

Chancery Court Part I

Twentieth Judicial District
401 Metropolitan Courthouse
Nashville, Tennessee 37201

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Fax Cover

DATE: July 30, 2008 **Number of Pages:** four (4) pages including cover

**RE: ALEX FRIEDMANN, Individually and as an associate Editor of PRISON
LEGAL NEWS vs. CORRECTIONS CORPORATION OF AMERICA,
Case No. 08-1105-I**

Comments: Order entered July 30, 2008

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**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY**

ALEX FRIEDMANN, Individually
And as an associate Editor of
PRISON LEGAL NEWS,

Petitioner,

vs.

**CORRECTIONS CORPORATION OF
AMERICA,**

Respondent.

Case No. 08-1105-I

2008 JUL 30 PM 1:44
 CLERK & MASTER
 DAVIDSON COUNTY CHANCERY COURT
 D.C. & M.

FILED

ORDER


On July 29, 2008, the Court made findings of fact and conclusions of law pursuant to Tenn. Code Ann. § 10-7-505. The only issue remaining to be resolved is whether the Petitioner is entitled to attorney fees under Tenn. Code Ann. § 10-7-505(g).

The Court denies the Petitioner his attorney fees because until the Court's ruling at the July 29, 2008 hearing, it was reasonable for Corrections Corporation of America (hereafter CCA) to refuse to allow inspection of its records since CCA is a private entity. The Public Records Act does not authorize a recovery of attorney fees if the withholding governmental entity acts with a good faith belief that its records are excepted from disclosure. Tennessee courts must not impute to a governmental entity the "duty to foretell an uncertain juridical future." *Memphis Publishing Co. v. City of Memphis*, 871 S.W.2d 681, 689. Previous to the July 29, 2008 hearing, there had been no ruling under the Tennessee Public Records Act, to place CCA on notice that it must comply with the Tennessee Public Records Act as though it were a government agency. Consequently,

the Court does not find bad faith and does not find that the refusal was willful. See *Schneider v. City of Jackson*, 226 S.W.3d 332 (Tenn. 2007).

As to the main body of the case, the Petitioner should file the brief transcript of the Court's bench ruling in which the Court made findings and conclusions. The Petitioner should also submit an order which will adopt and incorporate the ruling.

This decision on the petition announced on July 29, 2008, shall constitute the final judgment on the merits pursuant to Tenn. Code Ann. § 10-7-505. Inspection of CCA records must take place immediately after the findings and conclusions are entered, unless CCA files a notice of appeal and has Court certification that a substantial legal issue exists. If CCA seeks certification, it must do so by motion and this motion shall be expedited and set for a hearing on the closest motion docket or by telephone conference or by agreement of the parties. Should a date for any motion hearing be needed, the Petitioner should contact Ms. Julie Spencer, Calendar clerk for Part I at (615) 862-5718 for expedited dates on the Court's calendar.



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CHANCERY COURT, PART I

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