



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
September 26, 2022 - September 30, 2022

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
JAMES WILLIAMS v. SMYRNA RESIDENTIAL, LLC ET AL. M2021-00927-SC-R11-CV	Rutherford County Circuit Court (CIVIL) Bonita Jo Atwood 78245	Swiney, D. Michael: Affirm	GRANTED - Application of Smyrna Residential, LLC and Americare Systems, Inc.; Order Filed 9-29-2022
LARRY STRICKLAND, ET AL v. DUSTY RHOADES, ET AL. M2022-01211-SC-R10-CV	Williamson County Chancery Court Joseph A. Woodruff 22CV-51711	Per Curiam: Case Dispositional Decision	GRANTED & REMANDED - TRAP Rule 10 Application of Larry Strickland, et al; VACATED - 8-31- 2022 Order of the trial court; Order Filed 9-29-2022

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
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Nashville

STATE OF TENNESSEE v. ERIC TYRE PATTON
M2020-00062-SC-R11-CD

Rutherford County Circuit Court
(CRIMINAL)
Royce Taylor
79062

Ogle, Norma McGee: Affirm

DENIED - Application of Eric Tyre
Patton;

Order Filed 9-28-2022

STATE OF TENNESSEE v. WAYNE DAVID JONES
M2020-00871-SC-R11-CD

Davidson County Criminal Court
Mark J. Fishburn
2016-A-250

Thomas Jr., D. Kelly: Other

DENIED - Application of Wayne
David Jones

Order Filed 9-28-2022

JAYME HOLLAND v. TENNESSEE DEPARTMENT
OF SAFETY AND HOMELAND SECURITY
M2020-01044-SC-R11-CV

Davidson County Chancery Court
Patricia Head Moskal
18-1387-I

McBrayer, W. Neal: Affirm

DENIED - Jayme Holland's
application and motion to
consolidate;

Order Filed 9-29-2022

XINGKUI GUO v. JON DAVID ROGERS
M2020-01209-SC-R11-CV

Davidson County Circuit Court
Thomas W. Brothers
18C2570

Swiney, D. Michael: Affirm

DENIED - Application of Xingkui
Guo;

Order Filed 9-29-2022

STATE OF TENNESSEE v. JACKIE DEAN MILLER M2020-01393-SC-R11-CD	Marshall County Circuit Court Forest A. Durard, Jr. 19-CR-115	Montgomery Jr., Robert H.: Affirm	DENIED - Application of Jackie Dean Miller; Order Filed 9-29-2022
MICHAEL HALLIBURTON v. TENNESSEE BOARD OF PAROLE M2020-01657-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 20-844-IV	Swiney, D. Michael: Affirm	DENIED - Application of Michael Halliburton; Order Filed 9-28-2022
STATE OF TENNESSEE v. ALAIN BENITEZ M2021-00073-SC-R11-CD	Smith County Criminal Court Brody N. Kane 2019-CR-134	Holloway Jr., Robert L.: Affirm in Part	DENIED - Application of Alain Benitez; Order Filed 9-29-2022
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY v. DAVID SHELL M2021-00108-SC-R11-CV	Davidson County Chancery Court Patricia Head Moskal 17-1014-I	Stafford, J. Steven: Affirm in Part	DENIED - David Larry Shell, Jr.'s application and motion to consolidate; Order Filed 9-29-2022

ERIC TODD JACKSON v. STATE OF TENNESSEE M2021-00302-SC-R11-PC	Montgomery County Circuit Court William R. Goodman, III CC-15-CR-890, CC-15-CR-941, CC-17-CR-389	Campbell Sr., John W.: Affirm	DENIED - Application of Eric Todd Jackson; Order Filed 9-29-2022
STATE OF TENNESSEE v. QUENTIN DEAN BIRD M2021-00372-SC-R11-CD	Montgomery County Circuit Court Jill Bartee Ayers CC-17-CR-1399	Montgomery Jr., Robert H.: Affirm	DENIED - Application of Quentin Dean Bird; Order Filed 9-29-2022
LARRY BROWN ET AL. v. TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY M2021-00422-SC-R11-CV	Davidson County Chancery Court Ellen Hobbs Lyle 17-1197-III, 17-1204-III	Armstrong, Kenny W.: Affirm	DENIED - Application of Larry Brown and Chandra Brown; DENIED - Motion for Leave to File Corrected and Restated Application and Motion to Consolidate; Order Filed 9-29-2022
STATE OF TENNESSEE v. TADARIUS L. CLIFT M2021-00425-SC-R11-CD	Davidson County Criminal Court Monte Watkins 2014-D-3068	Williams, John Everett: Affirm	DENIED - Application of Tadarius Lemar Clift; Order Filed 9-28-2022

<p>MICHAEL HALLIBURTON v. TENNESSEE BOARD OF PAROLE M2021-00470-SC-R11-CV</p>	<p>Davidson County Chancery Court Russell T. Perkins 21-42-IV</p>	<p>McGee, Carma Dennis: Affirm</p>	<p>DENIED - Application of Michael Halliburton; Order Filed 9-28-2022</p>
<p>STATE OF TENNESSEE v. DEMARIO QUINTEZ DRIVER M2021-00538-SC-R11-CD</p>	<p>Cheatham County Circuit Court David D. Wolfe 17834</p>	<p>Wedemeyer, Robert W.: Affirm</p>	<p>DENIED - Application of Demario Quintez Driver; Order Filed 9-29-2022</p>
<p>METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE ET AL. v. DAVIDSON COUNTY ELECTION COMMISSION M2021-00723-SC-R11-CV</p>	<p>Davidson County Chancery Court Russell T. Perkins 21-0433-IV</p>	<p>Goldin, Arnold B.: Affirm in Part</p>	<p>DENIED - Application of the Davidson County Election Commission; Court of Appeals opinion designated "Not For Citation" in accordance with Supreme Court Rule 4(E); Order Filed 9-29-2022</p>
<p>CHRISTOPHER C. SOLOMON v. STATE OF TENNESSEE M2021-00739-SC-R11-PC</p>	<p>Sumner County Criminal Court Dee David Gay 2016-CR-832, 2019-CR-525</p>	<p>Williams, John Everett: Affirm</p>	<p>DENIED - Application of Christopher C. Solomon; Order Filed 9-28-2022</p>

LEONARD BLACKSTOCK v. STATE OF
TENNESSEE
M2021-00822-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Middle Division)
T20210745-1

Per Curiam: Case Dispositional
Decision

DENIED - Application of Leonard
Blackstock, Jr.;

Order Filed 9-29-2022

STATE OF TENNESSEE v. COREY TAYLOR
M2021-00954-SC-R11-CD

Davidson County Criminal Court
Jennifer Smith
2014-I-270

Ayers, Jill Bartee: Affirm

DENIED - Application of Corey
Taylor;

Order Filed 9-29-2022

IN RE JAMARCUS K., ET AL.
M2021-01171-SC-R11-PT

Dickson County Probate and Juvenile
Court
Michael Meise
03-20-025-TPR

Davis, Kristi M.: Affirm

DENIED - Application of Taleada
K.;

Order Filed 9-27-2022

LEONARD BLACKSTOCK v. STATE OF
TENNESSEE
M2021-01496-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Middle Division)
0546-AL-0503322-001

Per Curiam: Case Dispositional
Decision

DENIED - Application of Leonard
Blackstock;

Order Filed 9-29-2022

ALFONSO TOWNSEND v. STATE OF
TENNESSEE
M2022-00520-SC-R11-PC

Davidson County Criminal Court
Jennifer Smith
93-A-99

Easter, Timothy L., Holloway Jr.,
Robert L., Wedemeyer, Robert W.:
Case Dispositional Decision

DENIED - Application of Alfonso
Townsend;
Order Filed 9-29-2022

GENE ALLAN BLANTON ET AL. v. HCA HEALTH
SERVICES OF TENNESSEE, INC.
M2022-00681-SC-R11-CV

Davidson County Circuit Court
Amanda Jane McClendon
21C2181

Per Curiam: Case Dispositional
Decision

DENIED - Application of Gene
Allan Blanton;
Order Filed 9-29-2022

Knoxville

ALISA BIBBS v. DURHAM SCHOOL SERVICES,
L.P., ET AL.
E2020-00688-SC-R10-CV

Hamilton County Circuit Court
John B Bennett
17C1266

Davis, Kristi M.: Affirm in Part

DENIED - Application of Alisa
Bibbs;
Order Filed 9-28-2022

SHERMAN FRANKLIN, JR. v. DURHAM SCHOOL
SERVICES, L.P., ET AL.
E2020-00715-SC-R10-CV

Hamilton County Circuit Court
John B Bennett
17C1279

Davis, Kristi M.: Affirm in Part

DENIED - Application of
Sherman Franklin;
Order Filed 9-29-2022

CHERRI SCHRICK v. DURHAM SCHOOL
SERVICES, L.P., ET AL.
E2020-00744-SC-R10-CV

Hamilton County Circuit Court
John B Bennett
17C1281

Davis, Kristi M.: Affirm in Part

DENIED - Application of Cheri
Schrick;
Order Filed 9-29-2022

STEPHANIE MUHAMMED ET AL. v. DURHAM
SCHOOL SERVICES L.P., ET AL.
E2020-00755-SC-R10-CV

Hamilton County Circuit Court
John B Bennett
17C1265

Davis, Kristi M.: Affirm in Part

DENIED - Application of
Stephanie Muhammed and Sabir
Muhammed;

Order Filed 9-29-2022

BRENDA COTHRAN ET AL. v. DURHAM
SCHOOL SERVICES, L.P., ET AL.
E2020-00796-SC-R10-CV

Hamilton County Circuit Court
John B Bennett
17C1286

Davis, Kristi M.: Reverse

DENIED - Application of Brenda
Cothran;

Order Filed 9-30-2022

ESTATE OF MARTHA HARRISON BANE v. JOHN
BANE ET AL.
E2020-00978-SC-R11-CV

Cocke County Chancery Court
Telford E. Forgety, Jr.
08-189, 2014-CV-103

Davis, Kristi M.: Affirm

DENIED - Application of Estate of
Martha Harrison Bane;
Order Filed 9-29-2022

JEREMY MCMILLON v. STATE OF TENNESSEE
E2020-01260-SC-R11-PC

Hamilton County Criminal Court
Barry A. Steelman
286387

Witt Jr., James Curwood: Affirm

DENIED - Application of Jeremy
McMillon;

Order Filed 9-28-2022

STATE OF TENNESSEE v. JAMES DAVID DUNCAN E2020-01532-SC-R11-CD	Morgan County Criminal Court Jeffery Hill Wicks 2018-CR-68	Montgomery Jr., Robert H.: Affirm	DENIED - Application of James David Duncan; Order Filed 9-29-2022
MICHAEL DILLON LAMBDIN v. STATE OF TENNESSEE E2020-01590-SC-R11-PC	Knox County Criminal Court Steven Wayne Sword 107896	Thomas Jr., D. Kelly: Affirm	DENIED - Application of Michael Dillon Lambdin; Order Filed 9-29-2022
STATE OF TENNESSEE v. JAMES THEODORE MENARD E2021-00164-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 114867	Thomas Jr., D. Kelly: Other	DENIED - Application of James Theodore Menard; Order Filed 9-29-2022
STATE OF TENNESSEE v. FELIPE GONZALEZ-MARTINEZ E2021-00322-SC-R11-CD	Jefferson County Circuit Court O. Duane Slone 12826	Witt Jr., James Curwood: Affirm	DENIED - Application of Felipe Gonzalez-Martinez; Order Filed 9-29-2022
GEORGE JOHN BYRD v. STATE OF TENNESSEE E2021-00562-SC-R11-PC	Knox County Criminal Court Kyle A. Hixson 97264	Ogle, Norma McGee: Affirm	DENIED - Application of George John Byrd filed by counsel; DENIED - Pro Se Application of George John Byrd;

Order Filed 9-29-2022

JAMARCUS JACKSON v. STATE OF TENNESSEE
E2021-00642-SC-R11-PC

Washington County Criminal Court
Stacy L. Street
45724

Campbell Sr., John W.: Affirm

DENIED - Application of Jamarcus Jackson;

Order Filed 9-28-2022

STATE OF TENNESSEE v. ROY MICHAEL FORD
E2021-00780-SC-R11-CD

Claiborne County Criminal Court
E. Shayne Sexton
2015-CR-2222

Easter, Timothy L.: Affirm

DENIED - Application of Roy Michael Ford;

Order Filed 9-29-2022

EDWARD GILBERT ET AL. v. STATE OF
TENNESSEE
E2021-00881-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Eastern Division)
T20203050-1

McClarty, John W.: Reverse

DENIED - Application of Edward Gilbert and Margaret Gilbert; Court of Appeals opinion is designated "Not For Citation" in accordance with Supreme Court Rule 4(E);

Order Filed 9-29-2022

JAMES W. GROOMS, JR. ET AL. v. VANDERBILT
MORTGAGE and FINANCE
E2021-01047-SC-R11-CV

Hawkins County Chancery Court
Douglas T. Jenkins
2019-CH-16

Per Curiam: Case Dispositional
Decision

DENIED - Application of James W.
Grooms, Jr. and Rhonda Grooms;
Order Filed 9-28-2022

IN RE CARSON H.
E2022-00821-SC-R10-JV

Blount County Circuit Court
Tammy M. Harrington
L20740

Per Curiam: Case Dispositional
Decision

DENIED - TRAP Rule 10
application of the petitioner;
Order Filed 9-29-2022

Jackson

COREY DENDY v. STATE OF TENNESSEE
W2020-01364-SC-R11-PC

Shelby County Criminal Court
Chris Craft
17-04528

Ogle, Norma McGee: Affirm

DENIED - Application of Corey
Dendy;
Order Filed 9-29-2022

CEDARIUS M. v. STATE OF TENNESSEE
W2020-01594-SC-R11-JV

Shelby County Circuit Court
Rhynette N. Hurd
CT-3297-20

Stafford, J. Steven: Dismiss

DENIED - Application of Cedarius
M. and motion to supplement
the application with post-
judgment facts of Cedarius M.;
Order Filed 9-29-2022

STATE OF TENNESSEE v. DARRIN KEITH WARD W2021-00047-SC-R11-CD	Dyer County Circuit Court R. Lee Moore, Jr. 17-CR-60	Witt Jr., James Curwood: Affirm	DENIED - Application of Darrin Keith Ward; Order Filed 9-29-2022
STATE OF TENNESSEE v. DEVIN KNIGHT W2021-00159-SC-R11-CD	Fayette County Circuit Court J. Weber McCraw 19-CR-108	Wedemeyer, Robert W.: Affirm	DENIED - Application of Devin Royce Knight; Order Filed 9-29-2022
QUARTEZ GARY v. STATE OF TENNESSEE W2021-00315-SC-R11-PC	Shelby County Criminal Court Paula L. Skahan 16-02521	Wedemeyer, Robert W.: Affirm	DENIED - Application of Quartez Gary; Order Filed 9-29-2022
HAROLD ALLEN VAUGHN v. STATE OF TENNESSEE W2021-00354-SC-R11-PC	Madison County Circuit Court Donald H. Allen 15-231, C-19-260	Dyer, J. Ross: Affirm	DENIED - Application of Harold Allen Vaughn filed by counsel; DENIED - Pro Se Application and motion to proceed as a poor person of Harold Allen Vaughn ; Order Filed 9-29-2022

ROMILUS CARAWAY v. STATE OF TENNESSEE W2021-00360-SC-R11-PC	Shelby County Criminal Court Lee V. Coffee 11-05881	McMullen, Camille R.: Affirm	DENIED - Application of Romilus Caraway; Order Filed 9-29-2022
CEDRIC EVANS v. STATE OF TENNESSEE W2021-00379-SC-R11-PC	Madison County Circuit Court Kyle C. Atkins C-20-18	Holloway Jr., Robert L.: Affirm	DENIED - Application of Cedric Evans filed by counsel; DISMISSED - Pro Se Application of Cedric Evans; Order Filed 9-29-2022
ANTONIO BONDS v. STATE OF TENNESSEE W2021-00589-SC-R11-PC	Shelby County Criminal Court John Wheeler Campbell 98-08055	Williams, John Everett: Affirm	DENIED - Application of Antonio Bonds; Order Filed 9-29-2022
GREGORY ARNEZ GOFF v. STATE OF TENNESSEE W2021-00929-SC-R11-PC	Madison County Circuit Court Roy B. Morgan, Jr. C-21-90	Witt Jr., James Curwood: Affirm	DENIED - Application and "Motion to Submit Proof of Crime" of Gregory Arnez Goff; Order filed 9-29-2022

LEAH WARD v. STATE OF TENNESSEE
W2021-00952-SC-R11-ECN

Shelby County Criminal Court
Jennifer Johnson Mitchell
03-04434

Witt Jr., James Curwood: Affirm

DENIED - Application of Leah Joy
Ward;
DENIED AS MOOT - Leah Joy
Ward's motion to proceed as a
poor person;

Order filed 9-29-2022

DAVID FRAZIER v. STATE OF TENNESSEE
W2021-01475-SC-R11-HC

Shelby County Criminal Court
Carolyn W. Blackett
10-06373

Witt Jr., James Curwood: Affirm

DENIED - Application of David
Frazier;

Order Filed 9-29-2022

STATE OF TENNESSEE v. GARY ALLEN JORDAN
JR.
W2022-00695-SC-R10-CD

Madison County Circuit Court
Roy B. Morgan, Jr.
21-202

Campbell Sr., John W., Dyer, J. Ross,
McMullen, Camille R.: Case
Dispositional Decision

DENIED - TRAP Rule 10
Application of Gary Jordan;

Order Filed 9-29-2022

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED 09/29/2022 Clerk of the Appellate Courts
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LARRY STRICKLAND, ET AL. v. DUSTY RHOADES, ET AL.

**Chancery Court for Williamson County
No. 22CV-51711**

No. M2022-01211-SC-R10-CV

ORDER

On August 1, 2022, Plaintiffs Larry Strickland, as surviving spouse of decedent Naomi Judd, and as executor of the estate of Naomi Judd, and Wynonna Judd, as surviving daughter, filed a verified complaint for declaratory and injunctive relief against Dusty Rhoades, in his official capacity as Sheriff of Williamson County, Tennessee. The complaint sought an order “finding that Plaintiffs have constitutional privacy rights, that the records held by the Defendant pertaining to Ms. Judd’s death are confidential and exempt from disclosure under Tennessee law, and that any release or dissemination of the records by the Defendant[] would violate such rights[.]” On August 12, 2022, Plaintiffs filed a first amended and restated verified petition for declaratory and injunctive relief, which added Ashley Judd, as surviving daughter, as a plaintiff, and added Williamson County, Tennessee, as a defendant (together with Mr. Rhoades, “the County”). Also on August 12, 2022, Plaintiffs filed a motion for a temporary injunction seeking to “prohibit the Defendant from releasing, disseminating, distributing, or making public any records related to the investigation into the death of Naomi Judd, other than those expressly defined as public record by statute.” On August 25, 2022, Plaintiffs filed a second amended and restated verified petition for declaratory and injunctive relief adding Jamie Vaughan, Natalie Neysa Alund, and Dalton Hammonds—journalists who had submitted public records requests to the County related to the death of Ms. Judd—as defendants (together, “the Journalists”). The County and the Journalists both filed responses to the motion for a temporary injunction, and a hearing was held on August 30, 2022. The trial court denied the motion for temporary injunction by written order on August 31, 2022, and also denied Plaintiffs’ request for an interlocutory appeal.

On September 2, 2022, Plaintiffs filed an application for extraordinary appeal in the Court of Appeals, which was denied on September 6, 2022. On September 8, 2022, Plaintiffs filed an application for extraordinary appeal in this Court. On September 9, 2022, this Court ordered Defendants to file an answer to the application, and further ordered the County to refrain from producing any records related to the death of Naomi Judd until this Court enters an order granting or denying the application. The County and the Journalists have filed their answers, and we now address the application for extraordinary appeal.

As a threshold matter, the Journalists argue that Plaintiffs lack standing and, as a result, this Court should dismiss the application and the entire case for lack of subject matter jurisdiction. The Journalists did not challenge Plaintiffs' standing below, but argue before this Court that Plaintiffs' standing is jurisdictional because the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 *et seq.*, ("TPRA") sets out who may file suit. Plaintiffs, however, did not bring an action under the TPRA. They filed their action under the Declaratory Judgment Act, Tenn. Code Ann. § 29-14-101 *et seq.*, and the Journalists have not addressed Plaintiffs' standing to bring a complaint for declaratory judgment. Thus, we find the Journalists' argument regarding lack of standing unavailing at this stage of the litigation.

Tennessee Rule of Appellate Procedure 10 provides that "an extraordinary appeal may be sought on application and in the discretion of the appellate court alone of interlocutory orders of a lower court from which an appeal lies to the Supreme Court, Court of Appeals or Court of Criminal Appeals: (1) if the lower court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review, or (2) if necessary for complete determination of the action on appeal as otherwise provided in these rules." This Court has explained that "[a]n appellate court should grant a Rule 10 extraordinary appeal only when the challenged ruling represents a fundamental illegality, fails to proceed according to the essential requirements of the law, is tantamount to the denial of a party's day in court, is without legal authority, is a plain and palpable abuse of discretion, or results in either party losing a right or interest that may never be recaptured." *Gilbert v. Wessels*, 458 S.W.3d 895, 898 (Tenn. 2014).

Here, Plaintiffs' motion sought a temporary injunction enjoining "the release of Naomi Judd's medical records and/or law enforcement investigative reports, including, but not limited to, videos, audio records, notes, reports, and records." Plaintiffs argued that the production of such records was prohibited by Tennessee Code Annotated section 38-7-110(c) and would violate Plaintiffs' "fundamental and compelling right to privacy emanating from both the Tennessee and United States Constitutions." The County stated in response to Plaintiffs' motion that, as custodian of the records, it believed it was "obligated to produce most of the investigative records" in its possession. The County, however, identified specific records that it believed would not, or may not, be subject to

disclosure under the TPRA. In particular, the County stated that it believed body camera footage taken from inside the home of Naomi Judd is required to be treated as confidential pursuant to Tennessee Code Annotated section 10-7-504(u)(1)(c), which provides that law enforcement body camera footage that shows “[t]he interior of a private residence that is not being investigated as a crime scene,” is not subject to public inspection. The County stated that it responded to Naomi Judd’s home in response to a reported suicide, that the investigation ultimately concluded the manner of death was a suicide, and that suicide is not a crime in Tennessee. As a result, the County stated that “body camera footage taken from inside the residence of Naomi Judd should be maintained as confidential.”

In its August 31, 2022 order, the trial court not only denied Plaintiffs’ motion for temporary injunction, but also made merits determinations regarding the application of the TPRA to specific categories of documents identified by the County. In particular, the trial court determined that law enforcement had conducted a crime scene investigation and, as a result, “the body camera footage from inside the home is not subject to the narrow exception stated by Tenn. Code Ann. § 10-7-504(u)(1)(c).” This conclusion was directly contrary to the determination the County had made as the custodian of the records. In making determinations regarding the application of the TPRA to specific categories of documents, the trial court effectively consolidated the hearing on the temporary injunction with a partial hearing on the merits. Under Tennessee Rule of Civil Procedure 65.04(7), “[b]efore or after the commencement of the hearing of an application for a preliminary injunction, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing of the application.” In *Clinton Books, Inc. v. City of Memphis*, 197 S.W.3d 749, 755 (Tenn. 2006), this Court explained that before a court may consolidate a trial on the merits with a hearing on a temporary injunction, the court must provide the parties with notice that allows the parties a full opportunity to present their respective cases. In *Clinton Books*, this Court found that the trial court had erred in ruling on the constitutionality of a statute following an injunction hearing without ordering consolidation, observing that the trial court’s order had “effectively resolved the issue presented in the declaratory judgment action.” *Id.* Thus, this Court remanded the case to the trial court for a hearing on the merits. *Id.* at 755-56. Similar to the trial court in *Clinton Books*, the trial court here made determinations regarding the application of the TPRA to specific categories of documents following an injunction hearing without providing the parties a full opportunity to present their respective cases. As a result, we find that the trial court departed from the accepted and usual course of judicial proceedings by issuing a partial merits determination regarding the application of the TPRA within the context of Plaintiffs’ motion for temporary injunction. We further find that review is necessary because, absent review, documents that the County, as the custodian of the records, had determined are not, or may not be, subject to disclosure will be publicly released based on a procedurally improper merits determination.

Accordingly, upon consideration of the application for permission to appeal of Plaintiffs, the answers of Defendants, and the record before us, the application is GRANTED, the August 31, 2022 order of the trial court is VACATED, and the case is REMANDED to the trial court for a properly conducted consolidated hearing pursuant to Tennessee Rule of Civil Procedure 65.04(7).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

09/29/2022

Clerk of the
Appellate Courts

JAMES WILLIAMS v. SMYRNA RESIDENTIAL, LLC ET AL.

**Circuit Court for Rutherford County
No. 78245**

No. M2021-00927-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Smyrna Residential, LLC and Americare Systems, Inc., and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM