IN THE CHANCERY COURT OF 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,

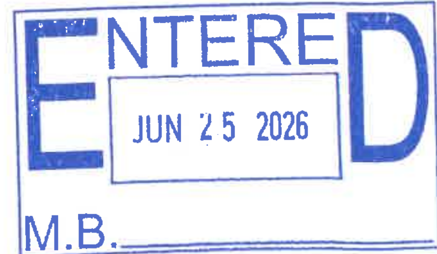
v.

SHELBY COUNTY JUVENILE COURT,

and

TARIK B. SUGARMON, in his official capacity as Shelby County Juvenile Court Judge,

Defendants.



Case No. CH-25-1700
Part II

ORDER GRANTING PLAINTIFFS'
AMENDED MOTION FOR TEMPORARY INJUNCTION

On May 18, 2026, this cause came before the Court on the Amended Motion for Temporary Injunction filed by Plaintiffs MLK50 Justice Through Journalism, Memphis Fourth Estate Inc., Memphis Publishing Co., and Nexstar Media Group, Inc. After briefing by the parties and oral argument, the

Court **GRANTS** Plaintiffs' request for a temporary injunction for the reasons that follow.

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 the new, and currently in effect, Tennessee Rules of Juvenile Practice and Procedure, the *James* holding was incorporated into Rule 114. Rule 114(a) provides that dependent and neglect cases shall not be open to the public. But under Rule 114(b), delinquent and unruly juvenile proceedings, absent balancing the interests of the parties and the public's interest in open proceedings, are open to the public. Specifically, Rule 114(b) provides that

> **(b) Delinquent and Unruly Proceedings.** Delinquent and unruly cases are open to the public. However, in the discretion of the court, the general public may be excluded from any proceeding. On application of a party or on the court's own initiative, the court may determine that a proceeding, in whole or in part, should be closed except to those persons having a direct interest in the case. In determining whether to close the proceedings, and thereby balancing the interests of the parties and the public's interests in open proceedings, the court shall apply 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.

Rule 114's Advisory Commission Comments provide that

> This rule clarifies that dependent and neglect cases should be closed and not open to the public. This proceeding should be open to only those persons who are necessary to the particular proceeding.
>
> *State v. James*, 902 S.W.2d 911 (Tenn. 1995) authorizes the closure process specified in subdivision (b) for delinquent and unruly cases. Such proceedings

"may" be closed only through the process as outlined above.

As an initial matter, Defendants challenge the Court's subject matter jurisdiction over this matter. In *Wygant v. Lee*, ___ S.W.3d ___, 2025 WL 3537313, No. M2023-1686-SC-R3-CV (Tenn. Dec. 10, 2025), the Tennessee Supreme Court stated that until recently, "Tennessee's constitutional standing doctrine 'was adopted wholesale' from federal judicial precedents and required all plaintiffs to satisfy a three-element test to establish standing." *Id.* at *16 (quoting *Case v. Wilmington Trust*, 703 S.W.3d 274, 282 (Tenn. 2024)). "Under that test, a plaintiff must show (1) that he suffered an injury in fact; (2) that the injury is fairly traceable to the challenged conduct; and (3) that a favorable judicial decision would redress the injury." *Id.* (citing *City of Memphis v. Hargett*, 414 S.W.3d 88, 98 (Tenn. 2013)). Applying this test, the Court rules that it does have subject matter jurisdiction in this case, which involves public rights as opposed to private rights for the reasons that follow. On the record before the Court Plaintiffs have demonstrated that they are likely to establish that they have suffered an injury in fact; that the injury is fairly traceable to the challenged conduct; and that a favorable judicial decision would redress the injury for the reasons that follow.

The Court finds that the declarations are sufficient to show that the movants' rights are being or will be violated. News and media organizations have standing to challenge closure orders when their reporters are denied access to court proceedings. *Ballard v. Hertzke*, 924 S.W.2d 652, 657 (Tenn. 1996) ("We agree with those federal and state courts in other jurisdictions, which have routinely found that media entities should be allowed to intervene to obtain access to judicial proceedings or records."). When Defendants deny reporters employed by the Plaintiffs access to juvenile delinquency proceedings, they violate the Plaintiffs' right to access those proceedings in accordance with state law.

Defendants also contend that the Court cannot proceed on Plaintiffs' Motion for Temporary Injunction due to the lack of a verified complaint. Under Tenn. R. Civ. P. 65.04(2), "A temporary injunction may be granted during the pendency of an action 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 the movant will suffer 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."

Defendants argue that this is akin to a "fruit of the poisonous tree" circumstance. But the Court finds that the plain language of Rule 65.04 does not require that there be a verified complaint as a precondition for a party, such as the Plaintiffs here, to seek a temporary injunction. The Court will note that Rule 65.02(1) requires that "Every restraining order or injunction shall be specific in terms and shall describe in reasonable detail, and not by reference to the complaint or other document, the act restrained or enjoined." And lest there be any doubt that the Press Coalition's declarations satisfies Rule 65.04's formal requirements, Tenn. R. Civ. P. 72 explicitly provides that, "Wherever these rules require or permit an affidavit or sworn declaration," as Rule 65.04 does, "an unsworn declaration made under penalty of perjury may be filed in lieu of an affidavit or sworn declaration." The use of declarations to support motions for temporary injunctions is commonplace. *Fisher v. Hargett*, 604 S.W.3d 381, 391 (Tenn. 2020). Under Rule 72, an unsworn declaration may satisfy any affidavit requirements so long as the declared states in substantially the following form, "I declare or certify, verify, or state, under penalty of perjury that the foregoing is true and correct." Each of Plaintiffs' six declarations does this and complies with that requirement.

On the facts before the Court, while there is no written version of the challenged advance permission policy, that policy was, according to the Cadenhead Declaration ¶ 20, summarized in an email from Defendants' Public Affairs Director to one of the Press Coalition reporters, stating, "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, the Judge will make the final determination whether the matter is open to the public."[1] Plaintiffs also note that 48 hours' notice is also required.

As the Court understands it, a person seeking to attend any juvenile delinquency proceedings in Shelby County would need to comply with the Advance Permission Policy and get permission from the Defendants before being allowed to attend. As alleged in the declarations filed in this matter, a person seeking to attend any delinquency proceedings must inform the Defendants whose proceeding they want to attend, whereupon Defendants will decide whether this matter is open to the public. Finton Decl. ¶ 9; Moore Decl. ¶ 6; Fleming Decl. ¶ 9.

[1] The Court refers to this policy as the "Advance Permission Policy."

Plaintiffs contend that the Advanced 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. ¶¶ 9-14; Moore Decl. ¶ 7-15; Fleming Decl. ¶¶ 9-14. Reporters for each member of the Press Coalition have presented declarations that they have faced delays in receiving permission from Defendants' staff, from receiving no response until a particular hearing has taken place to having a request denied. Cadenhead Decl. ¶¶12-20, 25-26, 29-32; Finton Decl. ¶¶ 9-14; Moore Decl. ¶ 7-15; Fleming Decl. ¶¶ 9-14.

For instance, MLK50 reporter Rebecca Cadenhead, who is the Youth Life and Justice Reporter for MLK50, discusses in her declaration her efforts to report on juvenile proceedings in Shelby County. She has attempted to attend transfer docket hearings to observe how the juvenile court is operating, following the conclusion of certain federal oversight. Cadenhead Decl. ¶ 10. Ms. Cadenhead states that she met with Dr. Stephanie Hill, Chief Administrative Officer of the Juvenile Court in July 2024, 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, which is a type of delinquency proceeding, 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 advanced permission from Defendants. *Id.* ¶ 14. That same day, Ms. Cadenhead e-mailed 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 and Education Center, where the transfer hearings are held, they told the facility staff the purpose of their visit. Cadenhead Decl. ¶ 26; Burgess Decl. ¶¶ 8-9. The Sheriff's 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 court proceeding since that incident.

Journalists with the other Press Coalition members have had similar experiences trying to cover proceedings in Shelby County Juvenile Court. 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 do not know the name of the subject of that proceeding. Finton Decl. ¶ 12; Moore Decl. ¶¶ 11-14; Cadenhead Decl. ¶¶ 31-32. In those circumstances, the declarations state that it is impossible to provide the information mandated by the Advance Permission Policy, which effectively closes the delinquency proceeding. Finton Decl. ¶¶ 11-12; Moore Decl. ¶¶ 11-14; Cadenhead Decl. ¶ 31.

The Court may grant a temporary injunction if it is clearly shown by verified complaint, affidavit, or other evidence (and the Court takes on these declarations as being either an 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 the defendant; (3) the probability that the plaintiff will succeed on the merit; and (4) the public interest. *Fisher*, 604 S.W.3d at 394.

The likelihood of success is often the determinative factor in the Court's analysis, although the Court will balance all four factors. *See Detroit Free Press v. Ashcroft*, 303 F.3d 681, 710 (6th Cir. 2002) (holding that where the movant seeks to enforce a right of public access to court proceedings, the likelihood of success on the merit often will be the determinative factor in evaluating a First Amendment right of access claim). The likelihood of success on the merits is often the determinative factor because an unlawful denial of access is, by definition, an irreparable injury. *Id.* at 710-11.

In their written and oral arguments, Defendants have failed to rebut the Plaintiffs' showing that the likelihood of success on the merits factor strongly favors injunctive relief.

Defendants argue that factual issues preclude the granting of a temporary injunction, but Defendants have not raised an issue of fact that has any bearing on Plaintiffs' likelihood of success on the merits. While Defendants claim that the Plaintiffs disregard the actions of the Sheriff's deputies who primarily controlled the ingress and egress of parties to juvenile delinquency proceedings, they do not argue that the Sheriff was the source of the Advance Permission Policy. However, Defendants admit that the Juvenile Court developed the Advance Permission Policy to attend juvenile delinquency proceedings. Each of the declarations Defendants cite as evidence of the Sheriff's involvement makes it clear that the Sheriff was enforcing the Juvenile Court's policy, and was essentially delivering the message that the Juvenile Court had instructed them to deliver. Cadenhead Decl. ¶ 26 (recalling that the Sheriff's deputy told two MLK50 reporters that Judge Sugarmon had denied the request for access because they did not have prior permission); Burgess Decl. ¶¶ 12-13 (same); Fleming Decl. ¶¶ 13("A spokesperson for the Sheriff's Office ... told me that the Juvenile Court would have to contact the deputies at the [Youth Justice and Education Center] to inform them that I was cleared to attend the hearing.").

It is conceded that the Sheriff's Office ended its oversight of the Youth Justice and Education Center at some point in time and no longer does so. Whatever role the Sheriff did once have in enforcing the Defendants' policy has no bearing on the Plaintiffs' claim for prospective relief. Rule 114(b) explicitly requires that delinquent and unruly proceedings be presumptively open and it permits closure of such proceedings only on a case-by-case, proceeding-by-proceeding basis, and only after the Juvenile Court has considered reasonable alternatives to closure and made written findings of particularized prejudice to the party seeking closure.

Thus, in viewing the likelihood of success on the merits, the Court must draw the inference that Defendants' Advance Permission Policy violates Rule 114(b)'s unambiguous mandate by presumptively closing all delinquent and unruly proceedings without any finding of particularized harm, any consideration of reasonable alternatives, or a particularized written order justifying closure. Cadenhead Decl. ¶ 26 (recounting how two MLK50 reporters were denied access to delinquency proceedings because they did not have prior permission); *id.* ¶ 27 ("I never received any sort of documentation or written order explaining why I was not able to attend the Juvenile Court

transfer docket proceedings."). Thus Plaintiffs have a likelihood of success on the merits.

On irreparable harm, Defendants' argument that Plaintiffs will suffer no irreparable injury from continued violation of Rule 114 must fail as well.

Although Defendants refer repeatedly to the Press Coalition in their papers as a single plaintiff, the coalition is in fact comprised of four distinct media organizations that separately employ reporters who cover the Juvenile Court: MLK50: Justice through Journalism, Memphis Fourth Estate, Inc., Memphis Publishing Company, and Nexstar Media Group, Inc. In terms of irreparable injury, the period of time between which a reporter at one outlet first learned of the Advanced Permission Policy and when a reporter at another outlet first attempted to access juvenile delinquency proceedings does not amount to a delay. It does not amount particularly to the conduct of unreasonable delay that might rebut Plaintiffs' substantial showing of irreparable harm.

The record shows that Plaintiffs' reporters diligently asserted their right to attend delinquency proceedings despite the Advance Permission Policy. Cadenhead Decl. ¶¶ 10-27 (describing repeated attempts to attend delinquency proceedings). In fact, Plaintiffs stand to suffer a new irreparable

injury every time enforcement of the Advance Permission Policy prevents them from exercising the right of access in accordance with the terms of Rule 114.

As a general matter, Plaintiffs' harm from the denial of a temporary injunction is irreparable if it is not fully compensable by monetary damages. *Obama for America v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). Denial of access to a juvenile delinquency proceeding is in violation of Rule 114. In this circumstance, if that occurred, it is by definition an irreparable injury because there is no way to calculate or compensate for the harm this loss of access inflicts. *See Detroit Free Press*, 303 F.3d at 710-11. When Plaintiffs' reporters are denied access to a delinquency proceeding, they permanently lose the ability to attend and report on that particular proceeding. Thus, each past denial resulted in an irreparable injury, and each future denial, likewise, will do the same. Absent an injunction, the Court finds Defendants will continue to enforce the Advance Permission Policy, or may do so, and Plaintiffs will continue to suffer irreparable injuries. Moreover, on this record, Plaintiffs have shown at this stage that they arguably have suffered an injury in fact; that the injury is fairly traceable to the challenged conduct; and that a favorable judicial decision would redress the injury.

On the balancing of the equities, the Court is not allowed to second-guess the judgment of the Tennessee Supreme Court and the General Assembly that delinquent and unruly proceedings should be presumptively open, and that the interests of the parties can be adequately protected by permitting closure on a case-by-case, proceeding-by-proceeding basis. *Frye v. Blue Ridge Neuroscience Center, P.C.*, 70 S.W.3d 710, 713 (Tenn. 2002) ("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.").

Rule 114(b) does permit the Juvenile Court to close delinquent and unruly proceedings, so long as the Juvenile Court fully complies with Rule 114(b). An injunction requiring Defendants to comply with Rule 114(b)'s requirements and procedures for closure will not undermine the sanctity of delinquency proceedings because the government can seek closure in individual cases at appropriate times, nor would the injunction cause any harm to the Juvenile Court itself.

The Court would disagree with the proposition that Rule 114(b) gives the Juvenile Court discretion to exclude the general public from delinquent and

unruly proceedings because the rule, in fact, limits the Juvenile Court's discretion by prescribing specific circumstances that must be met and specific procedures that must be followed before the Court may order closure. Defendants are not entitled to substitute their own judgment about when and how proceedings should be closed for that of the Tennessee Supreme Court and the General Assembly, but their inability to do so for purposes of balancing the equities is hardly a cognizable injury.

The record herein clearly shows that Plaintiffs' reporters wish to attend the delinquency proceedings, Cadenhead Decl. ¶ 8 (explaining that attending hearings in person would provide important insights for reporting on the Juvenile Court's process that cannot be obtained by reviewing data after the fact), and that they have been deterred from doing so because of the Advance Permission Policy, Finton Decl. ¶ 12 ("The arduous nature of attending a juvenile delinquency proceeding in Shelby County has often deterred me from even trying to attend a proceeding."). The balancing of the equities here results in a finding that Plaintiffs stand to suffer continued irreparable harm, while Defendants have not established that they shall suffer any harm at all from injunctive relief.

Finally, on the fourth factor, the public's interests are best served by open proceedings because open proceedings with a vigorous and scrutinizing press instill faith that government officials are forthcoming and honest and thus ensure the durability of our democracy. *Detroit Free Press*, 303 F.3d at 711. While Defendants are certainly correct that this interest must be balanced with the litigant's right to a fair trial, Rule 114 already embodies a balance that both the Tennessee Supreme Court and the Tennessee General Assembly have determined to be appropriate. The public interest is thus served by compliance with this carefully crafted rule.

There is also significant public interest in ensuring that government is abiding by the law. *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) ("[T]here is a substantial public interest 'in having governmental agencies abide by the federal laws that govern their existence and operations.'"). And "[t]here is generally no public interest in the perpetuation of unlawful agency action." *Id.* "[T]he public's true interest lies in the correct application of the law." *Kentucky v. Biden*, 23 F.4th 585, 612 (6th Cir. 2022). Here, the Tennessee Supreme Court and General Assembly have concluded that access to delinquent and unruly proceedings, in accordance

with Rule 114(b), which might be limited in specific cases, best serves the public interest.

Because each of the injunctive relief factors favors preliminary relief this Court grants Plaintiff's Amended Temporary Injunction Motion.

Therefore, the Press Coalition's Amended Motion for Temporary Injunction is **GRANTED**, as set forth above and in the attached transcript.[2] Defendants, their officers, agents, and attorneys as well as other persons in active concert or participation with Defendants who receive actual notice of this injunction[3] are hereby (1) enjoined and restrained from enforcing Defendants' Advance Permission Policy and (2) enjoined and ordered to fully comply with Rule 114(b) when seeking to close delinquent and unruly juvenile proceedings in specific cases. Pursuant to Tenn. R. Civ. P. 65.05, the Court determines that Defendants will not be injured in the event that they have been wrongfully restrained or enjoined. Therefore, the requirement that Plaintiffs – the parties seeking the injunction – must post a bond as determined by this Court is hereby waived.

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2 The full transcript of the Temporary Injunction Hearing is attached as Exhibit 1.

3 Consistent with Tenn. R. Civ. P. 65.02(2).

IT IS SO ORDERED, ADJUDGED AND DECREED, this 25th day of June 2026.

CHANCELLOR

Exhibit 1

1 IN THE CHANCERY COURT OF TENNESSEE
2 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
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4 MLK50: JUSTICE THROUGH JOURNALISM, MEMPHIS FOURTH
5 ESTATE, INC., MEMPHIS PUBLISHING CO., AND NEXSTAR
6 MEDIA GROUP, INC.,
7 Plaintiffs,
8
9 vs. CASE NO. CH-25-1700
10 Part II
11 SHELBY COUNTY JUVENILE COURT,
12 AND
13 TARIK B. SUGARMON, IN HIS OFFICIAL
14 CAPACITY AS SHELBY COUNTY JUVENILE
15 COURT JUDGE,
16 Defendants.
17
18 HEARING
19 May 18, 2026
20 10:49 a.m. (CT)
21 In-person Proceeding
22 Shelby County Chancery Court
23 140 Adams Avenue
24 Memphis, Tennessee 38103
25 Kierra Pinson, 1054

1 APPEARANCES OF COUNSEL

2

3 On behalf of the Plaintiffs, MLK50: JUSTICE THROUGH

4 JOURNALISM, MEMPHIS FOURTH ESTATE, INC., MEMPHIS

5 PUBLISHING CO., AND NEXSTAR MEDIA GROUP, INC.:

6

7 PAUL R. MCADOO, ESQ.

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14 On behalf of the Defendants, SHELBY COUNTY JUVENILE

15 COURT AND TARIK B. SUGARMON, IN HIS OFFICIAL CAPACITY AS

16 SHELBY COUNTY JUVENILE COURT JUDGE:

17

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19 JOHN R. MCCARROL III, ESQ.

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1 APPEARANCES (CONTINUED)
2 Also present:
3
4 James R. Newsom III, Chancellor
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1 INDEX OF EXAMINATION

2

3 WITNESS: HEARING

4 EXAMINATION PAGE

5 6

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7 INDEX TO EXHIBITS

8

9 NO. DESCRIPTION PAGE

10 (No exhibits marked.)

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1 The Hearing was taken at SHELBY COUNTY CHANCERY
2 COURT, 140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103, on
3 MONDAY, MAY 18TH, 2026, commencing at 10:49 a.m. (CT);
4 said hearing was taken pursuant to the TENNESSEE Rules
5 of Civil Procedure.
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1 PROCEEDINGS
2 THE BAILIFF: All rise.
3 THE COURT: Good morning, Counsel.
4 MS. KELLY: Good morning, Your Honor.
5 MR. MCADOO: Morning.
6 THE BAILIFF: Court is back in session. You
7 may be seated to start.
8 THE COURT: Thank you. Mr. Clerk, if you can
9 call it, please?
10 THE CLERK: CH-25-170Z -- 1700, MLK50, et al.,
11 v. Juvenile Court.
12 THE COURT: Good morning.
13 MR. MCADOO: Good morning, Your Honor.
14 MS. KELLY: Good morning, Your Honor.
15 THE COURT: Good morning. I believe this is
16 Juvenile Courts and Related Parties' Motion to Dismiss
17 or -- oh, I'm sorry. I -- this is -- I apologize. This
18 is your motion for a temporary injunction, correct?
19 MR. MCADOO: That's correct.
20 THE COURT: Mr. McAdoo --
21 MR. MCADOO: My --
22 THE COURT: -- if you wish to proceed?
23 MR. MCADOO: Thank you, Your Honor. May it
24 please the Court. My name's Paul McAdoo. As Your --
25 the Court mentioned, we're here on Plaintiffs', which is

1 a coalition of press organizations, Motion for Temporary
2 Injunction in a case that challenges a policy of the
3 Juvenile Court that creates a kind of -- essentially,
4 creates a presumptively closed juvenile delinquency
5 proceedings, whereas Tennessee Rule of Juvenile Practice
6 and Procedure 114(b) requires that they be presumptively
7 open and only closed in specific situations.
8 As a temporary injunction motion, there are,
9 obviously, the four factors to discuss. Before I get
10 there, I think it's important to address a -- an issue
11 that was raised by Defendants, which is whether or not a
12 verified complaint is required under 65.04. Under the
13 plain language of that rule, 65.04(b), it requires --
14 can have three different types of proof, a verified
15 complaint, an affidavit, or other evidence.
16 Under Tennessee Rule of Civil Procedure 72,
17 declarations like the ones that were proffered and
18 attached to the motion for temporary injunction are the
19 equivalent of affidavits, and they are a type of other
20 evidence that is entirely proper in a temporary
21 injunction stature -- status. You can look at, as an
22 example, we sent this in a footnote, the Fisher v.
23 Hargett case.
24 While it's not directly addressing the issue,
25 it does note that the complaint here was supported by

1 declarations as well. And we think that the defendants'
2 interpretation of 65.04 would, essentially, elide or
3 delete the references to affidavits and other evidence
4 if it was only limited to a verified complaint.
5 And of course, all along, I'm happy to answer
6 the Court's questions. If the Court doesn't have any
7 questions on that particular issue, I'm happy to move
8 on.
9 THE COURT: The Court does not. Thank you.
10 MR. MCADOO: Thank you, Your Honor. Thought
11 I'd start with what appears to be the most contested of
12 the issues. Obviously, when we're looking at an
13 injunction, you have a question of imminent and
14 irreparable harm, likelihood of successful merits, the
15 public interest, and the balancing of the equities.
16 There is no case law that goes as far as
17 Defendants assert, that irreparable harm is, in fact, an
18 essential element. We certainly believe that there is
19 irreparable harm here, but the case law that is cited is
20 a case, D.T. v. Sumner County out of the 6th Circuit,
21 and then a decision by Judge Richardson out of the
22 Middle District building on D.T. that says you cannot
23 get injunctive relief unless there's irreparable harm.
24 But even one of the cases that's cited --
25 THE COURT: I -- that was, frankly, one of my

1 favorite cases when I was with the Attorney General's
2 Office that Judge Stefari (phonetic) had written, but I
3 understand what you're saying.
4 MR. MCADOO: Well, let me -- let me -- yeah, I
5 understand, Your Honor. But the Six Clinics Holding
6 case that is also cited by Defendants does say, at Page
7 400, "No single factor will be determined of the
8 appropriateness of equitable relief."
9 And so even the 6th Circuit seems to be of
10 mixed minds, and there's certainly no Tennessee case
11 that I'm aware of that discusses irreparable harm as an
12 essential element. And if we go back to Fisher v.
13 Hargett, again, it talks about these are factors, and we
14 have to balance them.
15 THE COURT: Yes, sir.
16 MR. MCADOO: With that being said, certainly
17 believe that there is irreparable harm here. The
18 irreparable harm is, you know, a harm that is not
19 compensable by monetary damages if we, kind of, zoom
20 back to the basics of what it is, or any other kind of
21 legal remedy. And the -- there's a tremendous amount of
22 case law.
23 The one that I would point the Court to is the
24 Detroit Free Press v. Ashcroft, where, although
25 traveling under the First Amendment right of access,

1 irreparable injury is repeatedly found. And looking at
2 the Ashcroft case, one of the reasons is because the
3 opportunity to observe a proceeding is lost each time
4 that there -- a person is not able to actually attend.
5 And whether that is an acute situation where a
6 particular courtroom is posed or a policy, like in the
7 Detroit Free Press case, the principle stands that there
8 is irreparable injury each time and each day there's a
9 proceeding. There is irreparable harm if the -- a
10 presumptive closure is occurring pursuant to the
11 advanced permission policy, sort of, how we've termed
12 the policy.
13 There is also a discussion -- a couple of
14 different things. The defendants make, within their
15 irreparable harm analysis, essentially, a laches
16 argument. I don't concede that laches is something the
17 Court, as an equitable defense, of course, can take into
18 consideration. An essential element of laches is, of
19 course, prejudice, and the cases that Defendants cited,
20 the -- I forgot the name of the first one, but for a
21 case, there was no undue delay in that particular case.
22 The Clark Equipment case actually found there
23 was irreparable harm, but then analyzed laches under the
24 balancing of the equities, as well as the likelihood of
25 success on the merits.

1 And then the -- in that one, there was laches,
2 but that laches -- or that there was no -- the balancing
3 of the harms weighed in favor of not issuing an
4 injunction in the Clark case because there had been a $5
5 million investment in the three-year period between
6 discovery and the bringing of suit, which is the exact
7 type of prejudice that is usually the type that laches
8 applies to.
9 There is no evidence in the record from
10 Defendants at all, let alone evidence of a potential
11 prejudice, and that makes sense because the Court would
12 not be prejudiced by being required to comply with State
13 law. And to be clear, when we cite to cases, the -- a
14 rule of procedure, which is -- of course, is adopted by
15 the Tennessee Supreme Court and then approved by the
16 Tennessee General Assembly, is -- has the force of law
17 and actually trumps conflicting laws.
18 The other thing on timing, for each of the part
19 plaintiffs, it would be different. There's no evidence
20 regarding what Nexstar Media, what Memphis Fourth Estate
21 -- when their claim may have arisen and knowledge
22 thereof in the declarations and on the record before the
23 Court. There is some broad reference to 2023 for the
24 Memphis Publishing, publisher Commercial Appeal, of
25 their journalists.

1 And there is evidence that Rebecca Cadenhead of
2 MLK50 sat down in July of 2024 with one of the members
3 of the Juvenile Court staff, tried to learn about the
4 process, was told broadly about the process, tested the
5 process beginning in January of 2025, was not responded
6 to multiple times, so unable to attend. And then there
7 was a delay in attendance as well as a denial of
8 attendance of future ones. And then at some point, they
9 stopped trying.
10 And that's entirely within their right.
11 Obviously, they're journalists. They're trying to
12 figure out what to cover, the best use of their time,
13 but each plaintiff has to be analyzed separately, even
14 if we're going down the path of laches, which, again, I
15 believe is really what is at stake here.
16 And the case law is all about copyright cases.
17 Again, there's a mixture even among the three cases as
18 to how it actually works, one, finding irreparable harm,
19 but applying it in different factors. And I'm not aware
20 of a case that says, particularly in Tennessee, that
21 delay -- undue delay and prejudice apply specifically to
22 the irreparable harm analysis.
23 And there simply is just not -- there are no
24 facts upon which to make a finding of undue delay. The
25 period when MLK50, the first named plaintiff here,

1 ceased communication with the Court after two attempts
2 to persuade the Court about litigation, that the policy
3 was contrary to 114.
4 There is a less-than-seven-month gap there,
5 and, you know, there's lots of things that happened in a
6 particular time when bringing the case, a confluence of
7 issues, clients, attorneys, and time.
8 If the Court has no other -- has no questions
9 on irreparable harm, I'll pivot, then, to the likelihood
10 of success on merits. As I said, the Tennessee Rule of
11 Juvenile Practice and Procedure 114(b) makes "unruly and
12 delinquency proceedings presumptively open with a
13 stringent test." That's derived from Tennessee Supreme
14 Court decision, I believe, from the late '90s, State v.
15 James.
16 It's directly referenced in the comments. That
17 is the process for closing a particular proceeding. A
18 blanket rule that requires permission to attend is not
19 presumptively open. It is presumed that, during working
20 hours, I can go into Publix. It is presumptively open
21 to me, or Kroger or 7-Eleven. I don't have to ask
22 permission beforehand, unless I have been kicked out for
23 some specific, acute reason and have --
24 THE COURT: I challenge you to find a Publix in
25 Memphis.

1 MR. MCADOO: Are there no Publixes here?
2 THE COURT: (No verbal response.)
3 MR. MCADOO: I will make sure that the next
4 time I have a grocery store reference, I will make sure
5 it is more local. I -- I --
6 THE COURT: Kroger is safer in Memphis.
7 MR. MCADOO: What's that?
8 THE COURT: Kroger is safer than Publix in
9 Memphis. Anyway --
10 MR. MCADOO: Good to know, Your Honor. I -- I
11 -- admittedly, I live in Nashville, and while I'm
12 brought here for work regularly and enjoy the city, I
13 was unaware of its grocery store commonality. But on
14 the likelihood of successful merits, the rule -- the
15 policy makes these proceedings presumptively close.
16 If you can only get -- go into a proceeding
17 with the permission of the judge with -- having to
18 require 48 hours' notice and having to actually name the
19 party that you want to go see, then that's not something
20 that's presumptively open. That's something that's
21 presumptively closed.
22 THE COURT: Well, under Rule 114, the Juvenile
23 Court could still close proceedings, could it not?
24 MR. MCADOO: Absolutely, Your Honor. It could
25 do it in compliance with the rule on a proceeding-by-

1 proceeding basis, and that's 100 percent right.
2 Absolutely. The -- there -- unlike the letter that I
3 received back on behalf of MLK50, there's no substantive
4 defense that's offered by the County here.
5 Instead, they point to the sheriff. Well, this
6 is the sheriff's fault. I'm heavily paraphrasing, but
7 that's the gist. A couple of things on that. One, that
8 is inconsistent with the declarations. In the
9 declarations, the sheriffs were the gatekeepers at the
10 entrance to the facility, but they were asked to go back
11 to ask the Court to be able to attend, and they came
12 back with a message each time. Sometimes it was yes,
13 sometimes it was no, sometimes it was in an hour-and-a-
14 half.
15 So the sheriff is really, kind of, a non-issue,
16 because they were an intermediary or messenger for the
17 Court in the -- in those particular contexts. And the
18 policy is pretty clear. There is an email from one of
19 the Court's staff about, kind of, really what the policy
20 is. We can't give you a name. You have to tell us
21 exactly what you want to attend, and then we'll ask the
22 judge. That's the policy.
23 And even if the sheriff had something
24 different, the sheriff is, one, no longer in charge of
25 the juvenile detention center. We put in a press

1 release -- a link to a press release that the Court can
2 take judicial notice of on that particular issue if the
3 Court feels the need, because it comes from the website.
4 But there is no real substantive argument made
5 that the policy is consistent with the rule. Plain
6 language of the rule is very clear what is required. It
7 is similar to what this Court would have to do if it
8 wanted to close the courtroom with a little bit
9 different of a, kind of, balance to it.
10 And that's what the Tennessee Supreme Court and
11 the Tennessee just -- General Assembly has found, is the
12 proper balancing between interests of the Juvenile
13 Court, interest of the juveniles in that Court, and the
14 public.
15 And Ms. Cadenhead had -- talks a fair amount
16 about why it's important to observe these things. In
17 Paragraph 28 of her declaration, you get to see the
18 racial makeup of the subject to transfer from Juvenile
19 Court to Adult Court, because a lot of this is about the
20 transfer proceedings, which are part of delinquency
21 proceedings, the type of charged defenses, the rate in
22 which juveniles are transferred, the Court's attitude
23 toward transfers, the quality of the lawyers appointed
24 to defend juveniles, and the sense of the Court -- the
25 Court's current views on this -- on transfers.

1 And this is just one reporter's perspective on
2 why it's important to try and be there whenever
3 possible. At no time has -- have my clients been
4 provided with orders closing any particular proceedings.
5 They have been denied either at the door, by non-
6 response, or by email. And there is discussion in
7 Defendants' papers about, well, the plaintiffs have only
8 proffered declarations of reporters for those
9 organizations.
10 Those reporters work for their -- those
11 organizations. They're the eyes and ears of the
12 organizations, and reporters are how you get the
13 information for the organization to publish. And their
14 experiences with the policy with the Juvenile Courts is
15 highly pertinent to the -- what is happening to their
16 employers because they're unable to publish as a result
17 of the reporters not being able to have access.
18 On the balance of the harms inquiry, your Court
19 -- the Court, kind of, hit it on the head. There is no
20 harm to Defendants, because Defendants can still comply
21 with Rule 114(b), closed proceedings on a proceeding-by-
22 proceeding basis where necessary and in compliance with
23 the rule.
24 That's exactly what the Detroit Free Press v.
25 Ashcroft case decided in discussing a DOJ policy about

1 closing deportation proceedings, where it was a blanket
2 policy, and the Court there, in doing the same analysis
3 the Court is doing here or what is asked to do here,
4 found that "the injunction will not cause substantial
5 harm to others, because the government can seek closure
6 in individual cases at appropriate times."
7 That same avenue is available to Defendants
8 here. And then the public interest, again, looking to
9 the Ashcroft case, the Ashcroft case talks about the
10 importance of transparency in Court proceedings and
11 Juvenile Courts or Court proceedings. They are a
12 different flavor. They have their own rules. They have
13 their own different purposes, but observing those
14 proceedings is important for an understanding of how the
15 Juvenile Court works and does its job.
16 And that's, essential, for the oversight
17 mechanism of the public that the press is -- kind of, is
18 integral to, especially in a situation where judges are
19 elected. And we also cite in our reply, in addition to
20 the public interests and the open proceedings, that the
21 public has an interest in ensuring that the law is
22 enforced correctly. And here, as I mentioned earlier,
23 Tennessee Supreme Court has been very clear that the
24 rules carry the weight of law. If the Court has no
25 other questions for me, I'm happy to --

1 THE COURT: Yes, Mr. McAdoo.
2 MR. MCADOO: If the Court has no other
3 questions for me, I'm happy to --
4 THE COURT: Mr. -- Mr. McAdoo, you know, the --
5 under Rule 65, the Court has to be very careful about
6 the language that it would use in a potential
7 injunction. Have you got suggested language that you
8 wish for the Court to employ for the Court to grant your
9 motion?
10 MR. MCADOO: I think it would be appropriate to
11 order the defendants to essentially repeal and not apply
12 the Advanced Permission Policy and ensure that juvenile
13 unruly and delinquency proceedings, including transfer
14 proceedings, are only closed in full compliance with the
15 Rule 114(b). And I will admit that's a little bit off
16 the top of my head, Your Honor.
17 THE COURT: Okay.
18 MR. MCADOO: I hope that is helpful to the
19 Court.
20 THE COURT: Okay.
21 THE COURT: I'll hear from the County. Good
22 morning, Ms. Kelly.
23 MS. KELLY: Good morning. How are you?
24 THE COURT: Fine, thank you. How are you?
25 MS. KELLY: I'm well. Thank you. Your Honor,

1 I would -- I'm sorry. May I -- may it please the Court,
2 I am Attorney Pamela Williams Kelly, representing Shelby
3 County on this matter from Juvenile Court. Your Honor,
4 I would like to start with, I think -- is a very pivotal
5 discussion this morning, and it is about Rule -- this
6 Tennessee Rule of Civil Procedure 65.04, Subsection 2.
7 There is a statement, and I think there's a
8 confusion about this -- about the County's understanding
9 of that particular rule, Your Honor. It does state that
10 -- let me quote it directly as well.
11 THE COURT: If you don't mind, hang on for just
12 a minute? I'm going to go grab my copy. I should have
13 brought it out here.
14 THE COURT: I'm with you.
15 MS. KELLY: Okay. Thank you. So Rule 65, as
16 you know, concerns itself with injunctions. And so at
17 65.04, Subsection 2, we are talking about a temporary
18 injunction, which is why we're here today, Your Honor.
19 And it does say, it "can be granted during the
20 pendency of an action if it's clearly shown by verified
21 complaint, affidavit, or other evidence that the
22 movant's rights are being or will be violated by the
23 adverse party." And we'll just stop right there, Your
24 Honor --
25 THE COURT: Okay.

1 MS. KELLY: -- with the conclusion and say
2 this. Pendency of an action, Your Honor, so the
3 pendency of the action if -- is the actual filing of the
4 complaint by Plaintiffs. That's one point. And so
5 though this is not criminal law, I do think it's a very
6 great example. The action started with the filing of
7 the complaint, Your Honor, so that is the tree.
8 Today, we have a motion for a temporary
9 injunction. That is the fruit of that tree. But it
10 states in this rule that that tree, which would be the
11 complaint, should be verified, a verified complaint.
12 The complaint is not verified, Your Honor. Therefore,
13 we -- our position is if the tree is not healthy, then
14 neither is that fruit, which is the motion. In
15 Plaintiffs' --
16 THE COURT: What do you say in response to Mr.
17 McAdoo's argument that he represents several defendants
18 here and that it would've been impossible for any single
19 one of the defendants to verify the entire complaint,
20 because it imbibes from knowledge of persons who were
21 employed by these distinct entities?
22 MS. KELLY: Your Honor, I would say that that
23 explanation still does not excuse the requirement for
24 the complaint to be verified. One of those parties,
25 just one of them, could have verified that the

1 information that was in the complaint was accurate.
2 There has been arguments made that the actual employees,
3 the reporters, are sufficient because they submitted
4 declarations and that that was alone to verify the
5 complaint.
6 However, Your Honor, that language is very
7 specific, which we outlined in our memorandum. They
8 swore that the -- I know it was under TRCP 72. I know
9 that that is allowed, but they swore that the
10 declarations -- that they swore to the statements they
11 made in their declarations. They did not have any --
12 they did not swear to the complaint as a whole that the
13 information was correct or that they had knowledge.
14 So we find it difficult to say that those six
15 declarants, or five who worked for the Press Coalition,
16 are sufficient to state that a complaint for an
17 extraordinary remedy is sufficient that it is a verified
18 complaint.
19 And so Your Honor, with that as our basis, the
20 County would state that the Court does not have subject
21 matter jurisdiction over this matter, because Rule 12.08
22 states that "whenever it appears, by suggestion of the
23 parties or otherwise, that the Court lacks jurisdiction
24 of the subject matter, then the Court shall dismiss the
25 action." Again, TRCP 12.08.

1 And that is the County's position on this, Your
2 Honor, that if there's no subject matter for this
3 action, then there's no motion for a temporary
4 injunction that can be considered or granted by this
5 Court as well. I'll pause for any questions, Your
6 Honor. I see that you're writing.
7 THE COURT: Are you suggesting that under
8 Darnell, that that analysis would yield the result that
9 this Court doesn't have subject matter jurisdiction
10 under Darnell's rights situation?
11 MS. KELLY: Under Darnell, Your Honor?
12 THE COURT: Yes, ma'am.
13 MS. KELLY: I'm sorry, Your Honor. Is that
14 quoted in the reply or motion, or are we talking about
15 this --
16 THE COURT: Well, you brought it up. I'm
17 asking you --
18 MS. KELLY: You're asking me?
19 THE COURT: And I don't know to the extent that
20 you would say that either Wilmington Trust, or Malibu
21 Boats, or maybe even the most recent case, I don't
22 remember right off the top of my head what the citation
23 of that is, would indicate that this Court lacks subject
24 matter jurisdiction in this circumstance?
25 MS. KELLY: Your Honor, I don't have a --

1 THE COURT: And it's a heavy -- it's a heavy
2 boulder to throw. I just don't know what support you
3 got for it?
4 MS. KELLY: Your Honor, I'm sorry. I don't
5 have reference to those particular cases.
6 THE COURT: Well, the Court can't make it up.
7 I mean, yes --
8 MS. KELLY: No, I understand that, Your Honor,
9 but I will say that in the motion for this temporary
10 injunction, that Plaintiff did reference its complaint
11 as something for the Court to -- as one of the things
12 that it relied upon for its motion for temporary
13 injunction. And so again, Your Honor, I'm saying if
14 you're relying on this complaint and the complaint is
15 not verified, then the Court does not have subject
16 matter jurisdiction.
17 The Court -- now, this is a different
18 extraordinary remedy, but I do -- I did do some research
19 and saw that other extraordinary applications for remedy
20 had the same requirement, that the complaint had to be
21 verified in order for the Court to have subject matter
22 jurisdiction. A recent Appellate case from this Court
23 also stated, again, a different remedy, however, that
24 the --
25 THE COURT: I don't know that this Court ever

1 represented any Appellate decisions except in
2 administrative appeals.
3 MS. KELLY: I didn't hear you? I'm sorry.
4 THE COURT: I said I don't know that this Court
5 ever issues any Appellate decisions.
6 MS. KELLY: Oh, I -- then I misspoke. But I'm
7 saying, Your Honor, there was a case of yours that did
8 progress up to the Appellate Court, and it was held that
9 the case should have been dismissed. And I believe that
10 was the Baptist case -- Batiste case.
11 THE COURT: I can't understand what you're
12 saying. I just -- what case are you talking about?
13 MS. KELLY: That's the cite, Your Honor.
14 Donald Batiste case.
15 THE COURT: Oh, okay. Okay.
16 MS. KELLY: Now, Your Honor, I can continue our
17 arguments beyond the verified complaint argument and the
18 subject matters jurisdiction.
19 THE COURT: Okay.
20 MS. KELLY: Okay, Your Honor. The next item
21 would be the irreparable harm to -- the irreparable harm
22 if this temporary injunction was not granted. Your
23 Honor, our position is that, yes, there is case law that
24 states that they -- the Court should be open. There is
25 case law that states that the opportunity to observe

1 proceedings could be lost. I believe that's something
2 from Opposing Counsel.
3 But, Your Honor, we will make the same argument
4 today that, when the declarants, for whatever reasons,
5 chose not to return to access the Court, that they
6 suffered the same results. Sometimes you would not be
7 able to observe the proceedings.
8 If the Court itself closed proceedings, then
9 the reporters, again, would not be able to observe the
10 proceedings. They would have to be admitted at a later
11 time or at a later -- at a later juncture in the
12 Juvenile Court proceedings. But that alone, Your Honor,
13 in this matter, we say that irreparable harm is not
14 clearly shown, and that the --
15 THE COURT: Why is the Juvenile Court of Shelby
16 County not bound by Rule 114?
17 MS. KELLY: Your Honor, Rule 114, we do agree,
18 that resulted from the State v. James case, does have
19 some requirements that seem to apply to Juvenile Court.
20 But, Your Honor, it also states, if you -- one second.
21 It also states that -- here -- that the Juvenile Court
22 must consider reasonable alternatives to closing the
23 proceedings.
24 We will argue, Your Honor, that the advanced
25 proceedings policy does give the reporters an

1 alternative to actually closing the proceedings.
2 They're asking very specific questions in order to
3 preserve the sanctity of the proceeding and to make sure
4 that the Court has an opportunity to consider who is in
5 the courtroom.
6 And the courtroom is very small, just as an
7 aside. So they are considering reasonable alternatives
8 to closing the proceeding, which is listed under Rule
9 114.
10 THE COURT: Then why not just follow Rule 114?
11 MS. KELLY: Why not just -- I'm sorry?
12 THE COURT: Why not just follow Rule 114?
13 MS. KELLY: Your Honor, I believe that the
14 Juvenile Court is -- has, in its estimation, followed
15 Rule 114. They -- again, they came up with reasonable
16 alternatives to actually closing the actual proceedings.
17 THE COURT: As I understand, Mr. McAdoo is only
18 asking the Juvenile Court to comply with Rule 114.
19 MS. KELLY: Say that again? I'm sorry, Your
20 Honor.
21 THE COURT: As I understand, Mr. McAdoo is just
22 asking the Court to require that the Juvenile Court
23 comply with Rule 114.
24 MS. KELLY: And Juvenile Court does state --
25 does believe that it is following Rule 114, that it does

1 follow it.
2 THE COURT: So what's the necessity of the
3 advanced permission policy in the first place?
4 MS. KELLY: The purpose of the advanced
5 permission policy, Your Honor, was just to -- because
6 the courtroom itself was so small, because there was
7 abundance of parties coming in and out of that building,
8 and they were adjusting, it was an opportunity to better
9 gauge safety in that area, Your Honor, and to also --
10 THE COURT: Are you arguing --
11 MS. KELLY: -- because parties cannot --
12 THE COURT: -- that 114 is not the law that's -
13 - that binds the Juvenile Court of Shelby County?
14 MS. KELLY: Yes, Your Honor, Rule 114 is law.
15 We do agree to that. Yes, Your Honor.
16 THE COURT: Right.
17 MS. KELLY: But it also states in those
18 Advisory Commission comments at the bottom that, you
19 know, it -- "Proceedings may be closed through this
20 process, as outlined above." And so there's --
21 THE COURT: "As outlined above." I mean, that
22 -- that's a -- you can't really -- that's not very
23 broad. Anyway, go ahead?
24 MS. KELLY: Okay. Just a second, Your Honor.
25 Okay, got it. We're on track here. Your Honor, in

1 response to the argument of latches or time, the time
2 should not be allotted, I believe, as a group to the
3 parties, that each one's rested on their own with each
4 media person -- reporter trying to access the Court, and
5 that they should not be collectively looked at. I think
6 that's what we said.
7 There shouldn't be a collective view of the
8 press. It should be isolated. And we will state to
9 that, Your Honor, we still hold to our position that, if
10 this was such an irreparable harm, that they would have
11 done more. The County does believe they could have done
12 more to actually access the Court.
13 There was a great amount of time that expired
14 between the first interaction with Juvenile Court and
15 subsequent interactions with Juvenile Court. Less than
16 15 attempts were made to actually access the Court. And
17 we think that --
18 THE COURT: Well, I -- I'm hearing that every
19 new denial is a denial of a -- a First Amendment right
20 that's protected by the Constitution. What do you say
21 about that?
22 MS. KELLY: I would say about that, Your Honor,
23 that we would disagree. We would say that, just in how
24 they brought this lawsuit to us, Your Honor, they
25 brought it as a collective, and so the County analyzed

1 it as a collective as well. It was the Press Coalition.
2 It was not one party named.
3 And so that was the reason why we also looked
4 at the actions of each plaintiff as a collective and
5 determined that less than 15 attempts to actually access
6 the Juvenile Court proceedings was not one that showed
7 any type of -- well, any type of urgency from that --
8 from the plaintiff.
9 Your Honor, the next item, probability of
10 success on the merit, well, Your Honor, we believe that,
11 again -- that there are several factual issues that
12 preclude the granting of the temporary -- I'm sorry,
13 injunction. And we believe that, for example -- that it
14 disregards some of the actions of the County Sheriff
15 Departments and the deputies in sometimes not allowing
16 not just the media, but other parties to access the
17 building. We don't have --
18 THE COURT: Mr. McAdoo says that the sheriff's
19 department no longer is, I guess, the -- is working at
20 that detention center.
21 MS. KELLY: That's true.
22 THE COURT: That's -- that is true? Okay.
23 MS. KELLY: Yeah, that is true, Your Honor.
24 But since nobody has tried to access Juvenile Court
25 since the filing of these -- of this unverified

1 complaint, there has no -- there have not been any
2 claims that the plaintiff has not been able to access
3 the Juvenile Court proceedings going forward.
4 So with that in mind, Your Honor, we would
5 state that the probability of success on the merits,
6 just based on the previous submitted complaints, that it
7 is not a successful -- could not be successful on the
8 merits.
9 Lastly, Your Honor, we look at the public's
10 interest. We understand that Juvenile Court
11 proceedings, they are for treatment. They're for
12 rehabilitation, not necessarily punishment, and that's
13 also quoted under State v. James. But the advanced
14 permission policy is not alone the only thing that stops
15 Plaintiffs' news reporters from attending delinquency
16 proceedings. And I quoted some of those instances, Your
17 Honor, on number -- on Page 10 of the memorandum of law
18 from the defendant.
19 And that was -- for example, Ms. Rebecca
20 Cadenhead of MLK50 did not try to attend January 27t,,
21 2025 transfer dockets. Those dates, again, Your Honor,
22 are in the past. And as you see, they're from 2025 and
23 on, there's -- and even 2024, but no one has attempted
24 to access the Court going forward. So that's what we're
25 basing our arguments on, Your Honor.

1 THE COURT: Well, Ms. Kelly, isn't the
2 plaintiff -- aren't the plaintiffs asking for
3 prospective injunctive relief that is going forward?
4 Isn't that what we need to address here?
5 MS. KELLY: Yes, Your Honor, they are asking
6 for prospective relief. I do agree with that, Your
7 Honor, but we are trying to lay a path. We are trying
8 to show Your Honor that the injunctive relief, at this
9 point, we don't believe that it is something that is
10 needed, that it is -- that the full hearing can help
11 resolve some of the issues and facts that Plaintiffs may
12 say are not provided at this point.
13 But we also believe that there is nothing so
14 urgent that we cannot wait a little longer in order to
15 have a hearing on these items.
16 THE COURT: Okay.
17 MS. KELLY: It is an extraordinary relief, Your
18 Honor, as you know, to grant a temporary injunction.
19 Okay. That is all. Thank you.
20 THE COURT: Thank you. Thank you, Ms. Kelly.
21 Mr. McAdoo?
22 MR. MCADOO: Thank you, Your Honor. I want to
23 just address --
24 THE COURT: Will you address the issue that has
25 been raised by Ms. Kelly with regard to the standing of

1 the plaintiffs to bring this claim?
2 MR. MCADOO: The plaintiffs are the publishers,
3 that when their reporters are denied access to a
4 proceeding, they are unable to publish.
5 THE COURT: I guess my question is, under the
6 Darnell factors that the Court alluded to, that a
7 plaintiff must show that -- let's just take it one by
8 one, that he suffered an injury in fact. Is that the
9 case here?
10 MR. MCADOO: Yes, Your Honor. They were -- by
11 the reporters being unable to attend a proceeding, they
12 were unable to publish the news about that proceeding or
13 collection of proceedings.
14 THE COURT: Okay. And the second item is that
15 the injury is fairly traceable to the challenged
16 conduct?
17 MR. MCADOO: It is, Your Honor. The permission
18 policy -- and there's various ways. Mr. Finton, from
19 the commercial appeal, said he has been deterred due to
20 the cumbersome nature of the policy. We have specific
21 instances in the past where Ms. Cadenhead and Ms.
22 Burgess were denied access.
23 You have -- and so each of these is an
24 opportunity that is lost, and that is directly
25 attributable to the policy, which is, you know, in black

1 and white in emails.
2 We requested the policy -- I requested the
3 policy pre-suit. I did not receive anything, but the
4 policy is pretty straightforward in the sense that it
5 appears to require 48-hours' notice, the name of a
6 party, meaning the name of the juvenile, which, of
7 course, is not released, and there's no public dockets.
8 And there's -- sorry, Your Honor, and then actual
9 permission.
10 THE COURT: And would a favorable judicial
11 decision in this cause redress the injury?
12 MR. MCADOO: It would, Your Honor, by ensuring
13 that the Court is in full compliance with Tennessee Rule
14 of Juvenile Practice and Procedure 114(b).
15 THE COURT: Thank you.
16 MR. MCADOO: If I may just address a couple of
17 things in addition to any other questions the Court may
18 have? 65.04, what's in 65.04(2) are the three types of
19 evidence that can be relied upon by the Court.
20 And I -- even though it's redundant, I think
21 it's worth repeating, "A temporary injunction may be
22 granted during the pendency of an action where the
23 pendency of an action was filed with the complaint if it
24 is clearly shown by verified complaint, affidavit, or
25 other evidence that the movant's rights are being or

1 will be violated by" --
2 THE COURT: So that's a disjunctive?
3 MR. MCADOO: Could you -- my grammar is not as
4 good as it probably should be.
5 THE COURT: I heard you say, "or," and not
6 "and" --
7 MR. MCADOO: It is "or." Yes, Your Honor.
8 THE COURT: Okay.
9 MR. MCADOO: And so there -- there's three
10 types of evidence that could be relied upon. I heard
11 Counsel for Defendants allude to, well, then we may not
12 be able to rely upon the complaint, but there's still
13 the six-fives reported declarations, mine, that was,
14 essentially, in there to authenticate documents and
15 provide documents.
16 And we also have the answer on the record
17 responding to the particular complaint. When we look
18 at, like, Paragraph 18, where it admits that there was
19 an advanced permission policy that was developed by the
20 Juvenile Court, for example.
21 But the other piece I would -- multiple things.
22 I'm not aware, and maybe this is a failing on my part, I
23 certainly hope not, that there is any requirement for a
24 verified complaint for a permanent injunction. It would
25 be an odd thing, indeed, to require a verified complaint

1 for temporary injunction, but not for a permanent one.
2 It would be an odder thing to dismiss a case based upon
3 a motion for temporary injunction for failure to file a
4 verified complaint when the party, I believe, can get a
5 permanent injunction without a verified complaint.
6 I think that would be particularly odd, Your
7 Honor. I think it reinforces the plaintiffs'
8 interpretation of 65.94, that verified complaint,
9 affidavit, and other evidence -- or other evidence are
10 the three types of evidence that can be relied upon in
11 bringing up a temporary juncture motion.
12 And so we do encourage the Court not to take
13 the request -- not agree with the request by the
14 defendants, that this case be dismissed in what would
15 be, at best, a procedural posture. Chose not to file a
16 motion to dismiss. Instead, they filed an answer, and
17 they're asking for dismissal in response to a motion for
18 temporary injunction, which is, again, peculiar at best.
19 As far as the cases that were alluded to, but
20 not named in particular by Counsel for Defendant about
21 verified complaints being required for particular
22 remedies, I'm aware, for example, that there are a host
23 of statutory remedies that require them. I think, like,
24 a -- certain means require verified complaints, but
25 we're not here on that sort of case, Your Honor.

1 The Counsel references the courtroom being too
2 small -- if we pivot to the merits, courtroom being too
3 small, references to safety. There's no evidence in the
4 record, one way or another, on that. There's reference
5 to, we analyzed -- we, being the defendants, analyzed by
6 particular plaintiffs. Dismissal of particular -- you
7 could dismiss particular plaintiffs from a case, and
8 there's no reason that they would be lumped in together.
9 And I think there's an interesting quandary
10 here. If the -- my clients continue to go in compliance
11 with the advanced permission policy, then there would be
12 -- there would be, and I believe there is, a defense of
13 acquiescence.
14 I don't think it applies at all, but if we
15 continue to go to the proceeding in compliance with the
16 advanced permission policy, juvenile delinquency
17 proceedings, then that would, potentially at least,
18 buttress an argument, which I think, even if it was
19 buttressed, would not defeat this particular case. And
20 by not going, they are, essentially, arguing
21 compliances.
22 There is discussion about the sanctity of
23 juvenile proceedings. The Court of Appeals, after
24 remand in State v. James, which I believe is a case
25 cited by Defendants -- it's 1995 Westlaw 468 433. At

1 Page 5, there's actually discussion about juvenile
2 privacy rights, particularly in transfers of hearings.
3 "Thus, we find that juveniles have less need
4 for privacy and transfer hearings than in other types of
5 juvenile proceedings. This being the case, that
6 juveniles seeking to exclude the public from a transfer
7 hearing bears a heavier burden than a juvenile seeking
8 to exclude the public from a dependent or a neglect
9 hearing or a hearing involving minor delinquent
10 conduct."
11 And I think it's worth discussing there was a
12 reference, as well, by Defendants to compliance, the
13 policy, potentially complying with the rule -- with one
14 aspect of the rule. But the rule, if you look at it,
15 114(b), it is about particular proceedings, and then it
16 has a three-part test.
17 So this is going to be -- B1B is where I start,
18 Your Honor, in Rule 114. "The Court shall not close
19 proceedings to any extent unless it determines that
20 failure to do so would result in particularized
21 prejudice to the party seeking closure that would
22 override the public's compelling interest in open
23 proceedings." That's Step 1.
24 Step 2, C, "Any order of closure must" be --
25 "not be broader than necessary to protect the determined

1 interests of the parties seeking closure," so must be
2 limited and narrowly tailored. Next, "Juvenile court
3 must consider reasonable alternatives closure of
4 proceedings, and the Juvenile Court must make adequate
5 written findings" and -- "to support any order of
6 closure."
7 That last one is also consistent with the
8 Tennessee Supreme Court's decision in State v. Drake.
9 The -- that requirement is that -- is there so that a
10 party can appeal the order if they believe that a
11 particular proceeding has been closed improperly and not
12 in compliance with Rule 114.
13 THE COURT: So is it your contention that it
14 would be improper for the Juvenile Court to lay down a
15 comprehensive order that says that it has made adequate
16 written findings to support an order of closure that
17 would cover all pending cases, for instance?
18 MR. MCADOO: Yes, Your Honor.
19 THE COURT: And so you're saying that that has
20 to be particularized for a given case?
21 MR. MCADOO: Yes, Your Honor. Particular
22 proceeding. Not even case, proceeding.
23 THE COURT: Proceeding, right. Okay.
24 MR. MCADOO: And finally, Ms. Kelly referenced
25 Plaintiffs can just wait until this case is finally

1 adjudicated. That's if the advanced permission policy
2 was temporarily enjoined and compliance with 114 is
3 insured with the Court's order, then the plaintiffs'
4 reporters would have an opportunity to go more easily
5 gather information for publication by being able to
6 observe not just individual proceedings, but hosts of
7 proceedings if they care to.
8 And of course, again, mentioning that, as I
9 responded to your question earlier, and consistent with
10 the Detroit Free Press v. Ashcroft case, consistent with
11 the Court doing what is necessary under Rule 114 to
12 close a particular proceeding when it finds -- when it
13 complies with the particular rule.
14 THE COURT: You acknowledged in your papers
15 that there's no written version of the act -- of the
16 advanced permission policy; is that correct?
17 MR. MCADOO: I'm not aware of one. I requested
18 a copy and was not provided one.
19 THE COURT: Okay. So in other words, your
20 reporters are told that the advanced permission policy
21 prohibits them from attending a given proceeding, but
22 the specifics of that advance permission policy is, as I
23 take it, summarized in an email that says that,
24 "Juvenile Courts and its personnel are not permitted to
25 disclose or disseminate a youth's name in a matter" --

1 "in a matter and thus cannot allow members of the public
2 to attend Court hearings without specific information
3 about the cases to which they seek to attend.
4 "If you do have specific information about the
5 hearings you would like to attend, the judge will make
6 the final determination whether the matter is open to
7 the public." Is that -- does that encapsulate what you
8 understand to be the advanced permission policy?
9 MR. MCADOO: Yes, with one caveat, which is
10 some of the declarants reference that it is their
11 understanding that 48 hours' notice was also required.
12 THE COURT: Okay. Okay. Anything further?
13 MR. MCADOO: No, Your Honor. Thank you for the
14 time.
15 THE COURT: Thank you. Ms. Kelly, have you
16 heard anything that you wish to address?
17 MS. KELLY: Your Honor, I just would
18 reemphasize that the policy as such has not been
19 challenged or even -- there's been no attempt for any of
20 Plaintiffs, to our knowledge, to access Juvenile Court.
21 Since there has been a turnover in --
22 THE COURT: Will you -- will you quarrel with
23 what the Court just read as being indicative of the so-
24 called advanced permission policy?
25 MS. KELLY: That is -- I did receive that as

1 information from our client that that was something that
2 was sent to reporters. Yes, Your Honor.
3 THE COURT: So -- okay. So the -- that -- it
4 would be fair to say that that is the -- is the policy
5 that the Juvenile Court has adopted?
6 MS. KELLY: That was a policy that was adopted
7 or maybe even promulgated from Shelby County Sheriff's
8 Office during that time period.
9 THE COURT: But ultimately it goes back to
10 Juvenile Court and the Juvenile Court judge; is that
11 right?
12 MS. KELLY: It is within the decision making, I
13 believe, of Juvenile Court at some point.
14 THE COURT: Okay. Thank you.
15 MS. KELLY: And Your Honor, I would just still
16 close whether -- have agreed or not, but the affidavits
17 or anything else has to come back to what was filed with
18 the Court and there was no verified complaint. So I'd -
19 -
20 THE COURT: Thank you.
21 MS. KELLY: -- like to renew that objection.
22 Thank you.
23 THE COURT: The Court acknowledges the
24 attendance of Judge Sugarmon. Welcome, Judge Sugarmon.
25 Good to see you.

1 The Court understands that the juvenile judge
2 is very sensitive to the rights of juveniles who are
3 involved in the system. And I think that whatever
4 ruling the Court is required to make under the law does
5 not overlook the fact that the juvenile judge has
6 commendable motives.
7 The Court addresses the background as follows.
8 In 1995, the Tennessee Supreme Court held that the
9 public holds a qualified right of access to juvenile
10 delinquency proceedings: State v. James, 902 S.W.2d 911,
11 913, 914, Tennessee Supreme Court 1995. As part of the
12 Tennessee Supreme Court and General Assembly's 2016
13 adoption of the new and currently in effect Tennessee
14 Rules of Juvenile Practice and Procedure, the James
15 holding was incorporated into Rule 114. Rule 114(a)
16 provides that dependent and neglect cases shall not be
17 open to the public. But under Rule 114(b), delinquent
18 and unruly cases are open to the public. Rule 114(b)
19 restrains juvenile courts from closing a delinquency or
20 unruly juvenile proceeding, absent balancing the
21 interests of the parties and the public's interest in
22 open proceedings, and application of the following,
23 which are incorporated into Rule 114, which the Court
24 has before it here.
25 As to -- I'll just quote altogether from Rule

1 114(b). "Delinquent and unruly cases are open to the
2 public. However, in the discretion of the Court, the
3 general public may be excluded from any proceeding. On
4 application of a party or on the Court's own initiative,
5 the Court may determine that a proceeding in whole or in
6 part should be closed except to those persons having a
7 direct interest in the case. In determining whether to
8 close the proceedings and thereby balancing the
9 interests of the parties and the public's interest in
10 open proceedings, the Court shall apply the following
11 rules.
12 "One, when closure is sought by a party, A, the
13 party seeking to close the hearing shall have the burden
14 of proof; B, the Court shall not close proceedings to
15 any extent unless it determines that failure to do so
16 would result in particularized prejudice to the party
17 seeking closure, that would override the public's
18 compelling interest in open proceedings; C, any order of
19 closure must not be broader than necessary to protect
20 the determined interests of the party seeking closure.
21 "And two, the juvenile court must consider
22 reasonable alternatives to closure of proceedings. And
23 three, the juvenile court must make adequate written
24 findings to support any order of closure."
25 Let me first address the assertion that this

1 Court lacks subject matter jurisdiction. Under the most
2 recent ruling, which the Court was struggling to
3 remember is Wygant, W-Y-G-A-N-T, v. Lee. The Tennessee
4 Supreme Court, in a decision that was released on
5 December 10, 2025, very recent, stated that until
6 recently, Tennessee's constitutional standing doctrine
7 was adopted wholesale from federal judicial precedents
8 and required all plaintiffs to satisfy a three element
9 test to establish standing. Under that test, a
10 plaintiff must show, one, that he suffered an injury; in
11 fact, two, that the injury is fairly traceable to the
12 challenged conduct; and three, that a favorable judicial
13 decision would address the injury, citing the City of
14 Memphis, I believe. Sorry, I'm just thumbing through it
15 right now. City of Memphis, that's what I thought v.
16 Hargett, 414 S.W.3d 88.
17 For the reasons that follow, the Court rules
18 that it does have subject matter jurisdiction. That
19 this is a case involving public rights as opposed to
20 private rights. And that the decision part that is
21 still applicable even under the Supreme Court's recent
22 clarification of the law that's standing in William --
23 Williams -- no, Wilmington Trust and Malibu Boats. The
24 Court will address the contention that due to the lack
25 of a verified complaint that this Court cannot proceed

1 on this application for temporary injunction as made by
2 the County.
3 Under Rule 65.04(2), "A temporary injunction
4 may be granted during the pendency of an action if it is
5 clearly shown by verified complaint affidavit or," as I
6 refer to, "in a disjunction -- disjunctive fashion,
7 other evidence that the movant's rights are being, or
8 will be, violated by an adverse party; and the movant
9 will suffer immediate and irreparable injury, loss, or
10 damage pending of final judgment in the action; or that
11 the acts or omissions of the adverse party will tend to
12 render such final judgment ineffectual."
13 The County argues that there is a fruit of the
14 -- of the poisonous tree situation here. But the Court
15 finds that the plain language of Rule 65.04 does not
16 require that there be a verified complaint as a
17 precondition for a party, such as the plaintiffs here,
18 to seek a temporary injunction. The Court will note
19 that Rule 65.02 requires that "every restraining order
20 or injunction shall be specific in terms and shall
21 describe in reasonable detail, and not by reference to
22 the complaint or other document, the act restrained or
23 enjoined."
24 Going to the factual setting here, while there
25 is no written version of the advanced permission policy,

1 that policy was, according to the Cadenhead Declaration
2 at Paragraph 20, summarized in an e-mail from the
3 defendant's public affairs director to one of the press
4 coalition reporters. Stating, "Juvenile court and its
5 personnel are not permitted to disclose or disseminate a
6 youth's name in a matter, and thus cannot allow members
7 of the public to attend court hearings without specific
8 information about the case(s)," and S in parentheses,
9 "case(s) to which they seek to attend. If you do have
10 specific information about the hearing(s)," S in
11 parentheses, you would like to attend, the judge will
12 make the final determination whether the matter is open
13 to the public." And Mr. McAdoo referenced the fact that
14 in addition to that, 48 hours notice is also set to be
15 required.
16 As the Court understands it, a person seeking
17 to attend any juvenile delinquency proceeding, and that
18 would be, to be more specific, not a dependent and
19 neglect proceeding. The plain terms of 114(a) state
20 that dependent and neglect cases shall not be open to
21 the public. So the universal cases that we're talking
22 about here, based on the plaintiff's Application for
23 Injunctive Relief is -- in distinction, delinquent and
24 unruly proceedings, specifically, those are covered by
25 the rules.

1 And to address the advisory commission
2 comments, the -- they state that, "The rule clarifies
3 that dependent and neglect cases should be closed," as
4 the Court just stated, "and not open to the public.
5 This proceeding should be open to only those persons who
6 are necessary to the particular proceeding."
7 The advisory commission comment goes on to
8 state that, "State v. James, 902 S.W.2d 911, Tennessee
9 Supreme Court, 1995, authorizes the closure process
10 specified in Subdivision B," which, as the Court says,
11 "relates to delinquent and unruly proceedings for
12 delinquent and unruly cases. Such proceedings may be
13 closed only through the process as outlined above, in
14 reference to the language of the rule.
15 "As alleged in the declarations filed in this
16 matter, a person seeking to attend any delinquent and
17 unruly proceedings must inform the defendants whose
18 proceeding they want to attend, whereupon Defendants
19 will decide whether this matter is open to the public."
20 In that explanation, according to the declarations,
21 including the Fenton (phonetic) Declaration in Paragraph
22 9, the Moore (phonetic) Declaration in Paragraph 6, and
23 the Fleming (phonetic) Declaration in Paragraph 9, is
24 consistent with the understanding of the Press
25 Coalition's journalists, although some of those

1 journalists have been instructed by the defendants that
2 any request to attend a juvenile proceeding must also be
3 made at least 48 hours in advance, so say those
4 declarations.
5 Plaintiffs contend that the Advanced Permission
6 Policy, and the Court will refer to what I just read as
7 that, has already affected and continues to affect the
8 Press Coalition's ability to attend juvenile delinquency
9 proceedings in Shelby County. According to the
10 Cadenhead Declaration at Paragraphs 12 through 20, 25
11 through 26, 29 through 32, the Fenton Declaration at
12 Paragraphs 9, 10 through 14, the Moore Declaration at
13 Paragraphs 7 through 15, and the Fleming Declaration at
14 Paragraphs 9 through 14, reporters for each member of
15 the Press Coalition have presented declarations that
16 they have faced delays in receiving permission from
17 Court staff, from receiving no response until after a
18 particular hearing has taken place, to having a request
19 denied without justification. From -- the Court takes
20 that from the above referenced declarations and
21 paragraph numbers.
22 For instance, MLK50 reporter Rebecca Cadenhead,
23 who is the Youth Life and Justice Reporter for MLK50,
24 discusses in her declaration her efforts to report on
25 juvenile proceedings in Shelby County. She has

1 attempted to attend transfer docket hearings to observe
2 how the juvenile court is operating, following the
3 conclusion of certain federal oversight. In July of
4 2024, Ms. Cadenhead states that she met with Dr.
5 Stephanie Hill, Chief Administrative Officer of the
6 Juvenile Court, who informed Ms. Cadenhead that she
7 would need to notify the Court in advance and obtain
8 permission from a magistrate to attend any delinquency
9 proceeding. Cadenhead Declaration, Paragraph 11.
10 On January 13, 2025, Ms. Cadenhead notified Dr.
11 Hill of her intention to attend a transfer docket
12 hearing in juvenile court, which presumptively was at a
13 delinquent and unruly proceeding, but did not identify a
14 specific docket, so says her declaration at Paragraph
15 12. On January 17, 2025, Alexis Fitzgerald, the Public
16 Affairs Director for the Juvenile Court, informed that
17 Ms. Cadenhead that she would need to identify the date
18 she wanted to attend, to obtain advanced permission from
19 Defendants. Cadenhead Declaration at Paragraph 14.
20 That same day, Ms. Cadenhead e-mailed Ms.
21 Fitzgerald that she wanted to attend a transfer docket
22 hearing on January 27, 2025. Cadenhead Declaration at
23 Paragraph 15 and Attachment 3. Ms. Cadenhead did not
24 receive a response from Ms. Fitzgerald on her request
25 until February 7, 2025, nearly two weeks after the

1 hearing took place, at which time Ms. Fitzgerald denied
2 Ms. Cadenhead's request. Cadenhead Declaration at
3 Paragraphs 16 and 20.
4 Ms. Cadenhead and her colleague, Katherine
5 Burgess, were again denied access to juvenile transfer
6 hearings, again, presumptively with regard to dependent
7 and unruly proceedings on March 31, 2025. Cadenhead
8 Declaration at Paragraph 26, Burgess Declaration at
9 Paragraphs 7 through 14. At a round meeting at the
10 Youth Justice and Education Center, where the transfer
11 hearings are held, they told the facility staff the
12 purpose of their visit. Cadenhead Declaration at
13 Paragraph 26, Burgess Declaration at Paragraphs 8 and 9.
14 The deputy -- the sheriff's deputy then asked
15 Judge Sugarmon if the journalist could attend, but
16 according to the Cadenhead Declaration at Paragraph 26
17 and the Burgess Declaration at Paragraphs 13 and 14,
18 Judge Sugarmon denied the request. Ms. Cadenhead has
19 not attempted to attend a juvenile proceeding since that
20 incident.
21 Journalists with the other Press Coalition
22 members have had similar experiences trying to cover
23 proceedings in Shelby County Juvenile Court. That in
24 Declaration 12 -- Paragraph 12 of Fleming Declaration
25 and Paragraphs 10 through 14, Moore Declaration at

1 Paragraphs 7 through 8. One of the Press Coalition's
2 journalists has been deterred entirely from even
3 attempting to attend juvenile proceedings, given the
4 administrative hurdles imposed by the Advanced
5 Permission Policy. Fenton Declaration at Paragraph 13.
6 As a practical matter, journalists often do not
7 learn about a particular proceeding until the last
8 minute or may know about a proceeding, but do not know
9 the name of the subject of that proceeding. Fenton
10 Declaration at Paragraph 12, Moore Declaration at
11 Paragraphs 11 and 14, Cadenhead Declaration at
12 Paragraphs 31 through 32. In those circumstances, the
13 declarations state that it's impossible to provide the
14 information mandated by the Advanced Permission Policy,
15 which effectively closes the proceeding, and, again,
16 presumptively delinquent and unruly proceedings
17 completely. Fenton Declaration at Paragraphs 11 and 12,
18 Moore Declaration at Paragraphs 11 and 14, Cadenhead
19 Declaration at Paragraph 31.
20 The Court may grant a temporary injunction if
21 it is clearly shown by verified complaint, affidavit, or
22 other evidence, and the Court takes on these
23 declarations as being either an affidavit or other
24 evidence that the movant's rights are being or will be
25 violated by an adverse party, and that the movant will

1 suffer an immediate and irreparable injury, loss, or
2 damage, pending a final judgment in the action, or that
3 the acts or remissions of the adverse party intend to
4 render such final judgment ineffectual. Tennessee Rule
5 of Civil Procedure 65.042.
6 Like the federal courts, Tennessee trial courts
7 consider four factors in determining whether to issue a
8 temporary injunction. Number one, the threat of
9 irreparable harm to the plaintiff if the injunction is
10 not granted. Two, the balance between this harm and the
11 injury that granting the injunction would inflict on the
12 defendant. Three, the probability that the plaintiff
13 will succeed on the merits. And four, the public
14 interest. Fisher v. Hargett, 604 S.W.3d 381, 394,
15 Tennessee Supreme Court, 2020.
16 Unless there be any doubt that Defendant's
17 Declaration will satisfy Rule 65.04's formal
18 requirements, Tennessee Rule of Civil Procedure 72
19 explicitly provides that, "When -- wherever these rules
20 require or permit an affidavit or sworn declaration," as
21 Rule 65.04 does, "an unsworn declaration may under
22 penalty of perjury may be filed in lieu of an affidavit
23 or sworn declaration." The use of declarations to
24 support motions for temporary injunctions is
25 commonplace. Fisher v. Hargett, 604 S.W.3d 381, 391,

1 Tennessee Supreme Court, 2020. "Under Rule 72, an
2 unsworn declaration may satisfy any affidavit
3 requirements so long as the declared states in
4 substantially the following form, 'I declare or certify,
5 verify, or state under penalty of perjury that the
6 foregoing is true and correct.'" Each of Plaintiffs' six
7 declarations does this and complies with that
8 requirement.
9 Reflecting back on the requirements for subject
10 matter jurisdiction, the Court finds that the
11 declarations are sufficient to show that the movants'
12 rights are being or will be violated. News
13 organizations, like other corporations, have their own
14 rights, which are impaired by rules and policies that
15 impose direct restrictions on their employees in the
16 first instance. Accordingly, courts -- you routinely
17 find that media organizations have standing to challenge
18 closure orders when their reporters are denied access to
19 court proceedings. The Court cites to Ballard v.
20 Hertzke, which arose from Part II of Chancery, 924
21 S.W.2d 652, 657, Tennessee Supreme Court 1996, stating,
22 "We agree with those federal and state courts in other
23 jurisdictions, which have routinely found that media
24 entities should be allowed to intervene to obtain access
25 to judicial proceedings or records." When Defendants

1 deny reporters employed by the Plaintiffs access to
2 juvenile delinquency proceedings, and again,
3 specifically delinquent and unruly proceedings, they
4 violate the Plaintiffs' right to access those
5 proceedings, and as the Court will note, in accordance
6 with state law.
7 The Court will take up the factors for granting
8 injunctive relief. The likelihood of success is often
9 the determining factor in the Court's analysis, although
10 the Court will balance all four factors. Where the
11 movant seeks to enforce a right of public access to
12 court proceedings, the Court cites to Detroit Free Press
13 v. Ashcroft, 303 F. 3rd 681, 710, 6th Circuit 2002,
14 explaining that the likelihood of success on the merits
15 is often will be the determinant factor in evaluating a
16 First Amendment right of access claim. This is because
17 an unlawful denial of access is, by definition, an
18 irreparable injury. In their papers, Defendants have
19 failed to rebut the plaintiffs showing that this factor
20 strongly favors injunctive relief, making the argument
21 that factual issues preclude the granting of a temporary
22 injunction, but Defendants have not raised an issue of
23 fact that has any bearing on Plaintiffs' likelihood of
24 success. While Defendants claim that the plaintiffs
25 disregard the actions of the sheriff's deputies who

1 primarily controlled the ingress and egress of parties
2 to juvenile delinquency proceedings, they do not argue
3 that the sheriff was the source of the advanced
4 permission policy. They admit, however -- or the Court
5 has heard and has heard admitted that the juvenile court
6 developed the permission policy to attend juvenile
7 delinquent and unruly proceedings.
8 Each of the declarations Defendants cite as
9 evidence that the sheriff's involvement makes it clear
10 that the sheriff was enforcing the judicial court's
11 policy, and was essentially delivering the message that
12 the juvenile court had instructed them to deliver. Cite
13 to the Cadenhead Declaration of Paragraph 26, recalling
14 the sheriff's deputy told two MLK50 reporters that Judge
15 Sugarmon had denied the request for access because they
16 did not have prior permission. The Burgess Declaration
17 at Paragraphs 12 and 13, the same. The Fleming
18 deposition -- declaration at Paragraph 12, "A spokesman
19 for the Sheriff's Office told me that the general court
20 would have to contact the deputies at the Youth Justice
21 and declaration -- and Education Center to inform them
22 that I was cleared to attend the hearing." It is
23 conceded that the Sheriff's Office ended its oversight
24 of the Youth Justice and Education Center at some point
25 in time and no longer does so. Whatever role the

1 sheriff did once have in enforcing the defendants'
2 policy has no bearing on the plaintiffs' claim for
3 prospective relief. Rule 114B explicitly requires that
4 dependent [sic] and unruly proceedings be presumptively
5 open and it permits closure of such proceedings indeed,
6 but only on a case by case, proceeding by proceeding
7 basis, and only after the Court has considered
8 reasonable alternatives to closure and made written
9 findings of particularized prejudice to the party
10 seeking closure.
11 Thus, in viewing the likelihood of success on
12 the merits, the Court must draw the inference that
13 defendants' advanced permission policy violates Rule
14 114B's unambiguous mandate by presumptively closing all
15 delinquent and unruly proceedings without any finding of
16 particularized harm, any consideration of reasonable
17 alternatives, or a particularized written order
18 justifying closure.
19 The plaintiffs cite to Cadenhead Declaration
20 Paragraph 26 recounting how two MLK50 reporters were
21 denied access to delinquency proceedings because they
22 did not have prior permission. And at Paragraph 27, "I
23 never received any sort of documentation or written
24 order explaining why I was not able to attend the
25 juvenile court transfer docket proceedings." Of course,

1 if Ms. Cadenhead was seeking to attend a dependent and
2 neglect proceeding, that is not open to the public and
3 would be barred, but to the extent that it applies to
4 the delinquent and unruly proceedings, the argument has
5 traction and demonstrates a likelihood of success on the
6 merits.
7 As per irreparable harm, Defendants' argument
8 that Plaintiffs will suffer no irreparable injury from
9 continued violation of Rule 114 must fail as well.
10 Although, Defendants refer repeatedly to the Press
11 Coalition in their papers as a single plaintiff, the
12 coalition, according to the complaint, is in fact
13 comprised of four distinct media organizations that
14 separately employ reporters who cover the juvenile
15 court, that is MLK50, Justice through Journalism;
16 second, Memphis Fourth Estate, Inc.; third, Memphis
17 Publishing Company; and fourth, Nexstar Media Group,
18 Inc. In terms of irreparable injury, the period of time
19 between which a reporter at one outlet first learned of
20 the advanced permission policy and when a reporter at
21 another outlet first attempted to access juvenile
22 delinquent and unruly proceedings does not amount to a
23 delay. It does not amount particularly to the conduct
24 of reasonable delay that might rebut Plaintiffs'
25 substantial showing of irreparable harm. The record

1 shows that Plaintiffs' reporters diligently asserted
2 their right to attend delinquency proceedings despite
3 the advanced permission policy as per the Cadenhead
4 Declaration at Paragraphs 10 through 27, which describe
5 repeated attempts to attend delinquent and unruly
6 proceedings. In fact, Plaintiffs stand to suffer a new
7 irreparable injury every time enforcement of the
8 Advanced Permission Policy prevents them from exercising
9 the right of access in accordance with the terms of Rule
10 114. As a general matter of Plaintiffs' harm from the
11 denial of a preliminary injunction or a temporary
12 injunction, either of which is the equivalent, is
13 irreparable if it is not fully compensable by monetary
14 damages. Obama for America v. Husted, 697 F.3d 423,
15 436, Sixth Circuit, 2012.
16 Denial of access to a government proceeding is
17 in violation of Rule 114. In this circumstance, if that
18 occurred, is by definition an irreparable injury because
19 there is no way to calculate or compensate the harm this
20 loss of access inflicts. See Detroit Free Press, 303
21 F.3d at 710 through 711.
22 When a plaintiff's reporters are denied access
23 to a delinquent and unruly proceeding, they permanently
24 lose the ability to attend and report on that particular
25 proceeding. Thus, each past denial resulted in an

1 irreparable injury, and each future denial, likewise,
2 will do the same. Absent an injunction, the Court finds
3 Defendants will continue to enforce the Advanced
4 Permission Policy or may do so, and Plaintiffs will
5 continue to suffer irreparable injuries nexus to the
6 balancing of the equities.
7 The Court is not allowed to second guess the
8 judgment of the Tennessee Supreme Court and the General
9 Assembly that delinquent and unruly proceedings should
10 be presumptively open, and that the interests of the
11 parties can be adequately protected by permitting
12 closure on a case-by-case, proceeding-by-proceeding
13 basis. The Court cites in particular to Frye v. Blue
14 Ridge Neuroscience Center, P.C., 70 S.W.3d 710, 713,
15 Tennessee Supreme Court, 2002, which, to quote, "The
16 rules governing practice and procedure in the trial and
17 appellate courts of Tennessee were promulgated by the
18 General Assembly and the Supreme Court and have the
19 force and effect of law."
20 Rule 114(b) still does permit the Juvenile
21 Court to close delinquent and unruly proceedings, so
22 long as the Juvenile Court fully complies with Rule
23 114(b). An injunction requiring Defendants to comply
24 with Rule 114(b)'s requirements and procedures for
25 closure will not undermine the sanctity of delinquency

1 proceedings, specifically delinquent and unruly
2 proceedings, because the government can seek closure in
3 individual cases at appropriate times, nor would the
4 injunction cause any harm to the Juvenile Court itself.
5 The Court would disagree with the proposition
6 that Rule 114(b) gives the Court discretion to exclude
7 the general public from the delinquent and unruly
8 proceeding, but the rule, in fact, limits the Court's
9 discretion by prescribing specific circumstances that
10 must be met in specific procedures that must be followed
11 before the Court may order closure, as the Court has
12 read. Defendants are not entitled to substitute their
13 own judgment about when and how proceedings should be
14 closed for that of the Tennessee Supreme Court and the
15 General Assembly, but their inability to do so for
16 purposes of balancing the equities does not -- is hardly
17 a cognizable injury.
18 The record herein clearly shows that
19 Plaintiff's reporters wish to attend the delinquent and
20 unruly proceedings, as per the Cadenhead Declaration,
21 Paragraph 18, explaining that attending hearings in
22 person would provide important insights for reporting on
23 the Juvenile Court's process that cannot be obtained by
24 reviewing data after the fact, and that they have been
25 deterred from doing so because of the Advanced

1 Permission Policy, as per the Fenton (phonetic)
2 Declaration, Paragraph 12, which states, "The arduous
3 nature of attending a juvenile delinquency proceeding in
4 Shelby County has often deterred me from even trying to
5 attend a proceeding." The balancing of the equities
6 here results in a finding that Plaintiffs stand to
7 suffer continued irreparable harm, while Defendants have
8 not established that they shall suffer any harm at all
9 from injunctive relief.
10 Finally, Factor 4 is whether the -- whether the
11 injunctive relief serves the public interest. The
12 public's interests are best served by open proceedings
13 because open proceedings with a vigorous and
14 scrutinizing press instill faith that government
15 officials are forthcoming and honest and abet thus
16 ensure the durability of our democracy, according to the
17 Sixth Circuit in Detroit Free Press, 303 F.3d at 711.
18 While Defendants are certainly correct that
19 this interest must be balanced with the litigant's right
20 to a fair trial, Rule 114 is -- already embodies a
21 balance that both the Tennessee Supreme Court and the
22 Tennessee General Assembly have determined to be
23 appropriate. The public interest is thus served by
24 compliance with this carefully-crafted rule.
25 And as Mr. McAdoo stated, there is also

1 significant public interest in ensuring that government
2 is abiding by the law. League of Women Voters of the
3 United States v. Newby, 838 F.3d 1 and 12, D.C.
4 Circuit, 2016. There is a substantial public interest
5 in having governmental agencies abide by the federal
6 laws that govern their existence and operations, and
7 others' cases are to like effect. And quoting Newby,
8 "There is generally no public interest in the
9 perpetration of unlawful agency action. The public's
10 true interest lies in the correct application of the
11 law."
12 Kentucky v. Biden, 23 F.4th 585, 612, Sixth
13 Circuit, 2022. Here, the Tennessee Supreme Court and
14 General Assembly have concluded that access to
15 delinquent and unruly proceedings, as in accordance with
16 the rule, which might be limited in specific cases, best
17 serves the public interest because each of these
18 injunctive relief factors favors preliminary relief.
19 Here, this Court grants Plaintiff's Amended Temporary
20 Injunction Motion.
21 And the Court will call upon Counsel to draft
22 language submitted for review by Defendant's Counsel, by
23 which the Court's ruling will be effectuated.
24 Any questions?
25 MR. MCADOO: No, Your Honor.

1 MS.

KELLY: (No verbal response.)

2 THE COURT: I'll have you draft the ruling.

3 MR. MCADOO: I -- I had a feeling. Thank you,

4 Your Honor.

5 THE COURT: Thank you.

6 THE BAILIFF: All rise. The Sumner Court

7 staff's adjourned. You may exit the Court at this time.

8 (Hearing concluded at 1:26 p.m. ET)

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1 C E R T I F I C A T E

2

3 I do hereby certify that the witness in the
4 foregoing transcript was taken on the date and at the
5 time and place set out on the Title page hereof, by me
6 after first being duly sworn to testify the truth, the
7 whole truth, and nothing but the truth; and that the
8 said Matter was recorded digitally by me and then
9 reduced to typewritten form under my direction, and
10 constitutes a true record of the transcript as taken,
11 all to the best of my skill and ability. I certify that
12 I am not a relative or employee of either counsel and
13 that I am in no way interested financially, directly or
14 indirectly, in this action.

15

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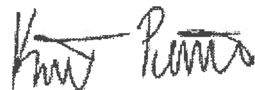
17 

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19 KIERRA PINSON
20 Certified Court Reporter
21 License Expiration: 06/30/2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the *Order Granting Plaintiffs' Amended Motion for Temporary Injunction* has been served via U.S. Mail, hand-delivery and/or electronic mail 25th day of June 2026, on the following:

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