

IN THE CHANCERY COURT FOR CUMBERLAND COUNTY, TENNESSEE

HEATHER MULLINIX,)
)
 Petitioner)
) CASE NO. 2023-CH-2388
 VERSUS)
)
 THE CITY OF CROSSVILLE)
)
 Defendant)

ORDER

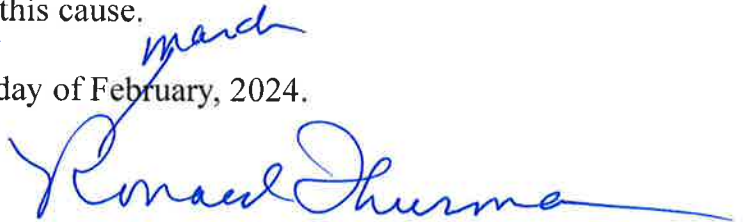
This cause came to be heard before the Honorable Ronald Thurman, Chancellor, by telephone conference on February 9, 2024, for a final ruling in this matter. The Court previously entered an order in the case, requiring that the report at issue be filed under seal for further review. The Court has had an opportunity to review the records filed under seal, and consider that matter as well as the prior issues determined.

The Court finds that the closest case on this issue is the *Arnold v. City of Chattanooga* case which the Court has re-reviewed, along with the other cases cited by the parties in this case. From looking at the facts of the instant case, and following a review of the report filed under seal, the Court finds that the City of Crossville has carried its burden of proving that the material is privileged, and that the privilege has not been waived. The Court finds that there was not enough said in the public meetings, including but not limited to as compared to the content of the report the Court reviewed under seal, that caused the privilege to be waived. The Court finds that the statements concerning the report and the investigation in the meetings, as reflected by the material submitted, is not sufficient to constitute a waiver of the privilege in this context. The

Court finds, from reviewing the report, that the comments in the meetings do not sufficiently include what is actually contained in the report, to constitute a waiver. The Court further finds that the original engagement and the report itself, acknowledge the existence of privilege, and that the report was intended to be privileged. The Court does not find that that privilege was waived at any time.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Plaintiff's petition is respectfully denied. This case is dismissed with prejudice. Court costs of this cause will be taxed to the Plaintiff for which execution may issue if necessary. This constitutes the final order in this cause.

ENTER this 5th ^{March} day of February, 2024.



CHANCELLOR

APPROVED FOR ENTRY:

MOORE, RADER AND YORK, P. C.

By 

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