

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

LUTHER SUTTER, et al

CASE NO. 16JCV-25-76

Letter to the Court

Dear Judge Pierce,

Please let this formal letter serve to outline the status of the instant case and a summary of the pending actions requiring immediate actions (rulings) by this court in order to preserve the integrity of this matter and stop wasting this court's time. I respectfully request this court address the below issues at the earliest possible date.

1. On January 15, 2025, the plaintiff, Luther Sutter, filed this action accusing the defendant, Thurstle Mullen, of defamation, and false light invasion of privacy.
2. On January 17, 2025, Luther Sutter amended his complaint to add Trista Jones, a client of his, as a defendant.
3. On 2/4/2025, Mullen was served with the amended complaint.
4. On 2/10/2025, Sutter filed a MOTION FOR PRELIMINARY INJUNCTION AND BRIEF IN SUPPORT for Temporary Relief, accusing the defendant, Mullen, of deleting potentially damaging evidence from social media accounts and electronic devices. **(Mullen contends he has never deleted anything from social media accounts or electronic devices but Sutter has).**
5. On 2/5/25, defendant, Trista Jones, was properly served with the lawsuit.
6. On 3/5/25, defendant Mullen filed his Motion to Stay, Strike and Dismiss Sutter's complaint based on several affirmation defenses with the main one contending that this case is clearly an Anti-SLAPP case brought by the plaintiff and should be dismissed based on Ar. Code 16-63-501-504. Incorporated into the Anti-SLAPP Act. Ark. Code Ann. § 16-63-504 (2019): it states: "any person making a privileged communication or performing an act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the United States Constitution or the Arkansas Constitution in connection with an issue of public interest or concern shall be *immune* from civil liability, unless a statement or report was made with knowledge that it was false or with reckless disregard of whether it was false. **(Sutter cannot show that any statement or published act was made with knowledge of its falsity or with reckless disregard of whether it was false because all statements published were based on the belief all statements made were truthful or the opinions of Mullen).** Acts in furtherance of the rights of free speech or petition in connection with an issue of public concern include, but are not limited to, statements made before a legislative, executive, or judicial proceeding, or those relating to a matter under consideration by a governmental body. § 16-63-503. Although not specifically listed as an example in the statute, since Arkansas' anti-SLAPP law protects "free speech" in connection with an issue of public interest or concern, it should also apply to SLAPP suits concerning news coverage of matters of public concern involving public

officials and public figures, as Sutter is clearly a public figure, and any posts or comments made by Mullen were either, truthful, opinionated publications, and or believed to be truthful information delivered to him by confidential or known sources like Trista Jones.

7. On 3/6/25, plaintiff Sutter filed his Motion to Declare Statute Unconstitutional. Sutter likes to point out in his motion and in his email to this court on June 3, 2025, that Judge Pierce has, in a previous lawsuit, ruled that this Act is Unconstitutional. That could not be more untrue. Sutter would like this court to believe his lies to the court. Judge Pierce did not rule the "statute was unconstitutional", Judge Pierce found that the verification requirements, Ark. Code Ann. § 16-63-505—and the provisions related to sanctions and automatic stays—Ark. Code Ann. § 16-63-506 and Ark. Code Ann. § 16-63-507—are procedural rules that violate Article 4, § 2 and Amendment 80, § 3 of the Arkansas Constitution, which account for only a small part of the statute and do not in fact invalidate the statute as a whole like Sutter would like you to believe and take his word for it.
8. Sutter claims that his client in that case, 60CV-20-1999: MELANIE FOX V ELIZABETH LYON-BALLAY, Lyon-Ballay lost that case, declaring to Judge Pierce that you have previously declared that statute unconstitutional. Not true.
9. Judge Pierce first ruled that Melanie Fox, a prominent figure in Little Rock, Arkansas, society circles and former school board member was NOT a public figure for the purposes of the Anti-SLAPP act defense and you later then ruled that the verification requirements listed above were unconstitutional.
10. Sutter, acting as Lyon-Ballay's attorney, then filed a Notice of Appeal, clearly with the intent to challenge Judge Pierce's rulings against his client, Elizabeth Ballay. Following that Notice of Appeal the parties reached a settlement and moved to dismiss the case, rendering any appeal of your decisions moot.
11. Therefore, now that the same statute he used in that case is working against him, he wishes to deceive this court by claiming and Judge Pierce has previously ruled the statute unconstitutional.
12. As previous stated by defendant Mullen in a previous pleading, a different court in Arkansas had no problem what so ever granting a defendant their Motion to Dismiss, based on the same statute and verification requirements.
13. More recently, another court did rule the verification unconstitutional. The Attorney General moved to intervene, was denied, and filed a notice of appeal with the intent being that the State was fully prepared to defend as constitutional the entire statute. That appeal was interrupted and the AG dismissed his appeal when the parties settled the case, rendering any appeal moot.
14. As it stands right now he, verification requirements, and provisions related to sanctions and automatic stays... Ark. Code Ann. § 16-63-504; § 16-63-506 and Ark. Code Ann. § 16-63-507, are the law of the land.
15. Therefore, the 1st thing this court should do is rule on the defendant's Motion to Dismiss and rule that the suit brought by Sutter is in fact an Anti-SLAPP suit, regardless of whether the verification requirements are constitutional, and that Sutter is in fact a public figure, and then dismiss all of Sutter's claims in favor for the defendants.
16. This court should then issue sanctions against the plaintiff to deter him from ever bringing another malicious lawsuit against his critics. I can promise you, this won't be the only time Sutter attempts to use a lawsuit for defamation to batter and beat down any of his critics.

17. On 3/20/25, Sutter filed a Motion for Jurisdictional Discovery. Recently, on July 11, 2025, defendant Mullen filed a Counter-Claim, Cross Complaint, against Luther Sutter, Sutter & Gillham PLLC, and META Platforms, Inc, the parent company of Facebook. While defendant Mullen has previously maintained that this court does not have personal jurisdiction over Mullen, Mullen does agree with Sutter's email to the court on July 11, 2025, that it appears the jurisdictional matter is now moot. However, while Mullen can waive personal jurisdiction, subject matter jurisdiction can't be waived. The question remains, even if Mullen is willing to accept this court's jurisdiction over his person, does this court have jurisdiction over the parties? For instance:
  18. Sutter lives in Pulaski County, Arkansas.
  19. Mullen lives in Wisconsin.
  20. Trista Jones lives in Randolph County.
  21. Sutter & Gillham PLLC, is a domestic corporation in Pulaski County.
  22. META Platforms, Inc, is a corporation titled in Delaware and headquartered in San Mateo County, California.
  23. All alleged posts and or comments made by the plaintiff and or the defendants occurred ON FACEBOOK, while sitting in each of their offices or residences, located somewhere OTHER THAN in Craighead County, Arkansas.
  24. The only connection to Craighead County, Arkansas, is the title of the Facebook group or groups, listing Jonesboro, Arkansas, as part and parcel of the group's name. If the name of the group been New York City's Best Yard Sale and News Group would the jurisdiction, then be in New York City? I contend it would not be.
  25. At no time was any of the posts made on any of the Facebook groups while the commentator was personally located in Craighead County Arkansas.
  26. I contend jurisdiction has always been a federal court issue, and now that META has been added to the lawsuit, we can expect Meta will move to transfer the case to Federal court as soon as service has been completed.
  27. On 3/20/2025, plaintiff Sutter filed a MOTION TO STRIKE THE MOTION TO DISMISS AND BRIEF IN SUPPORT, claiming that Mullen's Motion to Dismiss fails to state a claim and brings in facts not stated in the Amended Complaint. (Facts which Sutter himself purposefully left out of his pleadings)
  28. On 4/4/2025, defendant Mullen filed his response in a Motion to Strike Plaintiff's Motion and Affidavit, claiming that per the Anti-SLAPP provisions, all matters are placed on hold pending a ruling on the Motion to Dismiss when the Anti-SLAPP act is preferred as a defense against a lawsuit.
  29. On 5/27/2025, plaintiff Sutter filed a Supplement to his complaint alleging additional continuing defamatory offenses by Mullen posting on Facebook. Surprisingly, Sutter actually includes screenshots of these "alleged defamatory offenses" this time where before he failed to include any specific offenses in his previous pleadings. One of the reasons other than the Anti-SLAPP defenses raised my Mullen that Sutter's claims fails on the surface.
  30. On 6/17/2025, Mullen files responses to Sutter's Supplemental Complaint.
  31. On July 11, 2025, Mullen files his counter-claim against Luther Sutter and cross-complaint against Sutter & Gillham PLLC, and META Platforms, Inc... alleging that Sutter has defamed Mullen in several posts on Facebook, and conspired to gain the cooperation of META to aid and abet him in his endeavor to silence Mullen by getting his Facebook

groups and profiles permanently blocked by Facebook. Mullen has accused Sutter of Tortious Interference with a Business Contract, and Conspiracy to Defraud. (This recent filing has yet to be served on Sutter and Meta.)

This sums up the case to this point... what actions now need to be addressed promptly by this court are:

1. First things first... should this court believe it does in fact have jurisdiction over this case, According to the Arkansas Anti-Slapp Act, this court has 30 days after the filing of the Motion to Dismiss to issue a ruling. For reasons unknown, at no fault of Judge Pierce, all TWELVE circuit court judges normally assigned to Craighead County recused themselves from this case, thus requiring the Arkansas Supreme Court to appoint a special judge. That took some time, and more than 30 days from the filing of defendant Mullen's Motion to Dismiss passed before Judge Pierce was appointed.
2. However, upon appointment... it's reasonable to expect that 30 days' clock starts ticking... and has passed, since Judge Pierce was appointed on March 14, 2025. Accordingly, Judge Pierce had 30 days to rule on Mullen's Motion to Dismiss... and has failed to render a ruling and should do so immediately.
3. With this letter, Mullen respectfully requests Judge Pierce to either rule for... or against... Mullen's Motion to Dismiss. Judge Pierce should rule that this case is a classic example of an Anti-Slapp Act case; that plaintiff Luther Sutter is a public figure for the purposes of this act and issue sanctions if in favor of the defendant.
4. It's safe to assume assumed that no matter which direction this court rules, an appeal is likely by the losing party. If Judge Pierce rules against the defendant, Mr. Mullen intends to appeal and will request the court to stay any claims by Sutter against Mullen pending a a mandate by the appellate court. However, the counter-claim, cross complaint against Sutter, Sutter & Gillham, and META, can and should proceed in any event.
5. The additional Motions that are pending should be addressed accordingly depending on the outcome of the PREVAILING Motion to Dismiss filed by the defendant.

A final note for the court to consider, in emails back and forth between Sutter, Mullen, and Judge Pierce, Sutter has at first insisted on a public hearing, however, on June 30, 2025, Sutter asked that this court rule on the pleadings, Mullen agrees. As Mr. Mullen has always contended, the Motion is well briefed by both sides and this court can and is requested to rule on the pleadings without a public hearing. Quite simply put... there's no need to waste the court's time and or the parties time in this matter by having a public hearing that Sutter now changes his mind and is asking for.

Mr. Sutter is over 2 hours away from Jonesboro and Mr. Mullen is over 1500 miles which amounts travel 12 hours EACH WAY to Jonesboro for a one hour hearing. Mr. Sutter change in request for a public hearing is just like his lawsuit, malicious, with ill intent and no reasonable excuse other than to burden and inconvenience Mr. Mullen with a 1500 miles, 24-hour round trip when before he had no problem with this court ruling on the pleadings.

Respectfully submitted,

*Thurstle Mullen*, Defendant, Pro Se  
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Marshfield, Wisconsin 54449  
ph #: 901-485-7074

**Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing was delivered to all counsel of record by **mail** on this 14 day of July, 2025.

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**Luther Sutter**  
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