

IN THE CHANCERY COURT OF WEAKLEY COUNTY, TENNESSEE
FOR THE TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN

THE WEAKLEY COUNTY EXAMINER
and SHANNON MERRELL,

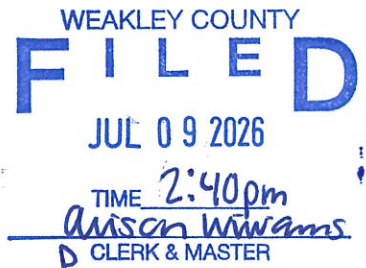
Petitioners,

v.

JEFF CUPPLES, in his official capacity
as Director of Schools for Weakley
County,

Respondent.

No. 26507



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

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-503 *et seq.* (the “TPRA”), Petitioners *The Weakley County Examiner* (“*The Examiner*”) and Shannon Merrell hereby petition this Court for access to public records, judicial review of Respondent’s decision to deny access to those public records, and for reasonable attorneys’ fees and costs. Supporting declarations verifying the specified facts alleged are attached.

PARTIES

1. *The Examiner* is a Tennessee Limited Liability Company with its principal place of business in Dresden, Tennessee. Decl. of Shannon Merrell (“Merrell Decl.”) ¶ 5, Attach. 1. As such, *The Examiner* is a citizen of Tennessee for purposes of the TPRA.

2. Ms. Merrell is a journalist and CEO and Publisher of *The Examiner* who resides in Weakley County, Tennessee. As such, Ms. Merrell is a citizen of Tennessee for purposes of the TPRA.

3. Respondent Jeff Cupples (“Mr. Cupples”) is the Director of Schools for Weakley County and is being sued in his official capacity. Service of process upon Mr. Cupples will be made by delivering a copy of the summons, this Petition and two declarations in support of same to Mr. Cupples pursuant to Tenn. R. Civ. P. 4.04(10).

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this petition and venue is proper in this Court under Tenn. Code Ann. § 10-7-505(b).

FACTUAL ALLEGATIONS

Kennedy Shea Lee Lawsuit Against Weakley County Schools

5. On July 12, 2024, former Weakley County Schools (“WCS”) student Kennedy Shea Lee filed a complaint against WCS alleging discrimination in violation of the amended Americans with Disabilities Act and the Rehabilitation Act, as well as disability-based bullying and harassment in violation of the Fourteenth Amendment (the “Lawsuit”). Merrell Decl. ¶ 8, Attach. 4 (Compl. ¶ 3).

6. In her complaint, Ms. Lee alleged that she “graduated in May 2024 from Greenfield High School.” *Id.*

7. WCS filed an answer on September 16, 2024, admitting as true the allegation that Ms. Lee “graduated in May 2024 from Greenfield High School.” *Id.* ¶ 8, Attach. 5 (Answer ¶ 3).

8. On July 22, 2025, WCS filed a notice of settlement, which was followed on November 10, 2025 by a notice of voluntary dismissal filed by Ms. Lee. *Id.* ¶ 7, Attach. 3.

WCS' Denial of Petitioners' Request for Settlement Records

9. On November 24, 2025, Petitioners made a public records request (the "Request") to WCS for, *inter alia*, "[t]he fully executed settlement agreement and release, including any addenda, side agreements, or confidentiality provisions, resolving the claims in [Kennedy Shea Lee v. Weakley County Board of Education, Case No. 1:24-cv-01147]" (the "Settlement Records"). Merrell Decl. ¶ 6, Attach. 2.

10. On December 2, 2025, Mr. Cupples responded to the Request on behalf of WCS with a letter stating, in part, that "[a]ny responsive documents to this request constitute student education records that are exempt from disclosure under the Tennessee Public Records Act." *Id.* ¶ 9, Attach. 6.

11. Upon information and belief, Mr. Cupples was referring to Tenn. Code Ann. § 10-7-504(a)(4)(A), which states, in part:

The records of students in public educational institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto,

and except in consequence of due legal process or in cases when the safety of persons or property is involved.

12. Mr. Cupples did not cite or reference any other provision of the TPRA or any other statute under which the Settlement Records would be exempt from disclosure. Merrell Decl. ¶ 9, Attach. 6.

13. Mr. Cupples' letter denied Petitioners' request for access to the Settlement Records. *Id.*

14. On January 7, 2026, Petitioners' undersigned counsel responded to WCS' denial of the Request by letter (the "Appeal Letter"), challenging WCS' basis for withholding the Settlement Records. Decl. of Paul R. McAdoo ("McAdoo Decl.") ¶ 4, Attach. 2.

15. The Appeal Letter quoted Tenn. Code Ann. § 10-7-504(a)(4)(A), the presumptive basis for WCS' denial, which provides that "the records of *students in public educational institutions* shall be treated as confidential." *Id.* (emphasis added).

16. The Appeal Letter explained that Ms. Lee is not a student in a public educational institution, was not a student in a public educational institution at the time the Request was made, was not a student in a public educational institution at the time her federal suit was filed against WCS, and was not a student in a public educational institution at the time the Settlement Records were drafted and finalized. *Id.*

17. The Appeal Letter further communicated that, because Ms. Lee had graduated before the Settlement Records were even contemplated, the Tennessee

Public Records Act provision exempting the records of students in public educational institutions from disclosure does not apply. *Id.*

18. The Appeal Letter also referred WCS to the General Assembly mandate—codified in Tenn. Code Ann. § 10-7-505(d)—that the Tennessee Public Records Act “shall be broadly construed so as to give the fullest possible public access to public records.” *Id.*

19. Counsel for WCS responded to the Appeal Letter on January 16, 2026, declining to disclose the Settlement Records and asserting that they constitute educational records pursuant to Tenn. Code Ann. § 10-7-504(a)(4)(A). *Id.* ¶ 5, Attach. 4.

20. Specifically, WCS claimed that the Settlement Records contain information “relating to academic performance, financial status of a student or the student’s parent or guardian, medical or psychological treatment or testing,” which “shall not be made available to . . . the public.” *Id.*

21. Counsel for WCS further claimed that “the parties [to the settlement] have expressly agreed that the information in the settlement agreement constitutes an educational record subject to” Tenn. Code Ann. § 10-7-504(a)(4)(A). *Id.*

22. Counsel for WCS did not cite or reference any other provision of the TPRA or any other statute under which the Settlement Records would be exempt from disclosure. *Id.*

CLAIM FOR RELIEF

Count I – Failure to Provide Access to Public Records

23. Petitioners re-allege and incorporate by reference the preceding paragraphs of this Petition.

24. Pursuant to the TPRA, Petitioners requested the Settlement Records from Respondent Jeff Cupples.

25. Mr. Cupples denied Petitioners' public records request for the Settlement Records.

26. The Settlement Records are public records because they are documents made or received pursuant to law in connection with the transaction of official business by WCS, a governmental agency.

27. No exemption applies to bar production of the Settlement Records to Petitioners by Respondent.

28. The exemption in Tenn. Code Ann. § 10-7-504(a)(4)(A) asserted by Respondent to withhold the Settlement Records on the grounds that they purportedly constitute confidential student educational information is inapplicable.

29. Respondent did not cite any other TPRA provision exempting the Settlement Records from the TPRA's disclosure requirement.

30. Petitioners are therefore entitled to receive the Settlement Records they requested under the TPRA.

31. Tenn. Code Ann. § 10-7-505(g) provides that the Court may award "all reasonable costs involved in obtaining the record, including reasonable attorneys'

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

32. Respondent knew that the records sought by Petitioners were public and not exempt and willfully refused to disclose them to Petitioners.

33. Therefore, Respondent should be required to produce the Settlement Records to Petitioners, and Petitioners should be awarded reasonable costs, including reasonable attorneys’ fees in this case.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court:

1) Immediately issue an order, pursuant to Tenn. Code Ann. § 10-7-505(b), requiring Mr. Cupples to appear before this Court and show cause, if he has any, why this Petition should not be granted;

2) Grant Petitioners a declaratory judgment that the records sought are public records under Tennessee law for which no exemption applies, and that Respondent’s failure to grant Petitioners access to these public records constitutes a violation of the TPRA, which was knowing and willful;

3) Order Mr. Cupples to immediately provide Petitioners with copies of the Settlement Records;

4) Grant Petitioners reasonable costs and attorneys’ fees pursuant to Tenn. Code Ann. § 10-7-505(g);

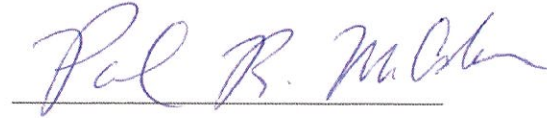
5) Grant Petitioners discretionary costs under Tenn. R. Civ. P. 54.04;

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

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

Date: 6/25/26

Respectfully submitted,

A handwritten signature in blue ink, reading "Paul R. McAdoo", is written over a horizontal line.

Paul R. McAdoo (BPR No. 034066)
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
6688 Nolensville Rd., Suite 108-20
Brentwood, TN 37027
Phone: 615.823.3633
Facsimile: 202.795.9310
pmcadoo@rcfp.org

Counsel for Petitioners

EXHIBIT 1

IN THE CHANCERY COURT OF WEAKLEY COUNTY, TENNESSEE
FOR THE TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN

THE WEAKLEY COUNTY EXAMINER
and SHANNON MERRELL,

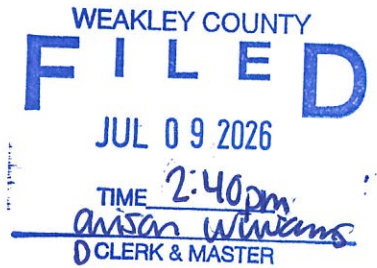
Petitioners,

v.

JEFF CUPPLES, in his official capacity
as Director of Schools for Weakley
County,

Respondent.

No. 26507



**DECLARATION OF SHANNON MERRELL IN SUPPORT OF
PETITION FOR ACCESS TO PUBLIC RECORDS
AND TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

I, Shannon Merrell, hereby declare as follows:

1. I am one of the Petitioners in this action.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct.
3. I submit this Declaration in support of this action with knowledge of my pleading obligations under the Tennessee Rules of Civil Procedure.
4. I am a resident of Weakley County, Tennessee. In the past ten years, I have worked as a journalist at the *Weakley County Press*, *Magic Valley Publishing Co., Inc.*, *The Martin Post*, and *Dresden Enterprise*. In June 2025, I founded Petitioner *The Weakley County Examiner* ("*The Examiner*"), a nonpartisan publication dedicated to investigative watchdog journalism focusing on Weakley County. I am *The Examiner's* Chief Executive Officer and Publisher.

5. *The Examiner* is a Tennessee Limited Liability Company with its principal place of business in Dresden, Tennessee. A true and correct copy of *The Examiner's* Tennessee Department of State business entity webpage is attached as **Attachment 1**.

6. On November 24, 2025, I made a public records request to the Weakley County Schools' Custodian of Records for access to and copies of "[t]he fully executed settlement agreement and release, including any addenda, side agreements, or confidentiality provisions, resolving the claims in [Kennedy Shea Lee v. Weakley County Board of Education (Case No. 1:24-cv-01147)]" (the "Settlement Records"). A true and correct copy of that request is attached as **Attachment 2**.

7. A true and correct copy of the Kennedy Shea Lee v. Weakley County Board of Education docket, which I obtained from PACER, showing that Ms. Lee filed a complaint against Weakley County Schools ("WCS") on July 12, 2024, that WCS filed a notice of settlement on July 22, 2025, and that Ms. Lee filed a notice of voluntary dismissal on November 10, 2025, is attached as **Attachment 3**.

8. A true and correct copy of Ms. Lee's Complaint is attached as **Attachment 4**. A true and correct copy of WCS' Answer is attached as **Attachment 5**. I obtained both the Complaint and the Answer from PACER.

9. The Director of Schools for Weakley County, Jeff Cupples, responded to my public records request via email on December 2, 2025. The response stated that "[a]ny responsive documents to this request constitute student education records that are exempt from disclosure under the Tennessee Public Records Act." Mr. Cupples

did not cite any other reason for denying my request. Mr. Cupples' response is attached as **Attachment 6**.

10. I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct.


Shannon Merrell

22 day of June, 2026

ATTACHMENT 1

THE WEAKLEY COUNTY EXAMINER LLC

Entity Type: Limited Liability Company (LLC)
Formed in: TENNESSEE
Term of Duration: Perpetual
Managed By: Director Managed
Series LLC: No
Number of Members: 6 or less

Status: Active
Control Number: 002026711
Initial Filing Date: 6/26/2025 7:08:44 PM
Fiscal Ending Month: December
AR Due Date: 04/01/2026
Obligated Member Entity: No

Registered Agent	Principal Office Address	Mailing Address
THE WEAKLEY COUNTY EXAMINER LLC 428 Pikeview St Dresden, TN 38225 AR Standing: Good	428 Pikeview St Dresden, TN 38225	428 Pikeview St Dresden, TN 38225
	RA Standing: Good	Other Standing: Good
		Revenue Standing: N/A

History (2)

ATTACHMENT 2

Subject: Tennessee Public Records Act Request – Kennedy Shea Lee v. Weakley County Board of Education (Case No. 1:24-cv-01147)

Dear WCS's Custodian of Records,

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-503 et seq., I respectfully request access to and copies of the following public records held by the Weakley County Board of Education and/or Weakley County Schools relating to the matter styled Kennedy Shea Lee v. Weakley County Board of Education, d/b/a Weakley County Schools, Case No. 1:24-cv-01147, United States District Court for the Western District of Tennessee:

1. The fully executed settlement agreement and release, including any addenda, side agreements, or confidentiality provisions, resolving the claims in the above-referenced case.

2. Any agreements, memoranda, or correspondence between the Board and any insurer or risk pool (including, but not limited to, the Tennessee Risk Management Trust) regarding defense, indemnity, or funding of the above-referenced matter.

3. All payment records related to the resolution of the case, including but not limited to:

Checks, payment vouchers, or wire confirmations issued to Kennedy Shea Lee, her attorneys, or any insurer or third party in connection with the settlement.

Any reimbursement or deductible payments made by the Board or the County to an insurer or risk pool concerning this matter.

4. All legal invoices and billing statements from defense counsel and any other law firms retained in connection with the above-referenced litigation, including invoices paid directly or through an insurer or risk pool.

5. Any Board agenda items, resolutions, votes, and meeting minutes referencing or authorizing settlement of this case, including any records reflecting action taken following executive session discussion.

Tennessee law does not permit a governmental entity to avoid its disclosure obligations by delegating responsibilities to a private entity or insurer, and settlement agreements involving public entities are public records subject to inspection under the Tennessee Public Records Act.

I request these records in electronic format (PDF or native format where available) and delivered via email or file transfer.

If you believe any portion of the requested records is exempt from disclosure, please provide the non-exempt portions along with a written explanation citing the specific statutory basis for any redactions or withholding.

Please respond within the time frame required by Tennessee law.

Sincerely,
Shannon Taylor Merrell
CEO/Publisher
The Weakley County Examiner
shannon@theweakleycountyexaminer.com
731-819-4497
www.theweakleycountyexaminer.com

ATTACHMENT 3

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

CLOSED

**U.S. District Court
Western District of Tennessee (Jackson)
CIVIL DOCKET FOR CASE #: 1:24-cv-01147-JDB-jay**

Lee v. Weakley County Board of Education
Assigned to: Judge J. Daniel Breen
Referred to: Magistrate Judge Jon A. York
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/12/2024
Date Terminated: 01/07/2026
Jury Demand: Plaintiff
Nature of Suit: 446 Civil Rights: Americans
with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Kennedy Lee

represented by **Justin Gilbert**
GILBERT LAW, PLLC
100 W. Martin Luther King Blvd
Suite 501
Chattanooga, TN 37402
423-756-8203
Email: justin@schoolandworklaw.com
ATTORNEY TO BE NOTICED

Jessica Farris Salonus
THE SALONUS FIRM
Tennessee
139 Stonebridge Blvd
38305
Jackson, TN 38305
731-300-0970
Fax: 731-256-5711
Email: jsalonus@salonusfirm.com
ATTORNEY TO BE NOTICED

V.

Defendant

Weakley County Board of Education

represented by **Samuel Lawson Jackson**
SPENCER FANE LLP
511 Union Street
Suite 1000
Nashville, TN 37219
615-238-6312
Fax: 615-238-6301
Email: sjackson@spencerfane.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara Naylor

SPENCE FANE BONE MCALLESTER
 511 Union Street
 Suite 1000
 Nashville, TN 37219
 615-780-7974
 Email: snaylor@spencerfane.com
 TERMINATED: 02/10/2025

Date Filed	#	Docket Text
07/12/2024	<u>1</u>	COMPLAINT against Weakley County Board of Education (Filing fee \$ 405 receipt number ATNWDC-4456639), filed by Kennedy Lee. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons Summons - Weakley County Board of Education) (Salonus, Jessica) (Entered: 07/12/2024)
07/12/2024	<u>2</u>	Judge J. Daniel Breen and Magistrate Judge Jon A. York added. (gkp) (Entered: 07/12/2024)
07/12/2024	<u>3</u>	NOTICE OF CASE TRACKING ASSIGNMENT PURSUANT TO LOCAL RULE 16.2: Pursuant to Local Rule 16.2, this case has been assigned to the Standard track. http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf (gkp) (Entered: 07/12/2024)
07/12/2024	<u>4</u>	NOTICE OF RIGHT TO CONSENT TO THE EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE Pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P.73, and Local Rule 72.1, this Court has designated the Magistrate Judges of this District to conduct trials and otherwise dispose of any civil case that is filed in this Court. Your decision to consent, or not consent, to the referral of your case to a United States Magistrate Judge for trial and entry of a final judgment must be entirely voluntary. The judge or magistrate judge to whom the case has been assigned will not be informed of your decision unless all parties agree that the case may be referred to a magistrate judge for these specific purposes. A less than unanimous decision will not be communicated by this office to either the judge or magistrate judge. The consent form is available on the courts website at https://www.tnwd.uscourts.gov/forms-and-applications.php (gkp) (Entered: 07/12/2024)
07/12/2024	<u>5</u>	NOTICE TO COMPLY WITH PLAN FOR ALTERNATE DISPUTE RESOLUTION (ADR): Pursuant to Section 2.1 of the ADR Plan, all civil cases filed on or after Sept. 1, 2014, shall be referred automatically for ADR. For compliance requirements, refer to the ADR Plan at: http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf (gkp) (Entered: 07/12/2024)
07/12/2024	<u>6</u>	Summons Issued as to Weakley County Board of Education. The filer has been notified electronically that the summons has been issued, and the new docket entry reflects this. Upon notification of the new docket entry, the filer is to print the issued summons in order to effect service. (gkp) (Entered: 07/12/2024)
07/16/2024	<u>7</u>	NOTICE of Appearance by Justin Gilbert on behalf of Kennedy Lee (Gilbert, Justin) (Entered: 07/16/2024)
07/16/2024	<u>8</u>	WAIVER OF SERVICE Returned Executed by Kennedy Lee. Weakley County Board of Education waiver sent on 7/16/2024, answer due 9/16/2024. (Salonus, Jessica) (Entered: 07/16/2024)
09/16/2024	<u>9</u>	ANSWER to <u>1</u> Complaint, by Weakley County Board of Education.(Naylor, Sara) (Entered: 09/16/2024)
10/16/2024	<u>10</u>	SETTING LETTER: TELEPHONIC Scheduling Conference set for 11/14/2024 10:00 CT before Magistrate Judge Jon A. York. Please email the proposed joint scheduling order in

		the original Word format to ECF_Judge_York@tnwd.uscourts.gov one week prior to the scheduling conference. A phone number will be emailed to counsel prior to the hearing date. If you are unable to appear at this time, or if you need to make alternative arrangements, please contact the Judge's Case Manager at 731-421-9275 so we may reschedule. Please agree on a date and time with the opposing counsel before calling to facilitate the new date. ** REMINDER: FRCP 26(f) requires a 26(f) meeting to be held at least 21 days before a scheduling conference and the Rule 26(f) report to be filed with the court at least fourteen days before the scheduling conference. <i>This case has been assigned to the Standard track. Please use the Standard Track Rule 16(b) Scheduling Order at https://www.tnwd.uscourts.gov/sites/tnwd/files/LR162_Standard_0.doc.</i> Counsel should review the Court's new ADR plan, file a Stipulation, and be prepared to report the name of a mediator to the Court during the Scheduling Conference. If the parties cannot agree upon a mediator one will be appointed by the Court after the scheduling conference. PLEASE NOTE: All attorneys who wish to participate in the Scheduling Conference MUST have filed a Notice of Appearance with the Court PRIOR to the date of the Conference and have full knowledge of the case. <i>Note: Text only (ars) (Entered: 10/16/2024)</i>
10/22/2024	11	NOTICE of Appearance by Sara Naylor on behalf of Weakley County Board of Education (Naylor, Sara) (Entered: 10/22/2024)
10/22/2024	12	NOTICE of Appearance by Samuel Lawson Jackson on behalf of Weakley County Board of Education (Jackson, Samuel) (Entered: 10/22/2024)
11/01/2024	13	REPORT of Rule 26(f) Planning Meeting . (Salonus, Jessica) (Entered: 11/01/2024)
11/14/2024	14	Minute Entry for proceedings held before Magistrate Judge Jon A. York: Telephonic Scheduling Conference held on 11/14/2024. Present were attys Salonus and Naylor. Order to be entered. (Court Reporter Teams.) (ars) (Entered: 11/14/2024)
11/14/2024	15	SCHEDULING ORDER: Joinder of Parties due by 1/13/2025. Amended Pleadings due by 1/13/2025. ADR deadline is 2/6/2025. Discovery due by 5/12/2025. Motions due by 6/11/2025. Signed by Magistrate Judge Jon A. York on 11/14/2024. (ars) (Entered: 11/14/2024)
11/14/2024	16	SETTING LETTER: Pretrial Conference set for 10/22/2025 10:30 AM in Jackson Courtroom 2 before Judge J. Daniel Breen. Jury Selection set for 10/24/2025 09:30 AM in Jackson Courtroom 2 before Judge J. Daniel Breen. Jury Trial set for 10/27/2025 09:30 AM in Jackson Courtroom 2 before Judge J. Daniel Breen. Proposed Pretrial Order, Jury Instructions, and Motions in Limine due by 9/26/2025. (mbb) (Entered: 11/14/2024)
02/10/2025	17	MOTION to Withdraw as Attorney <i>and Substitute Counsel</i> by Weakley County Board of Education. (Naylor, Sara) (Entered: 02/10/2025)
02/10/2025	18	ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL 17 . Signed by Judge J. Daniel Breen on 2/10/2025. (gkp) (Entered: 02/10/2025)
02/16/2025	19	MEDIATION CERTIFICATION (Blair, Allen) (Entered: 02/16/2025)
04/30/2025	20	Joint MOTION to Extend Deadline (<i>proposed order submitted</i>) by Kennedy Lee. (Salonus, Jessica) (Entered: 04/30/2025)

05/05/2025	21	ORDER GRANTING JOINT MOTION TO EXTEND DEADLINES. Signed by Judge J. Daniel Breen on 5/5/2025. (gkp) (Entered: 05/05/2025)
05/06/2025	22	NOTICE OF RESETTING: Jury Trial reset for 11/17/2025 09:30 AM in Jackson Courtroom 2 before Judge J. Daniel Breen. Jury Selection reset for 11/14/2025 09:30 AM in Jackson Courtroom 2 before Magistrate Judge Jon A. York. Pretrial Conference reset for 11/12/2025 10:30 AM in Jackson Courtroom 2 before Judge J. Daniel Breen. Proposed Pretrial Order, Jury Instructions, Motions in Limine due by 10/17/2025. (mbb) Modified on 5/6/2025 (mbb). (Entered: 05/06/2025)
07/22/2025	23	NOTICE of Settlement <i>and Motion to Stay Deadlines</i> by Weakley County Board of Education (Stewart, Bethany) (Entered: 07/22/2025)
11/10/2025	24	NOTICE of Voluntary Dismissal by Kennedy Lee (Salonus, Jessica) (Entered: 11/10/2025)
01/06/2026	25	ORDER OF DISMISSAL. Signed by Judge J. Daniel Breen on 1/6/26. (mbm) (Entered: 01/06/2026)
01/07/2026	26	JUDGMENT. Signed by Judge J. Daniel Breen on 1/7/2026. (mbb) (Entered: 01/07/2026)

PACER Service Center			
Transaction Receipt			
04/28/2026 12:22:16			
PACER Login:	reporters	Client Code:	
Description:	Docket Report	Search Criteria:	1:24-cv-01147-JDB-jay
Billable Pages:	3	Cost:	0.30

ATTACHMENT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

IN THE MATTER OF KENNEDY SHEA LEE,

PLAINTIFF,

V.

CASE NO. _____

**WEAKLEY COUNTY BOARD OF EDUCATION
D/B/A WEAKLEY COUNTY SCHOOLS**

JURY DEMANDED

DEFENDANT.

COMPLAINT

Kennedy Lee brings this Complaint under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Equal Protection Clause of the Fourteenth Amendment. She shows:

I. INTRODUCTION

1. This case involves extreme prejudice and insecurity towards persons with disabilities. To the Greenfield High School administration, persons with certain neurological disabilities should be ushered away, not seen, segregated from their peers.

2. Putting them in a former storage closet and giving them separate seating at graduation, Greenfield High treats them differently (“discrimination”), recalling a dark time of our nation’s past. But that’s about to change. Kennedy Lee is taking legal action for Greenfield High’s shocking prejudice.

Prejudice, we are beginning to understand, rises not from malice or hostile animus alone. It may result as well from insensitivity caused by simple want of careful, rational reflection or from some instinctive mechanism to guard against people who appear to be different in some respects from ourselves. Quite apart from any historical documentation, knowledge of our own human instincts teaches that persons who find it difficult to perform routine functions by reason of some mental or physical impairment might at first seem unsettling to us, unless we are guided by the better angels of our nature. There can be little doubt, then, that persons with mental or physical impairments are confronted with prejudice which can stem from indifference or insecurity as well as from malicious ill will.

Bd. of Trustees v. Garrett, 531 U.S. 356, 374-375 (2001) (Kennedy, J.).

II. PARTIES, JURISDICTION, AND VENUE

3. Plaintiff, Kennedy Lee, graduated in May 2024 from Greenfield High School located within Weakley County, Tennessee.

4. Defendant, Weakley County Department of Education, d/b/a Weakley County Schools (WCS), is vested with management and control of the County's public school system. It is the ultimate policy-making body with regard to the operation of the school system. Thus, it is a "public entity" within the meaning of the Americans with Disabilities Act, 28 C.F.R. §35.104, and receives federal financial assistance within the meaning of the Rehabilitation Act, 29 U.S.C. §794(a). The Defendant may be served with process through the superintendent of the Weakley County Schools.

5. This action arises out of the following Federal statutes: The Equal Protection Clause of the Fourteenth Amendment; The Americans with Disabilities Act of 1990 (ADA), Pub. L. No. 101-336, 104 Stat. 327 (1990), 42 U.S.C. §§ 12101, *et seq.*, amended by the Americans with Disabilities Act (ADA-AA) with an effective date of January 1, 2009; the Rehabilitation Act of 1973, §§ 504 and 505, as amended, 29 U.S.C.A. §§ 794 and 794a, including the conforming amendment of the ADA-AA which changes the definition of "disability" under § 504 to conform

to the definition of “disability” under ADA-AA. The Court’s jurisdiction is invoked pursuant to 28 U.S.C. §1331.

6. Venue is appropriate in this Court under 28 U.S.C. §1391(b) as the cause of action arose in Weakley County and the Defendant may be found in Weakley County.

III. FACTS

KENNEDY’S POTS IS A DISABILITY

7. Kennedy Lee has postural orthostatic tachycardia syndrome (POTS), along with a functional neurological disorder. POTS affects Kennedy’s heart, blood pressure, and temperature regulation. It is characterized by two factors:

- A specific group of symptoms that frequently occur when standing upright; and
- A heart rate increase from horizontal to standing (or as tested on a tilt table) of at least 30 beats per minute in adults, or at least 40 beats per minute in adolescents, measured during the first 10 minutes of standing.¹

8. Generally speaking, when Kennedy is upright, blood pools in the lower half of her body, with insufficient return to her brain. Due to POTS, she thus experiences symptoms of fatigue, dizziness, light headedness, and brain fog.²

9. Kennedy’s POTS is a “disability” as that term is defined by the ADA-AA and Section 504. It is a physical impairment substantially affecting Kennedy Lee’s daily living and her internal bodily processes—her circulatory and nervous systems.

¹ <https://www.hopkinsmedicine.org/health/conditions-and-diseases/postural-orthostatic-tachycardia-syndrome-pots> (last visited July 11, 2024).

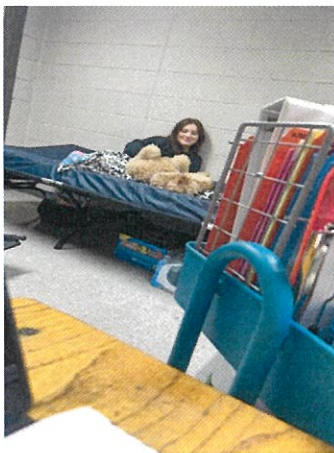
² See footnote 1.

10. For Kennedy, the reasonable accommodations, documented in her 504 Plan with WCS, include *sitting* near a teacher and friend if she has an episode, modification/shortening of assignments if her episodes are too frequent, extended time to complete assignments, and calling for the nurse to attend to her “each time that she goes down.”

THE STORAGE CLOSET

11. Kennedy’s 504 Plan did *not* provide for segregation, isolation, and/or removal of her from her regular education classroom. But that is precisely what WCS did every day of her junior year of high school.

12. Rather than abide by the 504 Plan, WCS went to humiliating extremes: it put Kennedy and another student in her grade *who also had POTS* in a former storage closet. WCS cleaned out the closet, then placed two cot beds on each side, one for each student. The nurse sat in the closet too, at a small desk. Here is Kennedy inside the former storage closet at Greenfield High with her cot and books:



13. WCS confined and ostracized Kennedy, and the other student with POTS, to the storage closet for all of their junior year of high school, the 2022-2023 school year, with no access to non-disabled peers, no access to extracurricular activities, no access to special classes like art or music, no access to eating lunch in the cafeteria with peers, no access to use of the library, and limited to no access to teacher instruction in the general education curriculum. WCS gave Kennedy an online curriculum different from and lacking that of her non-disabled peers in the regular education classrooms.

14. WCS claimed the storage closet was necessary to avoid Kennedy's POTS becoming "too much of a disruption to other students." Thus, WCS demonstrated a disability-based animus and extreme prejudice toward the disability—as if it were *best not to even be seen*.

HOMEBOUND STATUS AND DENIAL OF SCHOOL ACTIVITIES

15. Having suffered the prejudice and indignity of being isolated to the storage closet, and with WCS offering no other viable alternatives, Kennedy went on homebound status for the 2023-2024 school year, her senior year.

16. On homebound status, WCS provided a teacher only twice a week at home for an hour and a half session. WCS claimed that, on homebound, it would inform her of senior year activities and programs. But once on homebound, Kennedy was largely forgotten, with WCS making *little to no* effort to communicate with her about senior year activities. Kennedy remained out of sight, out of mind, unlike her non-segregated peers.

HIGH SCHOOL GRADUATION

17. As graduation approached, Kennedy looked forward to walking the stage with her classmates. Yet again, WCS created a disability-based barrier: WCS decided that Kennedy, along

with her storage closet-mate with POTS, and another student who experiences seizures, would be sidelined again. This time, they were all put in the bleachers with the audience, not the graduates on the floor who sat in rows of chairs as the distinguished guests of honor. When Kennedy's name was called, she would be wheeled from the bleachers to the stage in a wheelchair. The principal maintained all of this machination was necessary due to Kennedy's disability.

18. When Kennedy heard the plan, she was mortified. She took a letter from her physician addressed to the school showing how she was safe—medically cleared—to walk across a stage and receive her diploma. WCS demurred, with the principal stating: “We will see how [graduation] practice goes.”

19. At the practice, the principal permitted Kennedy to walk, but still refused to allow her to sit with her graduating class. She would be segregated. The principal maintained that Kennedy, and the two other students with seizure-related disabilities, *must* be seated away from their classmates, in bleachers with the audience.

20. This decision targeted Kennedy's disability. The principal said WCS did not want Kennedy “falling out” on the gym floor with someone coming down from the audience to rescue or assist her. That, the principal said, would be embarrassing *for the school* if posted on social media. Of course, even to allay these fears, all the principal had to do was seat a nurse on the gym floor in the event of an episode. That would allow all three students to participate with their peers. But the principal would not relent.

21. Kennedy's mother voiced her concerns about the principal's exclusion of Kennedy to Weakley County's Director of Schools. He sympathized, and seemed to agree it was clearly wrong, but he did not step in and fix the principal's segregation of Kennedy or the other students.

22. On the graduation date, Kennedy attended. The principal had not changed his mind. Like the storage closet and homebound, she was excluded, to the bleachers. She watched her graduating classmates file in, while she walked in separately and sat in the bleachers, just as the principal had directed. The social media embarrassment the principal feared would occur, but sadly, it was Kennedy who would be embarrassed by her separation.



23. After graduation, WCS created social media postings of the graduating class of 2024. Noticeably absent, not even mentioned, were Kennedy and the other two students with disabilities. This would be the final humiliating act of segregation and exclusion that Kennedy experienced. Accordingly, she now files this challenge to the public school who deemed her disability unworthy of sight, too dangerous to include, and too embarrassing for association.

III. LEGAL CLAIMS

COUNT ONE: 42 U.S.C. § 12131 DISCRIMINATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 WITH AMENDMENTS 2009

24. Plaintiffs reallege each paragraph above as if fully set forth herein verbatim.

³ Photo from posted story in People magazine, *available at* <https://people.com/high-school-student-with-disability-felt-robbed-having-to-sit-in-audience-graduation-8653543> (last visited July 11, 2024).

25. “In the ADA, Congress provided [a] broad mandate” to “effectuate its sweeping purpose[to] ... forbid[] discrimination against disabled individuals in major areas of public life, [including] ... public services” *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 675 (2001). It is “a milestone on the path to a more decent, tolerant, progressive society.” *Id.* (quoting *Bd. of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356, 375 (2001) (Kennedy, J., concurring))

26. Title II of the ADA covers programs, activities, and services of public entities.

27. Defendant is a public entity because it is a state or local government or a department or instrumentality of a State or local government.

28. Defendant, from the Director of Schools on down, had knowledge of Kennedy’s disabilities entitling her to protection under the ADA.

29. Title II of the ADA prohibits discrimination against any “qualified individual with a disability.” It requires reasonable accommodations.

30. Defendant has intentionally, purposefully and/or with deliberate indifference, bad faith, or gross misjudgment, violated the rights of Kennedy secured by the Americans with Disabilities Act of 1990 with Amendments, 42 U.S.C. § 12131 *et seq.* and 28 C.F.R. § 35.130, by:

a) Segregating Kennedy in violation of the “most integrated setting,” the setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible. *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581 (1999).

b) Refusing to make reasonable modifications (“reasonable accommodations”) in policies, practices, or procedures when the modification is necessary to avoid discrimination on the basis of disability, in violation of 28 C.F.R. § 35.130(b)(7);

c) Excluding Kennedy from participating in and denying her the benefit of

Defendant's services, programs, and activities on the basis of her disability, in violation of 28 C.F.R. § 35.130(a); and

d) Using criteria or methods of administration that have the effect of subjecting Kennedy to discrimination on the basis of her disability, in violation of 28 C.F.R. § 35.130(b)(3)(i).

COUNT TWO: DISCRIMINATION IN VIOLATION OF SECTION 504 OF THE REHABILITATION ACT, 29 U.S.C. § 794

31. Plaintiff realleges each paragraph above as if fully set forth herein verbatim.

32. From the Director of Schools on down, Defendant has acted with deliberate indifference, bad faith, gross misjudgment and/or with intentional discrimination to the rights of Kennedy Lee secured by Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 and 34 C.F.R. § 104.4, by:

a) Excluding, isolating and segregating Kennedy to a storage closet, homebound, and the bleachers.

b) Failing to reasonably accommodate Kennedy's disability. 28 CFR § 35.130(b)(7)(i)(2001); *Alexander v. Choate*, 469 U.S. 287, 301 (1985) (Section 504).

c) Denying Kennedy, because of her disability, the opportunity to participate in, and benefit from, federally assisted education services, programs and activities, in violation of 29 U.S.C. § 794(a) and 34 C.F.R. § 104.4(b)(1)(i);

d) Subjecting Kennedy to discrimination on the basis of the nature and severity of her disability, in violation of 29 U.S.C. § 794(a) and 34 C.F.R. § 104.4(a);

e) Using criteria or methods of administration that have the effect of subjecting Kennedy to discrimination on the basis of disability, in violation of 34 C.F.R. § 104.4(b)(4).

COUNT THREE: DISABILITY-BASED BULLYING AND HARASSMENT

33. Additionally, under Section 504 and the ADA, Kennedy has suffered disability-based bullying and harassment that arises from the nature of her disability; in addition to the constant (daily) segregation, she experienced acts of intimidation, ridicule and insult by students. This was sufficiently pervasive (it was constant); it was severe to a reasonable high school student; and it impacted her education by altering the conditions of her educational experience.

34. Long *before* the graduation, WCS created vulnerabilities that led to further misconduct. WCS resented the nature of Kennedy's disability, intentionally segregating her and another student with POTS to the former closet. Thus, it not only had actual knowledge of the disability, it *created* the harassing condition, stigmatizing Kennedy on a daily basis, a clear act of deliberate indifference.

35. And *after* putting Kennedy and the other student with POTS in the storage closet, WCS did not take any corrective action. Instead of taking corrective action, it was the entity engaging in the actual harassment, a clear act of deliberate indifference.

36. Foreseeably, WCS's actions in segregating and isolating Kennedy created ridicule from others. Students obviously knew that she and another student were relegated to the storage-closet students due to disability. And they made fun of her regularly, without any discipline or corrective action. Eventually, Kennedy left in-person schooling altogether to escape the harassment. For all these reasons, Kennedy was unlawfully discriminated against (harassment) because of her disability in violation of both Title II of the ADA and §504 of the Rehabilitation Act 1973.

**COUNT FOUR: SECTION 1983 AND THE FOURTEENTH
AMENDMENT'S EQUAL PROTECTION CLAUSE**

37. Plaintiffs reallege each paragraph above.

38. Separate and parallel actions may be brought under the ADA and the Fourteenth Amendment's Equal Protection Clause. *Bullington v. Bedford Cty*, 904 F.3d 467, 472 (6th Cir. 2018). Plaintiff does so here.

39. Section 1983 codified the Civil rights Act of 1871. Local governmental entities may be sued under Section 1983 when their policies, customs or practices caused the constitutional injury or federally protected right. Specifically, Section 1983 provides a cause of action for an individual whose constitutional or federal rights are violated by those acting under color of state law:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress

42 U.S.C. § 1983. Put even more simply, the Equal Protection Clause is “essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985).

40. Kennedy is a United States citizen with rights under Section 1983. And Defendant is a local governmental entity who may be sued under Section 1983. The actions of the Defendant were committed under “color of law,” with at *least* the appearance that the government (the Director of Schools and Principal) deprived Kennedy of a right secured by the Constitution (the Fourteenth Amendment's Equal Protection Clause) or the laws of the United States (the ADA

and Section 504).

41. Kennedy asserts that Defendant's policy, custom or practice of sidelining persons like her—with mobility disabilities and/or POTS—caused her to be treated differently from her non-disabled peers who were not excluded. This extends from classroom instruction to extracurricular activities to graduation ceremonies.

42. Under *Monell*⁴ liability, the Defendant is liable for its own misconduct for which it participated—through its policies, customs or practices. The Defendant has such policies, customs or practices, ones that did *cause* Kennedy's injury in the following ways.

43. First, while Defendant has *paper* policies purporting to uphold the rights of persons with disabilities, including their rights to reasonable accommodations, in actual practice, Defendant has a *custom* of denying such rights to persons with disabilities, and instead excluding them from equal treatment, specifically including POTS. Defendant has used this policy or custom of discrimination to treat Kennedy differently, constantly throughout her junior and senior years, along with at least one other student with POTS in Kennedy's grade. These actions amount to deliberate indifference and animus toward Kennedy's disability, a custom of tolerating or acquiescence to federal rights violations.

44. Second, Defendant's personnel with final policy making authority (i.e. its Principal and Director of Schools) permeated and/or ratified illegal actions of denying Kennedy's rights to equal treatment through a policy that Kennedy's disability must not be seen, lest she be "too disruptive" or "embarrassing" to non-disabled students or the school itself. At its highest level, the Director of Schools, WCS acquiesced and ossified Kennedy's segregation and isolation from

⁴ *Monell v. N.Y. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

her non-disabled peers.

45. Third, Defendant has failed to train or supervise employees within the school (Director of Schools, principals, teachers, nurses). It is abundantly clear that broader training for WCS employees on the *Olmstead* principle of most integrated setting, along with necessity of reasonable modifications/accommodations to school environments for persons with disabilities was inadequate or was not provided. To prevent the type of harm repeatedly suffered by Kennedy, WCS must become trained about the harm of unequal treatment, segregation, and failure to provide accommodations.

46. Throughout, Kennedy was treated markedly differently than her similarly situated peers. Her non-disabled peers received access to their academic classes and extracurricular activities while she, unlike them, was kept in a storage closet, placed on homebound status, and sidelined for graduation. WCS succeeded in stigmatizing her due to her disability.

47. As a direct and proximate consequence of Defendant's intentional and/or deliberately indifferent conduct, Kennedy has suffered damages, including without limitation, violations of her constitutional rights, physiological injury, emotional anxiety, fear, and suffering.

**COUNT FIVE: FOURTEENTH AMENDMENT'S
SUBSTANTIVE DUE PROCESS AND SECTION 1983**

48. Plaintiffs reallege each paragraph above as if fully set forth herein verbatim.

49. The Due Process Clause of the Fourteenth Amendment provides that no state shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. Amend. XIV, § 1.

50. This second component of the Fourteenth Amendment's due process clause, substantive due process, protects certain inalienable rights and bars certain governmental actions

regardless of the procedures used to implement those actions. It includes the right to personal security and bodily integrity.

The right to personal security and to bodily integrity bears an impressive constitutional pedigree. As far back as 1891, the Supreme Court recognized that “no right is held more sacred, or is more carefully guarded . . . than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.”

Doe v. Claiborne County, 103 F.3d 495, 506 (6th Cir. 1996).

51. Where state actors increase the danger to the victim, the municipality may be liable under the state-created danger doctrine. Here, WCS required Kennedy to attend school and graduation, but forced her into unaccommodating and exclusionary spaces: the storage closet, homebound, and the bleachers. WCS knew that such unaccommodated exclusionary spaces were causing Kennedy to experience a cumulative physiological harm, mounting trauma, and/or dignitary harm, day after day, for months and even years on end. That is, WCS was “restraining” Kennedy by forcing her into situations that strip her bodily security and integrity, and it did so with regularity. These actions were undertaken with deliberate indifference, were arbitrary and capricious and shock the conscious.

IV. RELIEF SOUGHT

52. For relief, Plaintiffs seek a judgment that WCS violated the ADA, Section 504, and the Constitution, as reflected above.

53. Kennedy seeks prospective relief/injunctive relief that includes training of persons about the harm of segregation, the integration mandate, and the rights to reasonable accommodation. She seeks compensatory damages for physiological injury, mental injury, pain and anguish, loss of dignity, along with reputational and consequential damages.

54. Plaintiff also seek their reasonable attorneys' fees and costs, and expenses under 42 U.S.C. §12205 and §1988; and any further and just relief.

55. A jury is demanded.

Respectfully submitted,

GILBERT LAW, PLLC

/s Justin S. Gilbert
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&

THE SALONUS FIRM, PLC

/s Jessica F. Salonus
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jsalonus@salonusfirm.com

ATTACHMENT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**IN THE MATTER OF KENNEDY SHEA
LEE,**

Plaintiff,

V.

**WEAKLEY COUNTY BOARD OF
EDUCATION d/b/a
WEAKLEY COUNTY SCHOOLS**

9

Defendant.

Case No. 1:24-cv-01147

ANSWER OF WEAKLEY COUNTY BOARD OF EDUCATION

COMES NOW the Defendant, Weakley County Board of Education (the “WCBE” or the “Defendant”), by and through counsel, and in response to the Complaint filed against it states as follows:

I. INTRODUCTION

1. Denied.
2. Denied.

II. PARTIES, JURISDICTION, AND VENUE

3. Admitted.
4. Admitted.

5. Denied that this action states a claim for relief under any federal law. Admitted that this action makes allegations under certain federal statutes that invoke this Court's jurisdiction under 28 U.S.C. § 1331.

6. Admitted.

III. FACTS

7. Upon information and belief, WCBE admits that Kennedy Lee is diagnosed with postural orthostatic tachycardia syndrome (POTS). Also admitted that the source linked in Plaintiff's footnote 1 speaks for itself. To the extent that the remaining allegations in Paragraph 7 state anything inconsistent with the text of the source in footnote 1, WCBE denies those allegations or statements. WCBE is without sufficient information or knowledge to admit or deny how POTS and/or the functional neurological disorder affect Kennedy Lee specifically.

8. Admitted that the source linked in Plaintiff's footnote 2 speaks for itself. To the extent that the remaining allegations in Paragraph 8 state anything inconsistent with the text of the source in footnote 2, WCBE denies those allegations or statements. WCBE is without sufficient information or knowledge to admit or deny how POTS and/or the functional neurological disorder affect Kennedy Lee specifically.

9. Paragraph 9 contains legal conclusions that do not require a response. To the extent that a response is required, WCBE admits the allegations in Paragraph 9.

10. Admitted that some of the accommodations in Kennedy's 504 Plan including being able to sit near a teacher or friend, to modify or shorten assignments, to extend time to complete assignments, and to call for a nurse if Kennedy experienced symptoms related to POTS and needed assistance and/or medical attention. All other remaining allegations or statements in Paragraph 10 that are not expressly admitted are denied.

11. WCBE denies the allegations as stated in Paragraph 11.

12. WCBE denies the allegations as stated in Paragraph 12.

13. WCBE denies the allegations as stated in Paragraph 13.

14. Denied.

15. Admitted that Kennedy went on homebound status for the 2023-2024 school year.

All remaining allegations and statements in Paragraph 15 are denied.

16. WCBE denies the allegations as stated in Paragraph 16.

17. Admitted that Kennedy sat in the bleachers during the graduation ceremony and used a wheelchair. WCBE denies all remaining allegations and statements in Paragraph 17, stating WCBE offered numerous accommodations and options to Kennedy and her guardian to support her participation in the graduation ceremonies, including sitting with the other students and an aide, but Kennedy refused that option.

18. Admitted that Kennedy provided a letter from a physician, Joshua C. Duley of Vanderbilt Children's Hospital on May 14, 2024. The content of this letter speaks for itself and WCBE denies any allegations or statements that are inconsistent therewith. Admitted that the principal wanted to use graduation practice as means to assess several different options available to Kennedy to participate during graduation. WCBE denies any and all remaining allegations or statements in Paragraph 18 that are not expressly admitted.

19. Admitted that Kennedy walked across the stage at graduation practice. WCBE denies all remaining allegations and statements in Paragraph 19 as stated.

20. WCBE denies the allegations as stated in Paragraph 20.

21. WCBE denies the allegations as stated in Paragraph 21.

22. Admitted that Kennedy sat in the bleachers on graduation. Denied that this was the only option WCBE offered for Kennedy's participation in the graduation ceremony. WCBE denies all other remaining allegations and statements in Paragraph 22 that are not expressly admitted.

23. Admitted that WCBE shared social media posts showing students and graduation. Denied that WCBE purposefully included or excluded Kennedy or any other student. WCBE denies all remaining allegations and statements in Paragraph 23 that are not expressly admitted.

IV. LEGAL CLAIMS

COUNT ONE

24. Defendant incorporates and restates its responses to the above-state paragraphs herein.

25. Paragraph 25 contains a statement of law and does not require a response. To the extent a response is required, admitted.

26. Paragraph 26 contains a statement of law and does not require a response. To the extent a response is required, admitted.

27. Admitted.

28. Admitted that the Director of Schools had knowledge of Kennedy's POTS diagnosis and that she had a Section 504 Plan related to this diagnosis. WCBE is without sufficient information or knowledge to admit or deny what Plaintiff means by "on down."

29. Paragraph 29 contains a statement of law and does not require a response. To the extent a response is required, admitted.

30. Denied.

a. Paragraph 30(a) contains a conclusion of law and does not require a response. To the extent a response is required, denied.

b. Paragraph 30(b) contains a conclusion of law and does not require a response. To the extent a response is required, denied.

- c. Paragraph 30(c) contains a conclusion of law and does not require a response. To the extent a response is required, denied.
- d. Paragraph 30(d) contains a conclusion of law and does not require a response. To the extent a response is required, denied.

COUNT TWO

- 31. Defendant incorporates and restates its responses to the above-state paragraphs herein.
- 32. Paragraph 32 contains a legal conclusion and does not require a response. To the extent a response is required, denied.
 - a. Paragraph 32(a) contains a legal conclusion and does not require a response. To the extent a response is required, denied.
 - b. Paragraph 32(b) contains a legal conclusion and does not require a response. To the extent a response is required, denied.
 - c. Paragraph 32(c) contains a legal conclusion and does not require a response. To the extent a response is required, denied.
 - d. Paragraph 32(d) contains a legal conclusion and does not require a response. To the extent a response is required, denied.
 - e. Paragraph 32(e) contains a legal conclusion and does not require a response. To the extent a response is required, denied.

COUNT THREE

- 33. Denied.
- 34. Denied.
- 35. Denied.

Respectfully submitted,

/s/ Sara D. Naylor

Samuel L. Jackson (21541)

Sara D. Naylor (37533)

Spencer Fane LLP

511 Union Street, Suite 1000

Nashville, TN 37219

Telephone: (615) 238-6300

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sjackson@spencerfane.com

snaylor@spencerfane.com

*Attorneys for Defendant Weakley County
Board of Education*

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2024, a true and correct copy of the foregoing was served by email and/or U.S. mail, postage prepaid, upon the following:

Justin Gilbert
100 W. Martin Luther King Blvd., Suite 501
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Telephone: 423-756-8203
justin@schoolandworklaw.com

Jessica Salonus
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/s/ Sara D. Naylor

Sara D. Naylor

ATTACHMENT 6



Weakley County Schools

8319 Highway 22, Suite A

Dresden, TN 38225

Phone: (731) 364-2247

Fax: (731) 364-2662

weakleycountyschools.com

December 2, 2025 VIA EMAIL

Shannon Taylor Merrell

CEO/Publisher

The Weakley County Examiner shannon@theweakleycountyexaminer.com

Re: Tennessee Public Records Act Request – Kennedy Shea Lee v. Weakley County Board of Education (Case No. 1:24-cv-01147)

Dear Ms. Merrell,

I serve as the Director of Schools for Weakley County. We are in receipt of your records request regarding the above matter. Our response to each of your requests is included below.

1. The fully executed settlement agreement and release, including any addenda, side agreements, or confidentiality provisions, resolving the claims in the above-referenced case.

Any responsive documents to this request constitute student education records that are exempt from disclosure under the Tennessee Public Records Act.

2. Any agreements, memoranda, or correspondence between the Board and any insurer or risk pool (including, but not limited to, the Tennessee Risk Management Trust) regarding defense, indemnity, or funding of the above-referenced matter.

Weakley County is searching for any responsive documents to this request and will provide any responsive documents within two (2) weeks of the date of this response.

3. All payment records related to the resolution of the case, including but not limited to: Checks, payment vouchers, or wire confirmations issued to Kennedy Shea Lee, her attorneys, or any insurer or third party in connection with the settlement.

No responsive documents exist in Weakley County's possession.

Any reimbursement or deductible payments made by the Board or the County to an insurer or risk pool concerning this matter.

Weakley County is searching for any responsive documents to this request and will provide any responsive documents within two (2) weeks of the date of this response.

4. All legal invoices and billing statements from defense counsel and any other law firms retained in connection with the above-referenced litigation, including invoices paid directly or through an insurer or risk pool.

Weakley County is searching for any responsive documents to this request and will provide any responsive, non-privileged documents within two (2) weeks of the date of this response.

5. Any Board agenda items, resolutions, votes, and meeting minutes referencing or authorizing settlement of this case, including any records reflecting action taken following executive session discussion.

No responsive documents exist in Weakley County's possession.

Please let me know if you have any follow up questions. Otherwise, we will be in touch with any additional responsive items.

Sincerely,

Jeff Cupples

Director of Schools, Weakley County

EXHIBIT 2

IN THE CHANCERY COURT OF WEAKLEY COUNTY, TENNESSEE
FOR THE TWENTY-SEVENTH JUDICIAL DISTRICT AT DRESDEN

THE WEAKLEY COUNTY EXAMINER
and SHANNON MERRELL,

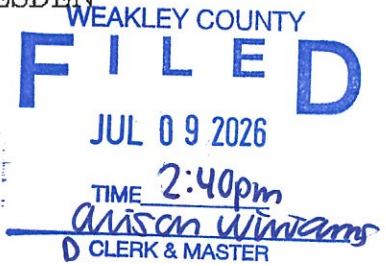
Petitioners,

v.

JEFF CUPPLES, in his official capacity
as Director of Schools for Weakley
County,

Respondent.

No. 26507



**DECLARATION OF PAUL R. MCADOO IN SUPPORT OF
PETITION FOR ACCESS TO PUBLIC RECORDS
AND TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

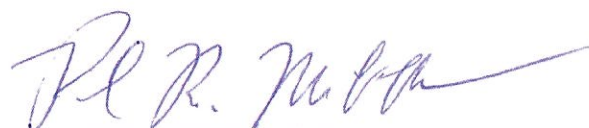
I, Paul R. McAdoo, hereby declare as follows:

1. I am the attorney for Petitioners Shannon Merrell and *The Weakley County Examiner* ("*The Examiner*") in this action.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct.
3. I submit this Declaration in support of this action with knowledge of my pleading obligations under the Tennessee Rules of Civil Procedure.
4. On January 7, 2026, I emailed a letter to the Director of Schools for Weakley County, Jeff Cupples, about Mr. Cupples' response to Petitioners' request for access to and copies of "[t]he fully executed settlement agreement and release, including any addenda, side agreements, or confidentiality provisions, resolving the claims in [Kennedy Shea Lee v. Weakley County Board of Education (Case No. 1:24-

cv-01147)]” (the “Settlement Records”). In my letter, I challenged Mr. Cupples’ purported bases for withholding the Settlement Records, noting that the Tennessee Public Records Act exempts “the records of students in public educational institutions” from disclosure and that, as Ms. Lee was not a student in a public educational institution at the time Ms. Lee’s suit was filed or settled, this exemption does not apply. A true and correct copy of my January 7, 2026 email to Mr. Cupples is attached as **Attachment 1**, and a true and correct copy of the letter I attached to that email is attached as **Attachment 2**.

5. Counsel for WCS responded to my January 7, 2026 email on January 16, 2026 by email with a letter, reaffirming WCS’ denial of Petitioners’ request for access to and copies of the Settlement Records. A true and correct copy of WCS’ counsel’s January 16, 2026 email is attached as **Attachment 3**, and a true and correct copy of the letter attached thereto is attached as **Attachment 4**.

6. I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct.


Paul R. McAdoo

25th day of June, 2026

ATTACHMENT 1



Paul McAdoo <pmcadoo@rcfp.org>

Letter on Behalf of Weakley County Examiner

1 message

Paul McAdoo <pmcadoo@rcfp.org>

Wed, Jan 7, 2026 at 2:25 PM

To: jeff.cupples@wcsk12tn.net

Dear Mr. Cupples:

I've attached a letter on behalf of my client, the Weakley County Examiner. Thank you for your attention to this matter.

Best,
Paul

--



Paul R. McAdoo (*he/him*)

Tennessee Local Legal Initiative Attorney

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Weakley County Examiner Letter to WCS.pdf

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ATTACHMENT 2

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January 7, 2026

Jeff Cupples

Director of Schools, Weakley County

8319 Highway 22, Suite A

Dresden, TN 38225

jeff.cupples@wcsk12tn.net

Re: Denial of Public Records Request by Shannon Taylor Merrell
with *The Weakley County Examiner*

VIA EMAIL

Dear Mr. Cupples:

I represent *The Weakley County Examiner* (the “Examiner”). On December 2, 2025, you denied Examiner CEO/Publisher Shannon Taylor Merrell’s public records request for “[t]he fully executed settlement agreement and release, including any addenda, side agreements, or confidentiality provisions, resolving the claims” in a federal lawsuit brought by Kennedy Shea Lee. The Examiner respectfully requests that Weakley County Schools (“WCS”) revisit this denial.

WCS denied the Examiner’s request under the theory that “[a]ny responsive documents to this request constitute student education records that are exempt from disclosure under the Tennessee Public Records Act.” Presumably, WCS is claiming that the requested settlement records are exempt pursuant to Tenn. Code Ann. § 10-7-504 (a)(4)(A), which provides that “the records of students in public educational institutions shall be treated as confidential.” But this provision does not apply here, where the plaintiff with whom WCS settled was not a student at the time they filed the lawsuit.

The Complaint in the underlying suit, which was filed on July 12, 2024, alleged in its third paragraph that “Plaintiff, Kennedy Lee, graduated in May 2024 from Greenfield High School[.]” WCS’s answer, filed on September 16, 2024, admits the truth of this allegation. As such, a settlement agreement with a former student for a lawsuit brought after the student had left WCS could not be a record of a student *in* a public educational institution and the asserted basis for the denial is inapplicable.

To the extent there was any doubt as to this conclusion, it is important to recall that the General Assembly has mandated that the Tennessee Public Records Act “shall be broadly construed so as to give the fullest possible public access to public records.” Tenn. Code Ann. § 10-7-505(d).

The Examiner respectfully requests that WCS provide the requested public records to Ms. Taylor Merrell by Friday, January 16, 2026. Thank you for your timely consideration of this matter.

Sincerely,

Paul R. McAdoo
Senior Staff Attorney
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January 16, 2026
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The settlement agreement that has been requested contains information that falls within the parameters of Section 10-7-504(a)(4)(A). In fact, the parties have expressly agreed that the information in the settlement agreement constitutes an educational record subject to this section.

Despite your blanket assertion that this provision could not possibly apply because the settlement agreement was executed after the graduation of the Plaintiff in the case, nowhere in the statute or case law is there any such limitation placed on this section. In fact, your position places an additional requirement or standard that is not contemplated by the plain language of the statute. It is certainly foreseeable that there may be confidential student educational information in a document created after a student's graduation that still contains information subject to Section 10-7-504(a)(4)(A). The timing of the creation of the document does not automatically result in Section 10-7-504(a)(4)(A) being inapplicable.

As such, Weakley County Schools will not disclose the requested document or information pursuant to Section 10-7-504(a)(4)(A). If you wish to discuss this matter further, please contact me directly.

Sincerely,

/s/ Samuel L. Jackson
Samuel L. Jackson