

EXHIBIT 1

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, COUNTY OF DAVIDSON

JAMES HAMMOND and
TENNESSEE FIREARMS
ASSOCIATION, INC.

Petitioners,

v.

METROPOLITAN GOVERNMENT
OF NASHVILLE AND
DAVIDSON COUNTY,

Respondent.

No. _____

PETITION FOR ACCESS TO PUBLIC RECORDS

Petitioners James Hammond and Tennessee Firearms Association, Inc. (“TFA”), pursuant to Tenn. Code Ann. § 10-7-505, hereby petition this Court for judicial review of the denial by the Metro Nashville Police Department of their request for access to public records. Petitioners submitted a total of three public records requests under the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-503 *et seq.*, seeking to inspect or copies of public records related to the March 27, 2023, shooting at The Covenant School, including the reported “manifesto” written by the female shooting suspect. Defendant Metropolitan Government of Nashville and Davidson County, by and through its subagency, the Nashville Metro Police Department, withheld the requested public records in their entirety.

Petitioners petition this Court to obtain access to requested public records and an order from this Court finding that the denial of public access to these records is unlawful. In support of such petition, Petitioners state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to Tenn. Code Ann. §§ 10-7-505(b) and 16-11-101. Venue is proper under Tenn. Code Ann. §§ 10-7-505(b) and 20-4-101(a).

PARTIES

2. Petitioner James W. Hammond is a citizen of the State of Tennessee and resident of Hamilton County. He is the former sheriff of Hamilton County.

3. Petitioner Tennessee Firearms Association is 501(c)(4) corporation based in Nashville, Tennessee with members in every county in the State of Tennessee. Its primary goal is to promoting citizen control over government and giving full effect to the original intent U.S. Constitution as well as to the provisions of the Tennessee Constitution with an emphasis on the 2nd and 10th Amendments to the U.S. Constitution and Article I, Section 26 of the Tennessee Constitution.

4. Respondent Metropolitan Government of Nashville and Davidson County ("Metro") is a municipality in Tennessee existing in Davidson County, Tennessee. It is organized and existing under the laws of the State of Tennessee. Its chief executive officer is the mayor, who for purposes of this action is John Cooper. The Metropolitan Nashville Police Department is a subsidiary department of Metro. All actions of the Metropolitan Nashville Police Department are acts and/or omissions of Metro.

BACKGROUND

5. The Tennessee Public Records Act ("the Act") provides: "[a]ll state, county and municipal records shall... be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law." Tenn. Code Ann. § 10-7-503(a)(2)(A).

6. The Act defines “public record” to “[m]ean[] all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental entity[.]” Tenn. Code Ann. § 10-7-503(a)(1)(A)(i).

7. The Act further provides that “[i]nformation made confidential by state law shall be redacted wherever possible, and the redacted record shall be made available for inspection and copying.” Tenn. Code Ann. § 10-7-503(a)(5).

8. “The burden of proof for justification of non-disclosure of records sought shall be upon the official and/or designee of the official of those records and the justification for the non-disclosure must be shown by a preponderance of evidence.” Tenn. Code Ann. § 10-7-505(c).

9. The Act makes clear that there is a presumption of openness and that the Act “shall be broadly construed so as to give the fullest possible public access to public records.” Tenn. Code Ann. § 10-7-505(d).

STATEMENT OF FACTS

10. Petitioner TFA submitted two open records requests on April 13, 2023, using the Metropolitan Nashville Police Department’s Open Records Request Form. *See* Exhibits 1 and 2.

11. The first request asked that the Metropolitan Nashville Police Department produce copies of records or files and inspection of “the ‘manifesto’ reportedly found in the home of Audrey Elizabeth Hall on March 27, 2023.” *See* Exhibit 1 at 1.

12. The second request asked that the Metropolitan Nashville Police Department produce copies of records or files and inspection “all email communications of MNPd officials regarding the mass shooting committed by Audrey Elizabeth Hale on March 27, 2023, as well as

MNPD officials' text messages regarding the same, and copies of the 'manifesto' reported left by Audrey Elizabeth Hale in her vehicle." *See* Exhibit 2 at 1.

13. On April 17, 2023, the Metropolitan Nashville Police Department responded using its Public Record Request Response Form and informed Petitioner TFA that it had denied both of its public records requests. *See* Exhibit 1 at 4; and Exhibit 2 at 4.

14. Separately, Petitioner Hammond submitted a public records request on April 25, 2023, using the Metropolitan Nashville Police Department's Open Records Request Form.

15. Specifically, Petitioner Hammond asked that the Metropolitan Nashville Police Department produce copies of records or files and inspection of the following public records:

Except as otherwise stated, the time frame for the requested records is for the period of March 27, 2023, to the date of your final response to this records request.

1. All MNPD criminal police reports documenting this incident to include but not limited to:
 - a. Impound/evidence invoices
 - b. Photographs
 - c. Bodycam footage
 - d. City/County/State and/or federal coroner information
 - e. Suspect toxicology/lab results
 - f. Audio of calls for service
 - g. School video footage of suspect and officers
2. All MNPD Force Investigation Team (FIT) internal administrative investigations/reports regarding this incident to include but not limited to those mandated by The Manual of the Metropolitan Police Department of Nashville Davidson County, TN (the Department Manual) Title 1.130.050.
3. All MNPD communications, to include but not limited to directives, orders, memos, emails and/or letters, concerning the release of the contents and/or copies of the aforementioned "manifesto" of the deceased female shooting suspect.
4. All MNPD communications between the Federal Bureau of Investigation (FBI), the U.S. Department of Justice (DOJ), and/or the Office of the District Attorney, Nashville (20th Judicial District)

regarding the designation of the aforementioned multiple shooting at a Christian School by a self-identified transgender suspect as a “hate crime.”

5. All MNPD criminal and/or field intelligence reports and/or received complaints involving the aforementioned shooting suspect (Audrey Hale) dated from January 1, 2020, to the date of your final response to this records request.

Exhibit 3 at 4-5.

16. The Metropolitan Nashville Police Department responded using its Public Record Request Response Form and informed Petitioner Hammond that it had denied his public records request on April 28, 2023. *See* Exhibit 3 at 7.

17. All three records requests submitted by Petitioners were denied for the same reason.

18. Specifically, the Metropolitan Nashville Police Department explained that Petitioners’ “request[s] were] denied on the following grounds: The following state, federal, or other applicable law prohibits disclosure of the requested records: Open Case - Rule 16 of the Tennessee Rules of Criminal Procedure and *Tennessean v. Metro. Gov't of Nashville*, 485 S.W.3d 857 (Tenn. 2016).” *See* Exhibit 1 at 4; Exhibit 2 at 4; and Exhibit 3 at 7.

19. Respondent’s denial failed to identify any underlying criminal proceeding, or even a potential defendant, such that the requested materials would be a “case” under Rule 16 of the Tennessee Rules of Criminal Procedure. Accordingly, Petitioners respectfully submit that *Tennessean v. Metro. Gov't of Nashville* is distinguishable and inapplicable to the instant public records requests.

Count 1- Violation of Tennessee Public Records Act

20. The records sought by Petitioners constitute a “public record” under the Tennessee Public Records Act. No applicable exception exempts the records from public access.

21. Neither Rule 16 of the Tennessee Rules of Criminal Procedure nor *Tennessean v. Metro. Gov't of Nashville*, 485 S.W.3d 857 (Tenn. 2016) permits the withholding of some or all the requested records.

22. To the extent these public records include information exempt from disclosure under the Tennessee Public Records Act, Respondent failed to redact such information and produce redacted copies of the requested records to Petitioners. Tenn. Code Ann. § 10-7-503(a)(5).

23. Respondent knew that the requested records were public and refused to disclose them.

24. Respondent's failure to produce the requested record to Petitioners violates the Tennessee Public Records Act.

25. Petitioners are entitled to access to the requested record and an award of all costs and reasonable attorney's fees.

PRAYER FOR RELIEF

Wherefore, Petitioners pray:

1. That the Court issue an order requiring Respondent to appear before this Court and show cause why this Petition for Access should not be granted as provided by Tenn. Code Ann. § 10-7-505;
2. That the Court grant this Petition and order Respondent to promptly allow inspection and copying by Petitioners, their attorneys, or their designees, of the requested public records;
3. That the Court award Petitioners all costs incurred in obtaining the requested records, including reasonable attorneys' fees and litigation expenses; and

4. That the Court grant Petitioners any and all other relief to which Petitioners may be entitled.

Respectfully submitted:

\s\ John I. Harris III
John I. Harris III - 12099
Schulman, LeRoy & Bennett PC
3310 West End Avenue, Suite 460
Nashville, Tennessee 37203
Tel: (615) 244-6670
Fax: (615) 254-5407
jharris@slblawfirm.com

VERIFICATION

The undersigned hereby states upon his own personal knowledge that the factual representations contained herein are true and correct to the best of his information and belief.



John I. Harris III

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

SWORN to and subscribed before me this 1st day of May, 2023.

Christy Frizzell
Notary Public

my commission expires:
5.7.2024



EXHIBIT 2

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

CLATA RENEE BREWER)	
)	
Plaintiff/Petitioner)	
)	
v.)	Case No. 23-0538-III
)	(Consolidated with
METROPOLITAN GOVERNMENT)	Case No. 23-0542-III)
OF NASHVILLE AND DAVIDSON)	
COUNTY)	
)	
Defendant/Respondent)	

FIRST SUPPLEMENTAL AND AMENDED COMPLAINT AND PETITION
FOR ACCESS TO PUBLIC RECORDS

Plaintiff files this Supplemental and Amended Complaint as a matter of right under Tennessee Rule of Civil Procedure 15 as her petition to receive prompt access to inspect and copy certain records created and/or maintained by the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”). Metropolitan Government has failed and refused to produce these public records promptly, as required by the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501, *et seq.* (“the Public Records Act”).

1. Clata Renee Brewer is a citizen of Tennessee who, in conjunction with the National Police Association, requested on April 21, 2023, certain records of Metropolitan Government, as shown by Exhibit A hereto.

2. Defendant Metropolitan Government is a governmental entity that is required to comply with the Public Records Act. One of Metropolitan Government’s department or divisions is the Police Department (“the Metro Police Department”).

3. The Public Records Act provides: “All state, county and municipal records shall, at all times during business hours, ... be open for personal inspection by any citizen of this state, and

those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.” Tenn. Code Ann. § 10-7-503(2)(A).

4. Under the Public Records Act, records are defined broadly to include “all documents, papers, letters, maps, books, photographs, microfilms, electronic data, processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance, or in connection with the transaction of official business by any governmental agency.” Tenn. Code Ann. § 10-7-503(a)(1)(A). The Tennessee Supreme Court has recognized that under this definition, public records include all written matter “created or received by government in its official capacity.”

5. The Public Records Act expressly states that it “shall be broadly construed so as to give the fullest possible access to public records.” Tenn. Code Ann. §10-7-505(d).

6. Metropolitan Government is the creator and/or custodian of the records Plaintiff has requested and those records are public records.

7. As shown by Exhibit A, the records Plaintiff has requested are public records and they relate to the mass shooting that occurred at the Covenant School in Nashville, Tennessee on March 27, 2023 (“Covenant School incident” or “the incident”). On that date, Aiden Hale, also known as Audrey Hale (“Hale”), unlawfully, entered the Covenant School while heavily armed and began shooting and killing staff and students of that school.

8. Officers of the Metro Police Department quickly responded to this incident. These officers entered the school, located Hale, and shot and killed Hale. Since that time, the actions of the Metro Police Department officers have been correctly characterized as commendable and heroic, and no one has suggested that these officers engaged in any criminal activity in their response to the incident.

9. There is no criminal prosecution concerning the Covenant School incident, and despite extensive media coverage, including interviews of public officials, no one has suggested that there will be any criminal prosecution or proceeding because of the incident.

10. On May 1, 2023, the Metro Police Department denied Plaintiff's request as shown by Exhibit B. This denial offered one, and only one, excuse for refusing to produce the requested records.

11. Defendant's reason for not allowing disclosure of the requested public records is that Rule 16 of the Tennessee Rules of Criminal Procedure prohibits disclosure because this incident is an open case. Further, Defendant has relied upon the Tennessee Supreme Court case of *Tennessean v. Metro Government of Nashville*, 485 S.W.3d 857 (Tenn. 2016).

12. Because there is no pending or contemplated criminal prosecution, Rule 16 and the above cited *Tennessean* case are inapplicable. Rather, this case is controlled by the Tennessee Supreme Court's earlier decision in *Memphis Publishing Company v. Holt*, 710 S.W.2d 513 (Tenn. 1986), in which the Court held that Rule 16 was not applicable because there was no pending or contemplated criminal action because the perpetrators in the unlawful activity had been killed in the police shoot out.

13. Defendant has not identified anyone who might be subjected to any prosecution because of the Covenant School incident or any class of persons who might be subject to criminal prosecution because of the incident. Defendant has not identified any crime or class of crime that might be charged because of this incident. Defendant has not indicated what, if any, agency is investigating or might bring charges for anything because of the incident.

14. Since the Covenant School incident, law enforcement officials have made numerous comments to both local and national media concerning some or all of the records

Plaintiff has requested, and these comments are inconsistent with there being any criminal prosecution related to the incident.

15. Before this lawsuit was filed, the Metro Police Department had denied several other requests for information and documents related to the Covenant School incident, and had likewise denied all of these requests relying upon one, and only one, reason -- Tennessee Rule Of Criminal Procedure 16. *See* Exhibits C & D (a request by Tonda Johnson, virtually identical to Plaintiff's request, and the Metro Police Department denial of that request asserting the identical reason given to Plaintiff, respectively).

16. On May 3, 2023, in the week following the filing of this case, the Metro Police Department publicly stated: "Due to pending litigation filed this week, the Metropolitan Police Department has been advised by counsel to hold in abeyance the release of records related to the shooting at The Covenant School pending orders or direction of the court." Exhibit E.

17. This statement constitutes an admission that its Rule 16 basis for denial is invalid because there would be no reason to assert this excuse to deny access if the Rule 16 excuse was valid. This statement also sets forth a completely invalid reason to deny access under the Public Records Act. This statement presents the ultimate "Catch-22" position that a records requester can sue to obtain records, but the very act of filing such a suit acts as an exception to the Public Records Act.

18. The filing of a Public Records Act lawsuit is not an exception to the Public Records Act that would allow a records custodian to deny access to the requested records.

19. Metro Police Department has a demonstrated history of willfully failing to comply with the Public Records Act by creating its own policies and procedures directly contrary to the Public Records Act. Five years ago, the Tennessee Supreme Court refused to consider, and therefore confirmed, the Tennessee Court of Appeals' conclusion that the Metro Police

Department had willfully violated the Public Records Act by creating policies contrary to the Public Records Act, *Jetmore v. Metro. Gov't of Nashville & Davidson Cty.*, 2017 Tenn. App. LEXIS 688, at **27-31 (Tenn. Ct. App. Oct. 12, 2017), which resulted in Defendant having to pay more than \$127,000 in attorney fees. *See* Exhibit F. Defendant's reliance upon its Catch-22 argument is indicative of a pattern and practice of willful violations of the Public Records Act.

20. Defendant cannot evade its obligation to follow the Public Records Act by seeking to shift its responsibility to the Court. The Court in this case has issued no order that would permit or allow Defendant to cease compliance with the Public Records Act. Even if the Metro Police Department had relied upon advice of legal counsel to develop and announce its Catch-22 exemption, reliance upon legal advice does not eliminate a finding that the records custodian acted in willful violation of the Public Records Act. *Taylor v. Town of Lynnville*, 2017 Tenn. App. LEXIS 469, at *8 (Tenn. Ct. App. July 13, 2017).

WHEREFORE, Plaintiff prays:

1. That process issue and be served upon Defendant;
2. That the Court schedule a hearing ordering Defendant to immediately appear and show cause (*see* Tenn. Code Ann. § 10-7-505(b)) why the relief requested in this Petition should not be granted and that Defendant be enjoined from refusing to promptly produce documents Plaintiff has requested;
3. That the Court set a date at least five (5) business days prior to the date of the hearing which it schedules for Defendant to file any brief it might want to file;
4. That the Court issue an Order in favor of Plaintiff requiring that all outstanding records requested be produced as quickly as possible, or alternatively, that some, or redacted versions of the records be produced as quickly as possible;

5. That the Court declare that Tennessee Rule of Criminal Procedure 16 is not an exemption to the Public Records Act when there is no pending criminal prosecution related to the records sought in a request under the Public Records Act;

6. That the Court declare that a custodian of public records may not deny a request under the Public Records Act for the reason that requester has filed suit to obtain the requested records;

7. That the Court determine that the Defendant's refusal to produce these records promptly has been done knowingly, willfully and deliberately, and award Plaintiff all attorneys' fees and costs, pursuant to Tenn. Code Ann. § 10-7-505(g); such amount shall be shown to the Court at the conclusion of this matter;

8. That the costs of this action be taxed against Defendant;

9. That the Court grant further relief to ensure Defendant continues production of the requested records promptly;

10. That the Court grant such further relief as it deems just and equitable.

Respectfully Submitted,

/s/Douglas R. Pierce

Douglas R. Pierce, No. 010084

Hunter K. Yoches, No. 036267

KING & BALLOW

315 Union Street, Suite 1100

Nashville, TN 37201

Telephone: (615) 259-3456

dpierce@kingballow.com

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CERTIFICATE OF SERVICE

This is to certify that the foregoing First Supplemental and Amended Complaint and Petition for Access to Public Records was served on the following via email and U.S. Mail this 5th day of May, 2023:

Wallace W. Dietz, Director
Department of Law
Lora Fox
Cynthia Gross
Phylinda Ramsey
Metropolitan Government of Nashville & Davidson County
Metropolitan Courthouse
1 Public Square, Suite 108
Nashville, TN 37210
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jharris@slblawfirm.com

/s/Douglas R. Pierce

Douglas R. Pierce

EXHIBIT A



Metropolitan Nashville Police Department
Central Records Division
811 Anderson Lane, Suite 100,
Madison, TN 37115
615-862-7631



MNPD Open Records Request Form

This form is to be completed for copies of records or files and inspection of
Law Enforcement Personnel Records offered by the Metropolitan Nashville Police Department

Date: APRIL 21 2023

This form complies with TENNESSEE CODE ANNOTATED - TITLE 10, CHAPTER 7, PART 5.

Section A

Requestor Information: (Business/Citizen Information)

Business Name: StillWatch Investigations

Business Address: 202 Tyne Bay Dr City Hendersonville State TN Zip 37075

Business Telephone Number: 615-207-4115

Print Full Name: Clata Renee Brewer

Personal Home Address: 202 Tyne Bay Drive City Hendersonville State TN Zip 37075

Personal Telephone Number: 615-207-4115

Email Address: renee@stillwatchpi.com

Signature of Requestor: *Clata Brewer*

Send Results By: Postal Mail In Person Email

Photo copy of photo ID with address must be attached to this request.

Note: Pursuant to T.C.A. § 10-7-503(a)(2)(B), "In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days: (i) Make the information available to the requestor; (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information."

Type of Service Requested:

Complaint Number: _____

Background Check Accident Report In Car Camera(s) - Date/Time: _____ / _____ Officer/Car# _____ **Section B**

ARL Records Incident Report Body Worn Camera - Date/Time: _____ / _____ Officer(s) _____

Copy of Case File CAD Report Adoption Letter Mug Shot*

Personnel File Arrest Report Photos Fingerprints*

Disciplinary File Visa Letter OPA File: _____ IA/OPA Number if Known _____

*****PLEASE PROVIDE AS MUCH INFORMATION ABOVE AS POSSIBLE TO HELP FULFILL YOUR REQUEST*****

Other (Please explain in detail) See Attached

*Fingerprints and Mug Shots requests are completed by our Forensic Services Division located at 400 Myatt Drive, Madison, TN 37115

Section C

Subject of Request (If request is for Inspection of MNPD Personnel Files skip to Section E)

Name (Last) (First) (Middle)

A.K.A. Names (Maiden, Other, etc.)

1 (Last) (First)

2 (Last) (First)

Date of Birth Race Sex

Social Security Number Driver License Number

Street Address: City State Zip

(NOTE: The accuracy of the information you provide is critical as all searches are conducted based on the information provided.)

EFILED 05/10/23 12:38 PM CASE NO. 23C1019 Joseph P. Day, Clerk

Type of Service Requested

Section 1) For purposes of this numbered request and for all that follow the term "the March 27, 2023 incident" means "The mass shooting that occurred at The Covenant School, in Nashville, Tennessee where local resident and former student of the school Aiden Hale killed three children and three adults."

Section 2) all writings to include a manifesto of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 3) all records depicting or describing the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 4) all records depicting or describing analysis of the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 5) all records of communications between the Metropolitan Nashville Police Department and the Office of the Director of Community Safety of Nashville, TN regarding the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 6) all records of communications between the Metropolitan Nashville Police Department and the Office of the Mayor of Nashville, TN regarding the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 7) all records of communications between the Metropolitan Nashville Police Department and the Federal Bureau of Investigation regarding the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 8) all records of communications between the Metropolitan Nashville Police Department and the White House regarding the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

Section 9) all records, including emails, texts, and other communications to and from the Metropolitan Nashville Police Department mentioning or regarding the writings of Aiden Hale recovered by the Metropolitan Nashville Police Department relating to "the March 27, 2023 incident" as described in Section 1.

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

MICHAEL PATRICK LEAHY, and)
STAR NEWS DIGITAL MEDIA,)
INC.,)
)
Petitioners)
)
v.)
)
METROPOLITAN GOVERNMENT)
OF NASHVILLE AND DAVIDSON)
COUNTY)
)
Respondent.)

Case No. _____

MOTION FOR SHOW CAUSE HEARING

Pursuant to Tenn. Code Ann. § 10-7-505(b) Petitioners request an Order from this Court requiring Respondent to immediately appear and show cause, if they have any, why the petition for disclosure of certain public records regarding the mass murder Audrey Hale perpetrated at The Covenant School should not be granted. Petitioners further request the show cause hearing be set as soon as possible and that this Court retain jurisdiction over this action.

1. Petitioners filed their Petition on May 10, 2023.¹
2. Pursuant to Tenn. Code Ann. § 10-7-503, Petitioners have requested: (1) “all written records and documents, including written manifestos. journals, written notes, memoirs, and school yearbooks obtained by the Metro Nashville Police

¹ Petitioners will expeditiously serve the summons. The Complaint was also emailed to Wally Dietz, the Director of the Department of Law for Respondent on May 10, 2023.

Department from search warrants executed on Monday March 27, 2023 and throughout the week of March 27, 2023 at the residence of Audrey Hale in Nashville and the car driven by Audrey Hale and left at the Covenant Presbyterian School parking lot on March 27, 2023 related to the investigation of the murder of six people at Covenant Presbyterian School by Audrey Hale on Monday March 27, 2023.” And (2) “the autopsy report of Audrey Elizabeth Hale and the toxicology report from that autopsy.” See Petition, ¶¶ 6 and 8.

3. The mass murder at the Covenant School appears to be an act of “domestic terrorism,” as defined at 18 U.S.C. § 2331(5), against Christian children for the express purpose of intimidating or coercing the citizens of Tennessee and influencing the policy and conduct of the State’s government by intimidation, coercion, and mass destruction.

4. The terrorist’s motivations, and her ideological justification for murdering children, are matters of compelling public interest.

5. Therefore, Petitioners ask for the show cause hearing to be set as soon as possible. At that hearing, Petitioners will request the specified records be disclosed on an expedited basis.

6. Currently, there are two cases in Chancery Court requesting documents from Respondent related to the terrorist Audrey Hale and the Metro Nashville Police Department. (1) *James Hammond, et. al. v. Metropolitan Government of Nashville and Davidson County*, 23-0542-III and (2) *Clata Brewer v. Metropolitan Government of Nashville and Davidson County*, 23-0538-III. However, Petitioners request this

Court exercise its discretion under Local Rule 1.03, 3.04, and 3.06 and retain jurisdiction of this matter for the following reasons.

7. First, Petitioners' requests for documents are substantially narrower than the requests made in the two currently consolidated Chancery Court cases.

8. Specifically, Petitioners here have requested the documents obtained by MNPd during the execution of its search warrant on or around March 27, 2023, and the autopsy and toxicology report of Audrey Hale.

9. By contrast, Petitioner Hammond requested "all email communication of MNPd officials regarding the mass shooting committed by Audrey Elizabeth Hale on March 27, 2023, as well as MNPd officials' text messages regarding the same, and copies of the 'manifesto' reported left by Audrey Elizabeth Hale in her vehicle" along with additional items such as all body cam footage. *See* Hammond Petition, ¶¶ 12 & 15, attached here as Exhibit 1.

10. Petitioner Brewer requested similar documents plus "[5] all records of communications between the Metropolitan Nashville Police Department and the Office of the Director of Community Safety of Nashville, TN regarding the writings of [Audrey] Hale... [6] all records of communications between [MNPd] and the Office of the Mayor of Nashville, TN regarding the writings of [Audrey] Hale... [7] all records of communications between [MNPd] and the Federal Bureau of Investigation regarding the writings of [Audrey] Hale... [8] all records of communications between [MNPd] and the White House regarding the writings of [Audrey] Hale... [9] all records, including emails, texts, and other communications to and from the [MNPd]

mentioning or regarding the writings of [Audrey] Hale....” See Brewer Amended Petition, ¶1 and Exhibit A to the Petition, attached here at Exhibit 2.

11. Petitioners here believe that Petitioner Hammond and Petitioner Brewer have properly requested public records and that these should be disclosed under Tenn. Code Ann. § 10-7-503. However, these requests necessarily expand the scope of the documents that must be produced, and therefore Metro has said that it needs additional time to gather the documents for the Chancery Court’s review.

12. It is unclear to this Petitioner why MNPDP needs to gather documents for Chancery Court review. MNPDP denied the Requests based on Rule 16 of the Tennessee Rules of Criminal Procedure, there is no currently pending “case” under Rule 16, therefore the documents are public records and should be produced. Regardless, what is clear between these three requests is that Petitioner here has requested a significantly narrower scope of documents. In fact, Petitioners’ Requests are almost the same documents that MNPDP announced it was preparing for publication on April 27, 2023. Petition, ¶ 12.

13. The only stated reason for MNPDP’s refusal to release these records, at this point, is that there is “pending litigation.” Petition, ¶ 13. The “pending litigation” are the two Chancery Court cases identified above. A petition seeking documents pursuant to the Tennessee Public Records Act (“TPRA”), Tenn. Code Ann. § 10-7-505 is not a legitimate, legal reason for a governmental entity to withhold records.

14. It would be manifestly unjust, and arguably a facial violation of Tenn. Code Ann. § 10-7-503(a)(2)(A) (when a record cannot be “promptly” made available

for inspection then the custodian has 7 days to make it available) and 10-7-505(d) (noting this section “shall be broadly construed so as to give the fullest possible public access to public records) to delay disclosure to Petitioners on nothing more than bureaucratic grounds while the merits of these other broader public records requests are resolved.

15. Second, all Petitioners have a compelling case for prompt disclosure under the TPRA. But due to the number of attorneys involved in the Chancery Court cases, coordinating schedules was difficult causing the “immediate” show cause hearing to be rescheduled until June 8, 2023. Administrative delay is not a competent legal justification for denying disclosure. Yet, although the law requires disclosure *now* of the requested records regarding the domestic terrorist attack on the children at The Covenant School, they are being withheld from these Petitioners and the public for entirely ministerial reasons. Transfer and consolidation to Chancery Court would only delay these Petitioners ability to obtain the limited public records they requested for no legitimate reason.

16. Local Rule 1.03 provides the Purpose of the Local Rules: “to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay. The Judge or Chancellor will deviate from these local rules on in the exceptional cases where justice so requires.” Petitioners are entitled to pursue their claim without being transferred to and consolidated with another case. This would only cause unnecessary delay, and expense, and will complicate the

process. This Court retaining jurisdiction will accomplish all of the goals of Local Rule 1.03.

WHEREFORE, Petitioners request that this court retain jurisdiction and set a show cause hearing at the earliest possible time.

Respectfully Submitted,

/s/ Nicholas R. Barry
Nicholas R. Barry
TN Bar No. 031963
611 Pennsylvania Ave SE #231
Washington, DC 20003
(615) 431-9303

Certificate of Service

I hereby certify that a copy of the foregoing was mailed to Defendant Metropolitan Government of Nashville and Davidson County in care of Wallace W. Dietz, Director, Dept. of Law, Metropolitan Government of Nashville & Davidson County, Metropolitan Courthouse, 1 Public Square, Suite 108, Nashville, TN 37210 (and a copy sent by email to wally.dietz@nashville.gov, lora.fox@nashville.gov, cynthia.gross@nashville.gov, and phylinda.ramsey@nashville.gov) on May 10, 2023.

/s/ Nicholas R. Barry
Nicholas R. Barry

EXHIBIT 1



John Cooper, Mayor

Steve Anderson
Chief of Police

PUBLIC RECORD REQUEST RESPONSE FORM

Governmental Entity Name and Address: MNPD Central Records Division 811 Anderson Lane, Suite 100 Madison, TN 37115

Date: 25 APRIL 2023 RE: AUDREY HALE/ COVENANT SCHOOL SHOOTING

Requestor's Name and Contact Information: STAR NEWS DIGITAL MEDIA, INC

In response to your records request received on _____ our office is taking the action(s) indicated below:
[Date Request Received]

The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location: _____; or

Being delivered via: USPS First-Class Mail Electronically Other: _____.

Your request is denied on the following grounds:

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

You are not a Tennessee citizen.

You have not paid the estimated copying/production fees.

The following state, federal, or other applicable law prohibits disclosure of the requested records:

Open Case - Rule 16 of the Tennessee Rules of Criminal Procedure and Tennessean v. Metro. Gov't of Nashville, 485 S.W.3d 857 (Tenn. 2016)

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact Public Records Request Coordinator.

Sincerely,

Central Records Division 615-862-7631

ENO 869601



EXHIBIT 2



John Cooper, Mayor

Steve Anderson
Chief of Police

PUBLIC RECORD REQUEST RESPONSE FORM

Governmental Entity Name and Address: MNPD Central Records Division 811 Anderson Lane, Suite 100 Madison, TN 37115

Date: 28 APRIL 2023 RE: AUDREY HALE /THE COVENANT SCHOOL

Requestor's Name and Contact Information: STAR NEWS DIGITAL MEDIA

In response to your records request received on [Date Request Received] our office is taking the action(s) indicated below:

[] The public record(s) responsive to your request will be made available for inspection:

[] Location: _____

[] Date & Time: _____

[] Copies of public record(s) responsive to your request are:

[] Attached;

[] Available for pickup at the following location: _____; or

[] Being delivered via: [] USPS First-Class Mail [] Electronically [] Other: _____

[x] Your request is denied on the following grounds:

[] Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

[] No such record(s) exists or this office does not maintain record(s) responsive to your request.

[] No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

[] You are not a Tennessee citizen.

[] You have not paid the estimated copying/production fees.

[x] The following state, federal, or other applicable law prohibits disclosure of the requested records:

Open Case - Rule 16 of the Tennessee Rules of Criminal Procedure and Tennessean v. Metro. Gov't of Nashville, 485 S.W.3d 857 (Tenn. 2016)

[] It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

[] It has not yet been determined that records responsive to your request exist; or

[] The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____

If you have any additional questions regarding your record request, please contact Public Records Request Coordinator.

Sincerely,

Central Records Division 615-862-7631

ENO 869601

