

IN THE GENERAL SESSIONS COURT OF DAVIDSON COUNTY,
TENNESSEE AT NASHVILLE

BILL DARSINOS and SOUTHSIDE GRILL,

Plaintiffs,

v.

HANNAH OLSEN,

Defendant.

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Case No.: 23GC5926

**DEFENDANT’S MOTION AND INCORPORATED MEMORANDUM OF LAW
IN SUPPORT OF HER MOTION TO DISMISS AND TENN. CODE ANN. § 20-
17-104(a) PETITION TO DISMISS THE PLAINTIFFS’ COMPLAINT
PURSUANT TO THE TENNESSEE PUBLIC PARTICIPATION ACT**

I. INTRODUCTION

This is a Strategic Lawsuit Against Public Participation (a “SLAPP-suit”¹) masquerading as a defamation claim about a negative restaurant review. The Defendant’s one-star Google review—which states, in its entirety, that Southside Grill suffers from “Hateful staff & overpriced food[,]”²—contains obvious statements of opinion that are inactionable as a matter of law. The Plaintiffs’ claims must be dismissed with prejudice under the Tennessee Public Participation Act—and the Defendant is entitled to recover her attorney’s fees, costs, and an award of sanctions—as a result.

¹ “The term ‘SLAPP’ stands for ‘strategic lawsuits against public participation,’ meaning lawsuits which might be viewed as ‘discouraging the exercise of constitutional rights, often intended to silence speech in opposition to monied interests rather than to vindicate a plaintiff’s right.’” *See Nandigam Neurology, PLC v. Beavers*, No. M2020-00553-COA-R3-CV, 2021 WL 2494935, at *3 (Tenn. Ct. App. June 18, 2021) (citing Todd Hambidge, et al., *Speak Up. Tennessee’s New Anti-SLAPP Statute Provides Extra Protections to Constitutional Rights*, 55 TENN. B.J. 14, 15 (Sept. 2019)).

² See **Ex. 1**, March 2023 Google review.

II. LEGAL STANDARDS

A. MOTION TO DISMISS

“A motion to dismiss a complaint for failure to state a claim pursuant to Rule 12.02(6) of the Tennessee Rules of Civil Procedure asserts that the allegations in the complaint, accepted as true, fail to establish a cause of action for which relief can be granted.” *Conley v. State*, 141 S.W.3d 591, 594 (Tenn. 2004). Generally, a motion to dismiss is resolved by examining the pleadings alone. *See Leggett v. Duke Energy Corp.*, 308 S.W.3d 843, 851 (Tenn. 2010) (citing *Cook ex rel. Uithoven v. Spinnaker’s of Rivergate, Inc.*, 878 S.W.2d 934, 938 (Tenn. 1994)). This Court, however, may also consider “items subject to judicial notice, matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint whose authenticity is unquestioned . . . without converting the motion into one for summary judgment.” *W. Exp., Inc. v. Brentwood Servs., Inc.*, No. M2008-02227-COA-R3-CV, 2009 WL 3448747, at *3 (Tenn. Ct. App. Oct. 26, 2009) (emphasis added) (quoting *Ind. State Dist. Council of Laborers v. Brukart*, No. M2007-02271-COA-R3-CV, 2009 WL 426237, at *8 (Tenn. Ct. App. Feb.19, 2009), *perm. to app. denied* (Tenn. Aug. 24, 2009)), *no app. filed.* (in turn quoting WRIGHT AND MILLER, FEDERAL PRACTICE AND PROCEDURE, CIVIL § 1357, at 376 (3d ed.2004)).

Thereafter, where—as here—“the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief[,]” a defendant’s motion to dismiss for failure to state a claim must be granted. *See Crews v. Buckman Labs. Int’l, Inc.*, 78 S.W.3d 852, 857 (Tenn. 2002).

B. THE TENNESSEE PUBLIC PARTICIPATION ACT

The Tennessee Public Participation Act (“TPPA”)—which Tennessee enacted in

2019 to deter, expediently resolve, and punish SLAPP-suits like this one—provides that “[i]f a legal action is filed in response to a party’s exercise of the right of free speech, right to petition, or right of association, that party may petition the court to dismiss the legal action” subject to the specialized provisions of Tennessee Code Annotated §§ 20-17-104 and 20-17-105. *See* TENN. CODE ANN. § 20-17-104(a). The TPPA “provide[s] an additional substantive remedy to protect the constitutional rights of parties” that “supplement[s] any remedies which are otherwise available . . . under the Tennessee Rules of Civil Procedure.” TENN. CODE ANN. § 20-17-109. As such, nothing in the Act “[a]ffects, limits, or precludes the right of any party to assert any defense, remedy, immunity, or privilege otherwise authorized by law[.]” *See* TENN. CODE ANN. § 20-17-108(4).

In enacting the TPPA, the Tennessee General Assembly forcefully established that:

The purpose of this chapter is to encourage and safeguard the constitutional rights of persons to petition, to speak freely, to associate freely, and to participate in government to the fullest extent permitted by law and, at the same time, protect the rights of persons to file meritorious lawsuits for demonstrable injury. This chapter is consistent with and necessary to implement the rights protected by Article I, §§ 19 and 23, of the Constitution of Tennessee, as well as by the First Amendment to the United States Constitution, and shall be construed broadly to effectuate its purposes and intent.

See TENN. CODE ANN. § 20-17-102. Substantively, the TPPA also provides, among other things, that:

(1) When a party has been sued in response to the party’s exercise of the right of free speech or the right to petition, he or she “may petition the court to dismiss the legal action” pursuant to Tennessee Code Annotated § 20-17-104(a);

(2) “All discovery in the legal action is stayed” automatically by statute “until the entry of an order ruling on the petition” pursuant to § 20-17-104(d); and

(3) “The court’s order dismissing or refusing to dismiss a legal action pursuant

to a petition filed under this chapter is immediately appealable as a matter of right to the court of appeals.” *See* TENN. CODE ANN. § 20-17-106.

A TPPA petition to dismiss “may be filed within sixty (60) calendar days from the date of service of the legal action or, in the court’s discretion, at any later time that the court deems proper.” *See* TENN. CODE ANN. § 20-17-104(b). Under the TPPA, “[t]he petitioning party has the burden of making a prima facie case that a legal action against the petitioning party is based on, relates to, or is in response to that party’s exercise of the right to free speech, right to petition, or right of association.” *See* TENN. CODE ANN. § 20-17-105(a). Thereafter, the Court “shall dismiss the legal action unless the responding party establishes a prima facie case for each essential element of the claim in the legal action.” *See* TENN. CODE ANN. § 20-17-105(b). Separately, “[n]otwithstanding subsection (b), the court shall dismiss the legal action if the petitioning party establishes a valid defense to the claims in the legal action.” *See* TENN. CODE ANN. § 20-17-105(c). “If the court dismisses a legal action pursuant to a petition filed under this chapter, the legal action or the challenged claim is dismissed with prejudice.” *See* TENN. CODE ANN. § 20-17-105(e).

III. FACTS

This lawsuit arises from a single, five-word restaurant review that Defendant Hannah Olsen, an unhappy customer, posted to Google in March 2023.³ After having a negative experience at Southside Grill with her child,⁴ Ms. Olsen posted a review of the Southside Grill that states: “Hateful staff & overpriced food.”⁵ Based on her poor

³ **Ex. 1.**

⁴ **Ex. 2**, Declaration of Hannah Olsen, ¶¶ 5–8.

⁵ *Id.* at ¶ 11.

experience with Southside Grill⁶ and its menu prices,⁷ these opinions were well supported.

Shortly after posting her review online, Ms. Olsen received a “cease and desist” letter from Plaintiffs’ counsel demanding that she “immediately cease and desist illegal defamation, slander and/or libel, including the removal of all defamatory messages in online postings within three (3) business days[.]”⁸ Ms. Olsen did not acquiesce to the Plaintiffs’ baseless threat of litigation and declined to remove her constitutionally protected statements of pure opinion. Thus, based on her single, five-word review, the Plaintiffs filed this action on April 12, 2023 for “[l]ibel related to false social media posts in March, 2023, to recover damages for damage to reputation and lost business.”⁹

IV. ARGUMENT

A. THE PLAINTIFFS’ COMPLAINT FAILS TO STATE ANY CLAIM UPON WHICH RELIEF CAN BE GRANTED.

1. The Plaintiffs have failed to plead the substance of any of the statements over which they are suing.

Plaintiffs who sue for defamation are required to plead, at minimum, the substance of the statements over which they are suing. *See, e.g., Rose v. Cookeville Reg’l Med. Ctr.*, No. M2007-02368-COA-R3-CV, 2008 WL 2078056, at *4 (Tenn. Ct. App. May 14, 2008) (noting requirement that a plaintiff plead, at minimum, “the substance of the slanderous statement” even under relaxed pleading standards (citing *Handley*, 588 S.W.2d at 774-75)); *Webb v. Stanley Jones Realty, Inc.*, No. 04-1288-T/AN, 2005 WL 1959160, at *2 (W.D. Tenn. Aug. 11, 2005) (“the substance of the utterance must be set forth” (citing

⁶ *Id.* at ¶¶ 14–15.

⁷ **Ex. 3** (Southside Grill Menus featuring, among other things, a \$6.00 side of fruit, \$18.00 meatloaf, and Scottish salmon that costs either \$25 or \$26 depending on when it’s ordered).

⁸ **Ex. 4**, Plaintiffs’ March 27, 2023 Cease and Desist Letter.

⁹ **Ex. 5**, General Sessions Civil Warrant.

Handley, 588 S.W. 2d at 775)). A plaintiff's failure to set forth the substance of an allegedly defamatory statement compels dismissal. *See, e.g., Markowitz v. Skalli*, No. 13-2186-JDT-CGC, 2013 WL 4782143, at *4 (W.D. Tenn. Sept. 5, 2013) ("In the instant case, Plaintiff merely makes the conclusory statement that Defendant made 'slanderous remarks' without providing Defendant with 'the substance of the slanderous utterance [...] along with notice of the time and place of the utterance [to appraise Defendant] of the allegations that he must defend against.' . . . Therefore, it is RECOMMENDED that the Court DISMISS the complaint for failure to state a claim on which relief may be granted[.]" (citing *Handley*, 588 S.W. 2d at 775)).

Here, despite describing the alluded-to "social media posts" as "false[.]" the Plaintiffs have not bothered to append or otherwise set forth the substance of any of the statements over which they have sued.¹⁰ This is problematic, because the Plaintiffs' complaint refers to "social media posts" in the plural, indicating multiple posts,¹¹ though multiple statements were not made. Regardless, the Plaintiffs' bald reference to an unidentified number of "social media posts in March, 2023,"¹² is insufficient to meet even minimum and liberalized pleading standards. *See, e.g., Rose*, 2008 WL 2078056, at *4; *Webb*, 2005 WL 1959160, at *2. Given this context, the Plaintiffs' failure to plead the substance of their defamation claim compels dismissal as a matter of law. *See Markowitz*, 2013 WL 4782143, at *4.

2. Ms. Olsen's review is inactionable as defamation as a matter of law.

Assuming for efficiency's sake that the Plaintiffs have sued Ms. Olsen over the

¹⁰ Ex. 5.

¹¹ *Id.* (emphasis added).

¹² *Id.*

March 2023 Google review appended to this filing,¹³ the claims that the Plaintiffs assert are inactionable for myriad reasons. Accordingly, the Plaintiffs' claims fail as a matter of law.

a. As a matter of law, no statement referenced in the Plaintiffs' complaint is actionable as defamation.

Ms. Olsen's innocuous, five-word review does not present an actionable defamation claim. Instead, it is a statement of pure opinion that is not reasonably capable of conveying a defamatory meaning. At worst, it was also merely annoying, offensive, or embarrassing. Myriad Courts have already addressed whether statements exactly like Ms. Olsen's can be defamatory as a matter of law and have determined that they cannot. As a result, the review over which Ms. Olsen has been sued is inactionable as a matter of law.

Given the constitutional limitations that govern defamation claims, "ensuring that defamation actions proceed only upon statements which may actually defame a plaintiff is an essential gatekeeping function of the court." *Pendleton v. Newsome*, 772 S.E.2d 759, 763 (Va. 2015) (internal quotation omitted). With this "essential gatekeeping function" in mind, *see id.*, both our Court of Appeals and our Supreme Court have instructed that in defamation cases, "the issue of whether a communication is capable of conveying a defamatory meaning is a question of law for the court to decide in the first instance[.]" *Brown*, 393 S.W.3d at 708. *See also Aegis Scis. Corp. v. Zelenik*, No. M2012-00898-COA-R3CV, 2013 WL 175807, at *6 (Tenn. Ct. App. Jan. 16, 2013) ("[T]he preliminary question of whether a statement 'is capable of conveying a defamatory meaning' presents a question of law." (quoting *Revis v. McClean*, 31 S.W.3d 250, 253 (Tenn. Ct. App. 2000))), *no app. filed*; *McWhorter v. Barre*, 132 S.W.3d 354, 364 (Tenn. Ct. App. 2003)

¹³ **Ex. 1.**

“The question of whether [a statement] was understood by its readers as defamatory is a question for the jury, but the preliminary determination of whether [a statement] is ‘capable of being so understood is a question of law to be determined by the court.’” (quoting *Memphis Publ’g Co. v. Nichols*, 569 S.W.2d 412, 419 (Tenn. 1978))). If an allegedly defamatory statement is not capable of being understood as defamatory as a matter of law, then a plaintiff’s complaint must be dismissed for failure to state a claim. *McWhorter*, 132 S.W.3d at 364. Given this context, the Plaintiffs’ allegations that Ms. Olsen’s statement is reasonably capable of conveying a defamatory meaning is a question of law—not fact—that must be decided by this Court without any deference to the Plaintiffs’ characterizations of it. See *Brown*, 393 S.W.3d at 708–09 (“The issue of whether a communication is capable of conveying a defamatory meaning is a question of law for the court to decide in the first instance . . . To make this determination, courts ‘must look to the words themselves and are not bound by the Plaintiffs’ interpretation of them.’”); *Moman*, 1997 WL 167210, at *3 (“If the words are not reasonably capable of the meaning the plaintiff ascribes to them, the court must disregard the latter interpretation.”). Additionally, each statement that the Plaintiffs assert are defamatory “should be read as a person of ordinary intelligence would understand it in light of the surrounding circumstances[,]” rather than being read as the Plaintiffs read them. *Aegis Scis. Corp.*, 2013 WL 175807, at *6 (quoting *Revis*, 31 S.W.3d at 253).

For the reasons provided in the following subsections, the statement that forms the basis of the Plaintiffs’ claims cannot clear these hurdles. As such, the Plaintiffs have failed to state a cognizable claim for defamation as a matter of law.

- i. Subjective opinions that cannot be proved or disproved are not capable of conveying a defamatory meaning.

The Plaintiffs have sued Ms. Olsen over her statements that they have “[h]ateful staff [and] overpriced food.”¹⁴ Considered in the context in which these statements were presented, though—a necessary requirement when evaluating a defamation claim, *see Evans v. Nashville Banner Pub. Co.*, No. 87-164-II, 1988 WL 105718, at *5 (Tenn. Ct. App. Oct. 12, 1988) (“All parts of a published article should be construed as a whole. . . . Thus, we must view the photograph and its cutline in the context of the entire article.” (citing *Black v. Nashville Banner Publishing Co.*, 141 S.W.2d 908, 912 (Tenn. 1939))), *no app. filed*.—Ms. Olsen published pure and constitutionally protected opinions, and neither statement is “objectively capable of proof or disproof.” *See Moses v. Roland*, No. W2019-00902-COA-R3-CV, 2021 WL 1140273, at *11 (Tenn. Ct. App. Mar. 25, 2021) (“[I]n determining whether a statement is capable of being defamatory in this context we should look to ‘the degree to which the statements are verifiable, whether the statement is objectively capable of proof or disproof[.]’” (quoting *Patton Wallcoverings, Inc. v. Kseri*, No. 15-10407, 2015 WL 3915916, at *5 (E.D. Mich. June 25, 2015) (citing *Jolliff v. N.L.R.B.*, 513 F.3d 600, 611–12 (6th Cir. 2008))), *no app. filed*. As such, neither of Ms. Olsen’s statements is capable of conveying a defamatory meaning as a matter of law. *See, e.g., Covenant Presbyterian Church*, 2015 WL 5766685, at *3 (“[C]omments upon true and nondefamatory published facts are not actionable, even though [the comments] are stated in strong or abusive terms.”) (cleaned up); *Weidlich v. Rung*, No. M2017-00045-COA-R3-CV, 2017 WL 4862068, at *6 (Tenn. Ct. App. Oct. 26, 2017) (holding that “[a] writer’s comments upon true and nondefamatory published facts are not actionable” as a

¹⁴ Ex. 1.

matter of law); *Cummins v. Suntrust Capital Markets, Inc.*, 649 F. Supp. 2d 224, 255 (S.D.N.Y. 2009) (“the characterization of the Plaintiffs’ complicity in the June 15 option grants as self-interested, dishonest and unethical was a non-actionable statement of opinion based on fully disclosed facts”), *reconsideration denied*, No. 07 CIV. 4633(JGK), 2010 WL 985222, at *1 (S.D.N.Y. Mar. 17, 2010), *and aff’d*, 416 F. App’x 101 (2d Cir. 2011); *Clark v. Viacom Int’l Inc.*, 617 F. App’x 495, 508 (6th Cir. 2015) (“[T]he falsity requirement is met only if the statement in question makes an assertion of fact—that is, an assertion that is capable of being proved objectively incorrect.”).

Ms. Olsen based the first part of her review on her own observations and interactions with staff at the restaurant, which included staff forcing Ms. Olsen to leave the premises with no explanation.¹⁵ Just like calling someone self-interested, dishonest, and unethical is an inactionable opinion, *see Cummins*, 649 F. Supp. 2d at 255, calling staff—who forced a woman and her young child to leave a restaurant with no given reason—hateful is an opinion based on true and non-defamatory facts as well. Similarly, Ms. Olsen’s statement that the food is overpriced was based on the true and non-defamatory facts of what the prices on the menu are and her opinion that those prices are excessive.

Neither such opinion is “objectively capable of proof or disproof.” *Moses*, 2021 WL 1140273, at *11. As such, Ms. Olsen’s review is not capable of carrying a defamatory meaning, because it constitutes a subjective opinion which is not actionable as a matter of law. The Plaintiffs’ claims must be dismissed accordingly.

¹⁵ See **Ex. 2** at ¶¶ 6–7.

- ii. Ms. Olsen's statements were, at worst, merely annoying, offensive, or embarrassing.

Tennessee's courts have held that merely "annoying, offensive or embarrassing" speech is categorically inactionable as defamation. *Covenant Presbyterian Church*, 2015 WL 5766685, at *3 (quoting *Brown*, 393 S.W.3d at 708). "[T]he crux of free-speech rights is that generally they can be exercised even if (and perhaps especially when) they cause disruption and disharmony." *Bennett v. Metro. Gov't of Nashville & Davidson Cty.*, No. 3:17-CV-00630, 2019 WL 1572932, at *12 (M.D. Tenn. Apr. 11, 2019). Consequently,

[f]or a communication to be [defamatory], it must constitute a serious threat to the Plaintiffs' reputation. A [defamation] does not occur simply because the subject of a publication finds the publication annoying, offensive or embarrassing. The words must reasonably be construable as holding the plaintiff up to public hatred, contempt or ridicule. They must carry with them an element "of disgrace."

Covenant Presbyterian Church, 2015 WL 5766685, at *3 (quoting *Brown*, 393 S.W.3d at 708).

The statements over which Ms. Olsen has been sued fit neatly into this category. Put simply: the statement that Southside Grill has "[h]ateful staff [and] overpriced food"¹⁶ cannot realistically hold Plaintiffs up to public hatred, nor does it constitute a serious threat to the Plaintiffs' reputation. While perhaps annoying to Plaintiffs, such statements cannot seriously be construed as carrying an element of "disgrace." *See id.* Accordingly, Ms. Olsen's statements are inactionable as defamation for this reason, too.

- iii. Multiple courts that have addressed whether statements exactly like Ms. Olsen's can be considered defamatory have determined that they cannot be.

The Plaintiffs are not the first to sue—improperly—over statements like those at

¹⁶ Ex. 1.

issue in this lawsuit. To the contrary, courts across the country have considered whether calling a plaintiff “mean and hateful” are statements capable of defamatory meaning, and they have had little difficulty in holding that such statements are inactionable because they constitute “statement[s] of opinion devoid of objectively verifiable facts.” *Marski v. Courier Express One, Inc.*, No. 19-CV-4132, 2021 WL 4459512, at *17 (N.D. Ill. Sept. 29, 2021), *appeal dismissed sub nom. Marski v. Courier Express One, Inc.*, No. 21-2898, 2022 WL 1164664 (7th Cir. Feb. 7, 2022). *See also Jackson v. Mecklenburg Cnty., N.C.*, No. CIV. A. 3:07-CV-218, 2008 WL 2982468, at *7 (W.D.N.C. July 30, 2018) (“Becker’s first email allegation does not set forth an allegedly defamatory statement in haec verba. It is a conclusive allegation that Cameron generally makes ‘racist, inflammatory, and hateful personal remarks,’ and is insufficient to support a claim for defamation.”).

Courts have had little difficulty concluding that statements to the effect that a business is “overpriced” are not defamatory, either. *See, e.g., Todd Layne Cleaners, LLC v. Maloney*, 17 Misc. 3d 1114(A), 851 N.Y.S.2d 67 (Civ. Ct. 2007) (“[D]efendant’s alleged statement that the Cleaners ‘sucks and is overpriced’ is an expression of pure opinion.’ The words may be discourteous and vexatious, but do not constitute libel or slander because it is accorded federal constitutional protection. . . . Both statements are protected as ‘pure opinions.’”); *de Cordova v. MCG Nevada, Inc.*, No. CV-11-06114-RGK (RZx), 2011 WL 13221009, at *4 (C.D. Cal. Nov. 29, 2011) (“The three statements that reference the Sleep Master, and could therefore possibly support a claim for trade libel, refer to the product as ‘(i) inferior to the DreamHelmet, (ii) a “rip-off,” and (iii) “a mediocre and overpriced product.”’ (Countercl. ¶ 51.) The Court finds that none of these comments are statements of fact and instead are generalized comments and opinions that are incapable of being proven or disproven. *See Partington v. Bugliosi*, 56 F.3d 1147, 1153 (9th Cir.

1995). Additionally, the statements were made in the comments section on product webpages which supports the conclusion that they are not serious factual comments, but rather statements of opinion.”). Of note, construing Texas’s anti-SLAPP law (upon which Tennessee’s was based¹⁷), the Texas Court of Appeals recently determined that a Defendant’s statement that services were “grossly overpriced” was not defamatory as a matter of law and reversed a denial of the Defendant’s anti-SLAPP petition as a result. *See Abercrombie v. Angela Hightower Enterprises, Inc.*, No. 07-20-00139-CV, 2021 WL 1538251, at *2 (Tex. App. Apr. 19, 2021).

For the same reasons, the Defendant’s statements are inactionable here. The Plaintiffs’ claims must be dismissed with prejudice as a consequence.

B. THE PLAINTIFFS’ COMPLAINT SHOULD BE DISMISSED UNDER THE TENNESSEE PUBLIC PARTICIPATION ACT.

The Tennessee Public Participation Act (TPPA) separately governs the Plaintiffs’ claims. As detailed below, the TPPA also mandates that all of Plaintiffs’ claims against Ms. Olsen be dismissed with prejudice; that the Plaintiffs be ordered to pay Ms. Olsen’s attorney’s fees and costs; and that the Plaintiffs be subject to discretionary sanctions to deter repetition of their conduct.

1. Applicability of the Tennessee Public Participation Act

The Tennessee Public Participation Act—Tennessee’s still-relatively-new anti-SLAPP statute—provides that “[i]f a legal action is filed in response to a party’s exercise

¹⁷ Compare Tex. Civ. Prac. & Rem. Code Ann. § 27.009(a) (“Except as provided by Subsection (c), if the court orders dismissal of a legal action under this chapter, the court: (1) shall award to the moving party court costs and reasonable attorney’s fees incurred in defending against the legal action; and (2) may award to the moving party sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter.”) with Tenn. Code Ann. § 20-17-107(a).

of the right of free speech, right to petition, or right of association, that party may petition the court to dismiss the legal action” subject to the TPPA’s specialized provisions. *See* TENN. CODE ANN. § 20-17-104(a).¹⁸ Under Tennessee Code Annotated § 20-17-103(3), “[e]xercise of the right of free speech’ means a communication made in connection with a matter of public concern or religious expression that falls within the protection of the United States Constitution or the Tennessee Constitution.” In turn, Tennessee Code Annotated § 20-17-103(6) provides that:

“Matter of public concern” includes an issue related to:

- (A) Health or safety;
- (B) Environmental, economic, or community well-being;
- (C) The government;
- (D) A public official or public figure;
- (E) A good, product, or service in the marketplace;**
- (F) A literary, musical, artistic, political, theatrical, or audiovisual work;
- or
- (G) Any other matter deemed by a court to involve a matter of public concern[.]

Id. (emphases added).

In a TPPA case, “[t]he petitioning party has the burden of making a prima facie case that a legal action against the petitioning party is based on, relates to, or is in response to that party’s exercise of the right to free speech, right to petition, or right of association.” TENN. CODE ANN. § 20-17-105(a). Here, Ms. Olsen’s speech relates directly to a good, product, or service in the marketplace—specifically, a local restaurant (Southside Grill), its treatment of a longtime customer, and the pricing of its food. *See* Tenn. Code Ann. § 20-17-103(6)(E). This action is also nakedly retaliatory, and it has

¹⁸ The petition “may be filed within sixty (60) calendar days from the date of service of the legal action or, in the court’s discretion, at any later time that the court deems proper.” TENN. CODE ANN. § 20-17-104(b). As a consequence, having been filed within sixty (60) days of service, Ms. Olsen’s TPPA petition to dismiss this action is timely filed. *See id.*

been filed in response to Ms. Olsen’s exercise of her right to publish a negative review of Southside Grill. *See* Tenn. Code Ann. § 20-17-103(3); *see also* **Ex. 4** (“your online postings about Southside Grill and its ownership and employees on or about mid-March constitute an actionable claim for defamation. . . . Failure to comply with this cease and desist request within the stipulated time, will result in immediate legal action[.]”). In particular, after being removed from the Plaintiffs’ restaurant with no explanation and after having already been seated, Ms. Olsen posted a negative and constitutionally protected review expressing her opinion of the staff and menu pricing¹⁹—two subjective opinions that are incapable of being objectively proven or disproven.

For all of these reasons, the TPPA applies to this action, as it was filed in response to Ms. Olsen’s exercise of her right to free speech. Accordingly, having met her initial burden under Tennessee Code Annotated § 20-17-105(a), this Court “shall dismiss the legal action unless the responding party establishes a prima facie case for each essential element of the claim in the legal action.” *See* TENN. CODE ANN. § 20-17-105(b).

3. Ms. Olsen can establish valid defenses.

“Notwithstanding subsection (b), the court shall dismiss the legal action if the petitioning party establishes a valid defense to the claims in the legal action.” *See* TENN. CODE ANN. § 20-17-105(c). Pursuant to this section, Ms. Olsen expressly incorporates into this Petition each argument set forth in her motion to dismiss in support of her defense that the Plaintiffs have failed to state any cognizable claim for relief against her. Based on facts established through admissible evidence, Ms. Olsen also establishes the additional valid defenses to liability set forth below.

¹⁹ *See* **Ex. 2**.

a. The Plaintiffs' claim fails for want of actual malice or even negligence.

Where an allegedly defamatory statement involves a matter of public interest, a plaintiff is required to prove actual malice. *See West*, 53 S.W.3d at 647 (“In *Time, Inc. v. Hill*, 385 U.S. 374, 87 S. Ct. 534, 17 L.Ed.2d 456 (1967), the Court extended the actual malice standard to alleged defamatory statements about matters of public interest.”). Critically, statements about the quality of services offered to the public are matters of public concern for both First Amendment and Anti-SLAPP purposes. *See* Tenn. Code Ann. § 20-17-103(6)(D); *Nandigam Neurology, PLC v. Beavers*, 639 S.W.3d 651 (Tenn. Ct. App. 2021). *See also Neumann v. Liles*, 369 P.3d 1117, 1126 (Or. 2016) (finding statements critical of wedding planning services were matters of public concern under Oregon Anti-SLAPP statute, and holding that a defendant’s review was “an expression of opinion on matters of public concern that is protected under the First Amendment”); *Melaleuca, Inc. v. Clark*, 66 Cal. App. 4th 1344, 1363 (1998) (holding that “the public has a well-recognized interest in knowing about the quality and contents of consumer goods” and finding that statements alleging that products were unhealthy were “matters of obvious widespread public interest”); *DuPont Merck Pharmaceuticals Co. v. Superior Ct.*, 78 Cal. App. 4th 562, 566 (2000) (holding that statements comparing the quality and effectiveness of drug products were made “in connection with a public issue” for Anti-SLAPP purposes).

In this case, the Plaintiffs’ own and operate a restaurant that is open to and serves the public. Further, service at a local restaurant and the manner in which staff members interact with patrons is a matter of public concern. Thus, Ms. Olsen’s review regarding the staff’s demeanor and pricing falls within the actual malice standard.

“To prevail on a defamation claim where the actual malice standard applies, the

plaintiff ‘must prove by clear and convincing evidence that [the] defendant acted with actual malice.’” *Finney v. Jefferson*, No. M2019-00326-COA-R3-CV, 2020 WL 5666698, at *5 (Tenn. Ct. App. Sept. 23, 2020) (quoting *Jones v. State*, 426 S.W.3d 50, 57 (Tenn. 2013) (citing *New York Times v. Sullivan*, 376 U.S. at 285-86)). “The concept of actual malice in defamation cases connotes more than personal ill will, hatred, spite, or desire to injure; rather, it is limited to statements made with knowledge that they are false or with reckless disregard to their truth or falsity.” *Byrge v. Campfield*, No. E2013-01223-COA-R3CV, 2014 WL 4391117, at *5 (Tenn. Ct. App. Sept. 8, 2014) (quoting *McWhorter v. Barre*, 132 S.W.3d 354, 365 (Tenn.Ct.App.2003)).

Here, the Plaintiffs cannot prove that Ms. Olsen made false statement of fact with actual malice or even negligence. That is because she has made no verifiably false statements of fact at all and because her statements were made truthfully based on her own actual experiences. Thus, because Ms. Olsen’s review was a purely subjective opinion that is not “objectively capable of proof or disproof,” *Moses*, 2021 WL 1140273, at *11, she could not have written it “with knowledge that [it was] false or with reckless disregard to [its] truth or falsity.” *Byrge*, 2014 WL 4391117, at *5.

b. Plaintiff Bill Darsinos cannot satisfy colloquium.

In *Stones River Motors*, 651 S.W.2d at 717, the Court of Appeals explained that:

As an essential element of a cause of action for defamation, the plaintiffs must prove a false and defamatory statement *concerning another*. RESTATEMENT (SECOND) OF TORTS § 558 (1977). Otherwise stated at common law, one of the required elements of proof was the “colloquium,” a showing that the language was directed to or concerning *the charging party*.”

Id. (partial emphasis added).

Given this standard, a plaintiff cannot prosecute a defamation claim based on statements that do not contain language directed to or concerning him, *see id.*, and any

defamation claim premised upon such a statement must be dismissed as a matter of law for failure to satisfy colloquium. *See Steele v. Ritz*, No. W2008-02125-COA-R3-CV, 2009 WL 4825183, at *3 (Tenn. Ct. App. Dec. 16, 2009) (citations omitted), *no app. filed*. (“This [colloquium] requirement—often referred to as the ‘of and concerning’ requirement—confines actionable defamation to statements made against an ‘ascertained or ascertainable person, and that person must be the plaintiff.’” (quoting 53 C.J.S. LIBEL AND SLANDER; INJURIOUS FALSEHOOD § 35 (2005))).

Here, at least as far as Plaintiff Bill Darsinos’ defamation claim is concerned, the claim fails for want of colloquium. Ms. Olsen’s review was about “Southside Grill” alone, and Mr. Darsinos is not mentioned anywhere in it.²⁰ As noted above, this defect is fatal. *Stones River Motors*, 651 S.W.2d at 717; *Steele*, 2009 WL 4825183, at *3. Ms. Olsen also did not publish any other statements that mentioned Mr. Darsinos.²¹ Mr. Darsinos’ defamation claim against the Defendant must be dismissed as a consequence.

V. COSTS, ATTORNEY’S FEES, & SANCTIONS

Under Tennessee Code Annotated § 20-17-107(a):

If the court dismisses a legal action pursuant to a petition filed under this chapter, the court shall award to the petitioning party:

- (1) Court costs, reasonable attorney’s fees, discretionary costs, and other expenses incurred in filing and prevailing upon the petition; and
- (2) Any additional relief, including sanctions, that the court determines necessary to deter repetition of the conduct by the party who brought the legal action or by others similarly situated.

Id.

Here, the Plaintiffs’ prosecution of this retaliatory action merits costs, fees, and

²⁰ *See Ex. 1.*

²¹ *See Ex. 2.*

severe sanctions. The transparent purpose of this lawsuit is to silence, censor, intimidate, and retaliate against Ms. Olsen because she had the audacity to post a negative five-word review based on her experience at the Plaintiffs' restaurant. No litigant or attorney acting in good faith could reasonably believe that the Plaintiffs' claims in this lawsuit have merit. Accordingly, the Plaintiffs should be ordered to pay both mandatory costs and attorney's fees in addition to significant discretionary sanctions to deter future misconduct and misconduct by others similarly situated.

VI. CONCLUSION

For the foregoing reasons, the Defendant's Motion to Dismiss and Tennessee Public Participation Act Petition to dismiss this action should be **GRANTED**; the Plaintiffs should be ordered to pay the Defendant's court costs, reasonable attorney's fees, and discretionary costs pursuant to Tennessee Code Annotated § 20-17-107(a)(1); and this Court should assess sanctions against the Plaintiffs as necessary to deter repetition of their conduct pursuant to Tennessee Code Annotated § 20-17-107(a)(2).

Respectfully submitted,

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176
LINDSAY SMITH, BPR #035937
MELISSA K. DIX, BPR #038535
HORWITZ LAW, PLLC
4016 WESTLAWN DR.
NASHVILLE, TN 37209
daniel@horwitz.law
lindsay@horwitz.law
melissa@horwitz.law
(615) 739-2888

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of May, 2023, a copy of the foregoing was sent via operation of the Court's e-filing system, via USPS mail, postage prepaid, and/or via email to the following parties:

Jason D. Holleman
Holleman Law Group
4210 Park Avenue
Nashville, TN 37209
615-601-0839
jason.holleman@hollemanlaw.com

Counsel for Plaintiffs

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176

NOTICE OF HEARING ON MOTION/PETITION

A hearing on the above motion/petition will be held on the 15th day of May, 2023 at 10:00AM CST at the Davidson County General Sessions Court, Courtroom 1B, Justice A.A. Birch Building, 408 Second Ave. North, Nashville, TN. IF NO RESPONSE IS TIMELY FILED AND PERSONALLY SERVED, THE MOTION/PETITION SHALL BE GRANTED AND COUNSEL OR PRO SE LITIGANT NEED NOT APPEAR IN COURT AT THE TIME AND DATE SCHEDULED FOR THE HEARING.

Southside Grill

6601 Sugar Valley Dr #101, Nashville, TN

 Edit your review

4.6  603 reviews 

People often mention

- All
- brunch 35
- patio 22
- happy hour 16
- filet 13
- +6

Sort by

- Most relevant
- Newest
- Highest
- Lowest



HANNAH OLSEN

7 reviews

 a month ago - [Edit](#)

Hateful staff & overpriced food.

 1

DECLARATION OF HANNAH OLSEN

1. My name is Hannah Olsen, I am an adult citizen over the age of eighteen, have personal knowledge of the facts set forth in this Declaration, and I am competent to testify regarding them.

2. I am the Defendant in Davidson County General Sessions Court Case No. 23GC5926.

3. I have eaten at Southside Grill many times over the years. I know Bill Darsinos and he used to say hello to me when I would come into Southside Grill if he was there.

4. In or about June of 2022, I took my son to Southside Grill for a meal.

5. After being seated, I noticed a staff member looking toward our table while making a phone call.

6. A short time later, a waiter approached our table and informed me and my child that we needed to leave the restaurant immediately.

7. We were never given any explanation for why we were being ordered to leave.

8. I found it embarrassing to be told to leave a restaurant I had dined at many times in the past, after having already been seated with my child, and without being given any explanation.

9. I have not been back to Southside Grill since that June 2022 visit with my son.

10. In March 2023, still bothered by the situation and the hateful service I

received, I decided to post a short review of the business based on my experience.

11. I posted a Google review stating, “Hateful staff & overpriced food,” an authentic copy of which is attached to my Tennessee Public Participation Act petition as Exhibit 1.

12. As best I can recall, that was the only review I posted about Southside Grill in March 2023, and it is the only statement I made about Southside Grill or anyone who works there in March 2023.

13. As best I can recall, I did not post any review mentioning Bill Darsinos.

14. I called the Southside Grill staff hateful based on my personal experience being ordered to leave without any forewarning or explanation during my June 2022 visit to Southside Grill. I stand by my opinion. I also believe that the fact that I am now being sued for posting a negative restaurant review supports my opinion that Southside Grill’s staff behaves in a hateful manner.

15. I stated that Southside Grill’s food was overpriced based on the prices on the menu being, in my view, excessive. I stand by that opinion. Authentic copies of Southside Grill’s Brunch and Dinner menus are attached to my Tennessee Public Participation Act petition as Exhibit 3.

16. After I posted my review, I received a Cease and Desist letter from Southside Grill’s lawyer, an authentic copy of which is attached to my Tennessee Public Participation Act petition as Exhibit 4.

Pursuant to Tennessee Rule of Civil Procedure 72, I declare under penalty of perjury that the foregoing is true and correct.

Hannah Olsen
Hannah Olsen (May 8, 2023 15:39 CDT)

Hannah Olsen, Declarant

May 8, 2023

Date Executed






Declaration of Hannah Olsen

Final Audit Report

2023-05-08

Created:	2023-05-08
By:	Horwitz Law PLLC (daniel@horwitz.law)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2yDIuATp_dwgnxfj9ZT9fM6ihLBBIfHt

"Declaration of Hannah Olsen" History

-  Document created by Horwitz Law PLLC (daniel@horwitz.law)
2023-05-08 - 8:25:13 PM GMT- IP address: 69.226.239.171
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(<https://southsidegrillnashville.com>)

RESERVE NOW
([HTTPS://RESY.COM/CITIES/BNA/SOUTHSIDE-GRILL?DATE=2021-12-29&SEATS=2](https://resy.com/cities/bna/southside-grill?date=2021-12-29&seats=2))

BRUNCH MENU

Every Sunday 10:00am – 2:00pm

BRUNCH

Three Egg Omelet* - 13

served with side item and english muffin choice of three fillings: 5 year cheddar, smoked gouda, feta, tomato, mushrooms, spinach, sausage, bacon

Kobe Beef Truffle Burger - 18

gouda, truffle oil, bacon, arugula, tomato, grilled onion, served with a side item

Cinnamon French Toast - 11

served with maple syrup and apple cured bacon

Grilled Scottish Salmon* - 25

served on parmesan risotto topped with white wine lemon butter sauce with grilled asparagus

Eggs Oscar* - 19

toasted English muffin topped with asparagus, crab meat, poached eggs and béarnaise, served with side item

Filet & Eggs* - 28

6oz Hereford beef with cheddar cheese scrambled egg, served with apple cured bacon & an English muffin

Greek Scrambler* - 15

filet morsels, feta, spinach, artichoke hearts with scrambles eggs, topped with tzatziki, seed with an english muffin and side item

Breakfast Burrito* - 15

flour tortilla with chorizo sausage, eggs, red bell pepper, 5 year cheddar and topped with salsa and sour cream served with side item

Breakfast Tacos* - 12

scrambled eggs in flour tortillas with pico de gallo and avocado, served with salsa and sour cream and a side item. (add chorizo 2)

Sofia's Omlette* - 19

filled with goat cheese, crab meat, spinach and tomato, served with an English muffin

and side item

Steak Burger* - 15

ground filet morsels with swiss cheese, bacon arugula, tomato, grilled onions and pickle,
served with a side item

SIDES - 6

bacon, home fries, fruit, cheese grits, asparagus,
scrambled eggs

KIDS MENU - 7

(12 and under please)

grilled cheese with side item

french toast with side item

cheddar cheese scrambled eggs with side item and a biscuit

About Us

Our family has been serving the Nashville area over 35 years. Southside Grill has become a local dining favorite for Nashville and surrounding areas.

Important Links

About Us(<https://southsidegrillnashville.com/about/>)

Contact Us(<https://southsidegrillnashville.com/contact/>)

Private Dining(<https://southsidegrillnashville.com/private-dining/>)

Reserve A Table(<https://resy.com/cities/bna/southside-grill?date=2021-12-30&seats=2>)

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Designed by UrVoyce (<https://www.urvoyce.com>)



(<https://southsidegrillnashville.com>)

RESERVE NOW
([HTTPS://RESY.COM/CITIES/BNA/SOUTHSIDE-GRILL?DATE=2021-12-29&SEATS=2](https://resy.com/cities/bna/southside-grill?date=2021-12-29&seats=2))

Dinner Menu

Starting at 4:00pm Tuesday – Saturday and at 5:00pm on Sunday

STARTERS

Fried Calamari - 16

with red bell peppers, served with marinara

Cheese Sticks - 9

served with tomato sauce

Octopus - 16

grilled, topped with extra virgin Greek olive oil lemon sauce

Mediterranean Plate - 16

baguette with honey & goat cheese, hummus & tzatziki, pita bread, cucumbers, Kalamata olives & sliced green apples

Beef Bruschetta* - 10

blackened filet morsels on baguette with goat cheese and tomato concasse

Warm Lump Crab Salad - 20

romaine, fennel, orange segments, bleu cheese, pine nuts, topped with crab in a warm olive oil dressing

Creamy Tomato Soup - 7

with goat cheese & croutons

Sweet & Spicy Shrimp - 14

fried and tossed with our chili sauce, topped with sesame seeds and green onions

Whipped Feta - 10

spicy honey, pistachios and grilled pita

SALADS

Caesar* - 10

croutons, parmesan, house caesar dressing

Iceberg Wedge - 10

bacon, chopped egg, and grape tomatoes topped with a bleu cheese gorgonzola dressing

add grilled Ashley farms chicken - 8 | Scottish salmon - 15 | shrimp - 8

ENTREES

add house or caesar salad - 4

Filet Mignon* - 28/36

6oz/9oz Hereford beef with gouda mashed potatoes and grilled asparagus

Meatloaf - 18

ground filet meatloaf topped with gravy on mashed potatoes and grilled broccolini

Lobster Stuffed Ravioli with Shrimp - 26

with crispy prosciutto and a creamy truffle oil parmesan cheese sauce with spinach

Black & Bleu Pasta - 22

pan blackened filet morsels sauteed with grape tomatoes and mushrooms in a creamy gorgonzola cheese sauce with cheese tortellini

Scottish Salmon* - 26

grilled and topped with a white wine lemon butter sauce on mashed potatoes and grilled asparagus

Filet Medallions Oscar* - 34

Hereford Beef with crab meat, asparagus and bearnaise with mashed potatoes

Braised Pork Ragu & Burrata - 20

pork shoulder in red wine tomato sauce with cavatappi pasta

Pistachio Chicken - 20

served on goat cheese mashed potatoes with brussels sprouts

Brasserie Chicken - 20

Ashley Farms chicken, marinated and panko encrusted, sauteed and topped with white wine lemon butter caper sauce on parmesan risotto with sauteed spinach

Shrimp Fresca Linguine - 21

tomatoes, spinach, artichoke hearts, basil, onions, garlic, red pepper flakes and linguine

SANDWICHES & BURGERS

served with a side, add house or caesar salad - 4

Kobe Beef Truffle Burger* - 18

manchego, truffle oil, apple cured bacon, arugula, tomato, grilled onions and pickle

Classic Kobe Burger* - 17

american cheese, arugula, tomato, grilled onions and pickle

Steak Burger* - 15

ground filet morsels burger topped with swiss cheese, bacon, arugula, tomato, grilled onions and pickle

Ashley Farms Chicken Sandwich - 14

american cheese, apple cured bacon, arugula, tomato, grilled onions and pickle

SIDES - 7

fries, mashed potatoes, sautéed spinach, brussels sprouts, grilled asparagus, grilled
broccoli, parmesan risotto, green beans

DESSERT

Anne's Cake - 7

Our pick from Anne's Bakery

Chocolate Cake - 7

Three Layer with Chocolate Ganache Frosting

*consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase
your risk of food borne illness, especially if you have certain medical conditions

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Designed by UrVoyce (<https://www.urvoyce.com>)



Jason Holleman
Direct: 615.579.8929
jason.holleman@hollemanlaw.com

4210 Park Avenue
Nashville, Tennessee 37209
Office: 615.601.0839
Website: www.hollemanlaw.com

March 27, 2023

Ms. Hannah Olsen
1993 Eulas Way
Nolensville, Tennessee 37135

**RE: CEASE AND DESIST LIBELOUS POSTINGS
AGAINST SOUTHSIDE GRILL**

Dear Ms. Olsen:

Please be advised that I represent the owners of Southside Grill in Nashville, Tennessee, and you are hereby notified to ***cease and desist*** any and all further unlawful defamation, slander and/or libel against this restaurant and/or its ownership and/or employees.

Under Tennessee law, it is an actionable offense to provide a false statement, whether written or oral, of an individual's character and/or reputation, which consist of:

- any false statement, pictures or video intended to cause harm or damage another's character and/or reputation;
- that is communicated to another either in writing or verbally; and
- which the offending party is aware or should have been aware that such statement, pictures or video was false.

As I am sure you are aware, your online postings about Southside Grill and its ownership and employees on or about mid-March constitute an actionable claim for defamation. You are, therefore, demanded to ***immediately cease and desist*** illegal defamation, slander and/or libel, including the removal of all defamatory messages in online postings within three (3) business days of the receipt of this letter. Failure to comply with this cease and desist request within the stipulated time, will result in immediate legal action, including but not limited to filing of a motion for injunctive relief, monetary damages, filing fees, court and attorneys' fees.

If you need to reach me to discuss this matter further, you may call me at (615) 579-8929.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason D. Holleman', with a long, sweeping flourish extending to the right.

Jason D. Holleman

STATE OF TENNESSEE, COUNTY OF DAVIDSON

To Any Lawful Officer To Execute and Return:

Summon HANNAH OLSEN

to appear before the Metropolitan General Sessions Court of Davidson County, Tennessee, to be held in **Courtroom 1B**, Justice A. A. Birch Building, 408 Second Avenue North, Nashville, Tennessee, on 05/15/2023, at 10:00am, then and there to answer in a civil action (under \$25,000) brought by

the Plaintiff(s) for:

Libel related to false social media posts in March, 2023, to recover damages for damage to reputation and lost business.

NOTICE TO THE DEFENDANT(S)

Failure to appear and answer this Summons will result in judgment by default being rendered against you for the relief requested. Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. This list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these items include items of necessary wearing apparel (clothing) for yourself and your family and trunks and other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to execute it, you may wish to seek the counsel of a lawyer.

TO REQUEST AN ADA ACCOMMODATION, PLEASE CONTACT TREY COLLIER AT (615) 880-3309.

ISSUED 04/13/23 07:20 AM Joseph P. Day, Clerk /s/ Kim Wolfe

COURTROOM 1B

NO. 23GC5926

Original

BILL DARSINOS AND SOUTHSIDE GRILL

Plaintiff

Plaintiff

6601 SUGAR VALLEY DRIVE, #101, NASHVILLE, TN 37221

Address

Telephone

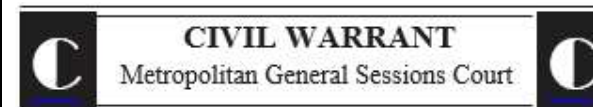
vs.

HANNAH OLSEN

Defendant

Defendant

Defendant



Day of Week: Monday

Set for 10:00am on 05/15/2023, **Courtroom 1B**,

Justice A. A. Birch Building

408 Second Avenue North

P.O. Box 196304

Nashville, Tennessee 37219-6304

JASON HOLLEMAN

Attorney for Plaintiff

Telephone _____

Attorney for Defendant

Telephone _____