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

DAN McCALEB, Executive Editor of	)
THE CENTER SQUARE,	)
Plaintiff,	) ) )
<b>v.</b>	Case No. 3:22-cv-00439
	) Judge Richardson
MICHELLE LONG, in her official capacity	Magistrate Judge Frensley
as DIRECTOR of the TENNESSEE	
ADMINISTRATIVE OFFICE OF THE	)
COURTS,	)
	)
Defendant.	)

## **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant, Michelle Long, in her official capacity as Director of the Tennessee Administrative Office of the Courts, moves for summary judgment under Fed. R. Civ. P. 56 and L.R. 56.01 on the claims alleged in the First Amended Complaint for Declaratory and Injunctive Relief filed by Plaintiff, Dan McCaleb.

Under Fed. R. Civ. P. 56(a), a court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. As more fully explained in Defendant's accompanying memorandum of law, summary judgment in her favor is warranted because, for each claim in the amended complaint, there is no genuine issue of material fact, and Defendant is entitled to judgment as a matter of law. Defendant asserts that, based on the undisputed material facts in this case, Plaintiff cannot succeed on his First Amendment right-of-access claims, because he cannot establish that he has a First

Amendment right of access to the meetings of the Tennessee Advisory Commission on the Rules of Practice and Procedure or the meetings of the Tennessee Judicial Conference.

Therefore, the Court should grant Defendant summary judgment, vacate the preliminary injunction, and dismiss this matter in its entirety. In support of this Motion, Defendant relies on the accompanying Memorandum of Law in Support of Defendant's Motion for Summary Judgment, which is incorporated herein by reference, as well as Defendant's Statement of Undisputed Material Facts.

Respectfully submitted,

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Counsel for Defendant Michelle Long in her official capacity as Director of the Tennessee Administrative Office of the Courts

## **CERTIFICATE OF SERVICE**

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

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