

1. An ORDER ON MOTION FOR TEMPORARY INJUNCTION was entered and filed on June 12, 2026 which provided, among other things, that “Defendants are hereby ORDERED to immediately preserve all records concerning the downtown Jellico farmers market pavilion project, including but not limited to paper records, electronic records, communications, engineering documents, permits, inspection records, contracts, invoices, and funding records.” Additionally, that ORDER stated: “The Court acknowledges that Defendants have produced documents on or

about May 18, 2026, and that Plaintiff has not yet had an opportunity to review same. Defendants are ORDERED to continue cooperating in good faith and to fully comply with all obligations under the Tennessee Public Records Act, including supplementation of any responsive materials as necessary.” Further, the ORDER states: “Defendants are hereby TEMPORARILY ENJOINED from further construction activity related to the pavilion project pending further order of this Court.”

2. On June 18, 2026 Plaintiff filed a MOTION TO ENFORCE TEMPORARY RESTRAINING ORDER, FOR SANCTIONS, AND MOTION FOR ATTORNEY FEES.
3. The MOTION FOR ATTORNEYS FEES AND COSTS is sought pursuant to T.C.A. § 10-7-505(g). That statute states the following: “If the court finds that the governmental entity, or agent thereof, refusing to disclose a record, knew that such record was public and willfully refused to disclose it, such court may, in its discretion, assess all reasonable costs involved in obtaining the record, including reasonable attorneys’ fees, against the nondisclosing governmental entity. In determining whether the action was willful, the court may consider any guidance provided to the records custodian by the office of open records counsel as created in title 8, chapter 4.” There is no proof in this record as to whether the records custodian sought or considered guidance from that code section.
4. Plaintiff attached the documents to his Motion called “C&B UP TO CODE” which is documentation provided by inspector, Lisa Crumpley, that the property at issue was inspected on May 14, 2026. The report sets forth recommendations.

The conclusion of the report was as follows: “At the time of the inspection, the structure did not appear to present an immediate safety hazard. However, corrective measures are necessary for the structure to meet minimum applicable building code requirements.”

5. The NOTICE OF HEARING was filed by Plaintiff for a hearing on July 10, 2026. The hearing on that date did not take place. The parties then appeared on in court on August 24, 2026 for a hearing. In that hearing, Plaintiff submitted Exhibit 1 which is a copy of a Corum Engineering Design & Inspections report dated June 22, 2026. This report was sent to Leah Johnson, 135 N. Main Street, Jellico, Tennessee 37762. That report states that the visit to the property took place on Friday, June 12, 2026 at 12:00 p.m. for the purpose of conducting a structural evaluation of the issues identified at the site location. Seven (7) structural issues were noted in this engineering report. The conclusion states the following:
“Above are our evaluations and recommendations based on standard construction practices in our local area. If the recommendations or equivalent solutions are met, then the issue should be solved.” This report was signed by Ronald R. Corum, Corum Engineering, P. C. Ronald R. Corum is a Tennessee Registered Engineer, License No: 106265. The Corum Engineering Report was provided to counsel for Defendant on Friday, August 21, 2026. Defendant’s attorney sent it to Plaintiff’s attorney that same weekend.
6. Based on testimony from Mrs. China Hackler, the Corum report has sought by the Tourism Committee which is a three (3) person committee overseeing the Farmers Market. The report was received by the Committee around June 22, 2026. Mrs.

Hackler did not know when the report was delivered to the City. The Tourism Committee is affiliated with the City.

7. The pavilion is owned by the City and the funding was provided by a grant sought by the City.

II. CONCLUSIONS OF LAW

1. The finding of civil contempt requires proof by clear and convincing evidence that a lawful Order existed, the Order was clear, specific, and unambiguous, the alleged contempt actually violated the Order and the violation was willful.
2. In this case, a lawful Order did exist and the Order was clear, specific, and unambiguous. The issue is whether the contemtor actually violated the Order by a willful act.
3. As stated repeatedly in the litigation, the requests in this case regard the production of public records. An action seeking injunctive relief regarding the closure or other action regarding the pavilion building should be sought in a separate action pursuant to TRCP 65.
4. This Court must determine whether or not Defendant has complied with the Tennessee Public Records Act regarding production of records in accordance with T.C.A. §10-7-503. Attorney fees and expense reimbursements are sought.
5. T.C.A. §10-7-503(a)(2)(B) states the following: “The custodian of a public record or the custodian’s designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days:

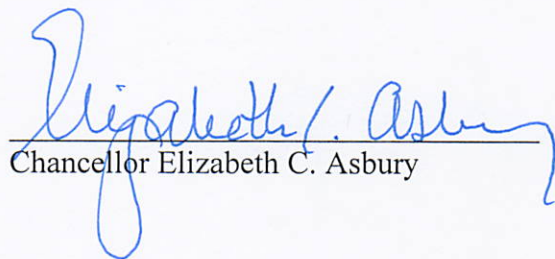
- (i) Make the information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requester in writing, or by completing a records request response form developed by the office of open records counsel, the time reasonably necessary to produce the record or information.”

6. As hereinabove stated, Ms. Hackler’s testimony was that the engineering report was received in June, 2026. She did not know when the document had been provided to City Council. Since the pavilion is City property and built with a City acquired grant, it is logical that the City received the report in June, 2026.
7. Defendant claims that many of the requested records were maintained by East Tennessee Development District and were not within the City’s possession at the time the request was originally made. The City states that any delay in getting the records was not willful refusal to disclose. However, based on the proof provided to the Court, the City did not include that excuse in its response required by T.C.A. §10-7-503.
8. In Clarke vs. City of Memphis (TN Ct. App. 2015) W-2014-00602-COA-R3-CV, the Tennessee Court of Appeals stated the following: “We recently discussed the standard required for willfulness under the TPRA in Friedmann v. Marshall County, No. M2014-01413-COA-R3-CV(Tenn. Ct. App. June 24, 2015). The Clarke Court in reference to Friedmann stated: “In other words, the determination of willfulness-should focus on whether there is an absence of good faith with

respect to the legal position a municipality relies on in support of its refusal of records.” In the Clarke case, the Court found that the City had acted willfully. That Court stated, among other things, that “It was not until the eve of the hearing in this case—a date nearly six months after his February 2013 records request that the City made some records available for Mr. Clarke’s inspection.” In this case, no excuses permitted by statute were provided. There is no justifiable reason for the City to not have timely provided the engineering report. The pavilion is a grant project for the City. All records and reports regarding planning, construction, and compliance per code should have been readily available for production.

9. In this case, the inspector’s report was submitted by the City shortly before the hearing. The Corum Engineering report dated June 22, 2026 was not provided to the City attorney until August 3, 2026, the day before this hearing. The original records request case was filed on April 27, 2026. It is obvious that all records pertaining to construction of the pavilion were to be produced per statute. The conduct of Plaintiff in production of records is without good faith.
10. Based on the foregoing, this Court concludes that Defendant has acted willfully in not producing records pursuant to T.C.A. §10-7-503 and that an award of reasonable attorney fees and expenses is proper.

IT IS OPINED and ORDERED this 1 day of Sept.,
2026.


Chancellor Elizabeth C. Asbury

CERTIFICATE

The undersigned certifies that a true and exact copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND OPINION OF THE COURT** was this date mailed, postage prepaid, to Mr. Ameesh Kherani, Attorney at Law, 112 Cumberland Lane, Jacksboro, TN 37757 and Ms. Elizabeth Burrell, Attorney at Law, P. O. Box 398, Clinton, TN 37717.

This 1 day of September, 2026.

Dennis Potter
CLERK by B Hall, D.C.