

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

WENDI C. THOMAS,

Plaintiff,

v.

CITY OF MEMPHIS,

and

JIM STRICKLAND,
in his individual capacity,

and

URSULA MADDEN,
in her individual capacity,

Defendants.

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Wendi C. Thomas, for her complaint against Defendants the City of Memphis (the “City”); its Mayor, Jim Strickland (“Mayor Strickland”); and its Chief Communications Officer, Ursula Madden (“Ms. Madden”) (collectively, “Defendants”), alleges, by and through her attorneys, as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Wendi Thomas is the founder, editor, and publisher of *MLK50: Justice Through Journalism* (“MLK50”), an award-winning online news website based in Memphis. MLK50’s coverage focuses on the issues that animated Dr. Martin Luther King Jr.’s life—the intersection of poverty, power, and public policy. Since its founding in 2017, MLK50 has

published hundreds of articles and thousands of social media posts, which break news, provide incisive commentary, and highlight the perspective of workers, low-income residents, immigrants, activists, and organizers. MLK50 received the 2019 Best Practices Award from the National Association of Black Journalists, was among the first eleven recipients of grants from the American Journalism Project, and was selected to participate in ProPublica's Local Reporting Network, which supports investigative reporting at local and regional news outlets.

2. Before founding MLK50, Ms. Thomas worked for many years as a reporter or editor at large metropolitan newspapers, including the *Indianapolis Star*, the *Tennessean* in Nashville, and the *Charlotte Observer*. For more than a decade, she served as a metro columnist and assistant managing editor at *The Commercial Appeal* in Memphis. More recently, Ms. Thomas was selected as a 2016 fellow at the Nieman Foundation for Journalism at Harvard University.

3. Ms. Thomas won the 2020 Selden Ring Award for Investigative Reporting for her series "Profiting from the Poor," which exposed Methodist Le Bonheur Healthcare's aggressive debt collection practices. In response to the June 2019 joint MLK50-ProPublica investigation, the nonprofit hospital announced it would expand its financial assistance policy, stop charging interest and attorney's fees on hospital debt lawsuits, stop suing its own employees, and raise the pay of all its workers to \$15 per hour by 2021. In addition, Methodist Le Bonheur Healthcare has since erased the debts owed by more than 5,300 patients it sued for unpaid hospital bills.

4. Defendant the City of Memphis is a home rule municipality governing Tennessee's largest city.

5. On information and belief, Defendant Jim Strickland is a citizen of the United States and a resident of Memphis, Shelby County, Tennessee. He is sued in only his individual

capacity. Currently and at all relevant times herein, Mayor Strickland has been the Mayor of the City of Memphis and has led the City's Executive Division, which includes the City's Office of Communications.

6. On information and belief, Defendant Ursula Madden is a citizen of the United States and a resident of Memphis, Shelby County, Tennessee. She is sued in only her individual capacity. Currently and at all relevant times herein, Ms. Madden has been the City's Chief Communications Officer and has led the City's Office of Communications.

7. This is an action for declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 based on repeated and ongoing violations of Plaintiff's rights under the First, Fifth, and Fourteenth Amendments to the United States Constitution and Article I, Section 19 of the Tennessee Constitution. The Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. § 1331. The Court has supplemental jurisdiction over Plaintiff's claim under the Tennessee Constitution pursuant to 28 U.S.C. § 1367.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2) and in the Western Division pursuant to 28 U.S.C. § 123 and Local Rule 3.3. All Defendants reside within this District and Division, and a substantial part of the events or omissions giving rise to the claim occurred in this District and Division.

FACTS

9. The First Amendment reflects our country's "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *N.Y. Times v. Sullivan*, 376 U.S. 254, 270 (1964). As the Supreme Court of the United States has explained, the First Amendment protects "a right to gather information," because "without some protection for seeking the news, freedom of the press could be eviscerated." *Richmond*

Newspapers, Inc. v. Virginia, 448 U.S. 555, 576 (1980) (citing *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972)). The Sixth Circuit has similarly held that “[t]he protected right to publish the news would be of little value in the absence of sources from which to obtain it.” *CBS, Inc. v. Young*, 522 F.2d 234, 238 (6th Cir. 1975). As such, “[n]ews gathering . . . qualifies for First Amendment protections.” *Id.* (citing *Branzburg*, 408 U.S. at 681, 707).

10. Article I, Section 19 of the Tennessee Constitution also protects the freedoms of speech and press. As the Tennessee Supreme Court has explained, “Tennessee’s Constitution requires that any infringement upon the ‘free communication of thoughts’ and any stumbling block to the complete freedom of the press ‘to examine [and publish] the proceedings . . . of any branch or officer of the government’ is regarded as constitutionally suspect, and at the very threshold there is a presumption against the validity of any such impediment.” *Press, Inc. v. Verran*, 569 S.W.2d 435, 442 (1978).

11. This case arises from the retaliatory and unconstitutional conduct of Defendants, who have repeatedly denied requests to add Ms. Thomas’s MLK50 email address to the email list the City uses to alert members of the news media about events and actions involving the City (the “Media Advisory List”).

12. The City maintains the Media Advisory List to alert members of the press about newsworthy events and actions involving the City. The Media Advisory List is one of the primary, and most convenient, means by which Defendants provide timely information to journalists about City government news and press conferences held by City officials.

13. The City’s Office of Communications, led by Ms. Madden, manages the Media Advisory List. According to the City’s website, the Office of Communications was formed in

2016 in response to “Mayor Jim Strickland’s charge to be the most transparent and communicative administration in Memphis history.”

14. As of January 20, 2019, the Media Advisory List included nearly 150 media organizations, individual reporters, and others. Among the email addresses included on the Media Advisory List as of that date were at least six associated with *The Commercial Appeal*, Ms. Thomas’s former employer. Email addresses for more than 25 journalists at The Daily Memphian, an online-only publication like MLK50, were included on the Media Advisory List as of that date. A true and correct copy of a January 20, 2019 email sent by the City to the Media Advisory list is attached as Exhibit A.

15. The January 20, 2019 email attached as Exhibit A also includes email addresses associated with the Memphis and Shelby County Film/TV Commission, the City, the John M. Glover Insurance Agency, and choose901.com, as well as a variety of individuals using Gmail and Yahoo! email accounts.

16. Ms. Thomas, via her personal Gmail address, was included on the Media Advisory List and received emails sent to the list by the City through at least January 22, 2018. On information and belief, at some unknown point in time thereafter, the City removed Ms. Thomas’s Gmail address from the Media Advisory List without notice to her.

17. Ms. Thomas requested that her MLK50 email address, as well as two other email addresses associated with MLK50, be added to the Media Advisory List on May 13, 2019, by sending an email to Ms. Madden in the City’s Communications Department and copying other members of the Communications Department staff. A true and correct copy of Ms. Thomas’s May 13, 2019 email is attached as Exhibit B.

18. The following day, on May 14, 2019, Ms. Madden's colleague, Arlenia Cole, replied to Ms. Thomas via her official email account, copying Ms. Madden's official email account, and stated "[w]ill do and thanks for the updates." A true and correct copy of Ms. Cole's May 14, 2019 email to Ms. Thomas is attached as Exhibit C. At that point, Ms. Thomas reasonably assumed, based on Ms. Cole's statement, that her MLK50 email address would be added to the Media Advisory List.

19. Ms. Thomas first became aware that Ms. Cole had not added her email address, or any other email address associated with MLK50, to the Media Advisory List in or about October 2019 when a journalist from another news outlet forwarded to Ms. Thomas an email sent by the City to the Media Advisory List. That email, dated October 23, 2019, pertained to the City's demonstration of a new data hub to members of the press. Upon learning that her MLK50 email address had not been added to the Media Advisory List in October 2019, Ms. Thomas once again asked Defendants to add her email address. Since then, she has renewed that request on a number of occasions. At no point since May 14, 2019, have Defendants provided any substantive response to any of Ms. Thomas's requests. Defendants, to date, have provided no explanation for their refusals to add Ms. Thomas's email address to the Media Advisory List.

20. On October 29, 2019, Ms. Thomas emailed Ms. Madden, copying other members of the Office of Communications staff. Ms. Thomas expressed her "surprise[]" that the City had not included her in the list of recipients of the October 23, 2019 media advisory email. Ms. Thomas asked that three email addresses associated with MLK50, including her own, be added to "any and all media advisory/distribution lists sent by any and all city departments." A true and correct copy of Ms. Thomas's October 29, 2019 email is attached as Exhibit D.

21. Receiving no response to her October 29, 2019 email, Ms. Thomas followed up via email and reiterated her request to be added to the Media Advisory List on both October 30 and October 31, 2019. True and correct copies of Ms. Thomas's October 30, 2019 and October 31, 2019 emails are attached as Exhibits E and F, respectively.

22. Ms. Thomas emailed Ms. Madden and her Office of Communications colleagues Dan Springer and Arlenia Cole again on November 6, 2019, providing additional details about MLK50 and repeating her request to be added to "the media advisory distribution list." A true and correct copy of Ms. Thomas's November 6, 2019 email is attached as Exhibit G. In the same email, Ms. Thomas requested that, if the City were to decide to deny her request to add email addresses associated with MLK50, including her own, to the Media Advisory List, she would like to know "the reason for that decision and to see the city policy that governs such decisions."

23. On November 20, 2019, Ms. Thomas emailed for a sixth time asking to be added to the list. A true and correct copy of Ms. Thomas's November 20, 2019 email is attached as Exhibit H. In it, Ms. Thomas emphasized that "[e]xclusion from these advisories makes it difficult for MLK50's journalists to do their jobs" and "respectfully ask[ed] for treatment equal to that provided to other local news organizations."

24. In or about November 2019, Ms. Thomas also left voicemails with and sent text messages to Ms. Madden and/or Ms. Cole seeking to have her MLK50 email address added to the Media Advisory List.

25. On January 14, 2020, Ms. Thomas sent a seventh email asking that her MLK50 email address be included on the Media Advisory List. A true and correct copy of Ms. Thomas's January 14, 2020 email is attached as Exhibit I. In it, Ms. Thomas referenced a public records

request that she had submitted that same day seeking “the city’s written policy that governs media credentialing and how it decides which journalists/outlets are added to media distribution lists.”

26. Beginning in October 2019, the City did not respond to any of Ms. Thomas’s emails, voicemails, or text messages seeking to add her MLK50 email address to the Media Advisory List.

27. On March 16, 2020 and on April 13, 2020, undersigned counsel wrote letters to the City explaining that the City’s refusal to add Ms. Thomas to the Media Advisory List violated her rights under both the United States and Tennessee Constitutions. In a perfunctory letter dated April 17, 2020, the City’s Chief Legal Officer Jennifer A. Sink confirmed receipt of the March 16, 2020 letter but provided no substantive response. True and correct copies of all three letters are attached collectively as Exhibit J.

28. On May 4, 2020, undersigned counsel filed a public comment to the Independent Monitor responsible for administering the *Kendrick* Consent Decree in *ACLU of Tennessee, Inc. v. City of Memphis*, No. 2:17-cv-02120-JPM-jay, a case before Senior Judge McCalla. Paragraph (F)(1) of the *Kendrick* Consent Decree provides that “the City of Memphis shall not disrupt, discredit, interfere with or otherwise harass any person exercising First Amendment rights.” Similarly, Paragraph (F)(2) provides that “[t]he City of Memphis shall not engage in any action for the purpose of, or reasonably having the effect of deterring any person from exercising First Amendment rights.” Undersigned counsel submitted a comment explaining that the City has repeatedly interfered with and continues to interfere with Ms. Thomas’s First Amendment rights and attempted to deter her from exercising her First Amendment rights by denying her

requests to be added to the Media Advisory List. A true and correct copy of the comment without its enclosures is attached as Exhibit K.

29. The exclusion of Ms. Thomas from the Media Advisory List substantially disrupts and interferes with her ability to gather news and report on the City and Mayor Strickland. On information and belief, Ms. Thomas has not received newsworthy communications from the City that were shared with the members of the Media Advisory List. As a result of the Defendants' denials of her requests to be added to the Media Advisory List, Ms. Thomas does not learn of newsworthy City actions that are announced through the Media Advisory List and is deprived of opportunities to participate in press conferences and other press events that her peers at other media outlets are able to participate in. Excluding Ms. Thomas from the Media Advisory List disrupts and interferes with her ability to effectively cover the City and ultimately harms her readers—residents of Memphis who are deprived of information about their government and government officials.

30. Ms. Thomas's exclusion from the Media Advisory List has also disrupted and interfered with her efforts to cover the COVID-19 crisis.

31. In recent months, the City has joined Shelby County, Tennessee, (the "County") in a Joint Task Force (the "Joint Task Force") to address the COVID-19 pandemic. The City has used its Media Advisory List to distribute login information so that those on the Media Advisory List may attend and ask questions during daily virtual press conferences hosted by the Joint Task Force via Zoom.

32. On both April 6, 2020 and April 7, 2020, officials on behalf of the County sent emails to the members of the City's Office of Communications staff requesting that Ms. Thomas's email address be added to the Media Advisory List so that she could participate in the

virtual press conferences in the same manner as her peers at other media outlets who are on the Media Advisory List. True and correct copies of the County's April 6, 2020, and April 7, 2020 emails are attached collectively as Exhibit L. Despite these two requests from the County, Defendants did not add Ms. Thomas to the Media Advisory List for the Joint Task Force's virtual press conferences.

33. The impact that being excluded from the Media Advisory List has on Ms. Thomas's newsgathering and reporting is exemplified by her inability to participate in the Joint Task Force's April 8, 2020 virtual press conference. At that event, the Joint Task Force addressed racial disparities in COVID-19 infections and fatalities—issues of central interest and importance to MLK50's readers. Ms. Thomas was unable to participate in the virtual press conference in the same manner as her peers who are included on the Media Advisory List. Accordingly, among other things, Ms. Thomas was deprived of the opportunity to ask public officials questions during the event.

34. Since April 8, 2020, in relation to the Joint Task Force, Ms. Thomas has been able to work around the City's refusal to add her to the Media Advisory List by specifically asking the County's Health Department each day for the login information for that day's Joint Task Force virtual press conference. But such a workaround should not be necessary and came too late for Ms. Thomas to cover a number of Joint Task Force virtual press conferences. Nor does the workaround provide any relief with respect to the other emails sent by the City to the Media Advisory List that Ms. Thomas does not receive.

35. The City's repeated refusal to add Ms. Thomas to the Media Advisory List appears motivated by Defendants' disapproval of Ms. Thomas's coverage of the City.

36. In June 2017, Ms. Thomas sent Ms. Madden a series of emails with questions related to a story Ms. Thomas was writing, including a request to interview Mayor Strickland. Ms. Thomas's questions pertained to the one-year anniversary of a protest in which more than 1,000 demonstrators shut down the Hernando De Soto Bridge in Memphis to denounce the police killings of African-American men and women across the country. Ms. Thomas asked to interview Mayor Strickland about his meetings with protesters and "what he sees as the city's responses/solutions to concerns voiced during the protest/forum/later meetings." Ms. Thomas and Ms. Madden then exchanged a couple of emails about steps the Mayor had taken to address the protesters' concerns, but without Ms. Madden granting the interview request.

37. Then, in a June 27, 2017 email to Ms. Thomas, Ms. Madden wrote that Ms. Thomas had "demonstrated, particularly on social media, that you are not objective when it comes to Mayor Strickland." On that purported basis, Ms. Madden denied Ms. Thomas access to interview Mayor Strickland, writing that "[o]bjectivity dictates if the mayor does one on one interviews." A true and correct copy of this email exchange between Ms. Thomas and Ms. Madden, including Ms. Madden's June 27, 2017 email, is attached as Exhibit M.

38. On information and belief, at some unknown point after Ms. Madden sent this June 27, 2017 email to Ms. Thomas, the City removed Ms. Thomas's personal Gmail email address from the Media Advisory List. The only logical inference is that the City has refused Ms. Thomas's repeated requests to add her MLK50 email address to the Media Advisory List in retaliation for her reporting about the City.

39. The City has no established, published criteria for credentialing members of the news media or for determining which journalists are included or excluded from the Media Advisory List.

40. In response to a public records request from Ms. Thomas to “provide the written policy that governs the city of Memphis’ interactions with members of the press, including any policy that covers how the city of Memphis credentials news outlets and how it adds outlets and journalists to its media advisory lists,” the City produced one document entitled “Media Relations Policy.” A true and correct copy of the Media Relations Policy produced to Ms. Thomas in response to this request is attached as Exhibit N.

41. The City’s Media Relations Policy contains no process or criteria for credentialing members of the news media or for determining which journalists are included or excluded from the Media Advisory List.

42. Defendants’ refusal to include Plaintiff on the Media Advisory List violates her rights under the First and Fourteenth Amendments. By retaliating against Plaintiff for her constitutionally protected activities, Defendants have discriminated against Plaintiff based on the content and viewpoint expressed in her coverage of the City. Such restrictions are presumptively unconstitutional. *See Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2226 (2015) (content-based and viewpoint-based restrictions “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests”); *accord Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 340 (2010) (“Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints.”).

43. Further, Defendants have violated Plaintiff’s rights to Due Process under the Fifth and Fourteenth Amendments. When the government confers on journalists access to cover government activities, journalists hold First Amendment liberty interests in that access. Governments therefore cannot revoke or deny that access without due process of law. *Sherrill v.*

Knight, 569 F.2d 124, 129 (D.C. Cir. 1977); *Karem v. Trump*, 404 F.Supp.3d 203, 210 (D.D.C. 2019)

44. Here, Defendants have denied and continue to deny Plaintiff the right to receive emails distributed through the Media Advisory List and thereby to learn about newsworthy City events and actions. The Defendants' policy or custom regarding access to the Media Advisory List violates Due Process. Defendants have refused to add Plaintiff to the Media Advisory List without providing any notice whatsoever—let alone notice of “explicit and meaningful standards” that have been “publish[ed]”—to afford journalists like Plaintiff notice of the contexts in which their rights may be limited. *Sherill*, 569 F.2d at 131. Absent such fair notice, which serves to protect reporters from the very type of arbitrary and/or discriminatory actions that Defendants have engaged in here, Defendants' denials of Plaintiff's requests to be added to the Media Advisory List are unlawful. Defendants' exclusion of Plaintiff from the Media Advisory List further violates Due Process because Defendants have failed to provide Plaintiff with any written justification for Defendants' decision or any opportunity for her to be heard to contest her exclusion.

FIRST CAUSE OF ACTION

42 U.S.C. § 1983 – First and Fourteenth Amendments

45. Plaintiff repeats, realleges, and incorporates the allegations in the paragraphs above as though fully set forth herein.

46. Defendants' repeated refusals, while acting under color of state law, to include Plaintiff on the Media Advisory List violates the First Amendment in at least five ways: (i) the exclusion unconstitutionally disrupts and interferes with Plaintiff's ability to gather and report the news; (ii) the exclusion is an unconstitutional restriction on Plaintiff's and the public's right

of access to information about City government; (iii) the exclusion is unconstitutional content- and/or viewpoint-based discrimination; (iv) the exclusion is unconstitutional retaliation for Plaintiff's First Amendment-protected activity; and (v) the exclusion is an unconstitutional restriction on the exercise of Plaintiff's rights under the First Amendment's guarantee of freedom of the press, for which there is no compelling justification.

47. Plaintiff has a First Amendment right to gather and report the news and her coverage of Mayor Strickland and the City is and was protected by the First Amendment to the United States Constitution.

48. Defendants, through their policy or custom, have disrupted and interfered with Plaintiff's ability to cover Mayor Strickland and the City by denying Plaintiff access to information made available generally to other members of the press. Without access to the media advisories that are distributed by Defendants via the Media Advisory List, Plaintiff is deprived of access to newsworthy information about City events and the opportunity to participate in press conferences with City officials, including Mayor Strickland. Plaintiff will continue to be excluded from those opportunities until she is provided the same access to the same information that the City provides to other members of the press.

49. Defendants have further deprived MLK50's readers of information about City events and statements by City officials, including information that Plaintiff could have obtained had she been able to participate in and ask questions at the Joint Task Force virtual press conferences from which she was excluded.

50. Defendants have refused to add Plaintiff to the Media Advisory List for content-based and/or viewpoint-based discriminatory reasons based on her prior reporting about Defendants.

51. As a result of Defendants' actions under color of state law, Plaintiff has suffered and continues to suffer irreparable harm.

SECOND CAUSE OF ACTION

42 U.S.C. § 1983 – Fifth and Fourteenth Amendments

52. Plaintiff repeats, realleges, and incorporates the allegations in the paragraphs above as though fully set forth herein.

53. Defendants' decision, while acting under color of state law, to exclude Plaintiff from the media advisories that are distributed by the City via the Media Advisory List violates Plaintiff's right to due process under the Fifth and Fourteenth Amendments.

54. Plaintiff has a protected First Amendment liberty interest in receiving the City's media advisories in a timely manner via the Media Advisory List. By excluding Plaintiff from the Media Advisory List, Defendants have deprived Plaintiff of her constitutionally protected liberty interest. Plaintiff's ability to gather and report news about the City is disrupted and interfered with by Defendants' refusal to provide her access to the same media advisories provided to her peer journalists via the Media Advisory List.

55. Defendants' exclusion of Plaintiff from the Media Advisory List violates her right to due process because the City's policy or custom related to the Media Advisory List is constitutionally deficient. In the absence of pre-existing, published, explicit, and meaningful standards, there was no fair notice of the conduct that could subject Plaintiff or any other reporter or news organization to exclusion from the Media Advisory List.

56. Defendants failed to provide Plaintiff any notice before refusing to include her on the Media Advisory List.

57. Defendants also did not provide Plaintiff with a written explanation (or any explanation at all) for its refusal to include her on the Media Advisory List.

58. Defendants did not provide Plaintiff an opportunity to be heard before refusing to include her on the Media Advisory List. Nor have they provided Plaintiff any avenue to challenge or appeal the City's refusal to include her on the Media Advisory List. To the contrary, Defendants have not responded to Plaintiff's numerous requests to be added to the Media Advisory List.

59. As a result of Defendants' actions under color of state law and pursuant to Defendants' policy or custom, Plaintiff has suffered and continues to suffer irreparable harm.

THIRD CAUSE OF ACTION

Tenn. Const. Art. I, § 19

60. Plaintiff repeats, realleges, and incorporates the allegations in the paragraphs above as though fully set forth herein.

61. Defendants' refusal to add Plaintiff to the Media Advisory List violates the freedoms of speech and press under Article I, Section 19 of the Tennessee Constitution.

62. Defendants' denials of Plaintiffs' requests to be included on the Media Advisory List constitute both an "infringement upon the 'free communication of thoughts'" and a "stumbling block to the complete freedom of the press 'to examine [and publish] the proceedings" of the City. *Press, Inc. v. Verran*, 569 S.W.2d 435, 442 (Tenn. 1978).

63. As a result of Defendants' actions, Plaintiff has suffered and continues to suffer irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter each of the following forms of relief:

A. An injunction requiring Defendants to immediately add Plaintiff to the Media Advisory List, so that she will receive all media advisories and other communications distributed to other members of the press via that list or, alternatively, requiring Defendants to contemporaneously provide Plaintiff with all media advisories and other communications distributed to the Media Advisory List;

B. An injunction requiring Defendants to devise and publish explicit and meaningful standards for including a reporter and/or news organization on the Media Advisory List, along with procedures to give members of the news media notice of the reasons for any exclusion from the list and the evidence upon which such exclusions are based, as well as an opportunity to be heard to contest such a decision;

C. A declaration that the exclusion of Plaintiff from the Media Advisory List was unconstitutional, in violation of the First, Fifth, and Fourteenth Amendments to the United States Constitution.

D. A declaration that the exclusion of Plaintiff from the Media Advisory List was unconstitutional, in violation of Article I, Section 19 of the Tennessee Constitution.

E. An order granting Plaintiff costs, fees, and disbursements incurred in connection with these proceedings, pursuant to 42 U.S.C. § 1988(b).

F. Such further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a jury trial.

Dated: May 13, 2020

Respectfully Submitted,

By: /s/ Paul R. McAdoo

Paul R. McAdoo

Tennessee BPR No. 034066

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