

**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,** )  
)  
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)  
)  
)  
)  
)  
)  
)  
**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

**BENSON LAW FIRM**  
**JACK BENSON, JR.**  
THE ROBINSON BUILDING  
622 GEORGIA AVENUE, SUITE 105  
CHATTANOOGA, TENNESSEE 37402  
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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.

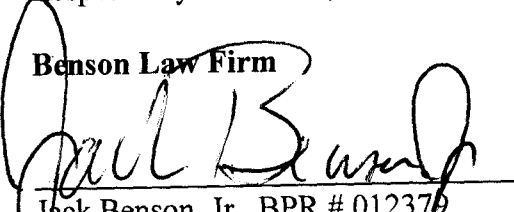
Petitioner seeks from Respondent all reasonable costs involved in obtaining these records, including reasonable attorney fees, if this Court finds that the Defendant knew that such record was public and willfully refused to disclose the same. Pursuant to the T.C.A. § 10-7-505(g), Petitioner seeks to 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**



Jack Benson, Jr. BPR # 012370  
622 Georgia Avenue, Suite 105  
Chattanooga, Tennessee 37402  
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EAST RIDGE, TENNESSEE, )  
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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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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  
East Ridge, TN 37412  
CITY STATE ZIP  
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