

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

ROY L. DENTON and DUSTIN B. DENTON)	
)	
Plaintiffs)	Case No. 1:07-cv-211
)	
v.)	JURY DEMAND
)	
STEVE RIEVLEY)	Collier/Carter
)	
Defendant)	

**RESPONSE OF DEFENDANT, STEVE RIEVLEY
TO PLAINTIFFS' MOTION TO ALTER OR AMEND THE COMPLAINT**

Comes Defendant, Steve Rievley, hereby files this Response to Plaintiffs' Motion to Amend the Complaint. It is the Defendant's position that Roy L. Denton does not have the authority or standing to request that Dustin B. Denton be dismissed as a co-plaintiff in this cause of action. Defendant asserts that Roy L. Denton filed this suit as a pro se litigant and as a pro se litigant, Roy L. Denton does not have the authority to appear on behalf of anyone else.

Individuals "who decide to represent themselves are entitled to fair and equal treatment by the courts." *Young v. Barrow*, 130 S.W.3d 59, (Tenn. Ct. App. 2003) relying on *Whitaker v. Whirlpool Corp.*, 32 S.W.3d, 222, 227 (Tenn. Ct. App. 2000); *Paehler v. Union Planters Nat.'l Bank, Inc.*, 971 S.W.2d 393, 396 (Tenn. Ct. App. 1997). There must be a balancing act between the reality that many *pro se* litigants have no legal training and are not familiar with the judicial system and fairness to all parties. *See, Irvin v. City of Clarksville*, 767 S.W.2d 649, (Tenn. Ct. App. 1988) and *Edmundson v. Pratt*, 945 S.W.2d 754 (Tenn. Ct. App. 1996). However, *pro se* litigants are "not entitled to shift the burden of litigating their case to the court." *Whitaker*, 32 S.W.3d 227.

Roy L. Denton filed the instant case as a *pro se* litigant. "[B]ecause *pro se* means to appear for one's self, a person may not appear on another person's behalf in the other's cause." *Shepard v. Wellman*, 313 F.3d. 963, 970, (C.A.6 (Ky.), 2002) *relying on Iannaccone v. Law*, 142 F.3d 553,

558 (2nd. Cir. 1998). Therefore, Roy L. Denton, as a *pro se* litigant, has no standing or authority to act on behalf of Dustin B. Denton in this matter.

Further, it is the Defendant's contention that Roy L. Denton's power of attorney for his son, Dustin B. Denton, does not grant him the standing to include Dustin B. Denton as a plaintiff in this matter. Therefore, Roy L. Denton does not have the authority to file requesting that Dustin B. Denton be dismissed as a plaintiff in this matter. As a *pro se* litigant, Roy L. Denton simply does not have the standing to litigate the claims of Dustin B. Denton. Roy L. Denton cannot act as both a *pro se* litigant for his own interest and represent Dustin B. Denton's interest in the same case.

The Defendant requests that the Court not grant Plaintiff's Motion to Amend. Roy L. Denton has no authority or standing to sue on behalf of Dustin B. Denton or request that Dustin B. Denton's cause of action be dismissed. As Roy L. Denton is not Dustin B. Denton's attorney, he has no authority to act on behalf of Dustin B. Denton. One *pro se* litigant cannot represent another *pro se* litigant.

WHEREFORE, Defendant, requests that the Court does not grant Plaintiffs' Motion to Amend the Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 12th day of March, 2008

Robinson, Smith & Wells

By: s /Ronald D. Wells

cc: Roy L. Denton
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Dustin B. Denton
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