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IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

MLK50: JUSTICE THROUGH JOURNALISM, MEMPHIS FOURTH ESTATE INC., MEMPHIS PUBLISHING CO., and NEXSTAR MEDIA GROUP, INC., Plaintiffs, v. JUVENILE COURT OF MEMPHIS AND SHELBY COUNTY, TENNESSEE, and THE HONORABLE TARIK B. SUGARMON, in his official capacity as Judge for the Juvenile Court for Memphis and Shelby County, Tennessee, Defendants.	No. _____

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR TEMPORARY INJUNCTION

Plaintiffs MLK50: Justice Through Journalism, Memphis Fourth Estate Inc., Memphis Publishing Co., and Nexstar Media Group, Inc. (collectively, the "Press Coalition"), respectfully submit this Memorandum of Law in support of their application for a Temporary Injunction to declare Defendants'[1] policy and practice requiring members of the press and public to obtain advance permission from the

[1] Defendants are the Shelby County Juvenile Court (the "Juvenile Court") and the Juvenile Court's presiding Judge, the Honorable Tarik B. Sugarmon, who is being sued in his official capacity.

court before attending a juvenile delinquency proceeding in Shelby County (the "Advance Permission Policy") illegal, and to enjoin Defendants from enforcing the Policy against the press and the public. Specifically, the Advance Permission Policy violates Tenn. R. Juv. Pr. & P. 114 ("Rule 114"), which establishes a public right of access to juvenile delinquency proceedings and provides that a proceeding may be closed only under specific circumstances, established by particularized findings on the record. The Advance Permission Policy impairs the ability of the Press Coalition to attend and report on juvenile delinquency proceedings in Shelby County. The Advance Permission Policy should, therefore, be enjoined.

INTRODUCTION

In 1995, the Tennessee Supreme Court held that the public holds a qualified right of access to juvenile delinquency proceedings. *State v. James*, 902 S.W.2d 911, 913-14 (Tenn. 1995). As part of the Tennessee Supreme Court and General Assembly's 2016 adoption of new Tennessee Rules of Juvenile Practice and Procedure, the *James* holding was incorporated into Rule 114. Rule 114(a) provides that "[d]ependent and neglect cases shall not be open to the public," but, under Rule 114(b), "[d]elinquent and unruly cases *are* open to the public." Rule 114(b) (emphasis added).

Rule 114(b) restrains courts from closing a delinquency or unruly juvenile proceeding absent balancing "the interests of the parties and the public's interests in open proceedings" and application of the following rules:

> **(1)** When closure is sought by a party:

> **(A)** The party seeking to close the hearing shall have the burden of proof;
>
> **(B)** The court shall not close proceedings to any extent unless it determines that failure to do so would result in particularized prejudice to the party seeking closure that would override the public's compelling interest in open proceedings;
>
> **(C)** Any order of closure must not be broader than necessary to protect the determined interests of the party seeking closure;
>
> **(2)** The juvenile court must consider reasonable alternatives to closure of proceedings; and
>
> **(3)** The juvenile court must make adequate written findings to support any order of closure.

To avoid any doubt, the Advisory Commission Comments to Rule 114 explain that "*State v. James*, 902 S.W.2d 911 (Tenn. 1995) authorizes the closure process specified in subdivision (b) for delinquency and unruly cases. Such proceedings 'may' be closed only through the process as outlined above."

Despite the clear requirement of Rule 114(b) that juvenile delinquency proceedings remain open to the public unless all its factors support closure, Defendants are enforcing the Advance Permission Policy, which directly violates Rule 114(b). Defendants' Advance Permission Policy bars any member of the public—including the Press Coalition's journalists—from attending any Juvenile Court delinquency proceeding without first requesting and obtaining permission from Defendants, thereby impermissibly placing the burden on the press and the public to attend presumptively open court proceedings. The Press Coalition now seeks a

temporary injunction prohibiting enforcement of the Advance Permission Policy and requiring Defendants to comply with Rule 114(b).

FACTS SUPPORTING TEMPORARY INJUNCTION

While there is no written version of the Advance Permission Policy, Compl. ¶ 19; McAdoo Decl. ¶ 7 (describing request for written policy regarding public access to juvenile delinquency proceedings); *id.* ¶ 12 (noting lack of response to query for written policy), it was summarized in an email from Defendants' Public Affairs Director to one of the Press Coalition reporters:

> Juvenile Court and its personnel are not permitted to disclose or disseminate a youth's name in a matter and thus cannot allow members of the public to attend court hearings without specific information about the case(s) to which they seek to attend. If you do have specific information about the hearing(s) you would like to attend, Judge will make the final determination whether this matter is open to the public.

Cadenhead Decl. ¶ 20; *id.* Attach. 4. In other words, a person seeking to attend any juvenile delinquency proceeding must inform Defendants whose proceeding they want to attend, whereupon Defendants will decide "whether this matter is open to the public." Cadenhead Decl. ¶ 20; *id.* Attach. 4. This explanation is consistent with the understanding of the Press Coalition's journalists, although some of those journalists have been instructed by Defendants that any request to attend a juvenile proceeding must also be made at least 48 hours in advance. Finton Decl. ¶ 9; Moore Decl. ¶ 6; Fleming Decl. ¶ 9.

The Advance Permission Policy has already affected and continues to affect the Press Coalition's ability to attend juvenile delinquency proceedings in Shelby County.

Cadenhead Decl. ¶¶ 12–20, 25–26, 29–32; Finton Decl. ¶¶ 8, 10–14; Moore Decl. ¶¶ 7–15; Fleming Decl. ¶¶ 9–14. Reporters for each member of the Press Coalition have faced delays in receiving permission from court staff—from receiving no response until after a particular hearing has taken place, to having a request denied without justification. Cadenhead Decl. ¶ 12–20, 25–26, 29–32; Finton Decl. ¶¶ 8, 10–14; Moore Decl. ¶¶ 7–15; Fleming Decl. ¶¶ 9–14.

The experience of MLK50 reporter Rebecca Cadenhead illustrates the problem. Ms. Cadenhead is the Youth Life and Justice reporter for MLK50. Cadenhead Decl. ¶ 1. Her efforts to report on juvenile proceedings in Shelby County are driven in part by a 2009 investigation by the U.S. Department of Justice of racial disparities in the Juvenile Court's transfer of accused juvenile offenders to adult criminal court. *Id.* ¶¶ 7–10. That investigation led to a settlement providing for federal oversight of the Shelby County Juvenile Court until 2018. *Id.* ¶¶ 8–9. In furtherance of her reporting, Ms. Cadenhead has attempted to attend "transfer docket" hearings to observe how the Juvenile Court is operating following the conclusion of the federal oversight period. *Id.* ¶¶ 10–26.

In July 2024, Ms. Cadenhead met with Dr. Stephanie Hill, Chief Administrative Officer of the Juvenile Court, who informed Ms. Cadenhead that she would need to notify the court in advance and obtain permission from a magistrate to attend any delinquency proceeding. *Id.* ¶ 11. On January 13, 2025, Ms. Cadenhead notified Dr. Hill of her intention to attend a transfer docket hearing in Juvenile Court on January 20, 2025, but did not identify a specific docket. *Id.* ¶ 12. On January 17,

2025, Alexis Fitzgerald, the Public Affairs Director for the Juvenile Court, informed Ms. Cadenhead that she would need to identify the date she wanted to attend to obtain advance permission from Defendants. *Id.* ¶ 14. That same day, Ms. Cadenhead emailed Ms. Fitzgerald that she wanted to attend a transfer docket hearing on January 27, 2025. *Id.* ¶ 15; *id.* Attach. 3. Ms. Cadenhead did not receive a response from Ms. Fitzgerald on her request until February 7, 2025 (nearly two weeks after the hearing took place), at which time Ms. Fitzgerald denied Ms. Cadenhead's request. *Id.* ¶¶ 16–20.

Ms. Cadenhead and her colleague, Katherine Burgess, were again denied access to juvenile transfer hearings on March 31, 2025. *Id.* ¶ 26; Burgess Decl. ¶¶ 7–14. Upon arriving at the Youth Justice & Education Center, where the transfer hearings are held, they told the facility's staff the purpose of their visit. Cadenhead Decl. ¶ 26; Burgess Decl. ¶¶ 8–9. The deputy then asked Judge Sugarmon if the journalists could attend, but Judge Sugarmon denied the request. Cadenhead Decl. ¶ 26; Burgess Decl. ¶¶ 13–14. Ms. Cadenhead has not attempted to attend a juvenile proceeding since that incident.[2]

Journalists with the other Press Coalition members have had similar experiences trying to cover proceedings in Shelby County Juvenile Court. Finton

[2] In between those two visits, on February 10, 2025, Ms. Cadenhead brought a copy of Rule 114 with her to help demonstrate her entitlement to attend juvenile delinquency and transfer docket hearings; in that case, Judge Sugarmon allowed Ms. Cadenhead and her colleague to attend a proceeding, but informed her that in the future, they should speak with Ms. Fitzgerald in advance to obtain permission to attend a proceeding. Cadenhead Decl. ¶ 21.

Decl. ¶ 12; Fleming Decl. ¶¶ 10–14; Moore Decl. ¶¶ 7–8. One of the Press Coalition's journalists has been deterred entirely from even attempting to attend juvenile proceedings, given the administrative hurdles imposed by the Advance Permission Policy. Finton Decl. ¶ 13. As a practical matter, journalists often do not learn about a particular proceeding until the last minute—or may know about a proceeding but not know the name of the subject of that proceeding. *Id*. ¶ 12; Moore Decl. ¶¶ 11, 14; Cadenhead Decl. ¶¶ 31–32. In those circumstances, it is impossible to provide the information mandated by the Advance Permission Policy, which effectively closes the proceeding completely. Finton Decl. ¶¶ 11–12; Moore Decl. ¶¶ 11, 14; Cadenhead Decl. ¶ 31.

Undersigned counsel has twice raised these issues in writing with Defendants on behalf of MLK50. Compl. ¶¶ 24, 27; *id.* Exs. A, D. Despite being made aware that their policy and practice violates Rule 114(b), Defendants continue to enforce the Advance Permission Policy. Compl. ¶¶ 23–26 (recounting response from Defendants); *id*. Exs. B–C (correspondence from Defendants responding to letters).

STANDARD OF REVIEW

A court may grant a temporary injunction if it is clearly shown by verified complaint, affidavit, or other evidence that the movant's rights are being or will be violated by an adverse party and that the movant will suffer an immediate and irreparable injury, loss or damage pending a final judgment in the action, or that the acts or omissions of the adverse party will tend to render such final judgment ineffectual. Tenn. R. Civ. P. 65.04(2). "Like the federal courts, Tennessee trial courts

consider four factors in determining whether to issue a temporary injunction: '(1) the threat of irreparable harm to the plaintiff if the injunction is not granted; (2) the balance between this harm and the injury that granting the injunction would inflict on defendant; (3) the probability that plaintiff will succeed on the merits; and (4) the public interest.'" *Fisher v. Hargett*, 604 S.W.3d 381, 394 (Tenn. 2020) (quoting *Moody v. Hutchison*, 247 S.W.3d 187, 199–200 (Tenn. Ct. App. 2007)).

ARGUMENT

I. The Press Coalition is likely to succeed on the merits of their claim that the Advance Permission Policy is illegal and contrary to Rule 114(b).

A. Rule 114 has the full force and effect of law.

The Press Coalition challenges the legality of the Advance Permission Policy pursuant to Tenn. Code Ann. § 1-3-121[3] and Rule 114(b). "The rules governing practice and procedure in the trial and appellate courts of Tennessee were promulgated by the General Assembly and the Supreme Court . . . [and] have the force and effect of law." *Frye v. Blue Ridge Neuroscience Ctr., P.C.*, 70 S.W.3d 710, 713 (Tenn. 2002) (quoting *Crosslin v. Alsup,* 594 S.W.2d 379, 380 (Tenn. 1980)). This is equally true of the Tennessee Rules of Juvenile Procedure and Practice, including Rule 114(b). *M.E.A. ex rel. Exum v. Moody*, No. W2003-01669-COA-R3PT, 2004 WL 316977, at *8 (Tenn. Ct. App. Feb. 19, 2004) ("Rules of Juvenile Procedure, along with

[3] Tenn. Code Ann. § 1-3-121 provides that "Notwithstanding any law to the contrary, a cause of action shall exist under this chapter for any affected person who seeks declaratory or injunctive relief in any action brought regarding the legality or constitutionality of a governmental action. A cause of action shall not exist under this chapter to seek damages."

the Rules of Criminal Procedure, Rules of Civil Procedure, and Rules of Appellate Procedure, are promulgated by the joint action of the legislature and the Supreme Court, . . . and they 'have the force and effect of law.'") (citation omitted). In fact, "[a]fter the rules have become effective, all laws in conflict with the rules shall be of no further force or effect." Tenn. Code Ann. § 16-3-406. As a result, any policy or practice contrary to Rule 114(b), like the Advance Permission Policy, is illegal. *See, e.g.*, *Davis v. State*, 313 S.W.3d 751, 759 (Tenn. 2010) (holding that criminal sentences "in direct contravention of an applicable statute" are "*illegal* as opposed to merely erroneous) (emphasis in original) (citing *Summers v. State*, 212 S.W.3d 251, 256 (Tenn. 2007)).

B. Rule 114(b) requires juvenile delinquency proceedings be open to the public unless its stringent requirements for closure are met for a specific proceeding.

Rule 114(b)'s language is clear: "Delinquent and unruly cases are open to the public." Despite this unequivocal statement of the law, Defendants have instituted a policy and practice that requires anyone wishing to attend juvenile delinquency proceedings to request and receive advance permission before they will be allowed to attend. Compl. ¶ 18; Cadenhead Decl. ¶¶ 11, 14, 1–20, 22, 25; *id*. Attach. 4; Fleming Decl. ¶ 9; Moore Decl. ¶ 6; Finton Decl. ¶ 9. This Policy is illegal pursuant to the plain terms of Rule 114(b).

Nothing in Rule 114(b) supports the Advance Permission Policy's presumption that juvenile delinquency proceedings are closed to the public absent compliance with the policy and obtaining permission to attend from Defendants. Nor does Rule 114(b)

support the Advance Permission Policy's prohibition on attending multiple proceedings without advance permission as to each case (i.e., court watching). To the contrary, Rule 114(b) specifies the only means of depriving the public of its right to attend juvenile delinquency proceedings: First, the party seeking closure bears the burden of proving that "failure to [grant closure] would result in a particularized prejudice to the party seeking closure that would override the public's compelling interest in open proceedings." Rule 114(b)(1)(A)–(B). Second, "[a]ny order of closure must not be broader than necessary to protect the determined interests of the party seeking closure." Rule 114(b)(1)(C). Third, "[t]he juvenile court must consider reasonable alternatives to closure of proceedings." Rule 114(b)(2). And, finally, "[t]he juvenile court must make adequate written findings to support any order of closure." Rule 114(b)(3). Rule 114(b) is unambiguous: juvenile delinquency proceedings are presumptively open and an individual proceeding may only be closed after compliance with its stringent requirements.

C. Defendants' Policy violates Rule 114(b).

Despite Rule 114(b)'s clarity, Defendants maintain and enforce a policy that requires the public, including the Press Coalition, to obtain advance permission from the Juvenile Court to attend any juvenile delinquency proceeding. *E.g.*, Compl. ¶ 18; Cadenhead Decl. ¶ 20; *id*. Attach. 4 (email from public affairs officer denying Rebecca Cadenhead's request to attend a juvenile transfer hearing because she could not provide a name for a specific proceeding); *see also* Cadenhead Decl. ¶ 22 (Judge Sugarmon explaining to Ms. Cadenhead that she would need speak with the public

affairs officer before any future visit to observe a proceeding); Burgess Decl. ¶¶ 12–13. The Advance Permission Policy is illegal and contrary to Rule 114(b).

Rule 114(b) mandates that juvenile delinquency proceedings are "open to the public." Rule 114(b). A proceeding is open to the public when the public can walk in without any notice. A proceeding is open when no permission is required to attend. A proceeding is open when a person need not know what the proceeding is about beforehand. A proceeding is open when a person need not know the name of the individuals involved in the proceeding. Those are the hallmarks of open proceedings; the Advance Permission Policy is at odds with these basic principles of open courtrooms.

Instead of keeping juvenile delinquency proceedings open unless a specified showing is made to justify closure, the Defendants' default is that in Shelby County such proceedings are presumptively closed. *Compare* Rule 114(b)(1)(A) ("[T]he party seeking to close the hearing shall have the burden of proof.") *with* Cadenhead Decl. Attach. 4 (explaining Defendants' position that they "cannot allow members of the public to attend court hearings without specific information about the cases(s) to which they seek to attend. If you have specific information about the hearing(s) you would like to attend, Judge will make a final determination whether this matter is open to the public"). As Ms. Fitzgerald explained, under the Advance Permission Policy, Rule 114(b)'s requirements are inverted and the burden is placed on the public to request access to attend each juvenile delinquency proceeding whereupon the "Judge will make the final determination whether this matter is open to the

public." Compl. ¶ 13; Cadenhead Decl. Attach. 4. Under the Advance Permission Policy, access to juvenile delinquency proceedings is thus contingent upon making a specific request identifying the juvenile involved, and awaiting administrative approval, all before arriving at the courthouse, possibly up to 48 hours beforehand. Compl. ¶ 18; Cadenhead Decl. ¶¶ 11, 14, 18–20, 22, 25; *id*. Attach. 4; Fleming Decl. ¶ 9; Moore Decl. ¶ 6; Finton Decl. ¶ 9. In this manner, the Advance Permission Policy impermissibly impedes the Press Coalition's ability to attend juvenile delinquency proceedings without first satisfying an unnecessary administrative burden. Each of these requirements is entirely inconsistent with Rule 114(b) and improperly shifts the burden onto the public, including the Press Coalition, to justify openness in contravention of the requirements in Rule 114(b).

Finally, Rule 114(b) requires a written order from a Juvenile Court that adequately supports any closure. Indeed, courts speak through their written orders, not through emails from their staff. *See, e.g.*, *State v. Rodgers*, 235 S.W.3d 92, 96 (Tenn. 2007) (holding that an oral directive did not constitute a valid court order in juvenile proceedings); *In re Addison M*, No. E2014-02489-COA-R3-JV, 2015 WL 6872891, at *7 (Tenn. Ct. App. Nov. 9, 2015) (finding no statutory authority for the substitution of an oral directive for a valid court order); *State v. Conner*, 919 S.W.2d 48, 49 n. 3 (Tenn. Crim. App. 1995) (finding error in the trial court's failure to enter a written order setting forth the reasons for revoking appellant's probation). Defendants have never provided a written order consistent with Rule 114(b) as the

basis for denying Plaintiffs access to juvenile delinquency proceedings. Burgess Decl. ¶ 15; Cadenhead Decl. ¶ 27; Moore Decl. ¶ 9.

Rule 114(b)'s requirement of "adequate written findings to support any order of closure" is consistent with the closure requirements for courtrooms throughout Tennessee. *State v. Drake*, 701 S.W.2d 604, 608 (Tenn. 1985) (explaining that "[u]pon granting an order of closure the trial judge shall articulate the specific facts upon which he has based a finding that closure is essential to preserve the moving party's interest and his finding that no alternatives to closure will adequately protect that interest"); *see also Press-Enter. Co. v. Superior Ct. of California, Riverside Cnty.*, 464 U.S. 501, 510 (1984) ("The presumption of openness may be overcome only by an overriding interest . . . . The interest is to be articulated along with findings specific enough that a reviewing court can determine whether the closure order was properly entered."); *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 306 (6th Cir. 2016) ("[A] district court that chooses to seal court records must set forth specific findings and conclusions, 'which justify nondisclosure to the public.'") (quoting *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1176 (6th Cir. 1983)). By not providing the Press Coalition with written orders closing specific proceedings, the Press Coalition's ability to appeal such closures was and is frustrated, necessitating this action.

For these reasons, the Advance Permission Policy violates Rule 114(b), and the Press Coalition is likely to succeed on their merits of their claim.

D. The Press Coalition was and is affected by the Advance Permission Policy.

The Advance Permission Policy has unquestionably affected the Press Coalition's ability to attend and report on juvenile delinquency proceedings. As discussed above, journalists for the Press Coalition have been denied access to juvenile delinquency proceedings pursuant to the Advance Permission Policy, whether because requests for permission were unanswered until after a hearing had taken place or because the requests were explicitly denied. Cadenhead Decl. ¶¶ 12–20, 26; Fleming Decl. ¶¶ 12–14; Burgess Decl. ¶¶ 14–15; Moore Decl. ¶¶ 7–8; Finton Decl. ¶ 12. And some journalists have been deterred (and continue to be deterred) from even trying to attend juvenile delinquency proceedings due to the cumbersomeness of the Advance Permission Policy. Finton Decl. ¶ 13. The Advance Permission Policy also has the effect of wholly prohibiting general court watching and makes coverage of late-scheduled proceedings impossible. Compl. ¶¶ 30, 39; Finton Decl. ¶ 14; Moore Decl. ¶ 11; Cadenhead Decl. ¶¶ 31–32.

II. The remaining temporary injunction relief factors favor granting relief.

The other temporary injunction factors, similar to the likelihood of success on the merits factor, also weigh heavily in favor of the Press Coalition.

A plaintiff's harm is irreparable if monetary damages cannot be calculated with a reasonable degree of certainty or will not adequately compensate the injured party. *AmeriGas Propane, Inc. v. Crook*, 844 F. Supp. 379, 390 (M.D. Tenn. 1993) (citation omitted). There is no way to calculate or compensate the Press Coalition for

the damage that the Advance Permission Policy has done and continues to do to their ability to attend and report on juvenile delinquency proceedings. *See, e.g.*, *Detroit Free Press v. Ashcroft*, 303 F.3d 681, 710–11 (6th Cir. 2002) (holding that newspaper would be irreparably harmed by denying access to upcoming deportation proceeding). "[N]o subsequent measures can cure [the inability to attend a government proceeding], because the information contained in the appeal or transcripts will be stale, and there is no assurance that they will completely detail the proceedings." *Id.*; *see also Elrod v. Burns,* 427 U.S. 347, 373 (1976) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."); *New York Civil Liberties Union v. New York City Transit Auth.*, 684 F.3d 286, 305 (2d Cir. 2012) (holding that denying party access to transit board meetings would irreparably harm their right of access to that proceeding); *Jacobsen v. U.S. Postal Serv.*, 812 F.2d 1151, 1154 (9th Cir. 1987) ("[T]he prevention of access to a public forum is, each day, an irreparable injury: the ephemeral opportunity to present one's paper to an interested audience is lost and the next day's opportunity is different."); *Courthouse News Serv. v. Forman*, 606 F. Supp. 3d 1200, 1226 (N.D. Fla. 2022) (holding party would suffer irreparable injury due to failure of clerk to promptly make newly filed civil complaints available). Therefore, when the public, including the Press Coalition, is denied the opportunity to observe juvenile delinquency proceedings without strict compliance with Rule 114(b), the resulting harm is the permanent loss of the ability to observe and report on those proceedings. Such a loss is an irreparable injury.

Moreover, both the balance of equities and the public interest weigh heavily in favor of granting a temporary injunction. As the Sixth Circuit held in a case involving an injunction against automatic closure of deportation proceedings, "the injunction will not cause substantial harm to others because the Government can seek closure in individual cases at appropriate times." *Detroit Free Press*, 303 F.3d at 711. The same is true here because an injunction would not prohibit Defendants from closing particular proceedings based on the requirements of Rule 114(b).

"Lastly, the public's interests are best served by open proceedings." *Detroit Free Press*, 303 F.3d at 711. "A true democracy is one that operates on faith – faith that government officials are forthcoming and honest, and faith that informed citizens will arrive at logical conclusions." *Id.* "Open proceedings, with vigorous and scrutinizing press, serve to ensure the durability of our democracy." *Id.* The public interest is likewise best served by compliance with Rule 114(b), as approved by both the Tennessee General Assembly and the Tennessee Supreme Court, which ensures the proper balance between "the public's compelling interest in open proceedings" and any asserted "particularized prejudice . . . the party seeking closure" may have. Rule 114(b).

CONCLUSION

For the foregoing reasons, the Press Coalition respectfully requests that the Court grant its Motion for a Temporary Injunction.

Respectfully submitted,

/s/ Paul R. McAdoo

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing will be served with the Petition and Summons upon the Defendants.

/s/ Paul R. McAdoo
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