

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

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# EXHIBIT A

## 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.