

Exhibit

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1 IN THE UNITED STATES DISTRICT FOR
2 THE MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION

4 DAN MCCALED, Executive Editor
5 of THE CENTER SQUARE,

6 Plaintiff,

7 vs.

Case No. 3:22-cv-00439

8 MICHELLE LONG, in her official
9 capacity as DIRECTOR of the
10 TENNESSEE ADMINISTRATIVE OFFICE
11 OF THE COURTS,

12 Defendant.

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15 Deposition of:

16 MICHELLE CONSIGLIO-YOUNG

17 Taken on behalf of the Plaintiff
18 November 16, 2023

19 Commencing at 9:24 a.m. CST
20
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22

23
24 Lexitas Legal
25 Michelle Cessna, LCR, RPR
 (615) 595-0073

A P P E A R A N C E S

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I N D E X

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Examination
By Mr. Dougherty

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Examination
By Mr. Stahl

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Examination
By Mr. Dougherty

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E X H I B I T S

(None offered.)

S T I P U L A T I O N S

The deposition of MICHELLE CONSIGLIO-YOUNG was taken by counsel for the Plaintiff, at the offices of 500 Charlotte Avenue, Nashville, Tennessee, on November 16, 2023, for all purposes under the Tennessee Rules of Civil Procedure.

All formalities as to caption, notice, statement of appearance, et cetera, are waived. All objections, except as to the form of the questions, are reserved to the hearing, and that said deposition may be read and used in evidence in said cause of action in any trial thereon or any proceeding herein.

It is agreed that MICHELLE CESSNA, LCR, RPR, and Court Reporter for the State of Tennessee, may swear the witness, and that the reading and signing of the completed deposition by the witness are waived.

1 of that, but I was aware that it had happened
2 and I checked it to be sure it was posted.

3 Q. Do you know who facilitated that public
4 meeting notice at the AOC office?

5 A. It was both our General Counsel John Coke
6 and Charlie Baldwin, who has assumed my role
7 essentially while I've been out on leave.

8 Q. Let's kind of backtrack a little bit.

9 So I think you said 2015 to 2016 you sat
10 in on some meetings?

11 A. Uh-huh.

12 Q. And the -- your recollection, they were
13 open to the public?

14 A. Yes.

15 Q. At what point did those Advisory
16 Commission meetings become closed to the
17 public?

18 A. I believe it was 2018.

19 Q. I'm sorry?

20 A. 2018. It was after I had taken over as
21 liaison. There was -- meetings were open to
22 the public, as far as I can recall. And there
23 was a meeting that we had that there was a
24 member of the public who had attended in person
25 who was there and became unruly and combative

1 with the Commission. And after that, the --
2 the Tennessee Supreme Court took the matter up
3 for discussion and then the meetings were
4 closed after that incident.

5 Q. And what -- where was this particular
6 meeting in 2018?

7 A. I wish I could recall the exact date. I
8 do believe it was 2018 and the meeting was at
9 the Administrative Office of the Courts, it was
10 in our conference room. And members of the
11 public would come periodically, sometimes we
12 didn't have any and sometimes some would
13 request to come.

14 And that particular meeting there was a
15 member of the public who attended, and he was
16 interested in a topic that was being discussed
17 by the Commission. And during that discussion,
18 he was speaking kind of out of term, you know,
19 without being called on or outside of the
20 public comment period that was allowed and
21 essentially became very assertive with the
22 members and -- and the meeting was stopped and
23 he was asked to leave.

24 Q. Do you recall how many members of the
25 public were at that particular meeting in 2018?

1 A. I believe it was just that gentleman and
2 his son.

3 Q. Do you recall his name?

4 A. I don't. I'm sorry.

5 Q. When you say "combative," do you mean --
6 what do you mean? Was it verbal combativeness
7 --

8 A. Yes.

9 Q. -- or physical?

10 A. It was verbal. He did leave his chair --
11 or, you know, get up from his chair while he
12 was having this discussion, which kind of
13 escalated the -- the tone that was going on in
14 there in his interaction with the members. So
15 it -- yeah, it just became more of an
16 aggressive action on his part. Clearly he was
17 upset with a topic that was being discussed.

18 Q. Do you recall the topic?

19 A. No.

20 Q. Do you recall who the chair was at that
21 time at that meeting?

22 A. I believe the chair was Allen Wade then.

23 Q. Is Mr. Wade currently a member on the
24 Advisory Commission?

25 A. Yes.

1 Q. Were there four quarterly meetings in
2 2018?

3 A. Yes. As far as I remember there were.

4 Q. And you were at this meeting in 2018?

5 A. I was at that meeting, yes.

6 Q. Who was the chief justice of the Supreme
7 Court at that time in 2018?

8 A. It was Justice Jeff Bivins at that time.

9 Q. So did the Chairman Wade ask this person
10 that was being verbal -- verbally combative to
11 leave? Did he -- did the person leave?

12 A. I don't recall who exactly asked him to
13 leave; however, he was asked to leave. We did
14 have to have several people help escort him
15 out. And I can't remember if security was
16 called at that meeting or not. I -- I do
17 believe that building security was made aware.

18 Q. Do you recall if any formal charges,
19 criminal charges were brought against this
20 person?

21 A. I -- I do not believe that there were
22 formal criminal charges.

23 Q. So the person that was verbally combative
24 was never prosecuted to the best of your
25 recollection?

1 A. Correct, I do not believe that he was.

2 Q. And so, I guess, was there a member of
3 the Tennessee Supreme Court that was attending
4 that particular meeting?

5 A. Yes.

6 Q. And who was that?

7 A. It was Justice Holly Kirby.

8 Q. So Justice Kirby was the Supreme Court
9 liaison on the Commission in 2018?

10 A. She was.

11 Q. Justice Kirby is now the Chief Justice of
12 the Supreme Court?

13 A. Yes, she is.

14 Q. So you said something about the -- the
15 justices at that point, they made the call,
16 they made the decision to close meetings.
17 Explain what -- explain what happened after
18 that.

19 A. After the meeting where the person got
20 combative -- and Justice Kirby was in
21 attendance in that meeting, so she had seen it
22 firsthand, the -- as far as I am aware, she
23 took that matter back to the Supreme Court for
24 discussion, and we at the AOC were told that
25 the meetings would no longer be open after

1 that. And that was really my interaction with
2 that. They were -- I was informed that they
3 would be closed.

4 Q. How were you told? How were the members
5 of the Commission told that from now on they
6 were going to be closed, the meetings?

7 A. I don't recall exactly. I do know that
8 if our General Counsel Rachel Harmon at the
9 time had told me that there was no need to put
10 public notice out because they were going to be
11 closed the next meeting after that incident.
12 And I cannot recall if Justice Kirby told the
13 members directly or if a member of our office
14 told them that we -- that they would be closed.
15 I just don't remember exactly.

16 Q. But that decision would have come from
17 either the justices or the AOC office to the
18 Advisory Commission?

19 A. One of the two, yes, would have told
20 either the Commission as a whole or the chair
21 and the chair would have relayed that to the
22 Commission.

23 Q. So the Chair, Mr. Wade, didn't make that
24 decision?

25 A. No.

1 Q. Did -- was it reported, do you recall,
2 that meetings were going to be closed and
3 formally in the minutes?

4 A. I do not recall. I would have to look
5 back at the minutes to see if they were -- if
6 there was any mention.

7 Q. Where are the minutes kept?

8 A. Like I had said earlier, they're housed
9 within the Tennessee Supreme Court building
10 overseen by the Appellate Court Clerk's Office,
11 so there is -- whether they're electronic or
12 paper filed.

13 Q. And the clerk is James Hivner, I believe,
14 right?

15 A. Yes.

16 Q. And Mr. Hivner is a member of the
17 Advisory Commission?

18 A. Yes. I just couldn't recall if he was a
19 voting member or not voting member. He is on
20 the Commission.

21 Q. Did they have a distinction between
22 voting members and members when you first
23 became liaison?

24 A. I'm not sure if there was a formal
25 distinction, but the judge liaisons are members

REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF SUMNER

I, MICHELLE CESSNA, Licensed Court Reporter, with offices in Nashville, Tennessee, hereby certify that I reported the foregoing deposition of MICHELLE CONSIGLIO-YOUNG by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

I further certify that in order for this document to be considered a true and correct copy, it must bear my original signature and that any unauthorized reproduction in whole or in part and/or transfer of this document is not authorized, will not be considered authentic, and will be in violation of Tennessee Code Annotated 39-14-104, Theft of Services.



MICHELLE CESSNA, LCR, RPR
Lexitas Legal
Licensed Court Reporter (TN)
Notary Public State of Tennessee

LCR #864 - Expires: 6/30/2024