

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

CLATA RENEE BREWER

Plaintiff/Petitioner

v.

METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON  
COUNTY

Defendant/Respondent

No. \_\_\_\_\_

VERIFIED COMPLAINT AND PETITION FOR ACCESS TO PUBLIC RECORDS

Plaintiff files this Complaint as her petition to receive prompt access to inspect and copy certain records created and 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. Tenn. Code Ann. § 10-7-503(2)(A).

4. Metropolitan Government is the creator and custodian of the records Plaintiff seeks.

5. The Metro Police Department has not yet responded to Plaintiff’s request, but on April 12, 2023, it denied a substantively identical request of Tonda Johnson as shown by Exhibit B hereto.

6. As shown by Exhibit A, the records Plaintiff has requested 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, Adian Hale, also known as Audrey Hale, unlawfully, entered the Covenant School while heavily armed and began shooting and killing staff and students of that school.

7. 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.

8. 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 because of the incident.

9. 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 SW3d 857 (Tenn. 2016).

10. Because there is no 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 SW2d 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.

11. 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.

12. 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.

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 neither a pending criminal prosecution nor one reasonably likely to begin related to the records sought in a request under the Public Records Act.

6. 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;

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

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

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

Respectfully Submitted,

/s/Douglas R. Pierce

Douglas R. Pierce, No. 010084

KING & BALLOW

315 Union Street, Suite 1100

Nashville, TN 37201

Telephone: (615) 259-3456

dpierce@kingballow.com

VERIFICATION

State of Tennessee

County of Sumner

Clata Renee Brewer, being first duly sworn, makes oath that she is the named Plaintiff in this case and that she has read the foregoing Complaint and Petition and knows the contexts thereof, and that the statements therein are true based upon her own knowledge, information and belief.

Clata Renee Brewer  
Clata Renee Brewer

Subscribed and sworn before me this 28 day of April, 2023.

Gracie Downs  
Notary Public

My commission expires on 9/27/2026



# 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 R 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: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Background Check  | <input type="checkbox"/> Accident Report |
| <input type="checkbox"/> ARL Records       | <input type="checkbox"/> Incident Report |
| <input type="checkbox"/> Copy of Case File | <input type="checkbox"/> CAD Report      |
| <input type="checkbox"/> Personnel File    | <input type="checkbox"/> Arrest Report   |
| <input type="checkbox"/> Disciplinary File | <input type="checkbox"/> Visa Letter     |

☐ In Car Camera(s) - Date/Time: \_\_\_\_\_ / \_\_\_\_\_ Officer/Car# \_\_\_\_\_

☐ Body Worn Camera - Date/Time: \_\_\_\_\_ / \_\_\_\_\_ Officer(s) \_\_\_\_\_

☐ Adoption Letter ☐ Mug Shot

☐ Photos ☐ Fingerprints

☐ 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.)

## 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.

# EXHIBIT B



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: 12 APRIL 2023 RE: THE COVENANT SCHOOL DOI 3/27/2023

Requestor's Name and Contact Information: THE NATIONAL POLICE ASSOCIATIONS, 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

