

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

Order, U.S. Court of Appeals for the Sixth Circuit (December 20, 2024).....	1a
Order, U.S. District Court for the Eastern Division of Tennessee, Knoxville (June 26, 2024)	6a
Clerk “Ruling Letter” from a Case Manager (August 23, 2024)	13a

CASE DOCUMENTS

Petitioners’ Email to Anne Brown (January 14, 2025).....	15a
Omnibus Motion to Void Clerk’s Joint “Order”, U.S. Court of Appeals for the Sixth Circuit (January 13, 2025).....	16a
Plaintiffs’ Fed. R. Civ. P. 59 Motion to Alter, Amend or Set Aside the Judgment of the Court (May 13, 2024).....	24a

DOCKET REPORTS

Docket, U.S. District Court for the Eastern Division of Tennessee, Knoxville (November 8, 2023)	26a
Docket, U.S. Court of Appeals for the Sixth Circuit (July 31, 2024).....	59a

**ORDER, U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT
(DECEMBER 20, 2024)**

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

IN RE: SEAN MURPHY, on behalf of V.M.,
A.M., E.M., A.M., ET AL. [24-5646],

Petitioners.

SEAN MURPHY, on behalf of V.M.,
A.M., E.M., A.M., ET AL. [24-5678],

Plaintiffs-Appellants,

v.

FARRAGUT, TN, ET AL.,

Defendants-Appellees.

Nos. 24-5646/5678

Before: BATCHELDER, COLE, and BUSH,
Circuit Judges.

ORDER

In No. 24-5646, Plaintiffs Sean Murphy and his wife Denise Pagels, on behalf of themselves and their four minor children, V.M., A.M., E.M., and A.M.,

petition for a writ of mandamus directing the district court to recuse itself from the underlying suit alleging that various municipal and corporate Defendants conspired to unlawfully obtain millions of dollars in federal funding and then retaliated when Murphy blew the whistle. They also move to supplement their petition, and to stay related state court proceedings pending a ruling on their petition.

“[M]andamus is the proper remedy to vacate the orders of a judge who acted when he should have recused.” *In re Aetna Cas. & Sur. Co.*, 919 F.2d 1136, 1142 (6th Cir. 1990) (quoting *Moody v. Simmons*, 858 F.2d 137, 143 (3d Cir. 1988)). But mandamus “is a ‘drastic and extraordinary’ remedy ‘reserved for really extraordinary causes.’” *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380 (2004) (quoting *Ex parte Fahey*, 332 U.S. 258, 259-60 (1947)). “As the writ is one of the most potent weapons in the judicial arsenal, three conditions must be satisfied before it may issue”: the petitioners “must have no other adequate means to attain the relief [they] desire[]”; they must show that the “right to issuance of the writ is clear and indisputable”; and this court “must be satisfied that the writ is appropriate under the circumstances.” *Id.* at 380-81 (cleaned up).

Plaintiffs fail to show that they are clearly and indisputably entitled to the writ or that mandamus relief is appropriate under the circumstances. Recusal or disqualification is required when a judge’s “impartiality might reasonably be questioned,” when the judge “has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding,” or when the judge previously

practiced law with one of the attorneys in the case while the case was ongoing. 28 U.S.C. § 455(a)–(b).

Despite the volume and breadth of their allegations, Plaintiffs' disqualification argument boils down to alleged bias in the administration of their case and the district judge's past professional relationships. The first is plainly insufficient; recusal and disqualification must be based on extra judicial conduct. *Youn v. Track, Inc.*, 324 F.3d 409, 423 (6th Cir. 2003). Nor do Plaintiffs demonstrate that the judge has improper knowledge or personal bias because he formerly worked for a past Chattanooga mayor (who has not held that office for years and is not a defendant in this case); worked for a law firm involved in local development projects; or went to law school with one of the defense attorneys. Such professional acquaintances are common, and at best, Plaintiffs rely on attenuated inferential chains with no direct link to their alleged injuries—this is not enough to reasonably question the district judge's personal knowledge or impartiality.

In No. 24-5678, Plaintiffs appeal the district court's dismissal of their suit. Defendants move to dismiss the appeal as untimely. Plaintiffs were granted an extension of time to respond, but they have not done so. On the day their response was due, however, they filed a motion to appoint a special master and for another extension of time to respond. Plaintiffs have also filed a motion to vacate the Clerk's ruling letter denying their motion to stay briefing as moot because briefing was already being held in abeyance.

In civil cases, a timely notice of appeal is a jurisdictional prerequisite; we must dismiss untimely civil appeals. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 19 (2017). In general, an appellant has

thirty days to file a notice of appeal in a civil suit. Fed. R. App. P. 4(a)(1)(A); 28 U.S.C. § 2107(a). When a party files a motion under Federal Rule of Civil Procedure 59 to alter or amend the judgment, the thirty-day deadline begins when the district court disposes of that motion. Fed. R. App. P. 4(a)(4)(A)(iv). But this tolling only occurs when the Rule 59 motion is itself timely, Fed. R. App. P. 4(1)(4)(A), and Rule 59 motions must be filed no later than twenty-eight days after the judgment is entered, Fed. R. Civ. P. 59(e).

At the same time, “[a] party who files a Rule 59(e) motion must comply with the motions filing requirements set forth in [Federal Rule of Civil Procedure] 7(b),” *Intera Corp. v. Henderson*, 428 F.3d 605, 611 (6th Cir. 2005), which requires that motions “state with particularity the grounds for seeking [relief],” Fed. R. Civ. P. 7(b)(1)(B). When the movant does not state the grounds for the motion as required by Rule 7(b), and fails to correct that deficiency within the time frame provided by Rule 59(e), the “motion is ‘inadequate,’ and consequently, does not toll the period for filing a timely appeal.” *Intera Corp.*, 428 F.3d at 611.

We construe the particularity requirement liberally, *see id.*, but where, as here, a motion offers no substantive basis for relief or citation to authority, we routinely find the motion deficient, *see, e.g., Metyk v. KeyCorp*, 560 F. App’x 540, 543 (6th Cir. 2014); *see also In re Kelvin Publ’g, Inc.*, 72 F.3d 129, 1995 WL 734481, at *6 (6th Cir. Dec. 11, 1995) (per curiam) (“[U]nder Fed. R. Civ. P. 7(b) a motion must be particular enough that the opposing party can comprehend the basis for it and respond appropriately.”). Because Plaintiffs’ Rule 59 motion failed to state the grounds for relief as required by Rule 7(b), it did not toll the

deadline to appeal under Rule 4(a)(4)(A)(iv). As a result, their notice of appeal was not timely and the appeal must be dismissed. *Hamer*, 583 U.S. at 19. Dismissal renders Plaintiffs' other motions moot.

Accordingly, in No. 24-5646, the December 17, 2024, motion to supplement is DENIED, the remaining motions to supplement are GRANTED, and the petition for a writ of mandamus is DENIED. In No. 24-5678, the motions to dismiss are GRANTED and the remaining motions are DENIED AS MOOT.

ENTERED BY ORDER OF THE COURT

/s/ Kelly L. Stephens
Clerk

**ORDER, U.S. DISTRICT COURT
FOR THE EASTERN DIVISION OF
TENNESSEE, KNOXVILLE
(JUNE 26, 2024)**

UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF TENNESSEE AT KNOXVILLE

SEAN MURPHY, ET AL.,

Plaintiffs,

v.

TOWN OF FARRAGUT, ET AL.,

Defendants.

Case No. 3:23-cv-402

Before: Travis R. McDONOUGH, Judge,
Jill E. McCook, Magistrate Judge.

ORDER

Before the Court are the following motions: (1) Defendant Joe Fielden and JA Fielden, Inc's (the "Fielden Defendants") motion for attorney fees (Doc. 83); (2) Plaintiffs' motion to take deposition of certain parties related to the Fielden Defendants' attorney-fees motion (Doc. 84); (3) Plaintiffs' motion to alter judgment (Doc. 85); (4) Plaintiffs' motion for leave to file excess pages (Doc. 87); (5) the Fielden Defendants' motion to strike Plaintiffs' motion to take deposition

(Doc. 94); (6) Plaintiffs' motion for recusal (Doc. 104); and (7) the Fielden Defendants' motion to strike Plaintiffs' motion for recusal (Doc. 112). For the reasons that follow, the Court will REFER the Fielden Defendants' motion for attorney fees (Doc. 83), Plaintiffs' motion to take depositions (Doc. 84), and the Fielden Defendants' motion to strike Plaintiffs' motion to take depositions (Doc. 94) to United States Magistrate Judge Jill E. McCook. It will DENY Plaintiffs' motion to alter judgment (Doc. 85) and DENY AS MOOT Plaintiffs' motion for leave to file excess pages (Doc. 87). Finally, the Court will DENY Plaintiffs' motion to recuse (Doc. 104) and DENY AS MOOT the Fielden Defendants' motion to strike the recusal motion (Doc. 112).

I. Motion to Alter Judgment (Doc. 85)

Plaintiffs first move to alter or amend the Court's judgment (Doc. 85). A motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e) must be filed no later than twenty-eight days after the entry of judgment. A court may grant a Fed. R. Civ. P. 59(e) motion to alter or amend if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice. *GenCorp. Inc. v. Am. Intl Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). As with any motion, a motion to alter or amend judgment must state with particularity the grounds upon which it is made. Fed. R. Civ. P. 7(b)(1). In line with this requirement, “[a]n empty motion cannot reserve time to file an explanation after the [time period] allowed by Rule 59.” *Lac Du Flambeau Band of Lake Superior Chippewa Indians v. State of Wis.*, 957 F.2d 515, 516-17 (7th Cir. 1992); *see Intera Corp. v. Henderson*,

428 F.3d 605, 613 (6th Cir. 2005) (noting that a plaintiff must do more than indicate she is seeking relief for “several reasons” that would be explained in a late-filed memorandum to satisfy Rule 7(b)’s particularity standard); *see also* E.D. Tenn. L.R. 7.1(a) (“the opening brief and any accompanying affidavits or other supporting material shall be served and filed with the motion”).

The Court will deny Plaintiffs’ motion to alter judgment (Doc. 85). The judgment in this case was entered on April 15, 2024, making May 13, 2024 the twenty-eighth day on which a 59(e) motion was due. (Doc. 82.) On May 13, 2024, Plaintiffs filed a two-page motion seeking to alter or amend the judgment pursuant to Rule 59 (*id.* at 1). In that motion, the substance of which totaled eighty words, Plaintiffs represented that they would file an accompanying “memorandum of Fact and Law filed hereafter” explaining why the judgment “should be set aside in its entirety.” (*Id.*) However, no such memorandum was filed until days later in the form of a forty-four-page document. (Doc. 86.) Plaintiffs did not move for an extension or explain the delay in filing the accompanying memorandum. Because only the motion to reconsider itself was timely filed, the Court will not consider the accompanying memorandum. *See Fed. R. Civ. P. 59(e).* And because the motion merely referred to the anticipated and late-filed memorandum and did not state the grounds on which Plaintiffs sought relief, it did not meet Rule 7(b)’s particularity standard. *See Lac Du Flambeau Band of Lake Superior Chippewa Indians*, 957 F.2d at 516-17 (“An empty motion cannot reserve time to file an explanation after the [time period] allowed by Rule 59.”); *Intera Corp.*, 428 F.3d at 613

(noting that a plaintiff must do more than indicate she is seeking relief for “several reasons” that would be explained in a late-filed memorandum to satisfy Rule 7(b)’s particularity standard); *see also* E.D. Tenn. L.R. 7.1(a) (“the opening brief and any accompanying affidavits or other supporting material shall be served and filed with the motion”). For this reason, the Court DENIES Plaintiffs’ motion to alter or amend its judgment (Doc. 85).¹

II. Motion for Recusal (Doc. 104)

Plaintiffs also moved to recuse the undersigned from this matter (Doc. 104). As the basis for their motion, Plaintiffs cite to the undersigned’s prior employment with the City of Chattanooga and Miller & Martin PLLC. (Doc. 104-1, at 3.) Because the undersigned worked with former City of Chattanooga Mayor Andy Berke, who implemented low-income housing, Plaintiffs argue recusal is necessary. (*Id.*) They also take issue with the fact that one of the

¹ Even if the Court were to consider Plaintiffs’ late-file memorandum, it would still deny the motion. Nowhere in that document do Plaintiffs cite to newly discovered evidence, point to a clear error of law or an intervening change in controlling law, or demonstrate a need to prevent manifest injustice. *See* Fed. R. Civ. P. 59(e). Plaintiffs chose instead to spill ink on criticisms of federal-funding plans and local-development projects, neither of which appear to relate to the present action. (*See* Doc. 89.) When time comes, multiple pages later, to discuss the Court’s decision, Plaintiffs merely relitigate earlier arguments. In particular, Plaintiffs insist on the existence of an ill-defined conspiracy amongst Town of Farragut residents and employees to violate their constitutional rights and continue to dispute the applicability of state-court rulings to Plaintiffs’ First Amendment retaliation claims. (*Id.*)

undersigned's law clerks worked at Miller & Martin PLLC. (*Id.*)

When a judge's personal knowledge or experience encroaches upon his ability to fairly decide a case, he must recuse. 28 U.S.C. § 455(a) ("Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."). The standard for doing so is "difficult . . . to reach." *United States v. Liggins*, No. 22-1236, 2023 WL 4946323, at *4 (6th Cir. Aug. 3, 2023) (describing the recusal standard as a high bar). To face recusal, a judge's conduct must be so extreme as to "display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)) (internal quotation marks omitted) (cleaned up). A judge must also recuse "[w]henever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party." 28 U.S.C. § 144. To trigger recusal under § 144, a party must submit "a timely, sufficient affidavit and her counsel certifies that the affidavit is made in good faith." *Scott v. Metro. Health Corp.*, 234 F. App'x 341, 352 (6th Cir. 2007). A § 144 affidavit is timely if it is submitted "at the earliest moment after the movant acquires knowledge of the facts demonstrating the basis for such disqualification." *Id.* (citation and internal quotation marks omitted). Though a court is required to accept as true factual allegations contained in the affidavit, it "may only credit facts that are sufficiently definite and particular to convince a reasonable person that bias exists; simple conclu-

sions, opinions, or rumors are insufficient.” *Id.* (citing *Hoffman v. Caterpillar, Inc.*, 368 F.3d 709, 718 (7th Cir. 2004)).

Recusal is not warranted here. Plaintiffs have not explained how the undersigned was involved in former Mayor Berke’s low-income housing projects or how such involvement would affect his ability to fairly decide this case. This case stems from events taking place in the City of Farragut; prior to this motion, Plaintiffs have made no mention of the City of Chattanooga or its former Mayor’s actions. It is also unclear how the fact that the undersigned and one of his law clerks share a past employer impairs the former’s decision-making ability. Moreover, the declarations filed in support of the recusal motion—from Plaintiff Denise Pagels, Plaintiff Sean Murphy, Counsel Russ Egli, and non-party Wendy Rose—are not certified by counsel, were not timely submitted, and consist of conjecture rather than particular facts. *See Scott*, 234 F. App’x at 352. The Plaintiffs have provided no legal basis for recusal, so the Court will DENY the motion (Doc. 104). Accordingly, the Court will DENY AS MOOT the Fielden Defendants’ motion to strike (Doc. 112).

III. Remaining Motions

The Court hereby REFERS the remaining motions—the Fielden Defendants’ motion for attorney’s fees and costs (Doc. 83) and Plaintiffs’ motion to take depositions related to attorney’s fees (Doc. 84)—to Judge McCook. The magistrate judge is designated to submit a report and recommendation on the motion and take whatever actions she deems appropriate pursuant to 28 U.S.C. § 636(b)(1)(B) and (C).

App.12a

SO ORDERED.

/s/ Travis R. McDonough
United States District Judge

**CLERK “RULING LETTER”
FROM A CASE MANAGER
(AUGUST 23, 2024)**

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Kelly L. Stephens
Clerk
Tel. (513) 564-7000
www.ca6.uscourts.gov

Mr. Brian Robert Bibb
Ms. Annie Scott Duncan
Mr. Russell Lee Egli
Ms. Grace Ewell
Mr. Richard L. Hollow
Mr. Benjamin K. Lauderback
Mr. James Ford Little
Mr. Ellis A. Sharp
Mr. Fred Carney Statum III
Mr. Garrett P. Swartwood
Mr. Samuel Cole Wheeler

Re: Case No. 24-5678, *Sean Murphy, et at v. Farragut, TN, et at*, Originating Case No. 3:23-cv-00402

Dear Counsel,

The appellants' motion to extend time to file brief is DISMISSED as moot. Briefing in this case is in abeyance pending a ruling on the motions to dismiss.

When this outstanding matter has been resolved, the clerk's office will issue a new briefing schedule or give the parties other instructions.

Sincerely,

/s/ Gretchen S. Abruzzo

on behalf of Ryan E. Orme,
Case Manager Direct Dial
No. 513-564-7079

**PETITIONERS' EMAIL TO ANNE BROWN
(JANUARY 14, 2025)**

Russ Egli <theeglilawfirm@gmail.com>

24-5646 - This is not a Motion for En banc

Russ Egli <theeglilawfirm@gmail.com>

To: Anne Brown <Anne_Brown@ca6.uscourts.gov>

Mrs. Brown,

This is not a Motion for Reconsideration it is a Constitutional attack on the Order itself which the Clerk had no authority to prepare, sign or enter which makes it Void and nullity hence the misc. and by denying the Appellants/Petitioners motion the Court is there by denying the Plaintiffs their rights under the Fifth Amendment and Mr. Egli will be escalating this to a higher authority.

Wendy Rose
Legal Assistant

**OMNIBUS MOTION TO VOID CLERK'S JOINT
"ORDER", U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT
(JANUARY 13, 2025)**

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: SEAN MURPHY, on behalf of V.M.,
A.M., E.M., A.M., ET AL. [24-5646],

Petitioners,

SEAN MURPHY, on behalf of V.M.,
A.M., E.M., A.M., ET AL. [24-5678],

Plaintiffs-Appellants,

v.

FARRAGUT, TN. ET., AL.,

Defendants-Appellees.

Case Nos. 24-5646, 24-5678

Omnibus Motion to Void Clerk's Joint "Order"

Comes the Petitioners/Appellants, through counsel brings this Motion to Void the joint "Order" that was prepared, signed, and entered into the Appellant's Appeal, by the Clerk of the United States Court of Appeals for the Sixth Circuit, Kelly Stephens. The joint "Order" dismissed both the Petitioners' Writ of

Mandamus¹ [6th Circuit, Cas. No. 24-5646] and their Appeal.

To wit:

Accordingly, in No. 24-5646, the December 17, 2024, motion to supplement is DENIED, the remaining motions to supplement² are GRANTED, and the petition for a writ of mandamus is DENIED. In No. 24-5678, the motions to dismiss are GRANTED and the remaining motions are DENIED AS MOOT.

Sean Murphy, et. al. v. The Town of Farragut, 24-5678, Doc. 55, p. 3 (6th Cir. Ct.).

The Clerk lacked authority under the Federal Rules of Appellant Procedure (FRAP), the Sixth Circuit Court of Appeals Local Rules and the U.S. Constitution to prepare, sign and enter the joint “Order” making it a legal nullity and therefore it is void. Further, the Clerk herself admits in her “Order” to violating the Petitioners/Appellants due process by granting the Motion to Dismiss filed by the Defendants without allowing the Appellants’ time to respond as a motion to stay had been filed and pending and at the very least if the stay was lifted then the Petitioners/Appellants should then have received a reasonable time to respond to the Defendants Motion to Dismiss. *Record, also see No.: 24-5678 and Doc. 55.*

Further, the Appellants have both a Motion to Correct the Record under FRAP 10 and to appoint a

¹ The Writ of Mandamus was filed on July 16, 2024. 6th Cir. Ct.

² Requesting a stay in several pending matters in which Judge McDonough sits.

Special Master under Rule 48 [Doc. 14] pending. The Case Manager, Ryan Orme, without authority, attempted to deny both and the Appellants requested for a judge to hear the motions, which the Clerk now has attempted to moot in further violation of the Petitioners/Appellants due process rights.

Enabling Act

The Rules Enabling Act permits district courts to “adopt local rules that are necessary to carry out the conduct of [their] business.” *Frazier v. Heebe*, 482 U.S. 641, 645, 107 S. Ct. 2607, 96 L. Ed. 2d 557 (1987). Courts’ discretion to craft local rules is not unlimited. 28 U.S.C. § 2071 requires that local rules “shall be consistent with Acts of Congress and rules of practice and procedure prescribed under [28 U.S.C. § 2072].” 28 U.S.C. § 2071 (a). Section 2072 authorizes the Supreme Court to “prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts,” and the section requires that “such rules shall not abridge, enlarge or modify any substantive right.” 28 U.S.C. § 2072(a)-(b).

The Sixth Circuit Court of Appeals Local Rule 45 sets out rules of when a clerk can prepare, sign, and enter orders and states;

- (a) Orders That the Clerk May Enter. The clerk may prepare, sign, and enter orders or otherwise dispose of the following matters without submission to the court or a judge, unless otherwise directed:
 - (1) Procedural motions;
 - (2) Motions involving production or filing of the appendix or briefs on appeal;

- (3) Orders for voluntary dismissal of appeals or petitions, or for consent judgments in National Labor Relations Board cases;
- (4) Orders for dismissal for want of prosecution;
- (5) Orders appointing counsel under the Criminal Justice Act of 1984, as amended, in criminal cases in which the appellant is entitled to the appointment of counsel under the Sixth Circuit Plan for the Implementation of the Criminal Justice Act and in any other case in which an order directing the clerk to appoint counsel has been entered;
- (6) Bills of costs under *Fed. R. App. P. 39(d)*;
- (7) Orders granting remands and limited remands where the motion includes a notice under *Fed. R. App. P. 12.1(a)*; and
- (8) Orders dismissing a second appeal as duplicative, where the court has docketed a jurisdictionally sound appeal from the same judgment.

(b) Notice. A clerk's order must show that it was authorized under *6 Cir. R. 45(a)*.

6 Cir. R 45, Duties of Clerks.

It is important to note that the Clerk, even if the Sixth Circuit Court could grant a Clerk the authority to prepare, sign and enter the joint "Order" the Clerk did not include the required authorization under *6th Cir. R. 45(b)*. Further, the Clerk does not have authority to opine on a Writ of Mandamus nor for that fact

opine on anything as the Clerk is not an Article III judge. *See Fed. R. App. P. generally.*

The Clerk Violated the Petitioners/Appellants Due Process Rights

The Clerk cannot grant the Defendant's Motions to Dismiss, however, even if the Clerk could opine and dismiss such a pleading it is important to note that if the Clerk removed the Stay, the Clerk would be required to allow Appellants a reasonable amount of time to respond under the required principles of due process. *See US. Const. amend. V, as well as US. Const. amend. XIV.*

Additional Facts in Support of Granting this Motion

1. The Sixth Circuit Court Clerk is having federal phone numbers forwarded to the personal cell phones, burner phones, and land lines of clerks and case managers and allowing them to work from home using VPN's and Cloud Servers.
2. Case managers, including Ryan Orme, the case manager for both the Writ of Mandamus and Appeal without authorization signed "Orders" denying the Appellant Motion's to Correct the Record under Rule 10, and to appoint a Special Master under Rule 46. The Appellants objected to these orders which are still pending and have yet to be heard by this Court. *Record.*
3. The District Court's "Judgement Order" was not a final order in that it did not address all

the Plaintiffs claims, including, but not limited to Plaintiff's Sean Murphy's First Amendment Claim from being blocked by the Defendants from social media platforms. *Lindke v. Freed*, 601 U.S. ___ (2024). Further, never even addressing all the Plaintiffs, stating three children, therefore denying the fourth child any due process whatsoever. *Sean Murphy et. al. v. Town of Farragut et. al.*, 3:23-cv-402, Doc., 83.

4. The Clerk of the Sixth Court falsely claims that the Rule 59 was not filed 28 days from the purported "Judgment Order" in which it was, and the Case Manager was given demonstrable evidence of the same. Further, it requested that Judge McDonough strike the entire Judgement because it was full of misstatements, false narratives, did not respond to all the Plaintiffs claims nor to all the Plaintiffs and much more.
5. The case law the Clerk cites to is not on point included but not limited to the use of *Youn v. Track, Inc.*, 324 F.3d 409, 423 (6th Cir. 2003) which is regarding the recusal of a magistrate judge and not under 28 U.S.C. § 144.
6. Judge McDonough did not just work for the ex-Mayor of Chattanooga, Andy Berke, but the Petitioners accused Judge McDonough as the Chief of Staff with the ex-Mayor and participating in similar activities in Chattanooga Tennessee that the Defendants herein are involved in currently. *See No. 24-5646.*

7. The Whistleblowers have provided demonstrable evidence to this Court that the Defendants and their co-conspirators stole almost a billion dollars in federal grant money, receiving fraudulent bank guarantees, low-income tax credits and Judge McDonough had knowledge of the same yet dismissed it anyway likely with no referral to the proper authorities. *Id.*
8. Since the Clerk's Order could have never existed under the argument herein it is a nullity and attacked at any time as it is a violation of the Plaintiffs' due process rights. *See United States v. Hodge*, 1845 U.S. LEXIS 442, 44 U.S. 534, 11 L. Ed. 714, 3 HOW 534; *Malony v. Adsit*, 175 U.S. 281, 20 S. Ct. 115, 44 L. Ed. 163, 1899 U.S. LEXIS 1564, 1 Alaska Fed. 574 and *O'Reilly v. Edrington*, 96 U.S. 724, 1877 U.S. LEXIS 1717, 24 L. Ed. 659, 6 Otto 724.

Conclusion

WHEREFORE PREMISES CONSIDERED,
PLAINTIFFS PRAY THAT THIS MOTION BE
GRANTED, AN ORDER ISSUE VOIDING THE
CLERK'S ORDER [DOC. 55] AND HAVE THE FULL
PANEL OF THE SIXTH CIRCUIT JUDGES REVIEW
THESE MATTERS AND RULE ON THE SAME.

Respectfully submitted,

/s/ Russ Egli

BPR#24408

The Egli Law Firm
Attorney for the Plaintiffs
11109 Lake Ridge Drive, FL3
Knoxville, TN 37934
8652748872
theeglilawfirm@gmail.com

**PLAINTIFFS' FED. R. CIV. P. 59 MOTION TO
ALTER, AMEND OR SET ASIDE THE
JUDGMENT OF THE COURT
(MAY 13, 2024)**

IN THE UNITED STATES DISTRICT COURT
EASTERN SECTION OF TENNESSEE

MURPHY, ET AL.,

Plaintiffs,

v.

TOWN OF FARRAGUT, INC., ET AL.,

Defendants.

Civil Action No.: 3:23-cv-402

**PLAINTIFFS' FED R. CIV. P. 59 MOTION TO
ALTER, AMEND OR SET ASIDE THE
JUDGMENT OF THE COURT**

Plaintiffs, by and through under-signed counsel, and pursuant to Fed. R. Civ. P. 59, hereby seek an Order altering or amending the Judgment¹, [Doc. 81], of this court and/or setting the Judgment aside for the reasons set forth in the Memorandum of Fact and Law filed hereafter. Wherefore, for the foregoing reasons

¹ The facts contained in Document 81 do not align with the facts that were set forth in Document 6.

contained in the Plaintiffs Memorandum of Fact and Law, and the record as a whole, the final Judgment of the Court should be set aside in its entirety.²

Respectfully submitted,

/s/ Russ Egli
BPR#24408
The Egli Law Firm
Attorney for the Plaintiffs
11109 Lake Ridge Drive, FL3
Knoxville, TN 37934
865-865-304-4125

² The under-signed counsel is still awaiting a response from Mrs. Wilson as to the status conference minutes/audio, wherein, an oral motion was made and granted to stay discovery in this matter.

**DOCKET, U.S. DISTRICT COURT
FOR THE EASTERN DIVISION OF
TENNESSEE, KNOXVILLE
(NOVEMBER 8, 2023)**

**U.S. DISTRICT COURT - EASTERN DISTRICT OF
TENNESSEE (KNOXVILLE) CIVIL DOCKET
FOR CASE# : 3:23-cv-00402-TRM-JEM**

Murphy et al v. Town of Farragut et al
Assigned to: District Judge Travis R McDonough
Referred to: Magistrate Judge Jill E McCook
Demand: \$9,999,000
related Case: 3:24-cv-00437-TRM-JEM
Case in other court: USCA, Sixth Circuit, 24-05646
Sixth Circuit Court of Appeals, 24-05678
Cause: 42: 1983 Civil Rights Act

Date Filed: 11/08/2023
Date Terminated: 04/15/2024
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Sean Murphy *on behalf of* V.M., A.M., E.M., A.M.

represented by

Russell L Egli
Law Office of Russell L. Egli
The Wisdom Building
11109 Lake Ridge Drive
Concord, TN 37934
(865) 304-4125

Fax: 866-936-4971
Email: theeglilawfirm@gmail.com
ATTORNEY TO BE NOTICED

Plaintiff

Denise Pagels *on behalf of* V.M, A.M, E.M, A.M.

represented by

Russell L Egli
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Town of Farragut

represented by

Benjamin K Lauderback
Watson Roach Batson & Lauderback PLC
P.O. Box 131
Knoxville, TN 37901
865-637-1700
Fax: 865-525-2514
Email: blauderback@watsonroach.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas M Hale
Kramer, Rayson LLP (Knox)
PO Box 629
800 South Gay Street
Suite 2500
Knoxville, TN 37929
865-525-5134
Email: tomhale@kramer-rayson.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brian Robert Bibb
Watson, Roach, Batson, Rowell &
Lauderback PLC
1500 Riverview Tower
900 South Gay Street
P.O. Box 131
Knoxville, TN 37901-0131
865-637-1700
Fax: 865-525-2514
Email: bbibb@watsonroach.com

ATTORNEY TO BE NOTICED

Defendant

Mayor Ron Williams
in both official and individual capacities

represented by

Benjamin K Lauderback (See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M Hale
(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Vice-Mayor Louise Povlin
in both official and individual capacities

represented by

Benjamin K (See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M Hale (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Republic Newspapers Inc.
doing business as Farragut Press Enterprise
represented by

Richard Hollow
Hollow & Hollow, LLC
P.O. Box 11166
Knoxville, TN 37939
865-769-1715
Fax: 865-560-0005
Email: r hollow@hollowlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JA Fielden Inc
represented by

J Ford Little
Woolf, McClane, Bright, Allen & Carpenter, PLLC
P O Box 900
900 S. Gay Street
Knoxville, TN 37901
865-215-1000
Fax: 865-215-1001
Email: f little@wmbac.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Cole Wheeler
Woolf McClane Bright Allen & Carpenter, PLLC
900 S. Gay Street Suite 900
Knoxville, TN 37902
865-215-1000
Email: cwheeler@wmbac.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Joe Fielden (See above for address)

represented by

J Ford Little
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Cole Wheeler (See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kirk Swor

represented by

Ellis Sharp
Stokes, Williams, Sharp & Davies
P 0 Box 2644
Knoxville, TN 37901
865-544-3833
Fax: 865-544-1849
Email: sandy@stokeswilliams.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Annie Scott Duncan
Stokes, Williams, Sharp, Cope & Mann PC
920 Volunteer Landing Lane,
Suite 100
Knoxville, TN 37922
865-544-3833
Fax: 865-544-1849
Email: annie@stokeswilliams.com
ATTORNEY TO BE NOTICED

Defendant

Farragut Business Alliance Inc
represented by
Fred C Statum, III
Manier & Herod
1201 Demonbreun Street
Suite 900
Nashville, TN 37203
615-742-9314
Fax: 615-242-4203
Email: fstatum@manierherod.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S Price
Manier & Herod
1201 Demonbreun Street
Suite 900
Nashville, TN 37203
615-244-0030
Fax: 615-242-4203
Email: jprice@manierherod.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Biddle Farms Residential LLC

represented by

Garrett P Swartwood
Long, Ragsdale & Waters, PC
1111 Northshore Drive NW
Suite S 700
Knoxville, TN 37919-4074
865-584-4040
Fax: 865-584-6084
Email: gswartwood@lrwlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Knox County, Tennessee, Inc.

TERMINATED: 03/18/2024

* * *

11/08/2023

1 COMPLAINT against All Defendants (Filing fee \$402 receipt number ATNEDC-5518530.), filed by Sean Murphy. (Attachments: # 1. Other Civil Cover Sheet, # 2 Summons, # 3 Summons, # 4 Summons, # 5 Summons, # 6 Summons, # 2 Summons, # 8 Summons, # 9 Summons, # 10 Summons)(Egli, Russell) (Entered: 11/08/2023)

11/08/2023

District Judge Travis R McDonough and Magistrate Judge Jill E McCook added. (CNC) (Entered: 11/09/2023)

11/09/2023

2 Order Governing Depositions. Signed by District Judge Travis R McDonough on 11/9/23. (CNC) (Entered: 11/09/2023)

11/09/2023

3 Order Governing Motions To Dismiss. Signed by District Judge Travis R McDonough on 11/9/2023. (CNC) (Entered: 11/09/2023)

11/09/2023

4 Order Governing Sealing Confidential Information. Signed by District Judge Travis R McDonough on 11/9/2023. (CNC) (Entered: 11/09/2023)

11/09/2023

5 Summons Issued as to Biddle Farms Residential LLC, Farragut Business Alliance Inc, Joe Fielden, JA Fielden Inc, Louise Povlin, Republic Newspapers Inc., Kirk Swor, Town of Farragut, Ron Williams. (CNC) (Entered: 11/09/2023)

11/11/2023

6 AMENDED COMPLAINT *FIRST* against All Defendants., filed by Sean Murphy. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3. Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit COLL H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Exhibit X, # 25 Exhibit Y, # 26 Exhibit Z, # 27 Exhibit 1, # 28 Exhibit 2, # 29 Exhibit 3, # 30 Exhibit 4, # 31 Exhibit 5, # 32 Exhibit 6, # 33 Exhibit 7, # 34 Exhibit 8, # 35 Exhibit 9, # 36 Exhibit 10, # 37

Exhibit 11, # 38 Exhibit 12, # 39 Exhibit 13, # 40 Exhibit COLL 14, # 41 Exhibit COLL 14, # 42 Exhibit 15, # 43 Exhibit 16, # 44 Exhibit 17, # 45 Exhibit 18, # 46 Exhibit 19, # 47 Exhibit 20, # 48 Exhibit 21, # 49 Exhibit 22, # 50 Exhibit 23, # 51 Exhibit 24, # 52 Exhibit 25, # 53 Exhibit 26, # 54 Exhibit 27, # 55 Exhibit 28, # 56 Exhibit 29, # 57 Exhibit 30, # 58 Exhibit COLL 31, # 59 Exhibit COLL 31, # 60 Exhibit 32, # 61 Exhibit 33, # 62 Exhibit 34, # 63 Exhibit 35, # 64 Exhibit 36, # 65 Exhibit 37, # 66 Exhibit 38, # 67 Exhibit 39, # 68 Exhibit 40, # 69 Exhibit 41, # 70 Exhibit 42, # 71 Exhibit 43, # 72 Exhibit COLL 44, # 73 Exhibit COLL 44, # 74 Exhibit 45, # 75 Exhibit 46, # 76 Exhibit 47, # 77 Exhibit 48, # 78 Exhibit 49, # 79 Exhibit 50, # 80 Exhibit 51, # 81 Exhibit 52)(Egli, Russell) (Entered: 11/11/2023)

12/11/2023

7 STIPULATION of Extension of Time to Respond to Amended Complaint by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 12/11/2023)

12/12/2023

8 Unopposed MOTION for Extension of Time to File Answer to Complaint by Farragut Business Alliance Inc. (Attachments: # 1 Exhibit Proposed Order)(Statum, Fred) (Entered: 12/12/2023)

12/12/2023

9 MOTION quash service of process or for additional time to respond to First Amended Complaint by Republic Newspapers Inc. (Attachments: # 1 Exhibit 1)(Hollow, Richard) (Entered: 12/12/2023)

12/13/2023

10 STIPULATION by JA Fielden Inc. (Little, J)
(Entered: 12/13/2023)

12/13/2023

11 STIPULATION by Joe Fielden. (Little, J)
(Entered: 12/13/2023)

12/13/2023

12 Now before the Court is the Unopposed Motion for Extension of Time to File Answer or Response to Complaint [Doc. 8], filed by Defendant Farragut Business Alliance, Inc. ("FBA"). In light of no opposition, and for good cause shown, the Court GRANTS the motion [Doc. 8]. Defendant FBA SHALL respond to the First Amended Complaint on or before January 12, 2024. Signed by Magistrate Judge Jill E. McCook on 12/13/2023. (This entry constitutes the complete Order of the Court.) (AGA) (Entered: 12/13/2023)

12/14/2023

13 ORDER: Defendant Republic Newspapers has not identified the authority under which it brings its motion. The Court therefore DIRECTS Defendant Republic Newspapers to supplement the motion [Doc. 9] within seven (7) days of entry of this Order and identify the authority under which it seeks relief. Signed by Magistrate Judge Jill E McCook on 12/14/23. (ABF) (Entered: 12/14/2023)

12/18/2023

14 STIPULATION re 6 Amended Complaint, *for Extension of Time to File a Response* by Louise Povlin, Town of Farragut, Ron Williams.
(Lauderback, Benjamin) (Entered: 12/18/2023)

12/19/2023

15 NOTICE of Appearance by Thomas M Hale on behalf of Louise Povlin, Town of Farragut, Ron Williams (Hale, Thomas) (Entered: 12/19/2023)

12/20/2023

16 Amended MOTION to Dismiss by Republic Newspapers Inc. (Hollow, Richard) (Entered: 12/20/2023)

12/20/2023

17 MEMORANDUM in Support of Motion re 16 Amended MOTION to Dismiss filed by Republic Newspapers Inc. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3. Exhibit, # 4 Exhibit, # 5 Exhibit)(Hollow, Richard) (Entered: 12/20/2023)

12/20/2023

18 NOTICE by Republic Newspapers Inc. *concerning Meet and Confer Conference Pursuant to Order* (Hollow, Richard) (Entered: 12/20/2023)

12/21/2023

19 NOTICE of Appearance by Brian Robert Bibb on behalf of Town of Farragut (Bibb, Brian) (Entered: 12/21/2023)

12/27/2023

20 SUPPLEMENT to 1 Complaint, 6 Amended Complaint, *Summons to Kirk Swor c/o BHOA* by Sean Murphy. (Egli, Russell) (Entered: 12/27/2023)

12/27/2023

21 SUPPLEMENT to 1 Complaint, 6 Amended Complaint, *Summons Republic Newspaper* by Sean Murphy. (Egli, Russell) (Entered: 12/27/2023)

12/27/2023

22 Alias Summons Issued as to Kirk Swor (KMK)
(Entered: 12/27/2023)

12/27/2023

23 Alias Summons Issued as to Republic Newspapers Inc. (KMK) (Entered: 12/27/2023)

01/02/2024

24 ORDER. In light of the Amended Motion to Dismiss, the Court DENIES AS MOOT the motion filed by Defendant Republic Newspapers, Inc., d/b/a Farragut Press Enterprise [Doc. 9]. Signed by Magistrate Judge Jill E McCook on January 2, 2024. (AYB) (Entered: 01/02/2024)

01/02/2024

25 *Counsel to re-file - only one page of .pdf attached* ANSWER to 6 Amended Complaint by Biddle Farms Residential LLC. (Swartwood, Garrett) Modified text to note counsel is refileing document on 1/3/2024 (AYB). (Entered: 01/02/2024)

01/03/2024

26 ANSWER to 6 Plaintiffs' First Amended Complaint by Biddle Farms Residential LLC. (Swartwood, Garrett) Modified text on 1/3/2024 (AYB).
(Entered: 01/03/2024)

01/03/2024

27 MOTION to Dismiss by JA Fielden Inc. (Little, J)
(Entered: 01/03/2024)

01/03/2024

28 MEMORANDUM in Support of Motion re 27 MOTION to Dismiss filed by JA Fielden Inc. (Little, J) (Entered: 01/03/2024)

01/03/2024

29 MOTION to Dismiss by Joe Fielden. (Little, J) (Entered: 01/03/2024)

01/03/2024

30 MEMORANDUM in Support of Motion re 29 MOTION to Dismiss filed by Joe Fielden. (Little, J) (Entered: 01/03/2024)

01/03/2024

31 NOTICE by Joe Fielden, JA Fielden Inc *Statement Concerning a Meet and Confer Conference Pursuant to This Court's Order* (Little, J) (Entered: 01/03/2024)

01/03/2024

32 MOTION for Judgment on the Pleadings by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 01/03/2024)

01/03/2024

33 MEMORANDUM in Support of Motion re 32 MOTION for Judgment on the Pleadings filed by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 01/03/2024)

01/06/2024

34 AFFIDAVIT of Service for Summons served on Kirk Swor C/O BHOA on 1/5/2024, filed by Sean Murphy. (Egli, Russell) (Entered: 01/06/2024)

01/11/2024

35 NOTICE of Appearance by Ellis Sharp on behalf of Kirk Swor (Sharp, Ellis) (Entered: 01/11/2024)

01/11/2024

36 SUPPLEMENT to 1 Complaint, 6 Amended Complaint, *Affidavit of Return on Summons* by Sean Murphy. (Egli, Russell) (Entered: 01/11/2024)

01/11/2024

37 SUPPLEMENT to 1 Complaint, 6 Amended Complaint, *Affidavit of Return on Summons* by Sean Murphy. (Egli, Russell) (Entered: 01/11/2024)

01/12/2024

38 ANSWER to 6 Amended Complaint, by Farragut Business Alliance Inc.(Statum, Fred) (Entered: 01/12/2024)

01/22/2024

39 MOTION to Dismiss by Kirk Swot (Sharp, Ellis) (Entered: 01/22/2024)

01/22/2024

40 MEMORANDUM in Support of Motion re 39 MOTION to Dismiss filed by Kirk Swot (Sharp, Ellis) (Entered: 01/22/2024)

01/25/2024

41 RESPONSE to Motion re 27 MOTION to Dismiss filed by Sean Murphy. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 2 Exhibit) (Egli, Russell) (Entered: 01/25/2024)

01/25/2024

42 RESPONSE to Motion re 29 MOTION to Dismiss filed by Sean Murphy. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 1 Exhibit) (Egli, Russell) (Entered: 01/25/2024)

01/25/2024

43 MOTION for Extension of Time to File Response/ Reply as to 33 Memorandum in Support of Motion, 32 MOTION for Judgment on the Pleadings by Sean Murphy. (Egli, Russell) (Entered: 01/25/2024)

01/26/2024

44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement* by Louise Povlin, Town of Farragut, Ron Williams. (Lauderback, Benjamin) (Entered: 01/26/2024)

01/26/2024

45 MEMORANDUM in Support of Motion re 44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement* filed by Louise Povlin, Town of Farragut, Ron Williams. (Lauderback, Benjamin) (Entered: 01/26/2024)

01/29/2024

46 ORDER granting 43 MOTION for Extension of Time to File Response/Reply as to 33 Memorandum in Support of Motion, 32 MOTION for Judgment on the Pleadings; Responses due by 1/31/2024. Signed by District Judge Travis R McDonough on 1/29/2024. (AML) (Entered: 01/29/2024)

01/31/2024

47 RESPONSE in Opposition re 32 MOTION for Judgment on the Pleadings filed by Sean Murphy. (Egli, Russell) (Entered: 01/31/2024)

02/01/2024

48 REPLY to Response to Motion re 29 MOTION to Dismiss filed by Joe Fielden. (Attachments: # 1 Exhibit Email from Attorney Ford Little to Attorney Russ Egli)(Little, J) (Entered: 02/01/2024)

02/01/2024

49 REPLY to Response to Motion re 27 MOTION to Dismiss filed by JA Fielden Inc. (Attachments:

1 Exhibit Email from Attorney Ford Little to Attorney Russ Egli)(Little, J) (Entered: 02/01/2024)

02/06/2024

50 MOTION for Judgment on the Pleadings by Farragut Business Alliance Inc. (Statum, Fred) (Entered: 02/06/2024)

02/06/2024

51 MEMORANDUM in Support of Motion re 50 MOTION for Judgment on the Pleadings filed by Farragut Business Alliance Inc. (Statum, Fred) (Entered: 02/06/2024)

02/06/2024

52 ORDER A Telephonic Scheduling Conference is set for 3/5/2024 at 03:00 PM before District Judge Travis R. McDonough. Dial-in instructions will be circulated via email prior to the conference. Signed by District Judge Travis R. McDonough on 2/06/2024. (EJB) (Entered: 02/06/2024)

02/07/2024

53 REPLY to Response to Motion re 32 MOTION for Judgment on the Pleadings filed by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 02/07/2024)

02/09/2024

54 MOTION for Sanctions by Sean Murphy. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 2 Exhibit, # 8 Exhibit, # 2 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 15 Exhibit, # 17 Exhibit, # 18 Exhibit, # 19 Exhibit, # 20 Exhibit, # 21 Exhibit, # 22 Exhibit, # 23 Exhibit, # 24 Exhibit, # 25 Exhibit, # 26 Exhibit, # 27 Exhibit, # 28 Exhibit, # 29

Exhibit, # 30 Exhibit, # 31 Exhibit, # 32 Exhibit, # 33 Exhibit, # 34 Exhibit, # 35 Exhibit, # 36 Exhibit, # 37 Exhibit, # 38 Exhibit, # 39 Exhibit, # 40 Exhibit, # 41 Exhibit, # 42 Exhibit, # 43 Summons, # 44 Exhibit, # 45 Exhibit, # 46 Exhibit)(Egli, Russell) (Entered: 02/09/2024)

02/12/2024

55 MOTION for Extension of Time to File Response/Reply as to 40 Memorandum in Support of Motion, 39 MOTION to Dismiss by Sean Murphy. (Egli, Russell) (Entered: 02/12/2024)

02/16/2024

56 MOTION for Extension of Time to File Response/Reply as to 45 Memorandum in Support of Motion, 44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement* by Sean Murphy. (Egli, Russell) (Entered: 02/16/2024)

02/16/2024

57 NOTICE OF NONCONSENT by Town of Farragut (Lauderback, Benjamin) (Entered: 02/16/2024)

02/19/2024

58 RESPONSE in Opposition re 39 MOTION to Dismiss filed by Sean Murphy. (Egli, Russell) (Entered: 02/19/2024)

02/20/2024

59 ORDER granting 55 MOTION for Extension of Time to File Response/Reply as to 40 Memorandum in Support of Motion, 39 MOTION to Dismiss. Responses due by 2/26/2024. Signed by District Judge Travis R McDonough on 2/20/2024. (AML) (Entered: 02/20/2024)

02/23/2024

60 REPLY to Response to Motion re 39 MOTION to Dismiss filed by Kirk Swot (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Sharp, Ellis) (Entered: 02/23/2024)

02/23/2024

61 RESPONSE to Motion re 54 MOTION for Sanctions filed by Town of Farragut. (Bibb, Brian) (Entered: 02/23/2024)

02/26/2024

62 RESPONSE in Opposition re 44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement* filed by Sean Murphy. (Egli, Russell) (Entered: 02/26/2024)

02/27/2024

63 MOTION for Extension of Time to File Response/Reply as to 51 Memorandum in Support of Motion, 50 MOTION for Judgment on the Pleadings by Sean Murphy. (Egli, Russell) (Entered: 02/27/2024)

02/28/2024

64 ORDER granting 56 Motion for Extension of Time to File Response/Reply re 56 MOTION for Extension of Time to File Response/Reply as to 45 Memorandum in Support of Motion, 44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement*, 63 MOTION for Extension of Time to File Response/Reply as to 51 Memorandum in Support of Motion, 50 MOTION for Judgment on the Pleadings; granting 63 Motion for Extension of Time to File Response/Reply re 56 MOTION for Extension of Time to File Response/Reply as to 45 Memorandum in Support of Motion, 44 MOTION to Dismiss *or in the Alternative*

Motion to Strike and for More Definite Statement, 63 MOTION for Extension of Time to File Response/Reply as to 51 Memorandum in Support of Motion, 50 MOTION for Judgment on the Pleadings. Signed by District Judge Travis R McDonough on 2/28/24. (GRE) (Entered: 02/28/2024)

02/29/2024

65 NOTICE of Appearance by Annie Scott Duncan on behalf of Kirk Swor (Duncan, Annie) (Entered: 02/29/2024)

02/29/2024

66 SUPPLEMENT to 54 MOTION for Sanctions, 58 Response in Opposition to Motion *URGENT* by Sean Murphy. (Attachments: # 1 Exhibit Coll A, # 2 Exhibit Coll A continued)(Egli, Russell) (Entered: 02/29/2024)

03/03/2024

67 RESPONSE in Opposition re 50 MOTION for Judgment on the Pleadings filed by Sean Murphy. (Egli, Russell) (Entered: 03/03/2024)

03/03/2024

68 NOTICE by Sean Murphy *OF SUBMITTING INITIAL DISCLOSURES* (Egli, Russell) (Entered: 03/03/2024)

03/04/2024

69 REPLY to Response to Motion re 44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement* filed by Louise Povlin, Town of Farragut, Ron Williams. (Bibb, Brian) (Entered: 03/04/2024)

03/04/2024

70 REPORT of Rule 26(f) Planning Meeting. (Bibb, Brian) (Entered: 03/04/2024)

03/04/2024

71 STATUS REPORT *Rule 26f Conference Proposed* by Sean Murphy. (Egli, Russell) (Entered: 03/04/2024)

03/11/2024

72 SCHEDULING ORDER: Jury Trial set for 6/16/2025 09:00 AM in Courtroom 3 -Chattanooga before District Judge Travis R McDonough. Final Pretrial Conference set for 6/2/2025 01:00 PM in Courtroom 3 - Chattanooga before District Judge Travis R McDonough. Signed by District Judge Travis R McDonough on 3/11/2024. (AWS) (Entered: 03/11/2024)

03/11/2024

73 REPLY to Response to Motion re 50 MOTION for Judgment on the Pleadings filed by Farragut Business Alliance Inc. (Statum, Fred) (Entered: 03/11/2024)

03/18/2024

74 ORDER. The parties are ORDERED to accomplish the above tasks on or before April 16, 2024. To the extent Knox County, Tennessee, Inc. was ever a party in this matter, it is hereby DISMISSED from this action. Signed by District Judge Travis R McDonough on 3/18/2024. (AML) (Entered: 03/18/2024)

03/20/2024

75 ORDER. Defendants Town of Farragut, Louise Povlin, and Ron Williams are ORDERED to supplement their joint motion to dismiss. Signed by

District Judge Travis R McDonough on 3/20/2024.
(AML) (Entered: 03/20/2024)

03/28/2024

76 SUPPLEMENTAL BRIEF to MOTION to Dismiss by Louise Povlin, Town of Farragut, Ron Williams. (Attachments: # 1 Exhibit A - Transcript of Proceedings in Farragut Municipal Court, # 2 Exhibit B - Order of Knox County Circuit Court) (Lauderback, Benjamin) Modified text on 4/1/2024 (ABF). (Entered: 03/28/2024)

04/05/2024

77 BRIEF as to 76 Supplement, 75 Order *Brief in Opposition* by Sean Murphy. (Egli, Russell) (Entered: 04/05/2024)

04/09/2024

78 NOTICE by Sean Murphy re 77 Brief *Desk File Exh A* (Egli, Russell) (Entered: 04/09/2024)

04/10/2024

79 REPLY to Response to Motion re 44 MOTION to Dismiss *or in the Alternative Motion to Strike and for More Definite Statement and to Plaintiff's Response to Defendants' Supplemental Brief in Support of their Motion to Dismiss* filed by Louise Povlin, Town of Farragut, Ron Williams. (Lauderback, Benjamin) (Entered: 04/10/2024)

04/11/2024

Thumb drive (Containing Exh A to 77) received in the Clerk's Office and placed in appropriate filing cabinet. (ABF) (Entered: 04/11/2024)

04/11/2024

80 MOTION for Leave to File *Sur-Reply* by Sean Murphy. (Attachments: # 1 Exhibit A) (Egli, Russell) (Entered: 04/11/2024)

04/15/2024

81 ORDER granting 27 Motion to Dismiss; granting 29 Motion to Dismiss; granting 32 Motion for Judgment on the Pleadings; granting 39 Motion to Dismiss; granting 44 Motion to Dismiss; granting 50 Motion for Judgment on the Pleadings; granting 16 Motion to Dismiss. As a result, the Court hereby DISMISSES all claims against all Defendants. Because the only claims remaining against Defendants are state-law claims, they are hereby DISMISSED WITHOUT PREJUDICE. An Appropriate Judgment Will Enter. Signed by District Judge Travis R McDonough on 4/15/2024. (AML) (Entered: 04/15/2024)

04/15/2024

82 JUDGMENT ORDER. Consistent with the contemporaneously filed memorandum and order, this action is hereby DISMISSED WITHOUT PREJUDICE. The Clerk is DIRECTED to close the file. Signed by District Judge Travis R McDonough on 4/15/2024. (AML) (Entered: 04/15/2024)

04/29/2024

83 MOTION for Attorney Fees by Joe Fielden, JA Fielden Inc. (Attachments: # 1 Exhibit Declaration of J. Ford Little In Support of Award of Attorneys' Fees and Expenses)(Little, J) (Entered: 04/29/2024)

05/11/2024

84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante by Sean Murphy. (Egli, Russell) (Entered: 05/11/2024)

05/13/2024

85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, by Sean Murphy. (Egli, Russell) (Entered: 05/13/2024)

05/14/2024

86 SUPPLEMENT to 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, *MEMO OF LAW IN SUPPORT* by Sean Murphy. (Egli, Russell) (Entered: 05/14/2024)

05/14/2024

87 First MOTION for Leave to File Excess Pages by Sean Murphy. (Egli, Russell) (Entered: 05/14/2024)

05/15/2024

88 Administrative Notice to Counsel 86 Supplement: requirements due by 5/20/2024. (DCB) (Entered: 05/15/2024)

05/15/2024

89 MEMORANDUM in Support of Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, 87 First MOTION for Leave to File Excess Pages *Memo in Support of Rule 59 Mot* filed by Sean Murphy. (Egli, Russell) (Entered: 05/15/2024)

05/16/2024

90 RESPONSE to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, 87 First MOTION for Leave to File Excess Pages filed by Republic Newspapers Inc. (Hollow, Richard) (Entered: 05/16/2024)

05/16/2024

91 RESPONSE to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, filed by Farragut Business Alliance Inc, Kirk Swor. (Duncan, Annie) (Entered: 05/16/2024)

05/16/2024

92 MEMORANDUM in Support re 91 Response to Motion *To Alter and/or Amend* filed by Plaintiffs. (Duncan, Annie) (Entered: 05/16/2024)

05/17/2024

93 RESPONSE in Opposition re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, filed by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 05/17/2024)

05/20/2024

94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante by Joe Fielden, JA Fielden Inc. (Attachments: # 1 Exhibit 1 - Second Declaration of J. Ford Little) (Little, J) (Entered: 05/20/2024)

05/21/2024

95 RESPONSE to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, 87 First

MOTION for Leave to File Excess Pages filed by Louise Povlin, Town of Farragut, Ron Williams. (Bibb, Brian) (Entered: 05/21/2024)

05/22/2024

96 RESPONSE to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, 87 First MOTION for Leave to File Excess Pages filed by Joe Fielden, JA Fielden Inc. (Little, J) (Entered: 05/22/2024)

05/22/2024

97 REPLY to Response to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, *Document 90* filed by Sean Murphy. (Egli, Russell) (Entered: 05/22/2024)

05/22/2024

98 REPLY to Response to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, *Documents 91-92* filed by Sean Murphy. (Egli, Russell) (Entered: 05/22/2024)

05/22/2024

99 REPLY to Response to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, *Document 93* filed by Sean Murphy. (Egli, Russell) (Entered: 05/22/2024)

05/29/2024

100 REPLY to Response to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings,

Reply to Document 95 filed by Sean Murphy.
(Egli, Russell) (Entered: 05/29/2024)

05/30/2024

101 REPLY to Response to Motion re 85 MOTION to Alter Judgment, Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, *Reply to Document 96* filed by Sean Murphy.
(Egli, Russell) (Entered: 05/30/2024)

06/03/2024

102 First MOTION for Extension of Time to File Response/Reply as to 94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante by Sean Murphy.
(Egli, Russell) (Entered: 06/03/2024)

06/04/2024

103 RESPONSE in Opposition re 102 First MOTION for Extension of Time to File Response/Reply as to 94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante filed by Joe Fielden, JA Fielden Inc.
(Little, J) (Entered: 06/04/2024)

06/06/2024

104 MOTION for Recusal by Sean Murphy, Denise Pagels. (Attachments: # 1 Other Memo of Law in support, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E) (Egli, Russell)
(Entered: 06/06/2024)

06/06/2024

105 SUPPLEMENT to 104 MOTION for Recusal *Executed Declaration of Plaintiffs' Counsel* by Sean Murphy, Denise Pagels. (Egli, Russell) Modified to clarify filing on 6/10/2024 (DCB). (Entered: 06/06/2024)

06/07/2024

106 SUPPLEMENT to 104 MOTION for Recusal
Complete Declaration of Denise Pagels by Denise Pagels. (Egli, Russell) Modified to clarify filing on 6/10/2024 (DCB). (Entered: 06/07/2024)

06/07/2024

107 SUPPLEMENT to 104 MOTION for Recusal
Complete Declaration of Sean Murphy by Sean Murphy. (Egli, Russell) Modified to clarify filing on 6/10/2024 (DCB). (Entered: 06/07/2024)

06/12/2024

108 NOTICE by Sean Murphy re 104 MOTION for Recusal *SUPPLEMENT* (Egli, Russell) (Entered: 06/12/2024)

06/13/2024

109 RESPONSE to Motion re 104 MOTION for Recusal filed by Kirk Swot (Duncan, Annie) (Entered: 06/13/2024)

06/14/2024

110 Second MOTION for Extension of Time to File Response/Reply as to 94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante by Sean Murphy. (Egli, Russell) (Entered: 06/14/2024)

06/18/2024

111 RESPONSE in Opposition re 110 Second MOTION for Extension of Time to File Response/Reply as to 94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante filed by Joe Fielden, JA Fielden Inc. (Little, J) (Entered: 06/18/2024)

06/18/2024

112 MOTION to Strike 104 MOTION for Recusal
and, in the Alternative, Response to Plaintiffs' Motion to Recuse by Joe Fielden, JA Fielden Inc. (Little, J) (Entered: 06/18/2024)

06/18/2024

113 RESPONSE in Opposition re 104 MOTION for Recusal filed by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 06/18/2024)

06/18/2024

114 RESPONSE in Opposition re 94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante , 83 MOTION for Attorney Fees filed by Sean Murphy. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Egli, Russell) (Entered: 06/18/2024)

06/19/2024

115 RESPONSE in Opposition re 104 MOTION for Recusal filed by Louise Povlin, Town of Farragut, Ron Williams. (Bibb, Brian) (Entered: 06/19/2024)

06/19/2024

116 RESPONSE in Opposition re 104 MOTION for Recusal filed by Farragut Business Alliance Inc. (Statum, Fred) (Entered: 06/19/2024)

06/20/2024

117 REPLY to Response to Motion re 104 MOTION for Recusal *Document 109 not listed* filed by Sean Murphy. (Egli, Russell) (Entered: 06/20/2024)

06/24/2024

118 REPLY to Response to Motion re 94 MOTION to Strike 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante (*Reply to Plaintiffs' Response Doc. 114*) filed by Joe Fielden, JA Fielden Inc. (Attachments: # 1 Exhibit)(Little, J) (Entered: 06/24/2024)

06/26/2024

119 ORDER REFERRING MOTION: 83 MOTION for Attorney Fees filed by JA Fielden Inc, Joe Fielden. The Court will deny the motion 104 , The Court will deny as moot 112, the Court will deny 85 87 .Signed by District Judge Travis R McDonough on June 26, 2024. (SAC) (Entered: 06/26/2024)

06/26/2024

120 To the extent Plaintiffs seek the recusal of the Magistrate Judge [*see Doc. 104 p. 2*], they have presented no basis for recusal; therefore, the Magistrate Judge declines to recuse from this matter. Signed by Magistrate Judge Jill E McCook on 6/26/2024. (This entry constitutes the complete Order of the Court.) (AGA) (Entered: 06/26/2024)

06/28/2024

121 MOTION for Leave to File *SurReply* by Sean Murphy. (Attachments: # 1 Exhibit A Proposed Document)(Egli, Russell) (Entered: 06/28/2024)

07/15/2024

122 RESPONSE to Motion re 121 MOTION for Leave to File *SurReply* filed by Joe Fielden, JA Fielden Inc. (Attachments: # 1 Exhibit 1) (Little, J) (Entered: 07/15/2024)

07/16/2024

123 PETITION for Writ of Mandamus by Sean Murphy, Denise Pagels (MKM) (Entered: 07/18/2024)

07/17/2024

124 USCA Letter re: petition for writ of mandamus, with Case Number 24-5646 for USCA, Sixth Circuit. (BJL) (Entered: 07/18/2024)

07/25/2024

125 NOTICE OF APPEAL as to 82 Judgment, 119 Order Referring Motion,, Terminate Deadlines and Hearings, 81 Order on Motion to Dismiss, Order on Motion for Judgment on the Pleadings, by Sean Murphy. Filing fee \$605, receipt number ATNEDC-5739562. (Egli, Russell) (Entered: 07/25/2024)

07/30/2024

126 MOTION to Dismiss *Plaintiffs' Notice of Appeal* by Joe Fielden, JA Fielden Inc. (Little, J) (Entered: 07/30/2024)

07/30/2024

127 MOTION to Strike 125 Notice of Appeal, by Biddle Farms Residential LLC. (Swartwood, Garrett) (Entered: 07/30/2024)

08/01/2024

128 USCA Case Number 24-5678 for 125 Notice of Appeal, filed by Sean Murphy. (MKM) (Entered: 08/01/2024)

08/05/2024

129 MOTION to Dismiss *or Strike Notice of Appeal* by Kirk Swot (Duncan, Annie) (Entered: 08/05/2024)

08/05/2024

130 MOTION to Dismiss /*Strike Notice of Appeal* by Farragut Business Alliance Inc. (Statum, Fred) (Entered: 08/05/2024)

08/15/2024

131 MOTION to Strike 125 Notice of Appeal, by Republic Newspapers Inc. (Hollow, Richard) (Entered: 08/15/2024)

08/22/2024

132 MOTION Correct Trial Court Record by Sean Murphy, Denise Pagels. (Egli, Russell) (Entered: 08/22/2024)

10/27/2024

133 NOTICE OF REMOVAL from Knox County Chancery Court, case number 209632-3. (Filing fee \$ 405 receipt number ATNEDC-5821550), filed by Denise Pagels, Sean Murphy.(Egli, Russell) (Entered: 10/27/2024)

10/28/2024

134 ORDER re 133 Notice of Removal filed by Sean Murphy, Denise Pagels. The Clerk is hereby DIRECTED to open a new case for Plaintiffs removal of the state action. Signed by District Judge Travis R McDonough on 10/28/2024. (DCB) (Entered: 10/28/2024)

10/28/2024

New case opened per 134 Order (Case No. 3:24-CV-00437). (DCB) (Entered: 10/28/2024)

12/16/2024

135 ORDER denying 126 Motion to Dismiss; denying 127 Motion to Strike; denying 129 Motion to Dismiss; denying 130 Motion to Dismiss; denying 131 Motion to Strike. Signed by District Judge Travis R McDonough on 12/16/2024. (DCB) (Entered: 12/16/2024)

12/17/2024

136 REPORT AND RECOMMENDATION re 83 MOTION for Attorney Fees, 84 MOTION to Take Deposition from Atty Little, Ewell, Wheeler and Bustamante, 94 MOTION to Strike, 102 First MOTION for Extension of Time to File Response/Reply as to 94 MOTION to Strike, 110 Second MOTION for Extension of Time to File Response/Reply as to 94 MOTION to Strike, 121 MOTION for Leave to File *SurReply*. Signed by Magistrate Judge Jill E McCook on 12/17/2024. (DCB) (Entered: 12/17/2024)

12/23/2024

137 USCA JUDGMENT as to 123 Petition for Writ of Mandamus filed by Sean Murphy. IT IS HEREBY ORDERED that the petition for a writ of mandamus is DENIED, and that this matter is DISMISSED. (MKM) (Entered: 12/23/2024)

12/23/2024

138 ORDER of USCA as to 125 Notice of Appeal, filed by Sean Murphy. The December 17, 2024, motion to supplement is DENIED, the remaining motions to supplement are GRANTED, and the petition for a writ of mandamus is DENIED. In No. 24-5678, the motions to dismiss are GRANTED and the remaining motions are DENIED AS MOOT. (MKM) (Entered: 12/23/2024)

12/23/2024

139 USCA JUDGMENT as to 125 Notice of Appeal, filed by Sean Murphy. IT IS HEREBY ORDERED that this matter is DISMISSED. (MKM) (Entered: 12/23/2024)

01/10/2025

140 ORDER accepting and adopting Report and Recommendations re 136 Report and Recommendations; denying 83 Motion for Attorney Fees; denying as moot 84 Motion to Take Deposition; denying as moot 94 Motion to Strike; denying as moot 102 Motion for Extension of Time to File Response/Reply; denying as moot 110 Motion for Extension of Time to File Response/Reply; denying as moot 121 Motion for Leave to File Document. Signed by District Judge Travis R McDonough on 1/10/2025. (DCB) (Entered: 01/10/2025)

01/29/2025

141 ORDER denying as moot 132 Motion Correct Trial Court Record. Signed by District Judge Travis R McDonough on 1/29/2025. (DCB) (Entered: 01/29/2025)

**DOCKET, U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT
(JULY 31, 2024)**

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Court of Appeals Docket #: 24-5678

Nature of Suit: 3440 Civil Rights: Other

Sean Murphy, et al v. Farragut, TN, et al

Appeal From: Eastern District of Tennessee at
Knoxville

Fee Status: fee paid

Docketed: 07/31/2024

Termed: 12/20/2024

Case Type Information:

- 1) Civil
- 2) Private
- 3) Civil Rights

Originating Court Information:

District: 0649-3 : 3:23-cv-00402

Trial Judge: Travis Randall McDonough,
Chief District Judge

Date Filed: 11/08/2023

Date Order/Judgment: 06/26/2024

Date NOA Filed: 07/25/2024

Prior Cases: None

Current Cases: Consolidated

Lead – 24-5646

Member – 24-5678

Start – 07/31/2024

End –

Plaintiff-Appellant

SEAN MURPHY, on behalf of V.M., A.M.,
E.M., A.M.

Russell Lee Egli

Direct: 865-304-4125

[COR LD NTC Retained]

Egli Law

Firm: 865-274-8872

11109 Lake Ridge Drive Third Floor
Knoxville, TN 37934

Plaintiff-Appellant

DENISE PAGELS, on behalf of V.M., A.M.,
E.M., A.M. Russell Lee Egli

Direct: 865-304-4125

[COR LD NTC Retained] (see above)

v.

Defendant-Appellee

FARRAGUT, TN

Benjamin K. Lauderback

Direct: 865-637-1700

[COR LD NTC Retained]

Watson Roach Batson & Lauderback

Firm: 865-637-1700

900 S Gay Street

Knoxville, TN 37902

Brian Robert Bibb

Direct: 865-637-1700

[COR NTC Retained]

Watson Roach Batson & Lauderback

Firm: 865-637-1700
Defendant-Appellee 900 S Gay Street
Knoxville, TN 37902

Thomas M. Hale
Direct: 865-525-5134
[COR NTC Retained] Kramer Rayson
Firm: 865-525-5134
800 S. Gay Street Suite 2500
Knoxville, TN 37929

James Snodgrass
Direct: 865-525-5134
[COR NTC Retained]
Kramer Rayson
Firm: 865-525-5134
800 S. Gay Street Suite 2500
Knoxville, TN 37929

Defendant-Appellee

MAYOR RON WILLIAMS, in both official
and individual capacities

Benjamin K. Lauderback
Direct: 865-637-1700
[COR LD NTC Retained] (see above)

Brian Robert Bibb
Direct: 865-637-1700
[COR NTC Retained] (see above)

Thomas M. Hale
Direct: 865-525-5134
[COR NTC Retained] (see above)

James Snodgrass
Direct: 865-525-5134
[COR NTC Retained] (see above)

Defendant-Appellee

VICE-MAYOR LOUISE POVLIN, in both official and individual capacities

Benjamin K. Lauderback

Direct: 865-637-1700

[COR LD NTC Retained] (see above)

Brian Robert Bibb

Direct: 865-637-1700

[COR NTC Retained] (see above)

Thomas M. Hale

Direct: 865-525-5134

[COR NTC Retained] (see above)

James Snodgrass

Direct: 865-525-5134

[COR NTC Retained] (see above)

Defendant-Appellee

JA FIELDEN, INC.

James Ford Little

Direct: 865-215-1000

[COR LD NTC Retained]

Woolf, McClane, Bright, Allen & Carpenter

P.O. Box 900

Knoxville, TN 37902

Grace Ewell

Direct: 865-215-1000

[COR NTC Retained]

Woolf, McClane, Bright, Allen & Carpenter

P.O. Box 900

Knoxville, TN 37902

Samuel Cole Wheeler

Direct: 865-215-1000

[COR NTC Retained]
Woolf, McClane, Bright, Allen & Carpenter
P.O. Box 900
Knoxville, TN 37902

Defendant-Appellee

REPUBLIC NEWSPAPERS, INC.,
dba Farragut Press Enterprise

Richard L. Hollow
Direct: 865-769-1715
[COR LD NTC Retained]
Hollow & Hollow
Firm: 865-769-1709
P.O. Box 22578
Knoxville, TN 37933

Defendant-Appellee

JOE FIELDEN
James Ford Little
Direct: 865-215-1000
[COR LD NTC Retained] (see above)

Grace Ewell
Direct: 865-215-1000
[COR NTC Retained] (see above)

Samuel Cole Wheeler
Direct: 865-215-1000
[COR NTC Retained] (see above)

Defendant-Appellee

KIRK SWOR

Annie Scott Duncan
Direct: 865-544-3833
[COR NTC Retained]
Stokes, Williams, Sharp, Cope & Mann
920 Volunteer Landing Lane
Suite 100
Knoxville, TN 37915

Ellis A. Sharp
Direct: 865-544-3833
[COR NTC Retained]
Stokes, Williams, Sharp, Cope & Mann
920 Volunteer Landing Lane
Suite 100
Knoxville, TN 37915

Defendant-Appellee

FARRAGUT BUSINESS ALLIANCE, INC.
Fred Carney Statum, III
Direct: 615-742-9420
[COR LD NTC Retained] Manier & Herod
Firm: 615-244-0030
1201 Demonbreun Street
Suite 900
Nashville, TN 37219

Defendant-Appellee

BIDDLE FARMS RESIDENTIAL, LLC
Garrett P. Swartwood
Direct: 865-584-4040
[COR LD NTC Retained]
Long, Ragsdale & Waters
1111 N. Northshore Drive
Suite 700
Knoxville, TN 37919

Defendant-Appellee

KNOX COUNTY, TN

Terminated: 08/30/2024

* * *

07/31/2024

- 1 Civil Case Docketed. Notice filed by Appellants Sean Murphy and Denise Pagels. Transcript needed: n. (RO) [Entered: 07/31/2024 10:26 AM]

07/31/2024

- 2 The case manager for this case is: Ryan Orme (RO) [Entered: 07/31/2024 10:29 AM]

07/31/2024

- 3 BRIEFING LETTER SENT setting briefing schedule: appellant brief due 09/09/2024; appellee brief due 10/09/2024. (RO) [Entered: 07/31/2024 10:29 AM]

08/01/2024

- 4 MEDIATION OFFICE is involved in this appeal.

VIDEO CONFERENCE: A Mediation conference has been scheduled for 08/23/2024 at 9:30 AM (ET) with John A. Minter. [Please open notice for important details and deadlines.] (CAW) [Entered: 08/01/2024 10:20 AM]

08/08/2024

- 5 ***LOCKED - must be refiled as a motion to hold briefing in abeyance*** FILED: *Motion for Stay of Briefing Schedule to allow for Submission of Proposed Statement of Evidence* by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels. Certificate of Service: 08/08/2024. [24-5678]-

[Edited 08/09/2024 by REO] (RLE) [Entered: 08/08/2024 08:57 PM]

08/10/2024

6 ***LOCKED - must be refiled as a motion to hold briefing in abeyance*** Corrected second successive motion filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels. If the respondent chooses to file a response, it is due in 14 days. Certificate of Service: 08/10/2024. [24-5678]– [Edited 08/12/2024 by REO] (RLE) [Entered: 08/10/2024 12:57 AM]

08/13/2024

7 APPEARANCE filed for Appellants Sean Murphy and Denise Pagels by Russ Egli. Certificate of Service: 08/13/2024. [24-5678] (RLE) [Entered: 08/13/2024 02:07 PM]

08/13/2024

8 MOTION filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels to extend time to file brief. Certificate of Service: 08/13/2024. [24-5678] (RLE) [Entered: 08/13/2024 02:26 PM]

08/14/2024

9 VIDEO CONFERENCE: The Mediation conference has been rescheduled for 09/03/2024 at 2:00 PM (ET) with John A. Minter. [Please open notice for important details and deadlines.] (LMR) [Entered: 08/14/2024 09:14 AM]

08/14/2024

10 BRIEFING LETTER SENT by Mediation Office, resetting briefing schedule: appellant brief now due 09/17/2024. appellee brief now due 10/17/2024. (LMR) [Entered: 08/14/2024 09:15 AM]

08/14/2024

11 APPEARANCE filed for Appellees Joe Fielden and JA Fielden, Inc. by J. Ford Little. Certificate of Service: 08/14/2024. [24-5678] (JFL) [Entered: 08/14/2024 10:47 AM]

08/14/2024

12 CORPORATE DISCLOSURE STATEMENT. Name of Counsel: *J. Ford Little; Joe Fielden and JA Fielden, Inc.* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? No. 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? No. Certificate of Service: 08/14/2024. [24-5678] (JFL) [Entered: 08/14/2024 10:51 AM]

08/14/2024

13 CORPORATE DISCLOSURE STATEMENT. Name of Counsel: *J. Ford Little; Joe Fielden* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? No. 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? No. Certificate of Service: 08/14/2024. [24-5678] (JFL) [Entered: 08/14/2024 10:53 AM]

08/14/2024

14 MOTION filed by Mr. James Ford Little for Joe Fielden and JA Fielden, Inc. to dismiss *the appeal* Certificate of Service: 08/14/2024. [24-5678] (JFL) [Entered: 08/14/2024 11:11 AM]

08/14/2024

15 ***LOCKED - documents that are a part of the electronic record should not be filed*** EXHIBIT

FILED by Mr. James Ford Little for Joe Fielden and JA Fielden, Inc. consisting of Appendix to Defendants/Appellees JA Fielden, Inc. and Joe Fielden's Motion To Dismiss Appeal. Certificate of Service: 08/14/2024. [24-5678]–[Edited 08/14/2024 by REO] (JFL) [Entered: 08/14/2024 11:13 AM]

08/14/2024

16 ***LOCKED - please refile using correct PACER account* APPEARANCE filed for Appellee Kirk Swor by Ellis A. Sharp. Certificate of Service: 08/14/2024. [24-5678]–[Edited 08/14/2024 by REO] (ASD) [Entered: 08/14/2024 11:22 AM]

08/14/2024

17 APPEARANCE filed for Appellee Kirk Swor by Annie S. Duncan. Certificate of Service: 08/14/2024. [24-5678] (ASD) [Entered: 08/14/2024 11:24 AM]

08/14/2024

18 APPEARANCE filed for Appellee Kirk Swor by Ellis A. Sharp. Certificate of Service: 08/14/2024. [24-5678] (EAS) [Entered: 08/14/2024 11:52 AM]

08/14/2024

19 RULING LETTER SENT to hold briefing in abeyance pending a ruling on the motion to dismiss. (RO) [Entered: 08/14/2024 11:53 AM]

08/14/2024

20 CORPORATE DISCLOSURE STATEMENT. Name of Counsel: *Ellis A. Sharp; Kirk Swor* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? *No* 2. Is there a publicly owned corporation, not a party to the appeal, with a financial

interest in the outcome? *no* Certificate of Service: 08/14/2024. [24-5678] (EAS) [Entered: 08/14/2024 12:27 PM]

08/14/2024

21 APPEARANCE filed for Appellees Farragut, TN, Louise Povlin and Ron Williams by Benjamin K. Lauderback. Certificate of Service: 08/14/2024. [24-5678] (BKL) [Entered: 08/14/2024 12:36 PM]

08/14/2024

22 APPEARANCE filed for Appellee Farragut Business Alliance, Inc. by Fred C. Statum, III. Certificate of Service: 08/14/2024. [24-5678] (FCS) [Entered: 08/14/2024 12:46 PM]

08/14/2024

23 CORPORATE DISCLOSURE STATEMENT. Name of Counsel: *Benjamin K. Lauderback; Farragut, TN* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? *No*. 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? *No*. Certificate of Service: 08/14/2024. [24-5678] (BKL) [Entered: 08/14/2024 12:46 PM]

08/14/2024

24 CORPORATE DISCLOSURE STATEMENT. Name of Counsel: *Benjamin K. Lauderback; Louise Povlin* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? *No*. 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? *No*. Certificate of Service: 08/14/2024. [24-5678] (BKL) [Entered: 08/14/2024 12:48 PM]

08/14/2024

25 CORPORATE DISCLOSURE STATEMENT.

Name of Counsel: *Fred C. Statum, III; Farragut Business Alliance, Inc.* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? NO 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? NO Certificate of Service: 08/14/2024. [24-5678] (FCS) [Entered: 08/14/2024 12:48 PM]

08/14/2024

26 CORPORATE DISCLOSURE STATEMENT.

Name of Counsel: *Benjamin K. Lauderback; Ron Williams* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? No. 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? No. Certificate of Service: 08/14/2024. [24-5678] (BKL) [Entered: 08/14/2024 12:50 PM]

08/14/2024

27 APPEARANCE filed for Appellees Farragut, TN, Louise Povlin and Ron Williams by Brian R. Bibb. Certificate of Service: 08/14/2024. [24-5678] (BRB) [Entered: 08/14/2024 12:54 PM]

08/14/2024

28 APPEARANCE filed for Appellee Biddle Farms Residential, LLC by Garrett P. Swartwood. Certificate of Service: 08/14/2024. [24-5678] (GPS) [Entered: 08/14/2024 03:23 PM]

08/14/2024

29 CORPORATE DISCLOSURE STATEMENT.

Name of Counsel: *Garrett P. Swartwood; Biddle*

Farms Residential, LLC makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? *No* 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? *No* Certificate of Service: 08/14/2024. [24-5678] (GPS) [Entered: 08/14/2024 03:27 PM]

08/14/2024

30 APPEARANCE filed for Appellee Republic Newspapers, Inc. by Richard L. Hollow. Certificate of Service: 08/14/2024. [24-5678] (RLH) [Entered: 08/14/2024 04:19 PM]

08/14/2024

31 CORPORATE DISCLOSURE STATEMENT. Name of Counsel: *Richard L. Hollow; Republic Newspapers, Inc.* makes the following disclosure: 1. Is said party a subsidiary or affiliate of a publicly owned corporation? *No* 2. Is there a publicly owned corporation, not a party to the appeal, with a financial interest in the outcome? *No* Certificate of Service: 08/14/2024. [24-5678] (RLH) [Entered: 08/14/2024 04:28 PM]

08/15/2024

32 CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES filed by Attorney Mr. Russell Lee Egli for Appellants Sean Murphy and Denise Pagels. Is this case a cross-appeal? *No*; Has this case or a related one been before this court previously? *Yes*; Case Name: *Writ of Mandamus*, Citation: 24-5645; Was this case mediated through the court's program: *No*; Parties Against Whom this Appeal is Being Taken: Biddle Farms Residential, LLC, Farragut Business Alliance, Inc., Farragut, TN, Joe Fielden, JA Fielden, Inc., Knox County,

TN, Louise Povlin, Republic Newspapers, Inc., Kirk Swor, Ron Williams and Sean Murphy and Denise Pagels ; Issues: *See attachment to Civil Appeal Statement.* Certificate of Service: 08/15/2024. [245678] (RLE) [Entered: 08/15/2024 04:52 PM]

08/16/2024

33 APPEARANCE filed for Appellees Joe Fielden and JA Fielden, Inc. by S. Cole Wheeler. Certificate of Service: 08/16/2024. [24-5678] (SCW) [Entered: 08/16/2024 07:35 AM]

08/16/2024

34 ***LOCKED - must be filed using correct PACER account*** APPEARANCE filed for Appellees Joe Fielden and JA Fielden, Inc. by Grace Malone Ewell. Certificate of Service: 08/16/2024. [24-5678]-[Edited 08/16/2024 by REO] (SCW) [Entered: 08/16/2024 08:04 AM]

08/16/2024

35 APPEARANCE filed for Appellees Joe Fielden and JA Fielden, Inc. by Grace Malone Ewell. Certificate of Service: 08/16/2024. [24-5678] (JFL) [Entered: 08/16/2024 11:11 AM]

08/20/2024

36 MOTION filed by Mr. Brian Robert Bibb for Farragut, TN, Louise Povlin and Ron Williams to dismiss case for lack of jurisdiction. Certificate of Service: 08/20/2024. [24-5678] (BRB) [Entered: 08/20/2024 03:15 PM]

08/22/2024

37 MOTION filed by Ms. Annie Scott Duncan for Kirk Swor to dismiss case for lack of jurisdiction.

Certificate of Service: 08/22/2024. [24-5678] (ASD)
[Entered: 08/22/2024 09:54 AM]

08/22/2024

38 ***LOCKED - must be refiled as a motion for extension of time to file brier** CERTIFIED SUPPLEMENTAL LIST filed. Certificate of Service: 08/22/2024. [24-5678]–[Edited 08/23/2024 by REO] (RLE) [Entered: 08/22/2024 03:52 PM]

08/23/2024

39 MOTION filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels to extend time to file brief. Certificate of Service: 08/23/2024. [24-5678] (RLE) [Entered: 08/23/2024 03:07 PM]

08/23/2024

40 RULING LETTER SENT declaring as moot motion to extend time to file brief [M] filed by Mr. Russell Lee Egli. Briefing is in abeyance pending a ruling on the motions to dismiss. (GSA)
[Entered: 08/23/2024 03:39 PM]

08/26/2024

41 LOCKED ** PLEASE REFILE AS A MOTION AND SELECT APPROPRIATE RELIEF ** LETTER filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels regarding Certificate of Service: 08/26/2024. [24-5678]–[Edited 08/27/2024 by GSA] (RLE) [Entered: 08/26/2024 05:44 PM]

08/26/2024

42 MOTION to extend time to *Respond to Motions to Dismiss Appeal filed by Appellees* and RESPONSE filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels. RESPONSE in opposition filed regarding a motion to dismiss -

jurisdiction, [37]; previously filed by Ms. Annie Scott Duncan for Kirk Swor, regarding a motion to dismiss - jurisdiction, [26]; previously filed by Mr. Brian Robert Bibb for Farragut, TN, Ron Williams and Louise Povlin, regarding a motion to dismiss case (other), [14]; previously filed by Mr. James Ford Little for JA Fielden, Inc. and Joe Fielden. Certificate of Service: 08/26/2024. [24-5678] (RLE) [Entered: 08/26/2024 10:00 PM]

08/27/2024

43 ORDER filed : Appellants' motion to extend time to file one response to all appellees' motions to dismiss [42] is GRANTED. The response is due no later than Friday, September 6, 2024. (GSA) [Entered: 08/27/2024 11:57 AM]

08/27/2024

44 MOTION filed by Mr. Garrett P. Swartwood for Biddle Farms Residential, LLC to dismiss case for lack of jurisdiction. Certificate of Service: 08/27/2024. [24-5678] (GPS) [Entered: 08/27/2024 05:14 PM]

08/28/2024

45 MOTION filed by Mr. Richard L. Hollow for Republic Newspapers, Inc. to dismiss, strike and disallow the notice of appeal of plaintiffs-appellants. Certificate of Service: 08/28/2024. [24-5678]–[Edited 08/28/2024 by GSA] (RLH) [Entered: 08/28/2024 04:17 PM]

08/29/2024

46 MOTION filed by Mr. Fred Carney Statum, Ill for Farragut Business Alliance, Inc. to dismiss *Defendant/Appellee Farragut Business Alliance, Inc.'s Motion to Dismiss Appeal* Certificate of

Service: 08/29/2024. [24-5678] (FCS) [Entered: 08/29/2024 11:10 AM]

08/30/2024

47 LETTER SENT to Mr. Russell Lee Egli for Sean Murphy and Denise Pagels, Mr. Brian Robert Bibb for Farragut, TN, Ron Williams and Louise Povlin, Ms. Annie Scott Duncan for Kirk Swor, Ms. Grace Ewell for JA Fielden, Inc. and Joe Fielden, Mr. Richard L. Hollow for Republic Newspapers, Inc., Mr. Benjamin K. Lauderback for Farragut, TN, Ron Williams and Louise Povlin, Mr. James Ford Little for JA Fielden, Inc. and Joe Fielden, Mr. Ellis A. Sharp for Kirk Swor, Mr. Fred Carney Statum, Ill for Farragut Business Alliance, Inc., Mr. Garrett P. Swartwood for Biddle Farms Residential, LLC and Mr. Samuel Cole Wheeler for JA Fielden, Inc. and Joe Fielden, regarding amended caption. (RO) [Entered: 08/30/2024 02:44 PM]

08/30/2024

48 MOTION filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels to extend time to file brief. Certificate of Service: 08/30/2024. [24-5678] (RLE) [Entered: 08/30/2024 03:00 PM]

09/06/2024

49 Mediation Office is no longer involved in this appeal. (MLB) [Entered: 09/06/2024 11:22 AM]

09/06/2024

50 MOTION filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels to extend time Certificate of Service: 08/06/2024. [24-5678] (RLE) [Entered: 09/06/2024 11:29 PM]

10/27/2024

51 MOTION filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels to stay Knox County Chancery Court with respect to the Defendant herein Town of Farragut proceeding. Certificate of Service: 10/27/2024. [24-5678] (RLE) [Entered: 10/27/2024 08:26 PM]

11/06/2024

52 APPEARANCE filed for Appellees Farragut, TN, Louise Povlin and Ron Williams by Thomas M. Hale. Certificate of Service: 11/06/2024. [24-5678] (TMH) [Entered: 11/06/2024 11:34 AM]

11/06/2024

53 APPEARANCE filed for Appellees Farragut, TN, Louise Povlin and Ron Williams by James T. Snodgrass. Certificate of Service: 11/06/2024. [24-5678] (JS) [Entered: 11/06/2024 12:13 PM]

11/06/2024

54 RESPONSE in opposition filed regarding a motion, [51]; previously filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels. Response from Attorney Mr. Thomas M Hale for Appellees Farragut, TN, Louise Povlin and Ron Williams. Certificate of Service: 11/06/2024. [24-5678] (TMH) [Entered: 11/06/2024 03:22 PM]

12/20/2024

55 ORDER filed: the motions to dismiss are GRANTED and the remaining motions are DENIED AS MOOT. No mandate to issue. Alice M. Batchelder, Circuit Judge; R. Guy Cole, Jr., Circuit Judge and John K. Bush, Circuit Judge. (RO) [Entered: 12/20/2024 04:00 PM]

12/20/2024

56 ENTRY OF JUDGMENT. (RO) [Entered: 12/20/2024 04:00 PM]

01/13/2025

57 ***LOCKED - Please refile as a petition for rehearing or rehearing en banc; the petition is late, a motion for an extension of time must also be filed separately*** MOTION filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels for *Minors as well* Certificate of Service: 01/13/2025. [24-5678]–[Edited 01/14/2025 by REO] (RLE) [Entered: 01/13/2025 06:06 PM]

01/13/2025

58 PETITION for en banc rehearing filed by Mr. Russell Lee Egli for Sean Murphy and Denise Pagels. Certificate of Service: 01/13/2025. [24-5646, 24-5678] (Also, see previous entry filed this date). (BLH) [Entered: 05/09/2025 12:39 PM]