

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2006 SEP 13 AM 9:32
TOM LAWLER, CLERK

JENNIFER WILBANKS,

Plaintiff,

vs.

Civil Action File No. **06A 08482 3**

JCM CONSULTING, INC. and
JOHN C. MASON,

Defendants.

**COMPLAINT FOR ORDER ALLOWING INSPECTION AND PRODUCTION OF
COPIES OF CORPORATE RECORDS AND OTHER RELIEF**

COUNT ONE

COMES NOW Jennifer Wilbanks, plaintiff, and, pursuant to O.C.G.A. § 14-2-1604, applies to this court for an order requiring the defendant JCM Consulting, Inc. to provide for inspection and copying requested records and for other relief.

1.

JCM Consulting, Inc. ("JCM") is a Georgia corporation with its principal office and place of doing business in Gwinnett County, Georgia and is subject to the jurisdiction and venue of this court. Defendant may be served with summons and complaint c/o John Mason at 2133 Hamilton Mill Parkway, Dacula, Gwinnett County, Georgia 30019-5912.

2

John C. Mason ("Mason") is a resident of Gwinnett County, Georgia, who is subject to the venue and jurisdiction of this court. Mason may be served with summons and complaint at 2133 Hamilton Mill Parkway, Dacula, Gwinnett County, Georgia 30019-5912.

3.

On or about March 24, 2005 Wilbanks was issued 500 shares of common stock of JCM by

Mason as shown by the minutes of the meeting of the shareholders of JCM dated March 24, 2005, a copy of which is attached hereto and incorporated herein as Exhibit "1".

4.

Plaintiff is Jennifer Wilbanks ("Wilbanks"), who was scheduled to marry John Mason, the principal of JCM, on or about April 30, 2005.

5.

On or about May 26, 2005 Mason obtained a power of attorney, while Wilbanks was hospitalized and under medication, a copy of which is attached hereto and incorporated herein as Exhibit "2".

6.

In or about June or July 2005, Regan Media agreed to pay \$500,000 to Mason and Wilbanks to purchase the rights to the story of plaintiff's disappearance from Duluth, Georgia on or about April 26, 2005, and subsequent events involved in the "Runaway Bride" incident.

7.

The \$500,000 payment by Regan Media to purchase the rights of Wilbanks' story as the "Runaway Bride" was made by instrument which was signed by Mason, individually and as attorney-in-fact for Wilbanks, and placed into the bank account of JCM.

8.

Monies placed into the account of JCM were used to purchase a residence located at 2133 Hamilton Mill Parkway, Duluth, GA, among other things, in the name and for the benefit of Mason, to the exclusion of Wilbanks.

9.

On or about May 31, 2006 and June 5, 2006 Wilbanks demanded various documents from

JCM as shown by the letters attached hereto and incorporated herein as Exhibits "3" and "4".

10.

On July 7, 2006 JCM produced various corporate documents and a membership list, but did not produce the bank accounts and financial records despite a promise to produce same. A copy of correspondence from JCM's counsel dated July 7, 2006 is attached hereto and incorporated herein as Exhibit "5".

11.

As a result of the JCM's failure and refusal to allow the inspection and copying as requested of the accounting records, including banking records of JCM, Wilbanks is entitled to an order from this court for the inspection and copying of those accounting and financial records along with Wilbanks' costs, including reasonable attorneys' fees, incurred to obtain the order pursuant to O.C.G.A. § 14-3-1604(c).

WHEREFORE, as to Count One, Wilbanks prays for this court to "summarily order inspection and copying of the records demanded at [JCM's] expense" upon this application of Wilbanks; adjudication of this application on an expedited basis pursuant to O.C.G.A. § 14-2-1604(b); and award of Wilbanks' costs, including reasonable attorneys' fees, incurred to obtain the order pursuant to O.C.G.A. § 14-2-1604(c) and for such further and additional relief as is just and proper.

COUNT TWO

12.

Wilbanks realleges and incorporates herein verbatim the allegations contained in paragraphs 1 through 8 of Count One of this Complaint.

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13.

Mason has used JCM in an attempt to defraud Wilbanks and shield himself from personal liability.

14.

Wilbanks is entitled to compensatory damages from JCM and Mason for at least one-half the \$500,000.00 paid by Regan Media for the rights to Wilbanks' story as the "Runaway Bride."

15.

As Mason's wrongdoing was wilful and malicious, Wilbanks is entitled to punitive damages against JCM and Mason as allowed by O.C.G.A. § 51-12-5.1 in an amount to be set by the enlightened conscience of an impartial jury of at least \$250,000.00.

16.

Mason's conduct has been in bad faith, he has been stubbornly litigious, or has caused Wilbanks unnecessary trouble and expense. Consequently, Wilbanks is entitled to recover her expenses of litigation, including reasonable attorney's fees against JCM and Mason.

WHEREFORE, as to Count Two of her Complaint, Wilbanks prays for a trial by jury; a judgment in her favor and against Mason and JCM, jointly and severally, for: compensatory damages in the amount of at least \$250,000.00; punitive damages in an amount of at least \$250,000.00; expenses of litigation, including reasonable attorney's fees; costs of court; and for such further and additional relief as is just and proper.

COUNT THREE

17.

Wilbanks restates and incorporates herein verbatim the allegations contained in paragraphs 1 through 8 of Count One of this Complaint.

18.

Mason has breached the fiduciary duty owed to Wilbanks as her attorney in fact by using said position of trust to advance his personal interests.

19.

Wilbanks is entitled to an accounting of all activities conducted, by Mason as Wilbanks' attorney in fact.

20.

Wilbanks is entitled to compensatory damages of at least \$250,000.00.

21.

Wilbanks is entitled to an award of punitive damages of at least \$250,000.00 due to the wilful and wanton nature of Mason's misconduct.

22.

Wilbanks is entitled to recover expenses of litigation, including reasonable attorney's fees, due to Mason's bad faith, stubborn litigiousness, or for causing Wilbanks unnecessary trouble and expense.

WHEREFORE, as to Count Three of her Complaint, Wilbanks prays for a trial by jury; an accounting of all activities conducted by Mason as Wilbanks' attorney in fact.; judgment in her favor and an award of compensatory damages of at least \$250,000.00; punitive damages in an amount of at least \$250,000.00; her expenses of litigation, including reasonable attorney's fees; costs of court and for such further and additional relief as is just and proper.

Respectfully submitted,



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