

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

<p>Dan McCaleb, Executive Editor of THE CENTER SQUARE,</p> <p>Plaintiff,</p> <p>v.</p> <p>Michelle Long, in her official capacity as DIRECTOR OF TENNESSEE ADMINISTRATIVE OFFICE OF THE COURTS,</p> <p>Defendant.</p>	<p>Case No. 3:22-cv-00439</p> <p>District Judge Richardson Magistrate Judge Frensley</p>
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PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Dan McCaleb respectfully submits this Notice of Supplemental Authority in support of his motion for preliminary injunction (ECF No. 20) and in further support of his response to Defendant's motion to dismiss for lack of subject matter jurisdiction (ECF No. 24). Briefing closed for these two pending motions on July 21, 2022, and August 4, 2022. *See* ECF No. 26 and ECF No. 28.

On August 31, 2022, after briefing for the two motions had closed, the Tennessee Supreme Court issued a highly relevant opinion and order in docket No. ADM2022-01198 ("Order"). *In re Amendments to Tenn. Rules of Appellate Procedure & Civ. Procedure*, 2022 LEXIS 307 (Tenn. Aug. 31, 2022). A copy of the Order is attached as ECF No. 37-1, and it states as follows:

1. The Advisory Commission on the Rules of Practice & Procedure (“Advisory Commission”) annually presents rule recommendations to the Tennessee Supreme Court to amend:

- Tennessee Rules of Appellate Procedure
- Tennessee Rules of Civil Procedure
- Tennessee Rules of Criminal Procedure
- Tennessee Rules of Juvenile Procedure
- Tennessee Rules of Evidence

In re Amendments, 2022 LEXIS at *1.

2. The Advisory Commission met on June 10, 2022 and completed its 2021-2022 term. After this meeting, the Advisory Commission transmitted its rule recommendations to the Tennessee Supreme Court. *Id.*

3. The Tennessee Supreme Court is currently soliciting written comments from the public on the Advisory Commission’s proposed rule recommendations, referred to as the 2023 Rules Package. *Id.*

4. The deadline for submitting written comments on the proposed 2023 Rules Package is December 2, 2022. *Id.*

5. The public may submit written comments to the Tennessee Appellate Court Clerk via mail or e-mail at appellatecourtclerk@tncourts.gov. *Id.* The Tennessee Appellate Court Clerk shares a website with the Tennessee Administrative Office of the Courts.¹

¹ <https://tncourts.gov/courts/appellate-court-clerks-office>.

6. The Tennessee Supreme Court further ordered the Order to be posted on its website. *Id.* The Tennessee Supreme Court shares a website with the Tennessee Administrative Office of the Courts.²

7. The Advisory Commission's rule recommendations as set out in the 2023 Rules Package were included in the Appendix to the Order. *Id.* at *2.

November 14, 2022

Respectfully submitted,

/s/ M. E. Buck Dougherty III

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

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² <https://tncourts.gov/courts/supreme-court>.

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2022, a copy of the foregoing Plaintiff's Notice of Supplemental Authority was filed electronically via the Court's CM/ECF filing system. Notice of this filing will be sent by operation of the Court to all parties indicated on the electronic filing receipt, including as follows:

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