

**IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

SHAUNDELLE BROOKS, individually,	§	
and next-of-kin to the deceased,	§	
AKILAH DASILVA,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 18C1777
	§	
v.	§	Judge Joseph P. Binkley
	§	
TRAVIS REINKING,	§	
	§	
<i>Defendant.</i>	§	

SHAUNDELLE BROOKS,	§	
as next-of-kin to the deceased,	§	
AKILAH DASILVA,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 19C980
	§	
v.	§	Judge Joseph P. Binkley
	§	
THE METROPOLITAN	§	
GOVERNMENT OF NASHVILLE	§	
AND DAVIDSON COUNTY,	§	
	§	
<i>Defendant.</i>	§	

**ORDER DENYING MOTION FOR PROTECTIVE ORDER AND
MOTION TO QUASH SUBPOENA**

This cause came to be heard via telephonic hearing at 12:00 p.m. on October 17, 2019, upon the Metropolitan Government's emergency *Motion for a Protective Order and Order Quashing Subpoena*. Upon consideration of the Metropolitan Government's Motion, the Plaintiff's Response thereto, the Metropolitan Government's Reply, the arguments of counsel, the applicable law, and the entire record, for the reasons set forth in the transcript of the Court's ruling, attached hereto as **Exhibit A** and incorporated

herein by reference, the Court **DENIES** the Metropolitan Government's *Motion for a Protective Order and Order Quashing Subpoena* and **FINDS** and **ORDERS** as follows:

1. There is no authority supporting the Metropolitan Government's Motion.
2. The deposition of Michele Donegan will go forward on October 28, 2019.
3. Michele Donegan shall bring whatever documents she has in her possession to answer the Plaintiff's requests for documents.
4. Tom Wiseman, attorney of record in Davidson County Circuit Court Case No. 19C1982, may attend the deposition and conduct an examination of Michele Donegan if he chooses to do so.
5. Chris Lackey, attorney of record for the Metropolitan Government in Davidson County Circuit Court Case No. 19C980, may attend the deposition and conduct an examination of Michele Donegan.
6. If the Metropolitan Department of Law is going to represent Ms. Donegan, then it may advise her as her attorney during her deposition.

IT IS SO ORDERED.

Entered this the ____th day of _____, 2019.

JUDGE JOSEPH P. BINKLEY
Circuit Court Judge

APPROVED FOR ENTRY BY:

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2019, a copy of the foregoing was sent via USPS mail, postage prepaid, and/or via email to the following parties:

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By: /s/ Daniel A. Horwitz
Daniel A. Horwitz, Esq.

Exhibit A

[illegible]

SHAUNDELLE BROOKS, individually,
and next-of-kin to the deceased,
AKILAH DASILVA,

Plaintiff,

v.

TRAVIS REINKING,

Defendant.

)
)
)
)
) Case No. 18C1777
)
) JURY DEMAND
)
)
) Honorable
) Joseph P. Binkley
) Presiding.
) October 17, 2019

EMERGENCY HEARING ON MOTION FOR PROTECTIVE ORDER AND MOTION
TO QUASH SUBPOENA

TRANSCRIPT OF COURT RULING ONLY

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A P P E A R A N C E S

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1 (The following transcript is
2 the Court's ruling only, which
3 was preceded by a 30-minute
4 hearing, not included:)

5 THE COURT: But what I really want to know is:
6 Where's your -- where's your rule or where's your caselaw?
7 And there is none. That's the answer, right? There is
8 none?

9 MR. LACKEY: That is correct, there is no caselaw
10 that's -- expressly addresses that issue, that's correct.
11 It's completely--

12 THE COURT: All right. Now, I'm -- I'm through --
13 I'm through with argument.

14 The deposition will go forward. And Ms. Donegan
15 will bring whatever -- whatever documents she's got--

16 MR. LACKEY: Okay.

17 THE COURT: -- in her possession to answer the
18 request for documents.

19 Contact Tom Wiseman, and tell him he's invited. I
20 -- I'm -- I'm inviting him to the deposition.

21 MR. MANOOKIAN: I will let -- Your Honor, I will
22 -- I will let him know right now.

23 THE COURT: All right. He's invited to the
24 deposition. He doesn't have to come, but he's invited,
25 because she's going to be under oath, and she's going to be

1 asked questions, and he may be -- want to be there to hear
2 what she says. He may want to ask some questions. If he
3 does, it's fine. I mean, I--

4 MR. MANOOKIAN: Okay. I just want to make sure
5 Tom -- Tom is not only permitted to be there, he -- he can
6 conduct his own examination as well.

7 THE COURT: If -- if he wants to, yes.

8 MR. MANOOKIAN: Okay.

9 THE COURT: If he choose -- if he chooses to do
10 so.

11 And Mr. Lackey, if you're not representing
12 Ms. Donegan, then get somebody who is going to be
13 representing Ms. Donegan. I mean, I -- it -- that's the
14 only thing I can say.

15 I mean, she's got to have counsel -- or maybe she
16 doesn't have to. I mean, she -- maybe she don't want
17 counsel. But if Metro wants to -- her to have counsel, then
18 she needs to get one for the 28th.

19 And -- and Metro, you can be there, Mr. Lackey.
20 You can ask questions. You -- you can participate in the
21 deposition on behalf of Metro.

22 And if you're going to represent Ms. Donegan, you
23 -- you can ask -- you can ask questions or -- or -- or
24 advise her, as her attorney. But if you're -- you got to be
25 one -- you've got to be her attorney or not her attorney.

1 And if you're not her attorney, and you think she needs one,
2 get her one for the deposition.

3 And that's the ruling of the Court. Thank you all
4 very much.

5 Mr. Manookian, will you prepare the order, please?

6 MR. MANOOKIAN: Yes, I will. Thank you,
7 Your Honor.

8 THE COURT: Thank you all. Have a good day.

9 (End of proceedings.)

10 (End of requested portion of
11 hearing.)

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1 S A E O F E N N E S S E E)
2)
2 O U N Y O F D A V I D S O N)

3 I, _____, _____,
4 DO HEREBY CERTIFY _____p_____
5 w_____, _____h_____
6 _____p_____
7 _____p_____, _____h_____.

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Lawrence M. Law

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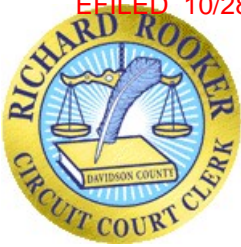
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Case Title: BROOKS V THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY

Case Number: 19C980

Type: ORDER- GENERAL

The foregoing is hereby ORDERED, ADJUDGED
AND DECREED:



Judge Joe Binkley, Jr., Fifth Circuit