

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

CLATA RENEE BREWER; JAMES)
HAMMOND; THE TENNESSEE)
FIREARMS ASSOCIATION, INC.;)
MICHAEL P. LEAHY; STAR NEWS)
DIGITAL MEDIA, INC.; THE)
TENNESSEAN; RACHEL WEGNER;)
and TODD GARDENHIRE in his)
individual capacity;)

Petitioners,)

vs.)

METROPOLITAN GOVERNMENT)
OF NASHVILLE AND DAVIDSON)
COUNTY;)

Respondent,)

PARENTS OF MINOR COVENANT)
STUDENTS JANE DOE AND JOHN)
DOE; THE COVENANT SCHOOL;)
and COVENANT PRESBYTERIAN)
CHURCH)

Intervenors.)

Case No. 23-0538-III
CONSOLIDATED

****controlling case****

CHANCELLOR'S ORDER ON SCHEDULING, SECOND IN CAMERA INSPECTION,
BRIEFING SCHEDULE AND SHOW CAUSE HEARING PRESENTMENT

This cause is slated to be heard by this Court on June 8, 2023 beginning at 1:00 p.m. To ensure that the parties are given adequate time to present their argument, the Court has adopted the following schedule and procedure for the efficiency of the case.

SHOW CAUSE HEARING DATES AND TIMES:

The Show Cause Hearing in this matter shall take place on **Thursday, June 8, 2023 beginning at 10:00 A.M.** and shall continue through Friday, **June 9, 2023 beginning at 1:00 P.M.**, if needed.

BRIEFING SCHEDULE:

The following briefing schedule shall be in effect for any party desiring to file briefs in this matter:

- The briefs of the **Respondent** shall be filed with the Court on **May 30, 2023.**
- The briefs of the **Intervenors** shall be filed with the Court on **May 30, 2023.**
- The response from the **Petitioners** shall be filed on **June 2, 2023.**
- Any reply from the **Respondent** shall be filed on **June 5, 2023.**

The close of ALL briefing is June 5, 2023 at 4:00 p.m.

SECOND IN CAMERA REVIEW:

Counsel for Petitioner Brewer requested a status update on the Court's *in camera* review, an inspection of documents to be produced by the Respondent on a rolling basis. The last production to the Court was sent on May 12, 2023. No other production has been received by the Court.

In order for the Court to be adequately prepared for the Show Cause hearing, the Court must have the ability to inspect all of the documents and materials requested in this case. After hearing argument from counsel regarding the inspection of documents prior to the show cause, the

court has determined that in order to make the determination of which, if any, of the documents should be subject to Rule 16 or any other exception, it is essential for it to conduct an *in camera* review of all documents that are to be discussed at the hearing. Due to the volume of documents, the Court shall personally inspect the records in the possession of the Metropolitan Nashville Police Department (MNPd) at their headquarters located at 600 Murfreesboro Pike, Nashville TN 37210. The documents at issue shall not be filed with the Court due to the Respondent's Rule 16 exception defense.

The inspection will take place on **Monday, May 29, 2023** beginning at **9:30 A.M.** and shall continue until completion. No parties or counsel are permitted to be present during the Court's inspection. The Court shall require an employee of the MNPd to be present to assist the Court in the operation of any MNPd equipment needed for the review. To assist the Court in its review, the MNPd shall prepare an Excel document with an index of the information pertaining to the case and the type of record. (ex: witness statement, lab report, paraphernalia, *etc.*) and the source of the record. This information is critical to the Court's determination of certain issues in the case. This index is to be made available to the Court only and only at the time of the inspection. Upon completion of the Court's inspection, the log shall be filed with the Court **UNDER SEAL** by the Respondent.

SHOW CAUSE HEARING PRESENTMENT:

The Respondent, requested that the Court determine the procedure for presentment at the Show Cause hearing on June 8 and 9th, 2023. The Court requires counsel to comply with the local rules of procedure regarding declarations. The Court will leave open the possibility of live testimony in order to provide proof or evidence that is probative. However, should the Court allow

such live testimony, it will not allow testimony for the sake of cross-examination. All live testimony must comply with Local Rule 26.11.

The order of presentment at the Show Cause hearing shall be as follows:

1. Counsel for the Respondent *Metropolitan Government of Nashville and Davidson County* shall present first.
2. Counsel for Petitioners *Brewer, et al*, will respond to Respondents.
3. Counsel for Respondent *Metropolitan Government of Nashville and Davidson County* will have the opportunity to rebut the Petitioners' response.
4. Counsel for Intervening parties *Covenant Presbyterian Church and The Covenant School* shall present next.
5. Counsel for Intervenors *Parents of Minor Covenant Students Jane Doe and John Doe* shall present next.
6. Counsel for Petitioners *Brewer, et al*, will respond to Intervenors *Covenant Presbyterian Church and The Covenant School and Parents of Minor Covenant Students Jane Doe and John Doe*.
7. Counsel for the Respondents *Metropolitan Government of Nashville and Davidson County* shall rebut Petitioner's response with respect to the Intervenor *Covenant Parties*.

E-SERVICE:

All counsel is hereby **ORDERED** to sign up e-service through the Chancery Court filing system in order to receive service copies of Orders in this case.

CASE STYLE, CERTIFICATE OF SERVICE AND CASE NUMBER:

Counsel for all parties are further **ORDERED** to adopt the case style and certificate of service as presented in this Order for all filings in this matter. Further, since this case is now set with

all consolidated parties joined, counsel are **ORDERED** to file all pleadings associated with this matter in **Case No. 23-0538-III**.

IT IS SO ORDERED.

/s/ I'Ashea L. Myles

I'ASHEA L. MYLES

CHANCELLOR, CHANCERY COURT PART III

cc via U.S. Mail, e-filing or fax as applicable to:

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