

# Exhibit

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

09:02:56

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.

13  
14  
15                  Videoconference Deposition of:

16                  THOMAS LANG WISEMAN

17                  Taken on behalf of the Plaintiff  
18                  November 21, 2023

19                  Commencing at 9:05 a.m. CST  
20  
21  
22

23  
24                  Lexitas Legal  
25                  Michelle Cessna, LCR, RPR  
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A P P E A R A N C E S

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

The deposition of THOMAS LANG WISEMAN was taken by counsel for the Plaintiff, whereupon all parties participated via videoconference on November 21, 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 not waived.

1 A. The Supreme Court.

2 Q. And is that by statute?

3 A. Yes.

4 Q. Now, tell me again the years that you  
5 served on the Advisory Commission.

6 A. I would -- in order to be specific I  
7 would refer you to the information that I put  
8 in my report as I -- I've said we'd go back  
9 and -- and look at that, but I believe it was  
10 2015 until late 2018.

11 Q. Okay. And do you recall -- during 2018  
12 before you resigned, do you recall actually  
13 participating in all four quarterly meetings  
14 that years in 2018?

15 A. I don't have a specific recollection but  
16 it would have been unusual for me to miss  
17 something.

18 Q. I just didn't know if you resigned  
19 midstream before all the committees had  
20 actually -- I mean, excuse me, all the meetings  
21 had taken place. That's kind of why I was  
22 asking that about 2018.

23 Do you recall what point in 2018 you  
24 resigned? Was that at the end of the year?

25 A. It would have been certainly after the

1 Amendment right, the government must show a  
2 compelling interest that is narrowly tailored.

3 Do you agree with that?

4 MR. STAHL: Object to the form.

5 THE WITNESS: I think that any  
6 litigant could avail themselves of potential  
7 compelling interest to overcome the presumption  
8 that a criminal trial would be open.

9 BY MR. DOUGHERTY:

10 Q. Are you aware of an incident in 2018  
11 where a member of the public became verbally  
12 combative with questions during a Tennessee  
13 Advisory Commission that was open to the  
14 public?

15 A. I'm not.

16 Q. You're not aware of that?

17 A. I do not recall that.

18 Q. Do you recall Michelle Consiglio-Young  
19 serving as the AOC liaison in 2018?

20 A. I do not.

21 Q. Do you -- I think we discussed this  
22 earlier. Do you -- do you know Michelle  
23 Consiglio-Young?

24 A. I know her professionally.

25 Q. And tell me about that professional

1 A. I don't know that there's any objective  
2 way to determine whether it's superior or not.  
3 You know, obviously when you're making  
4 judgments about the success of a particular  
5 body, you're weighing that against outcomes  
6 that did not occur by virtue of the fact that  
7 you -- you can't know how something would have  
8 turned out had the rules been differently.

9 But I think, again, there are  
10 different -- there are different policy choices  
11 to be made in this space. There are some  
12 benefits and detriments to -- that attach to  
13 both of those choices. But in my experience,  
14 the admission -- the Advisory Commission  
15 process in Tennessee has worked well, and so I  
16 don't have any -- I don't have any problems  
17 with it. And frankly, I think it's -- it's  
18 probably better than the federal system, in my  
19 judgment.

20 Q. What other Tennessee State boards and  
21 commissions other than the Advisory Commission  
22 work just fine with their meetings being open  
23 to the public?

24 A. Say the question again.

25 Q. Yeah. Other Tennessee State boards and

1 commissions other than the Advisory Commission  
2 work fine despite, you know, the public has  
3 open access, they're open. Why are they okay  
4 and the Advisory Commission is not?

5 A. Well, I think you need to ask the Supreme  
6 Court that. Again, it's a policy choice, and I  
7 think there are obviously differences in the  
8 various commissions. I'm not in position to  
9 tell you whether those -- those other  
10 commissions work -- to your words, work fine or  
11 not. I suspect that the Supreme Court must be  
12 satisfied with them the way that they operate  
13 if they continue to operate that way, but it's  
14 ultimately up to the Court to decide.

15 Q. Are you familiar with the ADR Commission  
16 in Tennessee?

17 A. Vaguely. Just by virtue and fact that  
18 I'm listed as a mediator and turn in my  
19 paperwork every couple years.

20 Q. What do you mean? Explain that.

21 A. I'm listed as a mediator, Rule 31  
22 mediator, so you have to submit your -- not  
23 sure -- your renewal of your -- your listing  
24 every couple years to the ADR Commission.

25 Q. Were you aware that the ADR is made up of

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 THOMAS LANG WISEMAN 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