

IN THE ___ CIRCUIT COURT FOR DAVIDSON COUNTY TENNESSEE
TWENTIETH JUDICIAL DISTRICT, AT NASHVILLE

CARL VONHARTMAN	
V.	CASE NO.
KORTNI BUTTERTON	12-PERSON JURY DEMAND

COMPLAINT

Comes now the Plaintiff, Carl Vonhartman, and for his Complaint would show:

Jurisdiction

1. The Plaintiff Carl Vonhartman is a resident of Davidson County, Tennessee, and may be served by his undersigned attorneys at Brazil Clark, PLLC, 2901 Dobbs Avenue, Nashville, TN 37211.
2. The Defendant Kortni Butterton is a resident of Davidson County, Tennessee, and may be served with process at 2717 Druid Dr., Nashville, TN 37210.
3. All acts and omissions giving rise to this Complaint occurred within Davidson County, Tennessee.
4. This court is the appropriate venue pursuant to Tenn. Code Ann. § 20-4-101 *et seq.*

Allegations of Fact

5. Mr. Vonhartman originally encountered the Defendant online when they were “matched” through Hinge, a mobile dating app, on or about February 2019.
6. The two never met in person and no relationship developed.

7. On or about January 28, 2020, Ms. Butterton made posts about Mr. Vonhartman on a “private” Facebook group where women discuss men they met on dating apps including Hinge.
8. Mr. Vonhartman discovered the Facebook group and the messages posted about him in the group.
9. Mr. Vonhartman contacted Ms. Butterton via electronic message and stated that he would sue Ms. Butterton for defamation if she continued to make false statements about him.
10. In an effort to gain the admiration of other members of the Facebook group, and to punish Mr. Vonhartman, Ms. Butterton devised a scheme to ruin his reputation.
11. On January 29, 2020, at approximately 4:30 p.m. Ms. Butterton placed a call to 911, falsely alleging that Mr. Vonhartman was present at her home, ringing her doorbell, banging on the walls of her house, and looking through her windows.
12. Ms. Butterton then swore out an affidavit in support of a Petition for Order of Protection in which she again alleged that Mr. Vonhartman was outside her home, banging on walls, ringing her doorbells, and looking through her windows at approximately 4:30 p.m. on January 29, 2020.
13. An *ex parte* Order of Protection was granted in Davidson County General Sessions Case No. 20OP250 against Mr. Vonhartman based on Ms. Butterton’s false statements.

14. A trial on the petition was set on February 10, 2020.
15. At this hearing and under oath, Ms. Butterton repeated the false allegations against Mr. Vonhartman and attempted to bolster them by stating that he was wearing a baseball cap depicted in one of his Instagram posts while banging on her house.
16. Following a hearing on the merits of Ms. Butterton's petition, the case was dismissed by the judge.
17. Mr. Vonhartman was never present at Ms. Butterton's residence.
18. Mr. Vonhartman's cell phone activity logs and location data demonstrate that, between 3:48 p.m. and 7:17 p.m., Mr. Vonhartman was at his own residence, sending messages, emails, and making a phone call during the time in question. (See *Exhibit 1 – LogicForce Report*).
19. WSMV News Channel 4 covered the hearing on Ms. Butterton's fraudulent Petition for Order of Protection and ran a primetime news story featuring her 911 call.
20. Additionally, WSMV.com posted a written article that quotes Ms. Butterton's allegations from the petition, as well as the 911 call, spreading her false allegations across the greater Middle Tennessee area.
21. Despite the dismissal, Ms. Butterton's prosecution of this claim and her false statements caused enormous damage to Mr. Vonhartman's reputation.

Count I – Malicious Prosecution

22. Based Mr. Vonhartman incorporates by reference all paragraphs above as if restated fully herein verbatim.
23. The Petition for Order of Protection was brought without probable cause, and based on a demonstrable lie.
24. The Petition for Order of Protection was brought against Mr. Vonhartman with malice and the intent to ruin his reputation.
25. The Petition for Order of Protection was dismissed following a hearing on the merits, and thus terminated favorably to Mr. Vonhartman.

Count II – Slander

26. Mr. Vonhartman incorporates by reference all paragraphs above as if restated fully herein verbatim.
27. When Ms. Butterton called 911 on January 29, 2020, she knowingly made false statements about Mr. Vonhartman which injured his reputation.

Count III – Slander

28. Mr. Vonhartman incorporates by reference all paragraphs above as if restated fully herein verbatim.
29. When Ms. Butterton testified in court on February 10, 2020, she repeated the false statements from her 911 call in open court and in front of the camera from WSMV News Channel 4.
30. Ms. Butterton made these statements with malice and knowledge that the statements were false.

Count IV – Libel

31. Mr. Vonhartman incorporates by reference all paragraphs above as if restated fully herein verbatim.
32. When Ms. Butterton swore to the allegations in her Petition for Order of Protection, she published false written statements with malice and knowledge that the statements were false.

Damages

33. As a result of Ms. Butterton’s tortious conduct, Mr. Vonhartman has suffered the following damages:
 - a. Mental and emotional suffering;
 - b. Attorney’s fees incurred defending the petition for Order of Protection;
 - c. Injury to reputation and standing in the community;
34. Because Ms. Butterton’s conduct was intentional, fraudulent, malicious, and motivated by ill will and spite as to render it among the most egregious of wrongs, an award of punitive damages is necessary and justified.

WHEREFORE, your Plaintiff requests:

- (1) That process issue and that the Defendant be required to answer within the time provided by law;
- (2) That a jury of twelve (12) be empaneled to try this cause;
- (3) For compensatory damages in the amount of \$250,000.00;
- (4) For a punitive damages award in the amount of \$500,000.00;
- (5) For such further and general relief as the court deems just and appropriate.

Respectfully submitted,



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EXHIBIT 1

LOGICFORCE

March 20, 2020

Wesley Clark
Brazil Clark, PLLC
2901 Dobbs Ave
Nashville, TN 37211
615-730-8619
wesley@brazilclark.com

RE: Vonhartman Matter

Wesley,

On February 13, 2020, LogicForce was engaged by Brazil Clark, PLLC for the purpose of performing analysis on Mr. Carl Vonhartman's mobile device. The analysis of this device was to determine the location and activity of the device on January 29, 2020 around 4:30PM Central. I am a Digital Forensic Investigator with LogicForce Consulting, LLC in Nashville, Tennessee. A copy of my curriculum vitae, which accurately reflects my education, training and experience, is attached as [Exhibit 1](#).

Mr. Vonhartman provided his mobile device, an iPhone X, Serial Number: *GHLYX3FJJCL7* to LogicForce on February 24, 2020 where it was extracted using the best forensic practices at the time of extraction. Based on my initial review of the extraction, there were several artifacts on the device showing device location and activity around the time of interest. A summary timeline of these events can be found in [Exhibit 2](#).

My review showed 2 Significant Locations Visits on 01/29/2020 that were relevant to the timeframe in question. This service is used to track recent locations of the device, along with other information when enabled. The first entry displayed a location of (36.1908971200012, -86.6289718630081) with an Entry Time of 01/29/2020 2:14pm and Exit Time of 01/29/2020 3:34pm. The accuracy of this location is within about 14 meters. A screenshot of this entry, along with metadata is provided in [Exhibit 3](#). The coordinates from the location have been searched using Google Maps, and a screenshot of this search has been provided as [Exhibit 4](#). The coordinates return a location very near to Planet Fitness of Hermitage, at the address *3434 Lebanon Pike, Hermitage, TN 37076*. It has been explained to me that Mr. Vonhartman is a member of this recreational facility. A screenshot of a Google Maps search for Planet Fitness of Hermitage can be found at [Exhibit 5](#) for comparison.

The second location entry displayed a location of (36.1432659691464, -86.6276381594795) with an Entry Time of 01/29/2020 3:48PM and Exit Time of 01/29/2020 7:17PM. The accuracy of this location is within about 15 meters. A screenshot of this entry, along with metadata is provided in [Exhibit 6](#). The coordinates from the location have been searched using Google Maps, and a screenshot of this search has been provided as [Exhibit 7](#). The coordinates return the address *3808 Lakeridge Run, Nashville, TN 37214*. It has been explained to me that this is Mr. Vonhartman's residential address.

LOGICFORCE

If we can ever be of assistance to you in the future, please do not hesitate to call.

Best regards,

Donnie Tennant
Digital Forensic Investigator
LOGICFORCE
615-933-4322
dtennant@logicforce.com

EXHIBIT 1

Curriculum Vitae
Donald F. Tennant III

1201 Demonbreun St, Ste 930
Nashville, TN 37203
Telephone: 615-933-4322
Email: dtennant@logicforce.com

SUMMARY

- Digital forensics and cyber security experience since 2016
- Versed in a variety of forensic tools and collection methods
- Collected and analyzed data from diverse sources

**WORK
EXPERIENCE**

LogicForce Consulting, LLC; Nashville, Tennessee

Digital Forensic Investigator; June 2018 to Present

- Manage evidence and maintain chain of custody for hundreds of cases
- Acquire and analyze electronically stored information using industry standard tools and forensically sound procedures
- Verify and test findings using multiple artifacts, forensic tools and information sources
- Work with clients to develop legal documents such as subpoenas and affidavits

**FORMAL
EDUCATION**

Bachelor of Science in Digital Forensics

Bloomsburg University; Bloomsburg, PA; May 2018

**CERTIFICATIONS &
AWARDS**

CCPA - Cellebrite Certified Physical Analyst
Cellebrite, 2018

CCO – Cellebrite Certified Operator
Cellebrite, 2018

ACE – Access Data Certified Examiner
Access Data, 2020

DSMO – DS Certified Mobile Operator
Paraben Corporation, 2018

PUBLICATIONS

Is Your Investigation Uncovering All Digital Evidence Related to Your Case?

LOGICFORCE, February 2020

<https://www.logicforce.com/2020/02/10/is-your-investigation-uncovering-all-digital-evidence-related-to-your-case-heres-where-to-look/>

Three Reasons Your Case May Require a Digital Forensics Partner

LOGICFORCE, March 2019 – Co-Author

<http://www.logicforce.com/blog/detail/digital-evidence-collection-practices-of-successful-attorneys>

**CONFERENCES
ATTENDED**

BloomCon 0x03 Computer Security & Forensics Conference

Bloomsburg University, PA; April 2018

GrrCon Cyber Security Summit & Hacker Conference

Grand Rapids, MI; October 2017

**SPECIALIZED
TECHNOLOGY
INVESTIGATIONS
TRAINING**

SAE CyberAuto Challenge (40 hours)

Warren, MI; July 2017

**SPEAKING
ENGAGEMENTS**

Knowing When to Say When: Discovery Technologies That Can Help Your Client
Nashville Bar Association, Nashville, TN November 2019

Lifting the Veil: Digital Evidence for the Legally Minded
Vanderbilt University, Nashville, TN March 2019

Electronic Discovery: Mobile & Social Media
Nashville School of Law, Nashville, TN January 2020

EXHIBIT 2

Exhibit 2

iPhone summary timeline for 01/29/2020 from 2:14pm-7:17pm Central

Device: iPhone X 256GB S/N: GHLYX3FJJCL7

- 2:14pm-3:34pm: Significant Location Entry for coordinates: (36.1908971200012, -86.6289718630081) Accuracy = 14m. This entry is consistent with the device being at Planet Fitness at *3434 Lebanon Pike, Hermitage, TN 37076*.
 - 2:14pm – 2:44pm: Device enters location at above coordinates, Device is unlocked 9 times, received 1 email, and received 11 text messages. The device recorded 298 steps (170.94m) was traveled.
 - 2:45pm – 3:15pm: Device is unlocked 14 times, received 1 email, sent 5 text messages, and received 12 text messages. The device recorded 188 steps (111.82m) was traveled.
 - 3:16pm – 3:47pm: Device exits location at above coordinates (*3:34pm*), Device is unlocked 12 times, connected to an accessory cable 1 time (*3:33pm-4:44pm*), received 1 email, sent 2 phone calls, sent 1 text message, and received 20 text messages. The device recorded 645 steps (419.84m) was traveled.
- 3:48pm - 7:17pm: Significant Location Entry for coordinates (36.1432659691464, -86.6276381594795) Accuracy = 15m. This entry is consistent with the device being at Mr. Vonhartman's residential address at *3808 Lakeridge Run, Nashville, TN 37076*.
 - 3:48pm – 4:30pm: Device enters location at above location, device is unlocked 15 times, connected to an accessory cable 1 time (*4:09pm-4:23pm*), received 2 phone calls, sent 2 emails, received 1 email, sent 9 text messages and received 24 text messages. The device recorded 704 steps and 2 floors (485.97m) was traveled.

- 4:31pm – 5:00pm: Device is unlocked 7 times, connected to accessory cable 1 time (4:51pm-4:59pm), received 1 phone call, received 8 emails, sent 8 text messages, received 15 text messages. The device recorded 56 steps (35.53m)
- 5:01pm – 5:40pm: Device is unlocked 5 times, device connected to accessory cable 5 times, (5:00pm-5:04pm), (5:07pm-5:09pm), (5:10pm-5:16pm), (5:17pm-5:17pm) (5:31pm-5:39pm), received 1 email, sent 13 text messages, and received 18 text messages. The device recorded 263 steps (178.81m) was traveled.
- 5:41pm – 6:41pm: Device is unlocked 9 times, connected to accessory cable 2 times (5:50pm-6:05pm), (6:14pm-6:41pm), received 2 emails, sent 2 emails, sent 34 text messages, and received 28 text messages. The device recorded 256 steps (167.38m) was traveled.
- 6:42pm – 7:17pm: Device exits location at above coordinates (7:17pm), unlocked 10 times, connected to an accessory cable 3 times (6:50pm-6:53pm), (7:02pm-7:08pm), (7:09pm-7:11pm), received 1 phone call, received 1 email, sent 7 text messages, and received 18 text messages. The device recorded 494 steps and 1 floor (324.3m) was traveled.

EXHIBIT 3

Map Satellite

Planet Fitness

Altitude Trampoline Park Nashville

Google

Map data ©2020 Google Terms of Use Report a map error

<p>Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)> SIGNIFICANT LOCATIONS VISITS — Operating System Vicinity Exit Date/Time: 1/29/2020 3:34:45 PM CREATE REPORT / EXPORT OPEN SOURCE FILE WITH...</p>	<p>Vicinity Entry Date/Time 1/29/2020 2:14:45 PM</p>
<p>Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)> SIGNIFICANT LOCATIONS VISITS — Operating System Vicinity Exit Date/Time: 1/29/2020 10:30:17 AM</p>	<p>Vicinity Entry Date/Time 1/29/2020 10:20:44 AM</p>

PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)

DETAILS

ARTIFACT INFORMATION

Local User	Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)>
Vicinity Entry Date/Time	1/29/2020 2:14:45 PM
Vicinity Exit Date/Time	1/29/2020 3:34:45 PM
Created Date/Time	1/29/2020 3:44:52 PM
Latitude	36.1908971200012
Longitude	-86.6289718630081
Accuracy	13.6079335952272


EVIDENCE INFORMATION

Source	PhysicalDrive1 - Partition 2 (Microsoft NTFS, 931.5 GB) DATA [D:\] - [ROOT]\Staged Data\Car\private\var\mobile\Library\Caches\com.apple.routined\Local.sqlite
Recovery Method	Parsing
Deleted source	
Location	Table: ZRTLEARNEDLOCATIONOFINTERESTVISITMO (Z_PK: 619002)
Evidence number	PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)

EXHIBIT 4

google.com/maps/place/36°11'27.2"N+86°37'44.3"W/@36.1908774,-86.6287828,19z/data=!4m5!3m4!1s0x0:0x0:18m2!3d36.1908971!4d-86.6289719

36°11'27.2"N 86°37'44.3"W



36°11'27.2"N 86°37'44.3"W
36.190889, -86.628972

Directions Save Nearby Send to your phone Share

- Hermitage, Nashville, TN 37076
- 59RC+9C Nashville, Tennessee
- Add a missing place
- Add your business
- Add a label

Photos

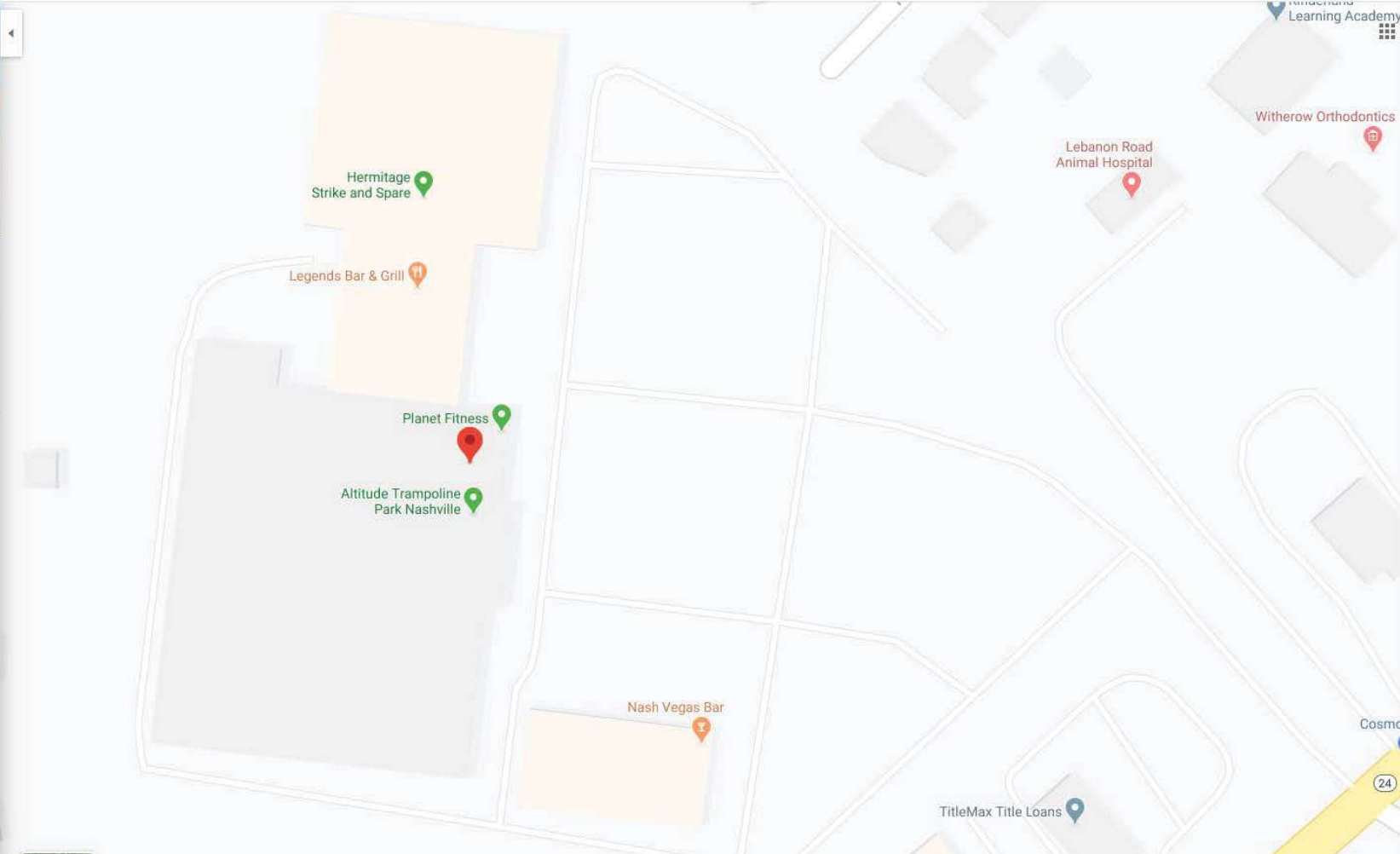




EXHIBIT 5

google.com/maps/place/Planet+Fitness/@36.1908693,-86.6287452,19z/data=!4m5!3m4!1s0x88646a5cfb28d805:0x2a46e79adc8fbd32!8m2!3d36.1909714d-86.6288847

Planet Fitness, Lebanon Pike, Hermitage, TN



Planet Fitness
4.2 ★★★★★ (375)
Gym

Directions Save Nearby Send to your phone Share

3434 Lebanon Pike, Hermitage, TN 37076
59RC+9C Hermitage, Nashville, TN
planetfitness.com
(615) 944-3900
Manage this listing
Add a label

Suggest an edit

Popular times Thursdays
LIVE Not busy

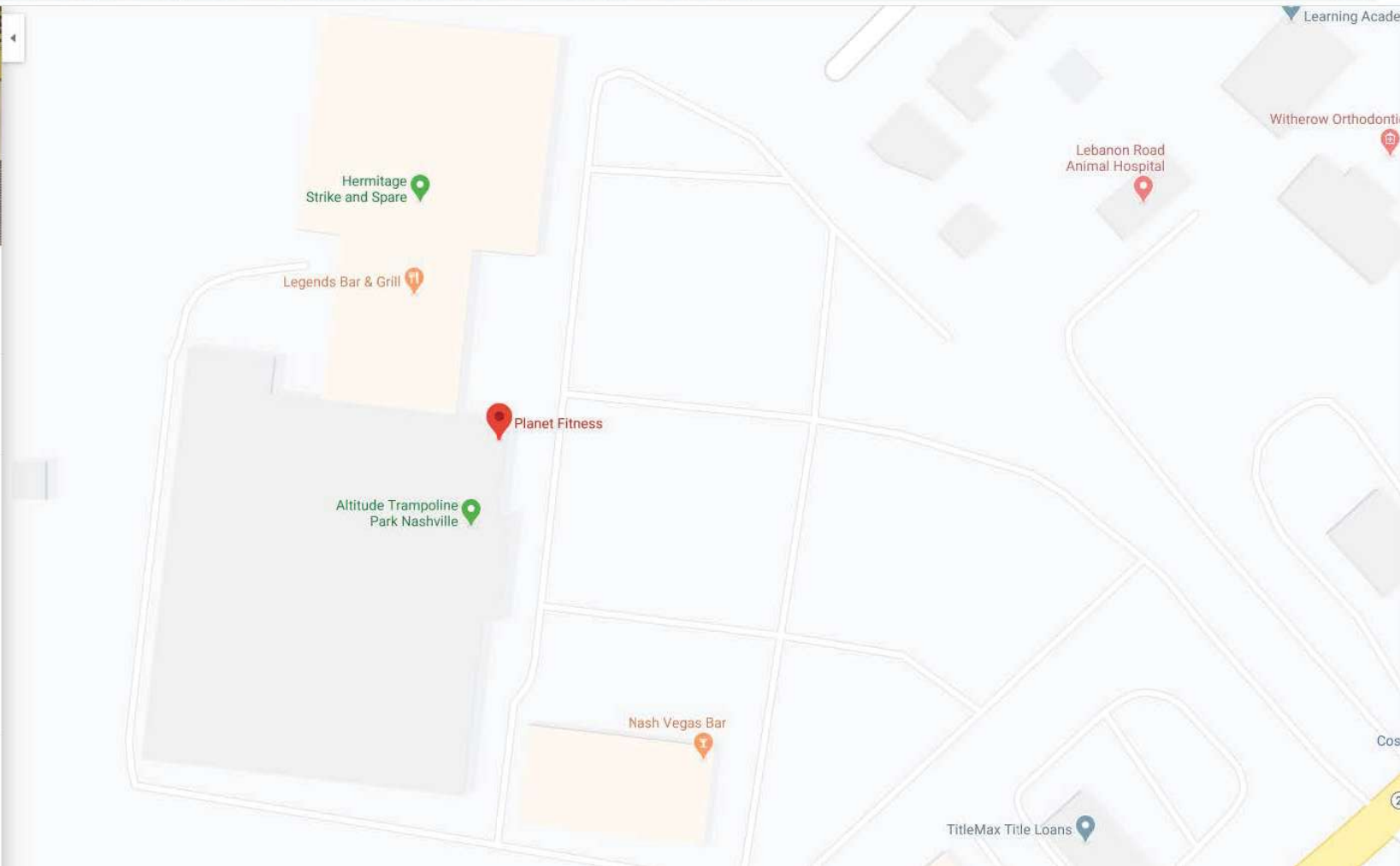


EXHIBIT 6

Map Satellite

Lakeridge Run

2

3

Map data ©2020 Terms of Use Report a map error

<p>Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)> SIGNIFICANT LOCATIONS VISITS — Operating System Vicinity Exit Date/Time : 1/29/2020 7:17:05 PM CREATE REPORT / EXPORT OPEN SOURCE FILE WITH...</p>	<p>Vicinity Entry Date/Time 1/29/2020 3:48:30 PM</p>
<p>Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)> SIGNIFICANT LOCATIONS VISITS — Operating System Vicinity Exit Date/Time : 1/27/2020 5:19:21 PM</p>	<p>Vicinity Entry Date/Time 1/27/2020 5:02:57 PM</p>

Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)>

PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)

DETAILS

ARTIFACT INFORMATION

Local User	Local User <PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)>
Vicinity Entry Date/Time	1/29/2020 3:48:30 PM
Vicinity Exit Date/Time	1/29/2020 7:17:05 PM
Created Date/Time	1/29/2020 10:43:56 PM
Latitude	36.1432659691464
Longitude	-86.6276381594795
Accuracy	14.6051447088392

EVIDENCE INFORMATION

Source	PhysicalDrive1 - Partition 2 (Microsoft NTFS, 931.5 GB) DATA [D:\] - [ROOT]\Staged Data\Carl\private\var\mobile\Library\Caches\com.apple.routined\Local.sqlite
Recovery Method	Parsing
Deleted source	
Location	Table: ZRTLEARNEDLOCATIONOFINTERESTVISITMO (Z_PK: 618747)
Evidence number	PhysicalDrive1 Intel Optane+931GBSSD (931.51 GB)

EXHIBIT 7

