

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

THE STATE OF TENNESSEE,)

Plaintiff/ Counter)
Defendant,)

v.)

SPENCER CURTIS SCHUELKE,)

Defendant/Counter-)
Plaintiff,)

v.)

RUTHERFORD COUNTY)
GENERAL SESSIONS COURT,)

Counter Plaintiff/Defendant.)

FILED
JUN 15 2015
1:14 O'CLOCK
MELISSA HARRELL M
DEPUTY CLERK

Docket Number: 69442

ORDER

This cause came to be heard on May 26, 2015, before the Honorable Howard W. Wilson, Chancellor, upon Defendant John Welker/ State of Tennessee's Motion to Dismiss pursuant to Tenn. R. Civ. P. 12.02(6) and Defendant/Counter-Plaintiff, Spencer Curtis Schuelke's, Motion for Clarification.¹ After considering the pleadings of Record, the arguments of the Parties, and all relevant law, the Court finds that all claims raised by Spencer Curtis Schuelke should be **DISMISSED** for his failure to state a claim upon which relief can be granted.

The facts underlying this case begin on December 12, 2014, when Mr. Schuelke was arrested and charged with multiple offenses. With criminal charges pending in the Rutherford County General Sessions Court, Mr. Schuelke filed the instant cause of action in the Rutherford

¹ Because the Court finds that this matter should be dismissed in its entirety, no discussion of Mr. Schuelke's Motion for Clarification is warranted.

County Circuit Court on March 18, 2015, alleging several causes of action against the State of Tennessee, Trooper John Welker, and the Rutherford County General Sessions Court.

The pleading initiating this case in the Circuit Court is titled "Counter Complaint" and names the State of Tennessee as Plaintiff and Mr. Schuelke as the "Aggrieved Defendant. In the same pleading, it appears to the Court that Mr. Schuelke intended to name himself as Plaintiff or "Counterclaimant" to the same cause of action with "Trooper John Welker" and the "General Sessions Court" as defendants or "Counter defendants." Whatever the case may be, the Court construes the style of Mr. Schuelke's case to include him as the Plaintiff and the State of Tennessee, Trooper John Welker, and the Rutherford County General Sessions Court as Defendants.

The "Counter Complaint", hereinafter referred to as "Complaint," filed by Mr. Schuelke on March 18, 2015, alleges the following causes of action:

1. "Jurisdiction"
2. "Tortious Interference"
3. "No Proof of an Injured Party"
4. "Falsification of Speeding Claim – a Sham"
5. "Breach of Contract"
6. "Consent to Contract Withdrawn"

Of all the "Causes of Action" alleged by Mr. Schuelke in his complaint, it is clear that a majority of them are not recognized by Tennessee law. "Jurisdiction", "No Proof of an Injured Party", "Falsification of Speeding Claim – a Sham", and "Consent to Contract Withdrawn" are not claims for which this Court has the ability to grant relief. It appears, however, that a majority of these "claims" could potentially be asserted as defenses to certain claims and charges brought against

Mr. Schuelke; however, in this Court and under the current action, they have no basis in fact or law. Consequently, these causes of action are dismissed pursuant to Tenn. R. Civ. P. 12.02(6).

Next, the Court turns to Mr. Schuelke's remaining claims. These include "Breach of Contract" and "Tortious Interference". First, it appears that Mr. Schuelke's Breach of Contract claim is premised on "man's social contract" to form government and hold one another responsible under the rule of law that forms the substance of such contract. Although this argument presents considerable fodder for healthy theoretical discussion, the common law recognizes no such claim and neither does this Court. Tennessee law mandates that a Plaintiff must prove (1) the existence of an enforceable contract, (2) nonperformance amounting to breach of the contract; and (3) damages caused by the breach of contract.² Because the facts before this Court cannot form the elements required for Mr. Schuelke's Breach of Contract claim, it too should be dismissed pursuant to Tenn. R. Civ. P. 12.02(6).³

The Court's analysis of Mr. Schuelke's remaining claim, "Tortious Interference", must end with the same result as those contemplated above. In sum, "Tortious Interference" is generally a claim asserted in the context of a contractual relationship. Because the Court finds no facts relating to a contract in this case, "Tortious Interference" fails to stand as a claim on which relief can be granted. However, even if the Court were to construe this claim as one for "false arrest" or "false imprisonment, such claims would also be dismissed due to the Plaintiff's failure

² See *Bancorp South Bank, Inc. v. Hatchel*, 223 S.W. 3d 223, 227 (Tenn. Ct. App. 2006).

³ Perhaps Mr. Schuelke is attempting to assert a violation of his civil rights under the Constitution of this State as well as that of the United States of America; however, the lion's share of Mr. Schuelke's pleadings seem to indicate that both the State of Tennessee and the United States of America are sham governments whose very existence violates "man's law" or the original authority our founding father's possessed when this Nation's government was formed. Accordingly, this Court finds that any attempt to construe Mr. Schuelke's claim as one alleging a violation of his civil rights would be futile in light of the fact that his pleadings deny the legality of the very constitutions on which any such claim could be founded.

to provide sufficient factual allegations to support them. Therefore, Mr. Schuelke's cause of action for "Tortious Interference" should be dismissed.

The Court finds that the purported facts used to support Mr. Schuelke's claims as to all named Defendants would result in the same analysis applied above. Accordingly, this matter is **DISMISSED** in its entirety with all costs taxed to Spencer Curtis Schuelke.

ENTERED and EFFECTIVE this, the 15th day of June, 2015.



HOWARD W. WILSON, CHANCELLOR

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