

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAN McCALEB, Executive Editor of)
THE CENTER SQUARE,)

Plaintiff,)

v.)

MICHELLE LONG, in her official)
capacity as DIRECTOR of the)
TENNESSEE ADMINISTRATIVE)
OFFICE OF THE COURTS,)

Defendant.)

Case No. 3:22-cv-00439

Judge Richardson

Magistrate Judge Frensley

**RULE 56.01 STATEMENT IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Dan McCaleb, Executive Editor of The Center Square, files this Rule 56.01 Statement pursuant to LR 56.01(b) in support of his Motion for Summary Judgment. This Rule 56.01 Statement is being submitted to comply with the Local Rules and provides the Court with a concise statement of the material facts as to which Plaintiff McCaleb contends there is no genuine issue for trial.

1. Defendant Michelle Long is the Director of the Administrative Office of the Courts ("AOC"). Deposition of Michelle Long ("Long Depo."), ECF No. 74-2 at p. 8, Lines 20-24.

Response

2. Defendant Long oversees the AOC. <https://www.tncourts.gov/administration> (last visited Dec. 13, 2023).

Response

3. The AOC provides administrative support to the Advisory Commission. Long Depo., ECF No. 74-2 at p. 61, Lines 2-5.

Response

4. After the incident in 2018 with the verbally combative man at an Advisory Commission meeting, then General Counsel Rachel Harmon told Michelle Consiglio-Young that there was no need to put public notice out because meetings were going to be closed after that incident. Deposition of Michelle Consiglio-Young, ECF No. 74-3 at p. 45, Lines 4-15.

Response

5. The AOC posted on its website a public meeting notice in advance of an Advisory Commission meeting that was going to be held on May 20, 2016. Public Meeting Notice, ECF No. 74-4.

Response

6. The federal Standing Committee and each of the Advisory Committees typically meet twice per year. <https://www.uscourts.gov/rules-policies/about-rulemaking-process/open-meetings-and-hearings-rules-committee> (last visited Dec. 13, 2023).

Response

7. Committee meetings are open to the public, except when a committee — in open session and with a majority present — determines that it is in the public interest to have all or part of the meeting closed and states the reason. <https://www.uscourts.gov/rules-policies/about-rulemaking-process/open-meetings-and-hearings-rules-committee> (last visited Dec. 13, 2023).

Response

8. A video of the June 9, 2023, Advisory Commission meeting that was livestreamed to the public is on the TN Courts' YouTube channel. <https://www.youtube.com/watch?v=TCCKGHybsxg>.

Response

9. A video of the December 8, 2023, Advisory Commission meeting that was livestreamed to the public is on the TN Court's YouTube channel. <https://www.youtube.com/watch?v=XHY3DFF3V2E>

Response

December 15, 2023

Respectfully submitted,

/s/ M. E. Buck Dougherty III

M. E. Buck Dougherty III, TN BPR #022474

James McQuaid, *Pro Hac Vice*

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CERTIFICATE OF SERVICE

I, counsel for Plaintiff, hereby certify that a true and correct copy of the foregoing document has been served on the following counsel of record, via the Court's ECF system by email on this 15th day of December 2023:

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