

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

CITY OF LAKEWOOD, *et al.*,

Plaintiffs,

v.

THE DAVIDSON COUNTY
ELECTION COMMISSION, *et al.*,

Defendants,

v.

CITIZENS TO REFORM LAKEWOOD

Intervenor.

Case No. 10-1407-I

FILED
2010 SEP 20 PM 2:16
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

WITNESSES' MOTION FOR PROTECTIVE ORDER

Nonparty witnesses Herman Eugene Brown, Jr., Tyrone B. Graves, John D. Lokey, Jr., Donald L. Mathis, Sandra Ann Mathis, James E. McInturf, Jr., Melissa D. McInturf, Christina Papuchis, Steve A. Papuchis, Karen M. Smiley, and Robert Smiley ("Witnesses") – who have been subpoenaed to give deposition testimony in this case – hereby move for a Protective Order to preclude any inquiry that could foreseeably breach the sanctity of the secret ballot or otherwise lead to disclosure of the substance of Witnesses' votes in the election held in the City of Lakewood, Tennessee on August 5, 2010 (the "Election")

As grounds for this motion, Witnesses invoke the protection of Rules 26.03 and 45.07 of the Tennessee Rules of Civil Procedure, Tennessee Rule of Evidence 501, and their rights and privileges under the United States Constitution, the Tennessee

Constitution, and Tennessee common law, as set forth in their accompanying brief, and rely on the entire record in this case. Witnesses would show, in particular:

1. On August 27, 2010, Plaintiffs filed their Complaint contesting the results of the Election.

2. In their Complaint, Plaintiffs allege that thirteen people, including these Witnesses, voted improperly in the Election.

3. Witnesses are citizens of this State and of the United States and do not wish to disclose the substance of their votes in the Election.

4. In a hearing before the Court on September 13, 2010, Plaintiffs made multiple representations in open court that they intended to discover, through deposition testimony and possibly other discovery, and to discover at trial, the substance of Witnesses' votes. Plaintiffs also made representations that they intend to present circumstantial evidence and/or Witnesses' self-admissions in order to prove how each Witness voted on the Lakewood Charter Question in the Election. Witnesses have subsequently been served with subpoenas to give testimony in this case on Friday, September 24, 2010 or Monday, September 27, 2010, true and correct copies of which are attached as Collective Exhibit 1 hereto.

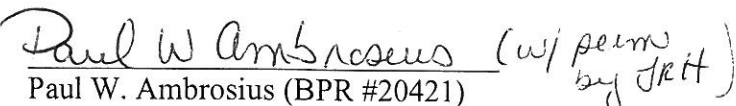
5. On September 16, 2010, Plaintiffs' counsel induced Nonparty witness David J. Carr to execute an affidavit disclosing the substance of his vote in the Election.

WHEREFORE, Witnesses Herman Eugene Brown, Jr., Tyrone B. Graves, John D. Lokey, Jr., Donald L. Mathis, Sandra Ann Mathis, James E. McInturf, Jr., Melissa D. McInturf, Christina Papuchis, Steve A. Papuchis, Karen M. Smiley, and Robert Smiley respectfully request that the Court issue a Protective Order preventing any party from

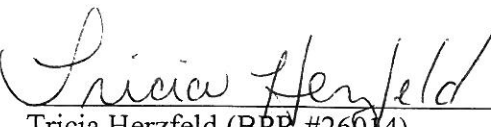
making inquiries of Witnesses that could foreseeably breach the sanctity of the secret ballot or otherwise lead to disclosure of the substance of Witnesses' votes in the election held in the City of Lakewood, Tennessee on August 5, 2010.

WITNESSES HEREBY SEEK TO BE HEARD ON THIS MOTION AT A SPECIAL SETTING OF THE COURT PRIOR TO FRIDAY, SEPTEMBER 24, 2010. UPON OBTAINING A DATE AND TIME FROM THE CLERK, WITNESSES WILL PROMPTLY NOTIFY COUNSEL FOR ALL PARTIES.

Respectfully submitted,

 (w/ perm by JKH)
Paul W. Ambrosius (BPR #20421)

TRAUGER & TUKE
The Southern Turf Building
222 Fourth Avenue North
Nashville, TN 37219-2117
Tel. (615) 256-8585
Special Counsel for Witnesses;
Cooperating Counsel with the ACLU of
Tennessee


Tricia Herzfeld (BPR #26014)

American Civil Liberties Foundation of
Tennessee
P.O. Box 120160
Nashville, TN 37212
Tel. (615) 320-7142
Special Counsel for Witnesses;
Staff Attorney for the ACLU of Tennessee

Shawn R. Henry (w/perm by JKH)
Shawn R. Henry (BPR #20807)
TUNE, ENTREKIN & WHITE, PC
315 Deaderick Street, Suite 1700
Nashville, TN 37238
Tel. (615) 244-2770
Counsel for Witnesses

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the following counsel by the manner indicated below this 20th day of September, 2010:

<input type="checkbox"/>	Hand Delivery	Louis W. Oliver, III, Esq.
<input checked="" type="checkbox"/>	Regular Mail	105 Hazel Path
<input type="checkbox"/>	Certified Mail	P.O. Box 1616
<input type="checkbox"/>	Overnight Courier	Hendersonville, TN 37077
<input checked="" type="checkbox"/>	Facsimile	Fax (615) 264-2628
<input type="checkbox"/>	Hand Delivery	Dan R. Alexander, Esq.
<input checked="" type="checkbox"/>	Regular Mail	2026 Eighth Avenue South
<input type="checkbox"/>	Certified Mail	Nashville, TN 37204
<input type="checkbox"/>	Overnight Courier	Fax (615) 297-9007
<input checked="" type="checkbox"/>	Facsimile	
<input type="checkbox"/>	Hand Delivery	Lora Barkenbus Fox, Esq.
<input checked="" type="checkbox"/>	Regular Mail	Jeff Campbell, Esq.
<input type="checkbox"/>	Certified Mail	Assistant Metropolitan Attorneys
<input type="checkbox"/>	Overnight Courier	Metropolitan Courthouse, Suite 108
<input checked="" type="checkbox"/>	Facsimile	P.O. Box 196300
		Nashville, TN 37219-6300
		Fax (615) 862-6352

Paul W. Ambrosius (w/ perm by JKH)
Paul W. Ambrosius

**IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
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CITY OF LAKEWOOD, *et al.*,

Plaintiffs,

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**THE DAVIDSON COUNTY
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Case No. 10-1407-I

CLERK & MASTER
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D.C. &

WITNESSES' BRIEF SUPPORTING MOTION FOR PROTECTIVE ORDER

Nonparty witnesses Herman Eugene Brown, Jr., Tyrone B. Graves, John D. Lokey, Jr., Donald L. Mathis, Sandra Ann Mathis, James E. McInturf, Jr., Melissa D. McInturf, Christina Papuchis, Steve A. Papuchis, Karen M. Smiley, and Robert Smiley ("Witnesses") – who have been subpoenaed to give deposition testimony in this case – respectfully submit this brief in support of their Motion for a Protective Order.

Witnesses invoke the protection of Rules 26.03 and 45.07 of the Tennessee Rules of Civil Procedure, Tennessee Rule of Evidence 501, and their rights and privileges under the United States Constitution, the Tennessee Constitution, and Tennessee common law. They seek to preclude any inquiry that could foreseeably breach the sanctity of the secret ballot or otherwise lead to disclosure of the substance of Witnesses' votes in the election held in the City of Lakewood, Tennessee on August 5, 2010 (the "Election").

I. FACTS

1. On August 27, 2010, Plaintiffs filed their Complaint contesting the results of the Election.

2. In their Complaint, Plaintiffs allege that thirteen people, including these Witnesses, voted improperly in the Election.

3. Witnesses are citizens of this State and of the United States and do not wish to disclose the substance of their votes in the Election.

4. In a hearing before the Court on September 13, 2010, Plaintiffs made multiple representations in open court that they intended to discover, through deposition testimony and possibly other discovery, and to discover at trial, the substance of Witnesses' votes. Plaintiffs also made representations that they intend to present circumstantial evidence and/or Witnesses' self-admissions in order to prove how each Witness voted on the Lakewood Charter Question in the Election. Witnesses have subsequently been served with subpoenas to give testimony in this case on Friday, September 24, 2010 or Monday, September 27, 2010, true and correct copies of which are attached as Collective Exhibit 1 to their Motion for a Protective Order.

5. On September 16, 2010, Plaintiffs' counsel induced Nonparty witness David J. Carr to execute an affidavit disclosing the substance of his vote in the Election.

II. ARGUMENT

Secrecy of the ballot is "one of the fundamental civil liberties upon which a democracy must rely most heavily in order for it to survive." *Smith v. Dunn*, 381 F. Supp. 822, 825 (M.D. Tenn. 1974) (citing *United States v. Executive Comm.*, 254 F.

Supp. 543, 546 (N.D. Ala. 1966)). Forcing Witnesses to disclose how they voted, especially when there has been no judicial finding of intentional wrongdoing by any of them in the Election, would violate one of their most fundamental rights as citizens.

A. The Tennessee Constitution Shields the Secret Ballot from Judicial Scrutiny

1. Individual Voters Have a Constitutional Right to Ballot Secrecy

For over 70 years, the Tennessee Supreme Court and other weighty authorities have held that the import of the mandate in Article IV, Section 4 of the Tennessee Constitution, that voting “shall be by ballot,” is to insure secrecy to the voter in expressing his choice between candidates. *Mooney v. Phillips*, 118 S.W.2d. 224, 226 (Tenn. 1938). The word “ballot” is not used in a literal sense. Instead, it designates “a method of conducting elections that will guarantee the secrecy and integrity of the ballot.” *Id.* While attempts to invade the secrecy of the ballot are thankfully rare, the right to a secret ballot under Tennessee’s Constitution has been repeatedly applied. *See Smith*, 381 F.Supp. at 825; Tenn. Op. Atty. Gen. No. 96-027 (Feb. 28, 1996) (also citing *Burson v. Freeman*, 504 U.S. 191, 200-01 (1992) (“the failure of the law to secure secrecy open[s] the door to bribery and intimidation”)).

2. *Lee v. Tuttle* Is Not to the Contrary

The parties have previously discussed with the Court *Lee v. Tuttle*, 965 S.W.2d 483 (Tenn. 1998). In *Lee*, the Tennessee Supreme Court held that in lawsuits to be declared the winner of an election, contesting candidates must show: “(1) that the number of illegal votes exceeded the margin of victory; and (2) that to a mathematical certainty they would have been victorious had the illegal votes not been counted.” 965 S.W.2d at 484-85. *Lee* then found that contestants seeking to show mathematical

certainty would need to “(1) specifically identify each illegal voter; and (2) show for whom the illegal voters voted.” 965 S.W.2d at 485.

Since Mr. Lee’s election contest was dismissed, the *Lee* case left a number of questions unanswered, including:

1. How to define an “illegal voter” and how should one be identified by the parties and the court in an election contest?
2. If a voter asserts his constitutional right to ballot secrecy under *Mooney*, should the court intervene to **compel** disclosure of the substance of his vote, especially before any finding of intentional wrongdoing on the part of the voter has been made?

The answers to these questions in the context of this case and in light of subsequent authority are “narrowly” and “no.” Subsequent to *Lee*, Tennessee appellate courts have endorsed a narrow reading of the terms “illegal vote” or “illegal voter.” In *Stuart v. Anderson County Election Commission*, the Supreme Court found that voters who exceeded statutory time limits or who did not provide statutorily required identification did not cast “illegal votes” for purposes of an election contest. 300 S.W.3d 683, 689-91 (Tenn. 2009) (noting lack of evidence that voters acted “for an improper purpose”). In *King v. Sevier County Election Commission*, the Court of Appeals found that statutory violations in the use of non-standard voting machines did not convert votes into “illegal votes” absent deliberate or purposeful misconduct. 282 S.W.3d 37, 43-44 (Tenn. App. July 31, 2009), *perm. app. denied* (Feb. 17, 2009). Tennessee courts “appreciate the fact that honest mistakes will be made in the conduct of elections.” *Id.* at 43; *see also Mahaffey v. Barnhill*, 855 P.2d 847 (Colo. 1993) (good faith voters may not

thereafter be required to disclose how they voted); *Belcher v. Mayor of the City of Ann Arbor*, 262 N.W.2d 1 (Mich. 1978) (same); *Taylor v. Pile*, 391 P.2d 670 (Colo. 1964) (in election about incorporation of a town, good faith voter who resided outside area to be incorporated was not an “illegal voter” and could not be compelled to disclose how he voted).

Witnesses in this case have not been found guilty of any purposeful misconduct. In any case, *Lee* simply does not authorize what *Mooney* prohibits: use of the subpoena process to compel Witnesses to disclose the substance of their votes in the Election. “Although a voter may be asked, and may voluntarily answer, as to how he or she voted at an election, **where the constitution guarantees a secret ballot, the voter may not be compelled**, under penalty of ... contempt for his or her refusal, to divulge the nature of his or her vote.” 3 McQuillen Mun. Corp. § 12.25 (3d ed. 2010) (emphasis added).

B. The United States Constitution Also Protects the Secret Ballot

“In this country a person’s right to vote secretly is inviolate.” *Buckley v. Valeo*, 519 F.2d 821, 867 n.117 (D.C. Cir.), *aff’d in part and rev’d in part on other grounds*, 424 U.S. 1 (1975). While the United States Constitution does not expressly provide for ballot secrecy, the United States Court of Appeals for the Sixth Circuit has recognized the fundamental nature of the right under the First and Fourteenth Amendments:

Although the US Constitution does not specifically guarantee that a person has a right to a secret ballot, such a right has been recognized as one of the fundamental civil liberties of our democracy. This principle takes on such significance because it safeguards the purity of our election process by eliminating the fear of scorn and ridicule, as well as lessening the evils of violence, intimidation, bribery and other corrupt practices which can be incumbent in non-secret elections.


Anderson v. Mills, 664 F.2d 600, 608 (6th Cir. 1981) (internal citations omitted). The

federal constitutional right to a secret ballot is so settled that violating it has been held to be actionable under 42 U.S.C. § 1983. *See Charfauros v. Board of Elections*, 249 F.3d 941 (9th Cir. 2001).

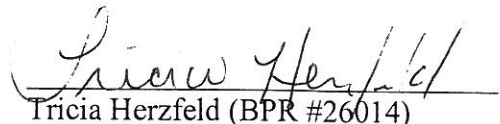
III. CONCLUSION

WHEREFORE, Witnesses Herman Eugene Brown, Jr., Tyrone B. Graves, John D. Lokey, Jr., Donald L. Mathis, Sandra Ann Mathis, James E. McInturf, Jr., Melissa D. McInturf, Christina Papuchis, Steve A. Papuchis, Karen M. Smiley, and Robert Smiley respectfully request that the Court issue a Protective Order preventing any party from making inquiries of Witnesses that could foreseeably breach the sanctity of the secret ballot or otherwise lead to disclosure of the substance of Witnesses' votes in the election held in the City of Lakewood, Tennessee on August 5, 2010.

Respectfully submitted,


Paul W. Ambrosius (BPR #20421) (w/pe um by JKT)

TRAUGER & TUKE
The Southern Turf Building
222 Fourth Avenue North
Nashville, TN 37219-2117
Tel. (615) 256-8585
Special Counsel for Witnesses;
Cooperating Counsel with the ACLU of
Tennessee


Tricia Herzfeld (BPR #26014)
American Civil Liberties Foundation of
Tennessee
P.O. Box 120160
Nashville, TN 37212
Tel. (615) 320-7142
Special Counsel for Witnesses;
Staff Attorney for the ACLU of Tennessee

Shawn R. Henry (w/perm by TKH)

Shawn R. Henry (BPR #20803)

TUNE, ENTREKIN & WHITE, PC

315 Deaderick Street, Suite 1700

Nashville, TN 37238

Tel. (615) 244-2770

Counsel for Witnesses

CERTIFICATE OF SERVICE

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<input checked="" type="checkbox"/>	Facsimile	Fax (615) 264-2628
<input type="checkbox"/>	Hand Delivery	Dan R. Alexander, Esq.
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<input type="checkbox"/>	Overnight Courier	Fax (615) 297-9007
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<input checked="" type="checkbox"/>	Facsimile	P.O. Box 196300
		Nashville, TN 37219-6300
		Fax (615) 862-6352

Paul W. Ambrosius (w/perm.
by Skid)
Paul W. Ambrosius

EXHIBIT 1

STATE OF TENNESSEE DAVIDSON COUNTY CHANCERY COURT		SUBPOENA (ORDER TO APPEAR)		CASE FILE NUMBER No. 10-1407-I	
		Medical Records (See HIPAA Requirement Below)			
PLAINTIFF		DEFENDANT			
City of Lakewood, A Tennessee Municipal Corporation Commission		The Davidson County Election Metropolitan Government of Nashville and Davidson Cty, et al			
TO: (Home Address & Telephone Number of Witness)		Method of Service			
James E McInturf 3960 Saunder Ferry Road Mt Juliet Tn		<input type="checkbox"/> Davidson Co Sheriff <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Out of County Sheriff			
You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.					
TIME	DATE	ITEMS TO BRING			
9:00 a.m.	Monday 9/27/2010	List of Property Attached in Addendum			
PLACE	Chancery Court, Part 1 Public Square Fourth Floor Nashville Tennessee 37201 (OR)		<input checked="" type="checkbox"/> Additional List Attached		
City of Lakewood City Hall 3401 Hadley Avenue Old Hickory Tn 37138					
This subpoena is being issued on behalf of <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		DATE ISSUED			
Attorney: Dan R Alexander 615.297.0097 Louis Oliver 615.824.9131 #135 By		Cristi Scott Clerk and Master			
ATTORNEY'S SIGNATURE: 2016 8th Avenue South Nashville Tn 37204					
AGENT: Buddy F Mitchell Jr		Deputy Clerk and Master			
AGENT'S SIGNATURE: <i>Buddy F Mitchell Jr</i>					
HIPAA NOTICE					
A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____ so as to allow him/her seven (7) days to:					
(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena, and					
(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T.R.C.P. 26.03, 26.07 and Local Rule § 22.10					
If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above notice was provided to the patient.					
ADA Coordinator, Cristi Scott (862-5710)					

METRO GOVT.
 OF NASHVILLE
 & DAVIDSON CO.

2010 SEP 15 PM 1:51
 METRO DEPT. OF LAW

STATE OF TENNESSEE DAVIDSON COUNTY CHANCERY COURT	SUBPOENA (ORDER TO APPEAR)	CASE FILE NUMBER No. 10-1407-I
Medical Records (See HIPAA Requirement Below)		
PLAINTIFF City of Lakewood, A Tennessee Municipal Corporation Commission	DEFENDANT The Davidson County Election Metropolitan Government of Nashville and Davidson Cty, et al	
TO: (Name Address & Telephone Number of Witness)		
Melissa D McInturf 3960 Saunders Ferry Road Mt Juliet Tn		
Method of Service: <input type="checkbox"/> Davidson Co Sheriff <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Out of County Sheriff		

You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.

TIME 10:30 a.m.	DATE Monday 9/27/2010	ITEMS TO BRING List of Property Attached in Addendum
PLACE Chancery Court, Part 1 Public Square Fourth Floor Nashville, Tennessee 37201 (OR) City of Lakewood City Hall 3401 Hadley Avenue Old Hickory Tn 37138	<input checked="" type="checkbox"/> Additional List Attached	
This subpoena is being issued on behalf of <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		
Attorney: <i>[Signature]</i> Bar N. 7065 Dan R Alexander 615.297.0097 Louis Oliver 615.824.9131 #136 By		
ATTORNEY'S SIGNATURE: 2016 8th Avenue South Nashville Tn 37204		
AGENT: Buddy F Mitchell # AGENT'S SIGNATURE: <i>[Signature]</i> Deputy Clerk and Master		

HIPAA NOTICE

A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____ so as to allow him/her seven (7) days to

(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena, and

(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T R C P 26.03, 26.07 and Local Rule 8.22.10

If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above notice was provided to the patient.

ADA Coordinator, Cristi Scott (862-5710)

STATE OF TENNESSEE
DAVIDSON COUNTY
CHANCERY COURT

SUBPOENA
(ORDER TO APPEAR)

CASE FILE NUMBER

No. 10-1407-I

Medical Records (See HIPAA Requirement Below)

PLAINTIFF

DEFENDANT

City of Lakewood, A Tennessee
Municipal Corporation Commission
TO (Name, Address & Telephone Number of Witness)

The Davidson County Election
Metropolitan Government of
Nashville and Davidson Cty., et al

Method of Service

Tyrone B Graves
1512 Mohawk Trail
Madison Tn 37115

Davidson Co Sheriff
☒ Personal Service
Out of County Sheriff

You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.

TIME

10:00 a.m.

DATE

Friday
9/24/2010

ITEMS TO BRING

List of Property Attached in
Addendum

PLACE Chancery Court, Part
1 Public Square
Fourth Floor
Nashville Tennessee 37201
(OR)

City of Lakewood
City Hall
3401 Hadley Avenue
Old Hickory Tn 37138

☒ Additional List Attached

This subpoena is being issued on behalf of
☒ Plaintiff ☐ Defendant

Attorney *Dan R Alexander* #1065

Dan R Alexander 615.297.0097

Louis Oliver 615.824.9131 #1315 By

ATTORNEY'S
SIGNATURE 2016 8th Avenue South
Nashville Tn 37204

AGENT

Buddy F Mitchell

AGENT'S
SIGNATURE *Buddy F Mitchell*

DATE ISSUED

Cristi Scott, Clerk and Master

Deputy Clerk and Master

HIPAA NOTICE

A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day
of _____, 20____, so as to allow him/her seven (7) days to

(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by
facsimile to the party that served the subpoena, and

(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T.R.C.P. 26.03, 26.07
and Local Rule 22.10

If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents
by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above
notice was provided to the patient.

ADA Coordinator, Cristi Scott (862-5710)

STATE OF TENNESSEE DAVIDSON COUNTY CHANCERY COURT	SUBPOENA (ORDER TO APPEAR)	CASE FILE NUMBER No. 10-1407-J
Medical Records (See HIPAA Requirement Below)		
PLAINTIFF City of Lakewood, A Tennessee Municipal Corporation Commission <small>(Print Name, Address & Telephone Number of Witness)</small> John D Lokey 118 Dogwood Place Goodlettsville Tn	DEFENDANT The Davidson County Election Metropolitan Government of Nashville and Davidson Cty, et al Method of Service <input type="checkbox"/> Davidson Co. Sheriff <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Out of County Sheriff	
You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.		
TIME 11:00 a.m.	DATE Friday 9/24/2010	ITEMS TO BRING List of Property Attached in Addendum
PLACE Chancery Court, Part 1 Public Square Fourth Floor Nashville, Tennessee 37201 (OR) City of Lakewood City Hall 3401 Hadley Avenue Old Hickory Tn 37138		<input checked="" type="checkbox"/> Additional List Attached
This subpoena is being issued on behalf of <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		
Attorney <i>Dan R Alexander</i> <i>Bar No 705</i> Dan R Alexander 615.297.0097 Louis Oliver 615.824.9131 <i>Bar No 705</i> ATTORNEY'S SIGNATURE: 2016 8th Avenue South Nashville Tn 37204		DATE ISSUED Cristi Scott, Clerk and Master
AGENT AGENT'S SIGNATURE: <i>Buddy F Mitchell II</i>		Deputy Clerk and Master
HIPAA NOTICE		
A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____ so as to allow him/her seven (7) days to:		
(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena, and		
(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T.R.C.P. 26.03, 26.07 and Local Rule § 22.10		
If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above notice was provided to the patient.		
ADA Coordinator, Cristi Scott (862-5710)		

STATE OF TENNESSEE DAVIDSON COUNTY CHANCERY COURT	SUBPOENA (ORDER TO APPEAR)	CASE FILE NUMBER No. 10-1407-I
Medical Records (See HIPAA Requirement Below)		
PLAINTIFF City of Lakewood, A Tennessee <u>Municipal Corporation Commission</u> <small>TO (Name, Address & Telephone Number of Witnesses)</small> Herman Eugene Brown 2109 Lakeshore Drive Slip C28 Old Hickory 37138	DEFENDANT The Davidson County Election Metropolitan Government of Nashville and Davidson Cty, et al Method of Service Davidson Co. Sheriff <input checked="" type="checkbox"/> Personal Service Out of County Sheriff	
You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.		
TIME 1:00 p.m.	DATE Friday 9/24/2010	ITEMS TO BRING List of Property Attached in Addendum <input checked="" type="checkbox"/> Additional List Attached
PLACE Chancery Court, Part 1 Public Square Fourth Floor Nashville, Tennessee 37201 (OR) City of Lakewood City Hall 3401 Hadley Avenue Old Hickory Tn 37138		
This subpoena is being issued on behalf of <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		DATE ISSUED Cristi Scott, Clerk and Master
Attorney <u>Dan R. Alexander</u> Dan R. Alexander 615.297.0097 Louis Oliver 615.824.9131 ATTORNEY'S SIGNATURE 2016 8th Avenue South Nashville Tn 37204 AGENT Buddy F Mitchell AGENT'S SIGNATURE		By <u>Cristi Scott</u> Deputy Clerk and Master
HIPAA NOTICE <p>A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____, so as to allow him/her seven (7) days to</p> <p>(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena; and</p> <p>(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T R C P 26.03, 26.07 and Local Rule 22.10</p> <p>If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above notice was provided to the patient.</p> <p style="text-align: center;">ADA Coordinator, Cristi Scott (862-5710)</p>		

STATE OF TENNESSEE
DAVIDSON COUNTY
CHANCERY COURT

SUBPOENA
(ORDER TO APPEAR)

CASE FILE NUMBER

No. 10-1407-I

Medical Records (See HIPAA Requirement Below)

PLAINTIFF

City of Lakewood, A Tennessee
Municipal Corporation Commission

TO (Name, Address & Telephone Number of Witness)

DEFENDANT

The Davidson County Election
Metropolitan Government of
Nashville and Davidson County, et al

Method of Service

Christina R Papuchis
209 Rolling Mill Road
Hermitage Tn

Davidson Co. Sheriff
Personal Service
Out of County Sheriff

You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.

TIME
2:00 p.m.

DATE
Friday
9/24/2010

ITEMS TO BRING

List of Property Attached in
Addendum

PLACE
Chancery Court, Part
1 Public Square
Fourth Floor
Nashville, Tennessee 37201
(OR)

City of Lakewood
City Hall
3401 Hadley Avenue
Old Hickory Tn 37138

☒ Additional List Attached

This subpoena is being issued on behalf of
☒ Plaintiff ☐ Defendant

Attorney *By No 7065*
Dan R Alexander 615.297.0097
Louis Oliver 615.824.9131 #1315

ATTORNEY'S
SIGNATURE
2016 8th Avenue South
Nashville Tn 37204

AGENT
Buddy F Mitchell

AGENT'S
SIGNATURE *Buddy F Mitchell*

DATE ISSUED

Cristi Scott, Clerk and Master

Deputy Clerk and Master

HIPAA NOTICE

A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____, so as to allow him/her seven (7) days to

(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena, and

(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T R C P 26.03 26.07 and Local Rule 8.22.10

If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above notice was provided to the patient.

ADA Coordinator, Cristi Scott (862-5710)

STATE OF TENNESSEE DAVIDSON COUNTY CHANCERY COURT	SUBPOENA (ORDER TO APPEAR)	CASE FILE NUMBER No. 10-1407-I
Medical Records (See HIPAA Requirement Below)		
PLAINTIFF City of Lakewood, A Tennessee Municipal Corporation Commission	DEFENDANT The Davidson County Election Metropolitan Government of Nashville and Davidson Cty, et al	
TO (Name, Address & Telephone Number of Witness)		
Donald L Mathis 2301 Crest Valley Place Hermitage Tn		Method of Service: <input type="checkbox"/> Davidson Co Sheriff <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Out of County Sheriff
You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.		
TIME 3:00 p.m.	DATE Friday 9/24/2010	ITEMS TO BRING List of Property Attached in Addendum <input checked="" type="checkbox"/> Additional List Attached
PLACE Chancery Court, Part 1 Public Square Fourth Floor Nashville, Tennessee 37201 (OR) City of Lakewood City Hall 3401 Hadley Avenue Old Hickory Tn 37138		DATE ISSUED Cristi Scott, Clerk and Master By Deputy Clerk and Master
This subpoena is being issued on behalf of <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		
Attorney <i>[Signature]</i> Dan R Alexander 615.297.0097 Louis Oliver 615.824.9131 ATTORNEYS SIGNATURE 2016 8th Avenue South Nashville Tn 37204		
AGENT AGENT'S SIGNATURE Buddy F Mitchell <i>[Signature]</i>		
HIPAA NOTICE		
A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____ so as to allow him/her seven (7) days to		
(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena, and		
(B) simultaneously file and serve a motion for a protective order consistent with the requirements of T.R.C.P. 26.03, 26.07 and Local Rule 2.21 (D)		
If no objection is made within seven (7) days of the above date, you shall process this subpoena and produce the documents by the date and time specified in the subpoena. The signature of counsel or party on the subpoena is certification that the above notice was provided to the patient.		
& ADA Coordinator, Cristi Scott (862-5710)		

STATE OF TENNESSEE
DAVIDSON COUNTY
CHANCERY COURT

SUBPOENA
(ORDER TO APPEAR)

CASE FILE NUMBER

No. 10-1407-I

Medical Records (See HIPAA Requirement Below)

PLAINTIFF

City of Lakewood, A Tennessee
Municipal Corporation Commission

DEFENDANT

The Davidson County Election
Metropolitan Government of
Nashville and Davidson Cty, et al

TO (Name Address & Telephone Number of Witness)

Sandra Ann Mathis
2301 Crest Valley Place
Hermitage Tn

Method of Service

Davidson Co. Sheriff
Personal Service
Dist. of Court, Sheriff

You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.

TIME

4:00 p.m.

DATE

Friday

9/24/2010

ITEMS TO BRING

List of Property Attached in
Addendum

PLACE

Chancery Court, Part
1 Public Square
Fourth Floor
Nashville, Tennessee 37201
(OR)

City of Lakewood
City Hall
3401 Hadley Avenue
Old Hickory Tn 37138

Additional List Attached

This subpoena is being issued on behalf of
☒ Plaintiff ☐ Defendant

Attorney (Name, Address, Telephone Number)

Dan R Alexander 615.297.0097
Louis Oliver 615.824.9131

ATTORNEY'S
SIGNATURE 2016 8th Avenue South
Nashville Tn 37204

AGENT Buddy F Mitchell

AGENT'S
SIGNATURE: Buddy F Mitchell

DATE ISSUED

Cristi Scott, Clerk and Master

By

Deputy Clerk and Master

HIPAA NOTICE

A copy of this subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20____, so as to allow him/her seven (7) days to

(A) serve the recipient of the subpoena by facsimile with a written objection to the subpoena, with a copy of the notice by facsimile to the party that served the subpoena, and

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ADA Coordinator, Cristi Scott (862-5710)

COPY

STATE OF TENNESSEE
DAVIDSON COUNTY
CHANCERY COURT

SUBPOENA
(ORDER TO APPEAR)

CASE FILE NUMBER

Medical Records (See HIPAA Requirement Below)

No 10-1407 -1

PLAINTIFF City of Lakewood, A Tennessee
Municipal Corporation, et al

DEFENDANT The Davidson County Election
Commission Government of Nashville
Davidson County, et al

TO (Name, Address, & Telephone Number of Witness)

Robert Smiley
609 Valley Grove Court
Hermitage Tn 37076

Method of Service

Davidson Co. Sheriff
☒ Personal Service
Out of County Sheriff

You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law.

TIME

2:00 p.m.

DATE

Monday, 9/20/2010

ITEMS TO BRING

Addendum to Subpoena

PLACE

Chancery Court, Part
1 Public Square
Fourth Floor
Nashville, Tennessee 37201
(OR)

City of Lakewood
City Hall
3401 Hadley Avenue
Old Hickory Tn - 37138

Additional List Attached

This subpoena is being issued on behalf of
☒ Plaintiff ☐ Defendant

Attorney's Name, Address, & Telephone Number

Dan R Alexander 615.297.0097
Louis Oliver

ATTORNEY'S
SIGNATURE 2016 8th Avenue South
Nashville Tn- 37204

AGENT

AGENT'S
SIGNATURE

DATE ISSUED

SEP 14 2010

Cristi Scott, Clerk and Master

By

Brenda Frady

Deputy Clerk and Master

HIPAA NOTICE

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ADA Coordinator, Cristi Scott (862-5710)