

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

DAN MCCALED, Executive Editor of	)	
THE CENTER SQUARE,	)	
	)	NO. 3:22-cv-00439
Plaintiff,	)	
	)	JUDGE RICHARDSON
v.	)	
	)	
MICHELLE LONG, in her official	)	
capacity as DIRECTOR of the	)	
TENNESSEE ADMINISTRATIVE	)	
OFFICE OF THE COURTS,	)	
	)	
Defendant.	)	

**ORDER AND PRELIMINARY INJUNCTION**

Pending before the Court is Plaintiff’s motion for a preliminary injunction (Doc. No. 20, “Motion”), filed along with a supporting memorandum of law (Doc. No. 20-2). Defendant filed a Response (Doc. No. 23), and Plaintiff filed a reply (Doc. No. 26). For the reasons discussed in the accompanying memorandum opinion, the Motion is GRANTED IN PART and DENIED IN PART.

Among other things explained in the accompanying memorandum opinion, the Court finds:

(1) Plaintiff has demonstrated that he is likely to succeed on the merits of his First Amendment-based claim under 42 U.S.C. § 1983;

(2) Plaintiff has demonstrated that he will suffer immediate and irreparable injury if injunctive relief is not granted pending trial;

(3) injunctive relief would not cause substantial harm to Defendants or any specifically identified third parties; and

(4) the public interest will not be harmed by injunctive relief pending trial.

Plaintiff makes two specific requests of the Court:

- A. Issue a preliminary injunction restraining and enjoining Director Long, and all parties acting in concert with her, from closing future meetings of the Tennessee bench-bar advisory commission established to recommend rules; [and]
- B. Issue a preliminary injunction ordering Director Long to provide him with both virtual and in-person access so he can assign reporters to report on future meetings of the Tennessee bench-bar advisory commission established to recommend rules[.]

(Doc. No. 20 at 4-5).

As explained in the accompanying memorandum opinion, with respect to Plaintiff's second request, the Court will require that the AOC under Defendant's direction must open the meetings to the public either by livestreaming or by allowing in-person attendance. The meetings may be closed in whole or in part on a case-specific basis based on a particular stated reason that purportedly justifies such closure; provided, however, that any such disclosure is separately subject to challenge in its own right. Plaintiff's first request—*i.e.*, to enjoin Defendant from closing meetings—will be denied as moot in light of the fact that it has been fully addressed via the Court's resolution of Plaintiff's second request.

It is, therefore, **ORDERED** that, pursuant to Federal Rule of Civil Procedure 65, Defendant and her officers, agents, employees, servants, attorneys, and all persons in active concert or participation with them are hereby **ENJOINED** and **RESTRAINED** from:

Holding future meetings of the Tennessee bench-bar advisory commission established to recommend rules without providing the public with access either via livestreaming or in-person attendance; provided, however, that such access may be denied with respect to a particular meeting, such that the meeting is closed in whole or in part on a case-specific basis; based on a particular stated reason that purportedly justifies such closure; provided further, however, that any such disclosure shall be separately subject to challenge in its own right by any party with standing to do so.

Defendant is **FURTHER ORDERED** to provide notice of this Order to her officers, directors, agents, servants, representatives, attorneys, employees, and affiliates, and those persons in active concert or participation with them. Defendant shall take whatever means are necessary or appropriate to ensure proper compliance with this Order.

The Court further finds that Defendant is unlikely to incur more than minimal costs in complying with this preliminary injunction. Accordingly, the Court finds, in its discretion, that it is unnecessary to require Plaintiff to post security as a condition of obtaining injunctive relief. *See Moltan Co. v. Eagle-Picher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995). Plaintiff is thus excused from doing so.

This preliminary injunction is effective upon its issuance on March 22, 2023 at 3:00 p.m.

IT IS SO ORDERED.

  
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ELI RICHARDSON  
UNITED STATES DISTRICT JUDGE