

**I. TENN. R. APP. P. 10(c)(1) STATEMENT OF QUESTIONS
PRESENTED FOR REVIEW**

This extraordinary appeal presents one question for review:

1. Whether this Court should vacate the trial court's order that Tennessee Star reporter Michael Patrick Leahy "show cause" why he should not be subject "to contempt proceedings and sanctions" for publishing lawfully obtained, newsworthy documents to his readership.

**II. TENN. R. APP. P. 10(c)(2) STATEMENT OF THE FACTS
NECESSARY TO AN UNDERSTANDING OF WHY AN
EXTRAORDINARY APPEAL LIES**

Reporter Michael Patrick Leahy is the Editor-in-Chief of the Tennessee Star, a news organization. *See Ex. 1*, Chancellor’s Order Setting Show Cause Hearing, at 1. After obtaining newsworthy documents of public concern from a confidential source, the Tennessee Star published several stories about the documents to its readership. *See, e.g.*, Tom Pappert, *Audrey Hale Wrote Political Rant About Guns and Transgenderism One Month Before Covenant School Attack*, THE TENNESSEE STAR (Jun. 5, 2024), <https://tennesseestar.com/justice/audrey-hale-wrote-political-rant-about-guns-and-transgenderism-one-month-before-covenant-school-attack/tpappert/2024/06/05/> (“The Tennessee Star has obtained dozens of handwritten pages authored by Audrey Elizabeth Hale, who committed the horrific Covenant School shooting on March 27, 2023.”). In response, the Davidson County Chancery Court has ordered both the Tennessee Star and Mr. Leahy to appear in person for hearing on seven days’ notice and “show cause” why their reporting does not “subject[] them to contempt proceedings and sanctions.” *See Ex. 1*, Chancellor’s Order Setting Show Cause Hearing, at 1.

The trial court’s Show Cause Order is legally and constitutionally infirm on numerous grounds.

First, the Show Cause Order appears to contemplate that Mr. Leahy will be required to disclose information—or the source of the information—that he received for publication, though Tennessee’s media

Shield Law forbids any court from compelling him to do that. *See* Tenn. Code Ann. § 24-1-208(a) (“A person engaged in gathering information for publication or broadcast connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast, shall not be required by a court, a grand jury, the general assembly, or any administrative body, to disclose before the general assembly or any Tennessee court, grand jury, agency, department, or commission any information or the source of any information procured for publication or broadcast.”).

Second, the trial court’s Show Cause Order compels Mr. Leahy to demonstrate to the Court’s satisfaction why he should *not* be subject “to contempt proceedings and sanctions[,]” though Tennessee Rule of Criminal Procedure 42(b) forbids such impermissible burden-shifting. *See Id.* at 2014 Advisory Comm’n Cmt. (“[t]he reference in Rule 42(b)(2) to ‘a show cause order’ was deleted[,]” because “requiring an alleged contemner to ‘show cause’ why he or she should not be held in contempt impermissibly placed the burden of proof on the alleged contemner.”).

Further, the Show Cause Order does not identify either the “Orders” or the provisions of the previous “Orders” that the trial court believes Mr. Leahy may have violated, **Ex. 1** at 1–2, and none are apparent. As a result, Mr. Leahy has been left to guess what he is accused of doing that the trial court believes may subject him “to contempt proceedings and sanctions[,]” *see id.* at 2, thereby depriving Mr. Leahy of the fair “notice” that Tenn. R. Crim. P. 42(b)(1)(C) contemplates. The trial court’s Show Cause Order only afforded Mr. Leahy seven days to prepare for the evidentiary show cause hearing, too, though he is

entitled to “a reasonable time to prepare a defense[.]” Tenn. R. Crim. P. 42(b)(1)(B).

Third, because the trial court’s Show Cause Order fails to identify the previous orders—or the provisions within them—that the trial court believes Mr. Leahy may have violated, the Show Cause Order does not afford Mr. Leahy meaningful notice of the concerns that he is being ordered to address. As a result, Mr. Leahy has been deprived of a meaningful ability to prepare for and be heard in response to the trial court’s uncertain concerns. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (“The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’”)

Fourth, though the text of the trial court’s previous orders does not appear to support this drastic interpretation, the trial court’s Show Cause Order strongly implies that the trial court interprets one of its previous orders to restrict Mr. Leahy—a reporter—from publishing information about lawfully obtained documents to his readership. If that is, indeed, how the trial court views one of its previous orders, then such a prior restraint would suffer from obvious and insurmountable constitutional infirmities. *See, e.g., Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976) (“[P]rior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.”); *Procter & Gamble Co. v. Bankers Tr. Co.*, 78 F.3d 219, 227 (6th Cir. 1996) (to impose a prior restraint against pure speech, a “publication must threaten an interest more fundamental than the First Amendment itself. Indeed, the Supreme Court has never upheld a prior restraint, even faced with the competing interest of national security or the Sixth

Amendment right to a fair trial.”); *see also New York Times Co. v. United States*, 403 U.S. 713, 714 (1971); *Smith v. Daily Mail Pub. Co.*, 443 U.S. 97, 102 (1979) (“[S]tate action to punish the publication of truthful information seldom can satisfy constitutional standards.”);

For all of these reasons, on June 12, 2024, Mr. Leahy filed an emergency motion to set aside the trial court’s June 10, 2024 order setting a June 17, 2024 show cause hearing. *See Ex. 2*, Emergency Mot. of Michael Patrick Leahy to Set Aside Jun. 10, 2024 Order Setting Show Cause Hearing. Mr. Leahy requested that the motion be adjudicated on an emergency basis and requested a ruling “by or before 12:00 p.m. CST on June 13, 2024.” *See id.* at 18. Absent such a ruling, Mr. Leahy informed the trial court that “he intends to seek emergency relief from the Tennessee Court of Appeals at 12:00 p.m. CST on June 13, 2024, if he has not first received relief here.” *Id.*

Mr. Leahy did not then receive the relief he sought from the trial court. Thus, he now applies to this Court for:

1. An emergency order staying enforcement of the trial court’s Show Cause Order and staying the June 17, 2024 hearing; and, later:
2. An order vacating the trial court’s Show Cause Order.

III. TENN. R. APP. P. 10(c)(3) STATEMENT OF THE REASONS SUPPORTING AN EXTRAORDINARY APPEAL

The trial court's Show Cause Order so far departs from the accepted and usual course of judicial proceedings as to require immediate review. In particular, the order: (1) violates Tenn. Code Ann. § 24-1-208(a), Tennessee's media shield law; (2) contravenes Tennessee's contempt law; (3) deprives Mr. Leahy of minimum due process guarantees; and (4) suffers from other serious constitutional infirmities. Accordingly, the trial court's Show Cause Order should be stayed on an emergency basis. Afterward, the trial court's Show Cause Order should be vacated.

A. THE SHOW CAUSE ORDER VIOLATES TENNESSEE'S SHIELD LAW.

Tennessee has enacted a robust media "shield law" that protects reporters from being compelled to reveal any information—or the source of any information—procured for publication or broadcast. In particular, Tenn. Code Ann. § 24-1-208(a) provides that:

A person engaged in gathering information for publication or broadcast connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast, shall not be required by a court, a grand jury, the general assembly, or any administrative body, to disclose before the general assembly or any Tennessee court, grand jury, agency, department, or commission any information or the source of any information procured for publication or broadcast.

Id.

The upshot of this right is that Mr. Leahy—who is "[a] person engaged in gathering information for publication or broadcast connected with or employed by the news media or press"—"shall not be required by a court . . . to disclose before . . . any Tennessee court . . . any information

or the source of any information procured for publication or broadcast.”
Id.

Such forbidden disclosure appears to be exactly what is contemplated by the trial court’s Show Cause Order. *See generally Ex. 1.* Mr. Leahy cannot lawfully be compelled to participate in a show cause hearing that requires him to disclose “any information or the source of any information procured for publication or broadcast[,]” however. *See* Tenn. Code Ann. § 24-1-208(a). Such compulsion would also seriously undermine freedom of the press and newsgathering generally. *See, e.g., Branzburg v. Hayes*, 408 U.S. 665, 681 (1972) (“without some protection for seeking out the news, freedom of the press could be eviscerated.”); *Bursey v. United States*, 466 F.2d 1059, 1083–84 (9th Cir. 1972) (“Freedom of the press was not guaranteed solely to shield persons engaged in newspaper work from unwarranted governmental harassment. The larger purpose was to protect public access to information.”); *Baker v. F&F Inv.*, 470 F. 2d 778, 782 (2d Cir. 1972) (“Compelled disclosure of confidential sources unquestionably threatens a journalist’s ability to secure information that is made available to him only on a confidential basis.... The deterrent effect [that] such disclosure is likely to have upon future ‘undercover’ investigative reporting ... threatens freedom of the press and the public’s need to be informed.”). The trial court’s Show Cause Order should be vacated accordingly.

B. THE SHOW CAUSE ORDER CONTRAVENES TENNESSEE’S CONTEMPT LAW.

Tennessee Rule of Criminal Procedure 42, which governs criminal contempt, once included “show cause” terminology akin to what is

included in the trial court's Show Cause Order. In 2014, though, "[t]he reference in Rule 42(b)(2) to 'a show cause order' was deleted[,] because 'requiring an alleged contemner to 'show cause' why he or she should not be held in contempt impermissibly placed the burden of proof on the alleged contemner.'" *Id.* at 2014 Advisory Comm'n Cmt.

The trial court's Show Cause Order reflects exactly that "impermissibl[e]" burden-shifting. *Id.* It orders Mr. Leahy to appear in person for "a Show Cause hearing to determine why [his behavior] . . . does not violate the Orders of this Court subjecting [him] to contempt proceedings and sanctions." **Ex. 1** at 2. Such an order is thus seriously problematic, particularly given that the Show Cause Order does not identify the previous orders or provisions within them that the Court believes may have been violated.

The trial court's Show Cause Order is out of step with other components of Tennessee's contempt law, too. In Tennessee, "there are two species of contempt, direct and indirect, which differ, among other ways, in the minimal procedures that will satisfy the requirements of due process in the case of each." *State v. Maddux*, 571 S.W.2d 819, 821 (Tenn. 1978). "Direct contempt is based upon acts committed in the presence of the court, and may be punished summarily." *Id.* "Indirect contempt is based upon acts not committed in the presence of the court, and may be punished only after the offender has been given notice, and the opportunity to respond to the charges at a hearing." *Id.* "With respect to these criteria, an act not committed in the presence of the court is treated as indirect contempt even though the act may be admitted by the offender

in open court.” *Id.* “The procedures governing prosecutions of indirect criminal contempt, such as this case, are outlined in” Tennessee Rule of Criminal Procedure 42(b). *See Black v. Blount*, 938 S.W.2d 394, 398 (Tenn. 1996).

This can only be an indirect contempt case, given that the matters that prompted the trial court’s Show Cause Order were not committed in the presence of the court. *See Ex. 1; Maddux*, 571 S.W.2d at 821. Indirect criminal contempt proceedings may only be “initiated on notice,” though. *See* Tenn. R. Crim. P. 42(b). That notice must also “state the essential facts constituting the criminal contempt charged and describe it as such” and “allow the alleged contemner a reasonable time to prepare a defense[.]” *See* Tenn. R. Crim. P. 42(b)(1)(B)–(C). The trial court’s Show Cause Order falls short of both of these requirements.

First, as noted, the Show Cause Order does not identify the specific orders or provisions within them that it believes may have been violated. *See generally Ex. 1*. That is no small omission under the circumstances, either. In contempt proceedings, “the order underlying the charge must be clear, specific, and unambiguous.” *Lehmann v. Wilson*, No. M2023-00232-COA-R3-CV, 2024 WL 901426, at *3 (Tenn. Ct. App. Mar. 4, 2024). Thus, “[o]rders which form the basis for a contempt charge must ‘expressly and precisely’ spell out the details of compliance in a way that ‘reasonable persons’ will know exactly what actions are required or forbidden.” *Id.*

Here, there are only two previous orders that appear to the undersigned to be implicated by the trial court’s Show Cause Order: (1)

the trial court's February 13, 2024 *Order Regarding Supplemental Filings and Declarations* (**Ex. 3**) and (2) the trial court's February 25, 2024 *Clarification Order Regarding Supplemental Filings and Declarations* (**Ex. 4**) The specific mandates set forth in those orders are as follows:

1. Any supplemental filings, declarations, and/or affidavits filed by the Parties and/or Amici or sought to be filed by the Parties and/or Amici containing any direct information, no matter how obtained, which is the subject matter of this case **SHALL NOT** be filed with the Court but **SHALL BE** submitted for *in camera* review following the procedures delineated in this case.¹
2. Any supplemental filings, declarations, and/or affidavits filed with the Clerk & Master on Tuesday, February 12, 2024, containing information, no matter how obtained, which is the subject matter of this case, shall not be made part of the record and shall be submitted to this Court for *in camera review*.²
3. No copies of any leaked document shall be filed into the record of the Court.³
4. No party shall directly quote or reproduce the contents of any such document in its briefing or argument.⁴

The conduct detailed in the trial court's Show Cause Order does not plausibly violate any of these previous mandates. *Cf. Konvalinka v. Chattanooga-Hamilton Cnty. Hosp. Auth.*, 249 S.W.3d 346, 356 (Tenn.

¹ **Ex. 3**, Feb. 13, 2024 Order Regarding Supplemental Filings and Declaration at 1.

² *Id.* at 1–2.

³ **Ex. 4**, Feb. 25, 2024 Clarification Order Regarding Supplemental Filings and Declarations at 2.

⁴ *Id.*

2008) (orders alleged to have been violated must “leave no reasonable basis for doubt regarding their meaning” and “should be interpreted in favor of the person facing the contempt charge.”); *Blankenship CPA Grp., PLLC v. Wallick*, No. M2022-00359-COA-R3-CV, 2023 WL 6420443, at *4 (Tenn. Ct. App. Oct. 3, 2023) (“This language is clear and specific. It does not enjoin all acts of harassment. It only prohibits acts of harassment directed toward or against the Firm and the others specifically listed.”). In particular, the externally published materials were not—and they did not purport to be—“supplemental filings, declarations, and/or affidavits filed by the Parties and/or Amici or sought to be filed by the Parties and/or Amici” See **Ex. 3** at 1. The externally published materials also were not—and they did not purport to be— “[a]ny supplemental filings, declarations, and/or affidavits filed with the Clerk & Master on Tuesday, February 12, 2024” *Id.* Nor were the externally published materials “filed into the record of the Court.” **Ex. 4** at 2. The externally published materials were not “quote[d] or reproduce[d] . . . in [Mr. Leahy’s] briefing or argument,” either. *Id.*

Given these circumstances, Mr. Leahy is left to guess what he is accused of doing that this Court believes may subject him “to contempt proceedings and sanctions.” **Ex. 1** at 2. That uncertainty deprives Mr. Leahy of the fair notice that Tenn. R. Crim. P. 42(b)(1)(C) requires.

Second, to the extent that Mr. Leahy is being treated as an alleged contemnor, he is entitled to “a reasonable time to prepare a defense[.]” See Tenn. R. Crim. P. 42(b)(1)(B). Affording Mr. Leahy just seven days to prepare for an evidentiary show cause hearing—particularly when the

underlying orders that Mr. Leahy is suspected of violating have not been specified—is not reasonable, though.

C. THE SHOW CAUSE ORDER DEPRIVES MR. LEAHY OF MINIMUM DUE PROCESS GUARANTEES.

“Two of the essential requirements of due process are pre-deprivation notice and an opportunity to be heard.” *Thompson v. Memphis City Sch. Bd. of Educ.*, 395 S.W.3d 616, 627 (Tenn. 2012). Both the notice afforded to a litigant and the opportunity to be heard must be “meaningful,” too. *See Mathews*, 424 U.S. at 333.

Here, by failing to identify the previous orders—or the provisions within them—that the trial court believes Mr. Leahy may have violated, the trial court’s Show Cause Order does not afford Mr. Leahy meaningful notice of the concerns that he is being ordered to address. As detailed above, because the conduct described in the trial court’s Show Cause Order does not plausibly violate any mandate in the trial court’s preceding February 13, 2024 *Order Regarding Supplemental Filings and Declarations* or February 25, 2024 *Clarification Order Regarding Supplemental Filings and Declarations*, Mr. Leahy and his counsel are also unable to prepare meaningfully for the trial court’s show cause hearing without receiving further clarity about the orders that Mr. Leahy is being accused of violating.

Because it appears clear—at least in the trial court’s view—that Mr. Leahy is at risk of being subjected “to contempt proceedings,” *see Ex. 1* at 2, Mr. Leahy also *cannot* safely participate in a show cause hearing. Because he does not know the orders he is being accused of violating, anything that he says risks incriminating him with respect to future-but-

as-yet-unknown contempt charges based on unidentified provisions of unidentified orders. As a result, Mr. Leahy’s counsel will advise him to exercise his right not to testify at the Court’s show cause hearing, and the trial court cannot lawfully compel him to do so. *See* U.S. Const. amend. V (“No person . . . shall be compelled in any criminal case to be a witness against himself”).

Simply put: Mr. Leahy cannot risk responding to the trial court’s inquiries when he has not received meaningful pre-hearing notice of the specific provisions of the specific orders that the trial court suspects he may have violated. Under these circumstances, the trial court’s show cause order contravenes minimum due process guarantees and should be set aside.

D. THE SHOW CAUSE ORDER IMPLIES SERIOUS CONSTITUTIONAL INFIRMITIES.

The strong implication of the trial court’s Show Cause Order is that it interprets one of its earlier orders to restrict Mr. Leahy—a reporter—from publishing information about lawfully obtained documents to his readership. If the trial court interprets one of its earlier orders that way, though, then the order is a prior restraint that suffers from serious and obvious constitutional infirmities and is presumptively unconstitutional. *See Malone v. Rose*, No. M2023-01453-COA-WR-CV, 2024 WL 1281109, at *4 (Tenn. Ct. App. Mar. 26, 2024) (“An impermissible ‘prior restraint’ exists when the exercise of First Amendment rights depends upon prior approval of public officials. . . . A system creating prior restraints bears a heavy presumption against its constitutional validity.”) (quoting *In re Conservatorship of Turner*, No. M2013-01665-COA-R3-CV, 2014 WL

1901115, at *8 (Tenn. Ct. App. May 9, 2014), *no appl. perm. appeal filed*).

“[P]rior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.” *Neb. Press Ass’n*, 427 U.S. at 559. As a result, they are presumptively invalid. *See Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963) (“Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.”) (collecting cases); *see also Int’l Outdoor, Inc. v. City of Troy, Michigan*, 974 F.3d 690, 697 (6th Cir. 2020) (“Prior restraints are presumptively invalid”) (cleaned up). “[C]ourt orders that actually forbid speech activities [] are classic examples of prior restraints.” *Alexander v. United States*, 509 U.S. 544, 550 (1993). Tennessee law, for its part, separately guarantees citizens “arguably an absolute right . . . to make public whatever he may choose.” *See State v. Marshall*, 859 S.W.2d 289, 293 (Tenn. 1993) (“Thus we see that under our Constitutions there are two distinct elements to the right to freedom of expression. The first, arguably an absolute right, guarantees to each citizen the freedom to make public whatever he may choose. The prohibition against the prior restraint of publication serves to protect the sanctity of this right.” (quoting *Long v. 130 Mkt. St. Gift & Novelty of Johnstown*, 294 Pa. Super. 383, 399, 440 A.2d 517, 525 (1982))).

Given this context, any prior restraint order “bear[s] a heavy presumption against its constitutional validity[,]” *Bantam Books, Inc.*, 372 U.S. at 70, and must be able to withstand “the heavy burden” of First Amendment scrutiny. *See, e.g., Shak v. Shak*, 484 Mass. 658, 663, 144 N.E.3d 274, 279 (2020) (“as important as it is to protect a child from the

emotional and psychological harm that might follow from one parent’s use of vulgar or disparaging words about the other, merely reciting that interest is not enough to satisfy the heavy burden of justifying a prior restraint.”). To impose a prior restraint against pure speech, a “publication must threaten an interest more fundamental than the First Amendment itself. Indeed, the Supreme Court has never upheld a prior restraint, even faced with the competing interest of national security or the Sixth Amendment right to a fair trial.” *See Procter & Gamble Co.*, 78 F.3d at 227; *see also New York Times Co.*, 403 U.S. at 714. Alongside these protections, the U.S. Supreme Court has instructed that “state action to punish the publication of truthful information seldom can satisfy constitutional standards.” *Smith*, 443 U.S. at 102.

With these considerations in mind, Mr. Leahy is being threatened with contempt and sanctions based on an unspecified previous order that—at least as the trial court interprets it—cannot possibly be “lawful” for contempt purposes and cannot give rise to liability as a result.⁵ Thus,

⁵ “Ordinarily if a court issues an injunction, the parties enjoined must obey it, even if they believe the statute on which the injunction was based is unconstitutional. This is called the Collateral Bar Rule.” *See Tennessee Dep’t of Health v. Boyle*, No. M2001-01738-COA-R3-CV, 2002 WL 31840685, at *8 (Tenn. Ct. App. Dec. 19, 2002) (citing *Howat v. Kansas*, 258 U.S. 181 (1922)). “This rule, however, does not apply to civil contempt” under Tennessee law. *Id.* The reason why is straightforward: to sustain a contempt charge, Tennessee law requires that an order be “lawful.” *Konvalinka*, 249 S.W.3d at 355. Under Tennessee law, though, unconstitutional actions are treated as having been taken *without* authority. *See Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827, 850 (Tenn. 2008) (“[A]n officer acting pursuant to an unconstitutional statute does not act under the authority of the state[.] . . . [T]he power of the

if the trial court believes it has entered a prior restraint order that Mr. Leahy may have violated by publishing information about lawfully obtained documents to his readership, then Mr. Leahy is entitled to challenge the constitutionality of the order before being subject to contempt. *See Gider v. Hubbell*, No. M2016-00838-COA-R3-JV, 2017 WL 1536475, at *4–5 (Tenn. Ct. App. Apr. 27, 2017) (allowing litigant to contest the constitutionality of a prior restraint after being charged with civil contempt for violating it); *see also Defiance of Unlawful Authority*, 83 HARV. L. REV. 626, 634–35 (1970) (“refusing to hear collateral attacks may, by seeming to sanction judicial lawlessness, work against the societal interest in fostering respect for judicial processes.”).

IV. TENN. R. APP. P. 10(c)(4) STATEMENT OF THE RELIEF SOUGHT

This Court should issue an emergency stay order staying enforcement of the trial court’s Show Cause Order and staying the June 17, 2024 hearing. Afterward, this Court should vacate the trial court’s Show Cause Order.

State is limited by the state and federal constitutions.”); *State v. King*, No. 01C01-9608-CR-00343, 1997 WL 576490, at *2 (Tenn. Crim. App. Sept. 18, 1997) (“In this jurisdiction, an unconstitutional statute or an amendment to a constitutional statute is void *ab initio*-from the date of its enactment.”); *State v. Woodard*, No. E2016-00676-CCA-R3-CD, 2017 WL 2590216, at *9 (Tenn. Crim. App. June 15, 2017) (“as our supreme court has repeatedly recognized, a criminal statute that is unconstitutional on its face is ‘void from the date of its enactment’ and cannot, therefore, provide the basis for a ‘valid conviction.’”) (cleaned up) (collecting cases). An unconstitutional prior restraint order cannot be considered “lawful” for contempt purposes as a result. *Id.*

V. CONCLUSION

For the foregoing reasons, the Appellant's Application should be **GRANTED**. The Appellant's Appendix of Exhibits follows below.

VI. TENN. R. APP. P. 10(c) APPENDIX OF EXHIBITS

1. **Exhibit 1**, Chancellor's Order Setting Show Cause Hearing
2. **Exhibit 2**, Emergency Mot. of Michael Patrick Leahy to Set Aside Jun. 10, 2024 Order Setting Show Cause Hearing
3. **Exhibit 3**, Feb. 13, 2024 Order Regarding Supplemental Filings and Declaration.
4. **Exhibit 4**, Clarification Order Regarding Supplemental Filings and Declarations.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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