

IN THE CHANCERY COURT OF HAMILTON COUNTY, TENNESSEE

CURTIS ADAMS, individually and)
on behalf of THE CITIZENS OF)
HAMILTON COUNTY and)
EAST RIDGE, TENNESSEE,)
Petitioner,)
v.)
CITY OF EAST RIDGE, TENNESSEE,)
Respondent.)

NO.: 09-0190
PART: _____

PETITION TO OBTAIN PUBLIC RECORDS

Pursuant to the Tennessee Public Records Act, T.C.A. § 10-7-503, et seq., the Petitioner, Curtis Adams, by and on behalf of The Citizens of Hamilton County and East Ridge, Tennessee, and states as follows:

I.

Curtis Adams is a duly elected official who has been elected six (6) times by the people as District 8 Commissioner for the Hamilton County Commission. Commissioner Adams is a longtime resident of East Ridge, Tennessee. Commissioner Adams brings this suit individually and on behalf of the Citizens of Hamilton County and East Ridge, Tennessee.

II.

The City of East Ridge is a municipality located in Hamilton County, Tennessee.

III.

Since March of 2008, attorney John Anderson has billed the Respondent approximately \$140,000.00 for his legal services as attorney for Respondent. Repeated requests by the citizens of East Ridge and Hamilton County for the itemized billings of attorney Anderson have been denied under the pretense that all billings are privileged or protected by the attorney-client privilege.

IV.

The records requested by the Petitioner are public records pursuant to T.C.A. § 10-7-503. As such, the records must be made available for personal inspection by any citizen of Tennessee at all times during business hours and those in charge of the records

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shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.

V.

Pursuant to T.C.A. § 10-7-505, Petitioner is entitled to file this suit for access to the records and to obtain judicial review of the actions taken by the City of East Ridge to deny access by the citizens to these records. Petitioner requests that this Court issue an order requiring the Respondent to immediately appear and show cause, if any they have, as to why this petition should not be granted.

VI.

Additionally, pursuant to T.C.A. § 10-7-505, the Petitioner requests that the Court direct that all billings from attorney Anderson to the City of East Ridge be submitted under seal for review by the Court for their inspection and a determination as to what portions of the billing, if any, are protected by the attorney-client privilege.

VII.

Pursuant to T.C.A. § 10-7-505(c), the burden of proof to justify nondisclosure is upon East Ridge and their justification must be shown by a preponderance of the evidence. Additionally, such statute provides that this Court shall have the authority to exercise full injunctive remedies and relief to give the fullest possible public access to public records.

VIII.

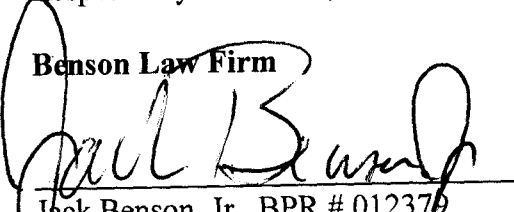
Petitioner seeks from Respondent all reasonable costs involved in obtaining these records, including reasonable attorney fees, if this Court finds that the Defendant knew that such record was public and willfully refused to disclose the same. Pursuant to the T.C.A. § 10-7-505(g), Petitioner seeks to obtain through discovery the guidance provided to the Respondent by the Office of Open Records Counsel to assist in the determination of whether Respondent's actions were willful.

WHEREFORE, the Petitioners pray:

1. That the Court issue an order requiring the Respondent to immediately appear and show cause, if any they may have, why this petition should not be granted;
2. That the Court direct the Respondent to allow the Petitioners full and complete access to all billing submitted by attorney John Anderson to Respondent;
3. That the Court inspect all billing records of attorney Anderson to Respondent for a determination as to what portion of these bills, if any, are protected by the attorney-client privilege.
4. That the Court award the Petitioner's reasonable attorney fees and cost in accordance with T.C.A. § 10-7-505, if the actions of Respondent in failing to disclose the public records were willful;
5. That the Petitioners be awarded such other and further relief as to which they may be entitled.

Respectfully submitted,

Benson Law Firm



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Chattanooga, Tennessee 37402
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COST BOND

I hereby acknowledge and bind myself for the prosecution of this action and payment of all costs in this Court which may be adjudged against the Plaintiff's attorney in the event said Plaintiff shall not pay the same.

Witness My Hand this 16 day of March, 2009.



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Chattanooga, Tennessee 37402
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CIVIL CASE COVER SHEET

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Check one: CHANCERY COURT CIRCUIT COURT

Docket NO. 09-0190

3-16-09

Date 3-16-09

Attorney of Record Jack Benson, Jr. BPR # 012379

Clerk & Master

I. Origin Original Proceeding Case Reopened Counter-claim Cross-claim 3rd Party Claim Intervening Claim Answer/Initial Responsive Pleading Other (Specify)

II. Type of Action (Check one)

Domestic Relations

361 Paternity 362 Legitimation 363 Adoption 364 Surrender 371 Divorce with minor children 372 Divorce without minor children 381 Order of Protection 391 Interstate Support-Incoming 392 Interstate Support-Outgoing

401 Other Domestic Relations (Specify)

General Civil

461 Contract/Debt 462 Specific Performance 471 Damages/Torts 481 Real Estate Matter 491 Workers Compensation 501 Probate 511 Juvenile Court Appeal 512 General Sessions Appeal 513 Appeal from Admin. Hearing 571 Conservatorship 572 Guardianship 573 Trust

581 Miscellaneous General Civil (Specify) Public Records

Other

541 Judicial Hospitalization 381 Order of Protection 382 Contempt 383 Residential Parenting/No Child Support 384 Residential Parenting/Child Support 385 Child Support 387 Wage Assignment Hearing 551 Other

III. Total amount sued for \$ _____ Specific type of damages or relief sought _____

Statutory authority for suit, if any _____

IV. Check one: Affidavit to proceed in forma pauperis Cost Bond Surety Jack Benson Jr.

V. JURY DEMAND (Check YES only if demanded in complaint) YES NO

VI. RELATED CASES (if any) Docket NO. _____ Judge _____ Date filed _____ Status _____

VII. PLAINTIFF/PETITIONER INFORMATION (List additional parties on supplemental form.)

I. Name Adams Curtis B. First Middle

AKA DBA BNF

DOB _____ Driver's License # _____

COMPANY NAME 1113 John Ross Road
ADDRESS East Ridge, TN 37412-1621
CITY STATE ZIP
EMPLOYER
ADDRESS
CITY STATE ZIP

Jack Benson, Jr. 012379
ATTORNEY BPR #
ADDRESS 622 Georgia Ave., Su. 105
Chattanooga, TN 37402
CITY STATE ZIP
PHONE PH: 423-634-7785 FX: 423-634-7787

VIII. DEFENDANT/RESPONDENT INFORMATION (List additional parties on supplemental form.)

I. Name City of East Ridge, Tennessee First Middle

AKA DBA BNF

DOB _____ Driver's License # _____

COMPANY NAME City of East Ridge, Tennessee
ADDRESS 1517 Tombras Avenue
CITY East Ridge, TN 37412
EMPLOYER
ADDRESS
CITY STATE ZIP

ATTORNEY BPR #
ADDRESS
CITY STATE ZIP
PHONE

TYPE OF SERVICE REQUIRED

Out of County Sheriff Publication (specify) _____
 Local Sheriff Other (specify) Will serve personally
 Secretary of State Special Instructions _____
 Comm. Of Ins.

IX. ASSOCIATED PARTY (Uninsured Motorist Carrier) INFORMATION N/A

I. Name _____ Address _____

Type of Service (specify) _____

Are additional plaintiffs or defendants listed on a separate sheet? YES NO