

FILED

AUG 21 2028

EDDIE S. JONES, JR., CLERK

IN THE PROBATE COURT OF MEMPHIS SHELBY COUNTY, TENNESSEE

IN RE: MICHAEL JEROME WILLIAMS, JR.
A/K/A MICHAEL JEROME OHER

CAUSE NUMBER: C-010333

MICHAEL JEROME OHER,
WARD AND PETITIONER

DEMAND FOR JURY TRIAL

MOTION TO COMPEL ACCOUNTING AND ENTER SCHEDULING ORDER

COMES NOW YOUR WARD, and pursuant to Tennessee Code Annotated § 34-1-111, moves this Court for an order compelling the Conservators to Provide an accounting, and in support thereof state as follows:

1. A Conservatorship Order was entered on December 7, 2004, appointing Sean A. Tuohy and Leigh Anne Tuohy as Co-Conservators of Michael Oher, Ward and Petitioner ("Ward").
2. As part of the petition, Co-Conservators were granted "all powers of attorney to act on [the Ward's] behalf and that the said Michael Jerome William, Jr. shall not be allowed to enter into any contracts or bind himself without the direct approval of his guardians/conservators."
3. Co-Conservators are subject to statutory requirements, including, but not limited to, the following:
 - a. Co-Conservators were required to file with the Court a sworn interim accounting within 30 days following the six-month anniversary of their appointment. Tenn. Code Ann. § 34-1-111(a).

b. Each year thereafter, Co-Conservators are required to file with the Court a sworn annual accounting within 60 days after the 12-month anniversary of the date of filing interim accounting. *Tenn. Code Ann.* § 34-1-111(b).

4. Co-Conservators have failed to file the first accounting and have failed to timely file a single accounting for the last 19 years. This Court has never granted an extension of time for doing so.

5. The Court “may” waive the financial accountings if it makes “a finding based on the evidence presented at a hearing” that doing so “would be in the best interest of the minor or person with a disability . . .” *Tenn. Code Ann.* § 34-1-111(i). However, in this matter, the record is clear that the Court never made any such findings and never waived this statutory requirement.

6. Pursuant to statute, when conservators fail to timely file an accounting,

[T]he clerk shall promptly notify the fiduciary and the fiduciary's attorney of record. If after notice the accounting has not been filed thirty (30) days thereafter, the clerk shall cite the fiduciary to appear on a date certain and render the accounting. Upon failure to appear as cited, the fiduciary shall be summoned to appear before the court and show cause why the fiduciary should not be held in contempt.

Tenn. Code Ann. § 34-1-111(f).

7. As required under *Tenn. Code Ann.* § 34-1-111, Co-Conservators are required to “itemize the receipts and the expenditures made during the period covered by the accounting” as well as “the property held by the fiduciary at the end of the accounting period.” Co-Conservators must make the statutorily required accounting through the Court Clerk, which would include disclosures of income generated by *any* contract entered on his behalf or regarding the Ward, income generated from their self-granted use of his name, likeness, and image, or any income generated from their relationship with the Ward more generally.

8. Co-Conservators' failure to uphold their fiduciary duty to make any accountings with the Court throughout the 19-year conservatorship means that Ward was excluded from knowing the full extent of any contracts negotiated on his behalf by his Co-Conservators, that he has no knowledge of the income generated through said contracts, and that he has no knowledge of the income generated from the Co-Conservators' use of his name, likeness, and image.

9. The only assets the Ward possessed when this Conservatorship Order was entered were his great ability as a football player, which had already been widely publicized throughout the United States, and the obvious enormous potential that such fame had created to allow him to profit from his name, image, and life story. Instead of protecting that asset and ensuring that the Ward received the full benefits therefrom, the Co-Conservators took this asset and have used it to enrich themselves at the Ward's expense.

10. For example, the Co-Conservators have used their Ward's name, likeness, and image to benefit their own interests, falsely claiming that he is their adopted son as part of their marketing and business ventures. The Ward has never permitted them to use his name, likeness, and image in any way and has made multiple requests that such usage cease. The Ward's most recent request was made through his attorneys on August 14, 2023. Co-Conservators, nevertheless, have ignored his request and continue to use his name, likeness, and image. Whether Co-Conspirators granted themselves unfettered access to using their Ward's name, likeness, and image by virtue of their Co-Conservator status (and any income generated therefrom) must be disclosed as part of the accounting.

11. In 2006, the Co-Conservators negotiated a contract on the Ward's behalf concerning *The Blind Side: Evolution of a Game* movie with Twentieth Century Fox ("Fox"). The Co-Conservators never presented the Ward with any written documentation to show any earnings they

derived from the movie. Their Ward has been kept in the dark, forced to rely on the verbal assurances from his Co-Conservators.

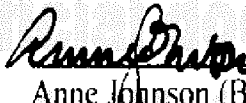
12. Because Co-Conservators flagrantly disregarded their statutory and fiduciary duties to the Ward for over 19 years, the Ward requests that a first accounting be conducted in an expedited fashion, no later than fourteen days from the filing of this Motion.

13. In addition, the Ward requests that the Court allow discovery for a period of 180 days following the filing of Co-Conservators' first ever accounting in this Conservatorship, so that the Ward may examine said account, and that thereafter a jury trial be had within 90 days on all disputed issues of fact.

WHEREFORE, PREMISES CONSIDERED, Your Ward requests that this Court direct the clerk to cite Co-Conservators to appear within fourteen days and render an accounting and enter a scheduling order to establish a schedule for discovery and trial, as described above.

Respectfully submitted,

Counsel for Ward and Petitioner. Michael J. Oher


Anne Johnson (BPR #23719)
Butler, Sevier, Hinsley & Reid, PLLC
530 Oak Court Drive, Suite 100
Memphis, TN 38117-3722
Tel: (901) 578-8888
Fax: (901) 579-8888
anne@bshrlaw.com

John W. ("Don") Barrett (*to be admitted pro hac vice*)
Sterling Aldridge (*to be admitted pro hac vice*)
Barrett Law Group, P.A.
404 Court Square N
P.O. Box 927
Lexington, MS 39095
Tel: (662) 834-2488

Fax: (662) 834-2628

dbarrett@barrettlawgroup.com

saldridge@barrettlawgroup.com

J. Gerard Stranch, IV

Stranch, Jennings & Garvey PLLC

The Freedom Center

223 Rosa L. Parks Ave., Suite 200

Nashville, TN 37203

Tel: (615) 254-8801

gstranch@stranchlaw.com

Richard Barrett (*to be admitted pro hac vice*)

Law Office of Richard R. Barrett, PLLC

2086 Old Taylor Rd, Suite 1011

Oxford, MS 38655

Tel: 662-380-5018

Fax: 866-430-5459

rrb@rrblawfirm.net

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following via the U.S. Postal Service, facsimile and/or electronic mail, this 21st day of August 2023.

Randall Fishman
200 Jefferson Ave., #1250
Memphis, TN 38103
Fax: (901) 525-6294

Debra Branan
2584 Hwy 51 South
Hernando, MS 38632
kdjudge@aol.com

Steven E. Farese, Sr.
Farese, Farese & Farese
122 Church Ave.
Ashland, MS 38603
Steve1@faresclaw.com



Anne Johnson (BPR #23719)