*
3. It is unclear who owns equitable interest in Mr. Rogers’ Frito-Lay delivery van. The Rogers have a lease to Koalafi for what appears to be $501 monthly, which could be a Frito Lay delivery truck. On Official Form 106G, the Rogers checked *“No”* for *“Unexpired Leases.”* **(Doc. 10, P. 24)** The Koalafi Lease was opened by Mr. Rogers on 07/31/23 and last paid 04/19/24. **(Doc. 10, P. 17)** Since the debt was disclosed as a lease, it should have been reported on Schedule G.
4. The Rogers’ $1,680 Tax Lien does not state *“concluded,”* indicating it has not been paid. This debt is not listed on the Schedule with the monthly budget.
5. Throughout the Rogers’ Schedules, *“Other”* is checked despite *“specify”* being left blank.
6. If the Rogers monthly Net Income is $2,208.87 (after paying budgeted items as shown in Item 23c), the Rogers should have had more money on hand when they filed for bankruptcy. It appears the Schedules do not accurately account for the expenditures.
7. Despite being so far behind on payments on 10/04/24, the Rogers still budgeted $125.00 per month for *“Entertainment, clubs, recreation, newspapers, magazines and books.”* A library is in Mammoth Spring.
8. The mistakes in the Rogers’ Schedules seem intentional due to the following: Mrs. Rogers ran for a Mammoth Spring School Board position advertising experience *“completing yearly budgets.”* Mrs. Rogers advertised, *“My work history has also made me highly accountable for my bookkeeping procedures and understanding the need to stay on top of state legislations and guidelines. During my time, I have been through ten state legislative audits, four federal audits and fourteen private audits; all completed with no reportable findings.”* **(See Attachment 8, P. 2)** Mrs. Rogers’ ambiguously titled herself as a *“Clerk”* in her Bankruptcy Schedules and *“Deputy Recorder/Treasurer and assistant to the mayor”* in her SLAPP suit against Campbells. **(See Attachment 10, P. 2, No. 13)**
9. Campbells reserve the right to amend this Objection.

WHEREFORE, Campbells pray the Debtors are given an opportunity to

submit a Plan in compliance with the Bankruptcy Code within a reasonable period of

time; or alternatively, confirming the Plan is denied, the case dismissed, Debtors charged with perjury and banned from future bankruptcies.

Respectfully Submitted,

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