



COPY

IN THE CHANCERY COURT FOR CAMPBELL COUNTY, TENNESSEE
AT JACKSBORO

BRYAN ST. JOHN,

Petitioner

v.

CITY OF LAFOLLETTE,

Respondent

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CIVIL ACTION NO. 7CHI-2025-CY-165

CAMPBELL CHANCERY COU
2 SEP 2025 PM2:04

VERIFIED PETITION FOR
WRIT OF MANDAMUS

Comes now, the Petitioner, Bryan St. John, and respectfully petitions this Honorable Court, pursuant to the authority under Tennessee law, to issue a Writ of Mandamus compelling the Defendant to perform a clear legal duty, and in support of same, states as follows:

1. The Petitioner, Bryan St. John, is a citizen and resident of Campbell County, Tennessee, residing in the City of LaFollette at his residence located at 1033 S. 13th Street, LaFollette, Tennessee 37766, and accordingly, has standing to bring this action as the Petitioner is a property owner and taxpayer and the Petitioner is directly affected by the inactions of the Respondent.

2. The Respondent, City of LaFollette, through its Administrator, Stan Foust, is charged under Tennessee Law and in accordance with the LaFollette Municipal Code, (hereinafter "Code"), with the performance of certain official duties, as set forth in detail hereinafter, which the Defendant has arbitrarily, willfully and capriciously failed to perform.

3. The Respondent, City of LaFollette, may be served through its managing agent and City Mayor, Scott Kitts, pursuant to Rule 4 of the *Tennessee Rules of Civil Procedure*.

4. This Court has jurisdiction pursuant to Article VI, §10 of the Tennessee Constitution and Tenn. Code Ann. §29-25-101 *et seq.*

5. Venue is proper in this Court because the acts and omissions complained of occurred in Campbell County, Tennessee, in the City of LaFollette, and that the property of the Petitioner which is the subject of this litigation and the inactions complained of by the Petitioner pertain to property located in the City of LaFollette.

6. The Petitioner would show unto the Court that the LaFollette Municipal Code, (hereinafter "Code"), and more specifically, 13-301, **Growth of Weeds, Brush, etc., on Property**, provides,

It shall be unlawful for any person owning, leasing, occupying or having control of property, regardless of whether the property is a vacant lot or contains any form of structure in the City of LaFollette, to permit the growth upon such property of weeds, grass, brush and all other rank or obnoxious vegetation to a height greater than two feet (2') when such growth is within two hundred feet (200') of occupied residential or commercial property or within two hundred feet (200') of any street, thoroughfare, or highway within the city limits of LaFollette, Tennessee. The failure to cut and/or destroy such weeds, grass, brush, and all other rank and obnoxious vegetation shall constitute a violation of this chapter. It shall also be unlawful for any such person or persons to permit poison ivy or other plants due to pollination, injurious or a menace to health to grow where they may cause injury or discomfort to any person within the City of LaFollette regardless of height or such; are hereby declared to be a public nuisance.¹

7. The Petitioner would further show unto the Court that §13-302 of the Code, **Accumulation of Rubbish Prohibited**, provides in pertinent part:

It shall also be unlawful for any person owning, leasing, or occupying or having control of property, regardless of whether the property is a vacant lot or contains any form of structure in the City of LaFollette, to permit the accumulation upon such property of rubbish in any form or nature for such is hereby declared to be a public nuisance. The failure to clean up and remove

¹ LaFollette Municipal Code Chapter 3 §13-301.

such rubbish shall constitute a violation of this chapter. The failure to cut and remove dead trees and dead and broken limbs shall constitute a violation of this chapter; in as much as same constitutes a nuisance and a menace to life and property of citizens of this city².

8. The Petitioner would show unto the Court that the Petitioner resides in his residence located at 1033 S. 13th Street, LaFollette, Tennessee, within a few hundred feet of the property owned by Casey Benjamin Boshears at 1007 S. 13th Street, LaFollette, Tennessee 37766, which said property owned by Casey Benjamin Boshears is in substantial violation of Code 13-301 and 13-302 as set forth herein.

9. The Petitioner would show unto the Court that on March 16, 2025, the property owned by Casey Benjamin Boshears was riddled with obnoxious vegetation along with rubbish as more specifically delineated in Exhibit A attached hereto and incorporated herein by reference.

10. The Petitioner would further show unto the Court that on March 16, 2025, the property owned by Casey Benjamin Boshears was in violation of Code 13-301 and 13-302 as set forth herein wherein the property was riddled with tires as well as debris and rubbish to the extent that the culvert on the property was significantly blocked causing an accumulation of gray water approximately 8 feet deep resulting in significant infestation of mosquitos and airborne insects, as well as stench and malodor significantly affecting the Petitioner's use of his property and creating a nuisance. This condition of the property on March 16, 2025, is further depicted in Exhibit B attached hereto and incorporated herein by reference.

11. The Petitioner would further show unto the Court that without clearing the rubbish and obnoxious waste on his property, Casey Benjamin Boshears logged the property causing significant weeds, grass, brush, as well as other rank and obnoxious vegetation on his property in violation of Code 13-301. The condition of the property on July 28, 2025, is further

² LaFollette Municipal Code Chapter 3 §13-302.

depicted in Exhibit C attached hereto and incorporated herein by reference.

12. The Petitioner would show unto the Court that Casey Benjamin Boshears is an employee of the Respondent, City of LaFollette, and in fact is the Director of the LaFollette Public Works Department, which said Department consists of the street and sanitation departments of the City of LaFollette. More importantly, the Public Works Department headed by its Director, Casey Benjamin Boshears, is responsible for all city streets and sidewalks. Further, the Street Department performs modifications and repairs as needed, as well as the Sanitation Department provides residential refuse collection, removal of debris and unwanted items and other services, including drainage control and brush control.

13. The Petitioner would show unto the Court that the Petitioner notified Casey Benjamin Boshears, individually as the owner of the property located at 1007 S. 13th Street, as well as in his capacity as Director of Public Works, to correct the infractions of Section 13-301 and 13-302 of the Code on April 25, 2025, including providing Casey Benjamin Boshears pictures of the property, including the pictures attached hereto and incorporated by reference herein, to which there was no response.

14. The Petitioner would further show unto the Court that the Petitioner notified not only the City Administrator, Stan Foust, but provided pictures of the Petitioner's grievance to all the members of the City Council, including the Code Enforcement Officer, on or about May 7, 2025, to no avail. In fact, the Petitioner discussed his grievance with the Code Enforcement Officer on August 26, 2025, yet again to no avail. The Petitioner would show unto the Court that the Code Enforcement Officer investigates complaints pertaining to all other City Codes. Notwithstanding, purportedly because Casey Benjamin Boshears is the Director of the Public Works Department, the Code's Enforcement Officer violated his duties to investigate and enforce the City Code against the Public Works Director, Casey Benjamin Boshears.

15. The Petitioner would show unto the Court that Section 13-305: **Notice to be given by City Administrator to Clean Up Property**, provides:

If the provisions of this chapter are not complied with, the city administrator or his designee shall give notice in writing to the owner, owners agent or occupant of such lot or parcel of land of said condition requiring the cutting, removal and/or destruction of said weeds, grass, or brush, vegetation or rubbish within seven (7) days of receipt of said notice. Such notice shall be delivered in person. If contact cannot be made in person, a letter will be mailed to the last known address of the owner. The notice will be mailed as certified mail.³

16. The Petitioner would further show unto the Court that Section 13-306 of the Code, **City Administrator power to remedy nuisance; reasonable cost of work to be charged to owner of property** provides:

Should the owner of said property fail to remedy such condition within said time, the city administrator is empowered and directed to remedy the condition of the nuisance or cause the same to be done by city personnel. Following the completion of said work, the city administrator shall determine the reasonable cost thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith and bill the owner or tenant therefor. If the bill is not fully paid within sixty (60) days after the mailing of said bill, a ten percent (10%) penalty shall be added and it shall be placed on the tax roll of the City of LaFollette as a lien upon the property and collected in the same manner as other city taxes are collected.⁴

17. The Petitioner would further show unto the Court that Section 13-307 of the Code: **Violations and Penalties**, provides:

Any person, firm, or corporation who shall violate the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, and in addition to the aforesaid, shall be punished by a fine not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) and each day's violation shall constitute a separate offense.⁵

18. The Petitioner would show unto the Court that not only has the City Administrator, Stan Foust, but also the City Council, as well as the Code Enforcement Officer

³ LaFollette Municipal Code Chapter 3 §13-305.

⁴ LaFollette Municipal Code Chapter 3 §13-306.

⁵ LaFollette Municipal Code Chapter 3 §13-307.

and the Public Works Director have all faltered on their obligation to enforce the Code purportedly because this would require enforcement against the City of LaFollette Public Works Director, Casey Benjamin Boshears. This shows a double standard, selective enforcement, and arbitrary application of the Codes toward the citizens of the City of LaFollette, but not to do so against the Public Works Director, Casey Benjamin Boshears, constitutes nepotism in violation of the Charter of the City of LaFollette and the City Codes and is also arbitrary, capricious, willful, and intentional derogation of official duties.

19. The Petitioner would show unto the Court that the Writ of Mandamus is an extraordinary remedy available in Tennessee and should be applied in this case since the Respondent had a clear and specific legal duty to act and that the Petitioner has a clear right to the performance of that act and the Petitioner has no adequate remedy at law and as such, all elements to prevail on a Writ of Mandamus are present in this case.

WHEREFORE, the Petitioner respectfully prays that this Court:

1. Issue a Writ of Mandamus compelling the City Administrator, in compliance with Section 13-305 of the Code, to give notice in writing to Casey Benjamin Boshears and provide a copy of same to the Court requiring cutting, removal and/or destruction of said weeds, grass, or brush, vegetation or rubbish within seven (7) days of receipt of said Notice;

2. That the City Administrator assess costs of work to Casey Benjamin Boshears at reasonable cost for the work to be performed plus fifteen (15) percent for inspection and other incidental costs in connection therewith and bill the property owner and assess fines and penalties retroactively to Casey Anthony Boshears, for same and provide satisfactory evidence to the Court of compliance thereof;

3. That full reporting be provided to the Court that compliance with the Code has been achieved;

4. Award Petitioner costs as well as attorney fees as allowed by law; and,
5. Grant such other and further relief as the Court may deem proper under the law and evidence.

RESPECTFULLY SUBMITTED, this 2nd day of September, 2025.

BRYAN ST. JOHN

BY:  (B)

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STATE OF TENNESSEE)
)SS:
COUNTY OF CAMPBELL)

VERIFICATION

I, Bryan St. John, Petitioner in the above action, after being duly sworn in accordance with the law, makes oath that the matters and things alleged in the foregoing Verified Petition for Writ of Mandamus are true to the best of my knowledge, information and belief.

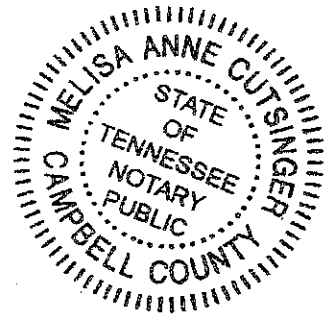
BY:

Bryan St. John
BRYAN ST. JOHN

Sworn and subscribed before me this 2nd day of September, 2025.

Melisa Anne Cuttenger
NOTARY PUBLIC

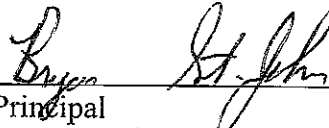
MY COMMISSION EXPIRES: 5/17/27



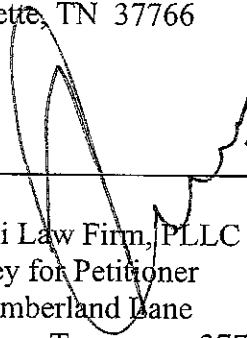
COST BOND

We acknowledge ourselves as surety for all costs, taxes and damages in this case in accordance with T.C.A. §20-12-120.

BRYAN ST. JOHN



Principal
1033 S. 13th Street
LaFollette, TN 37766



Surety
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EXHIBIT A

CAMPBELL CHANCERY COU
2 SEP 2025 PM2:04

A black and white photograph of a wooded area. The scene is filled with bare, thin trees and a dense network of branches. The ground is covered in a layer of dry leaves and twigs, with some patches of snow or light-colored ground visible. In the lower center of the image, the date "March 16" is handwritten in a dark, cursive script.

March 16

EXHIBIT B

CAMPBELL CHANCERY CDU
2 SEP 2025 PM2:04



March 16th

EXHIBIT C

CAMPBELL CHANCERY COU
2 SEP 2025 PM2:04

July 28th

