

IN THE CHANCERY COURT OF PUTNAM COUNTY, TENNESSEE  
FOR THE THIRTEENTH JUDICIAL DISTRICT AT COOKEVILLE

LINDSAY PRIDE,

Petitioner,

v.

COOKEVILLE REGIONAL MEDICAL  
CENTER AUTHORITY,

Respondent.

FILED 3/2 2023  
TIME 2:26 pm  
LINDA F. REEDER, CLERK & MASTER  
BY Regenia Henry  
DEPUTY CLERK & MASTER

No. 2023-38

**PETITION FOR ACCESS TO PUBLIC RECORDS AND  
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-503, *et seq.* (the "TPRA"), Lindsay Pride hereby petitions this Court for access to public records, judicial review of Respondent's decision to deny access to those public records, and for reasonable attorneys' fees and costs. A memorandum of law in support of this Petition, and declarations from Ms. Pride and the undersigned attorney verifying the specified facts in the declarations are filed contemporaneously.

**PARTIES**

1. Petitioner Lindsay Pride is the editor of the *Herald-Citizen* and a reporter for the newspaper who covers Cookeville and Putnam County. Ms. Pride is a citizen of Tennessee and resident of Putnam County. Pride Decl. ¶¶ 4-5 (attached as Exhibit A).)

2. Respondent Cookeville Regional Medical Center Authority (the “Hospital”) operates Cookeville Regional Medical Center on behalf of the City of Cookeville. The Hospital was created pursuant to the Private Act Hospital Act of 1996, Tenn. Code Ann. §§ 7-57-601 et seq. McAdoo Decl. Attach. 3 (attached as Exhibit B). Service of process upon the Hospital will be made by delivering a copy of the summons, this Petition, and the accompanying Memorandum of Law on an officer of the Hospital, pursuant to Tenn. R. Civ. P. 4.04(9).

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this Petition and venue is proper in this Court under Tenn. Code Ann. § 10-7-505(b). This Court also has subject matter jurisdiction over this Petition under Tenn. Code Ann. § 1-3-121.

### **FACTUAL ALLEGATIONS**

4. On August 29, 2022, Ms. Pride sent a public records request by email to Paul Korth, the Hospital’s Chief Executive Officer and Mr. Korth’s Executive Assistant Mindy Youngblood for “public records that include the salaries of the top administrative positions at Cookeville Regional Medical Center including the chief executive officer, the medical staff president, chief operating officer, chief financial officer, chief legal counsel, chief nursing officer and chief strategy officer” (together, the “Hospital Salary Records”). Ex. A ¶ 6, Attach. 1.

5. On September 26, 2022, the undersigned attorney for Petitioner emailed a letter on Ms. Pride’s behalf to Luke Hill, Chief Legal Counsel for the Hospital. Ex. B ¶ 4, Attach. 1.

6. On October 26, 2022, Mr. Hill responded on behalf of the Hospital and explained that he planned to speak with Mr. Korth about this matter and then respond. Ex. B ¶ 5, Attach.2.

7. On November 8, 2022, Mr. Hill further responded that he had reviewed the matter “with our CEO, and I do not have a response for you at this time.” Ex. B ¶ 5, Attach. 2.

### **CLAIM FOR RELIEF**

#### **Count I – Failure to Provide Access to Public Records**

8. Petitioner incorporates the allegations in paragraphs 1 through 7.

9. Pursuant to the TPRA, Ms. Pride requested the Hospital Salary Records from the Hospital, which is the custodian of the requested public records, through its CEO and his executive assistant.

10. By failing to respond to Ms. Pride’s public records request, the Hospital constructively denied the request pursuant to Tenn. Code Ann. § 10-7-503(a)(3).

11. The Hospital Salary Records are public records subject to the TPRA and there is no lawful basis for denying Ms. Pride’s request for the Hospital Salary Records.

12. Petitioner is therefore entitled to receive the requested public records pursuant to the TPRA.

13. Tenn. Code Ann. § 10-7-505(g) provides that the Court may award “all reasonable costs involved in obtaining the records, including reasonable attorneys’

fees” if the government “knew the record was public and willfully refused to disclose it.”

14. The Hospital knew that the records sought by Petitioner were public and not exempt, and willfully refused to disclose them to Petitioner.

15. Therefore, the Hospital should be required to produce the requested public records to Petitioner and Petitioner should be awarded reasonable costs, including reasonable attorneys’ fees, in this case.

### **PRAYER FOR RELIEF**

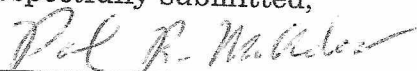
WHEREFORE, Petitioner prays that this Court:

- 1) Immediately issue an order, pursuant to Tenn. Code Ann. § 10-7-505(b), requiring the Hospital to appear before this Court and show cause, if it has any, why this Petition should not be granted;
- 2) Grant Petitioner a declaratory judgment that the Hospital Salary Records are public records under Tennessee Law for which no exemption applies, and that the Hospital’s failure to grant access to Petitioner to these public records constitutes a violation of the TPRA, which was knowing and willful;
- 3) Order the Hospital to immediately provide Petitioner with copies of the Hospital Salary Records;
- 4) Grant Petitioner reasonable costs and attorneys’ fees pursuant to Tenn. Code Ann. § 10-7-505(g);
- 5) Grant Petitioner discretionary costs under Tenn. R. Civ. P. 54;

6) Grant Petitioner equitable relief as may be necessary to secure the purposes and intentions of the TPRA; and

7) Grant Petitioner all further relief to which they may be entitled.

Respectfully submitted,



Paul R. McAdoo (BPR No. 034066)  
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March 1, 2023