

**IN THE CHANCERY COURT OF SUMNER COUNTY, TENNESSEE  
AT GALLATIN**

<b>PASCAL JOUVENCE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>Case No.:</b>
<b>PAIGE BROWN, in her official capacity</b>	)	
<b>as mayor of the City of Gallatin, and</b>	)	
<b>THE CITY OF GALLATIN,</b>	)	
	)	
<b>Defendants.</b>	)	

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**VERIFIED PETITION FOR DECLARATORY JUDGMENT  
AND INJUNCTIVE RELIEF**

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**COMES NOW** Plaintiff PASCAL JOUVENCE, by and through counsel, and seeks a declaratory judgment pursuant to T.C.A. § 29-14-103 that Gallatin Ordinance § 25-0741 (“Ordinance”) is void as Councilman Jouvence was not afforded the opportunity to deliberate and vote on such ordinance as mandated by the Gallatin City Charter. Additionally, Councilman Jouvence seeks a preliminary and permanent injunction pursuant to T.R.C.P. 65 enjoining Mayor Paige Brown from arbitrarily interfering with the deliberative process of the City Council by refusing to allow Councilman Jouvence to use visual presentations during meetings and enjoining Mayor Paige Brown from refusing to allow Councilman Jouvence to place items on the agenda for committee meetings.

**PARTIES**

1. Plaintiff Pascal Jouvence (“Councilman Jouvence”) is the duly elected councilman

of the City of Galatin for District 3 and is a resident of the City of Gallatin, Tennessee.

2. Defendant Paige Brown (sometimes referred to as “Mayor” or “Mayor Brown”), who is being sued in her official capacity, is the duly elected mayor of the City of Gallatin and can be served at her principal place of business, to wit: 132 West Main Street, Gallatin, TN 37066.

3. The City of Gallatin (“Gallatin”), a municipal corporation, was created by the Tennessee General Assembly pursuant to the Private Act of 1953 and can be served via Mayor Brown at her place of business: to wit: 132 West Main Street, Gallatin, TN 37066.

### **FACTUAL ALLEGATIONS**

4. The governing body of the Gallatin is the city council (“Council”), which is composed of seven (7) Aldermen who are elected by the citizen of the Gallatin.

5. Pursuant to the City Charter, the corporate authority of the Gallatin is vested in the Mayor and Council. *See* Charter, Art. I, Sec. 3.

6. Pursuant to the City Charter, “[T]he legislative and other powers, except as otherwise provided by this charter, are hereby delegated to and vested in the City Council and the City Council may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which all powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or State to protect the rights of the city.” Charter, Art. III, Sec. 6.

7. As a member of the Council, a councilman<sup>1</sup> takes an oath that “they will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances

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<sup>1</sup> Though under the Charter the members of the City Council are referred to as aldermen, colloquially, they are referred to as councilmen and, thus, this term will be used herein.

of the city, and they will faithfully discharge the duties of their offices to the best of their ability.”  
Charter, Art. III, Sec. 16.

8. Under the City Charter, the Council “shall serve as the legislative body of the City of Gallatin”. See Charter, Art. II, Sec. 2-27.

9. Under the City Charter, the Council shall “act only as a body exercising its duties and powers in sessions duly assembled and no member nor group of members thereof shall exercise or attempt to exercise the power conferred upon the city council except through proceedings adopted at some regular or special session.” See Charter, Art. II, Sec. 2-27(1).

10. Under the City Charter, the Council shall “serve as a policy making body only, and support the mayor in implementation of said policy as passed by majority vote of the council meeting in regular and special session.” See Charter, Art. II, Sec. 2-27(4).

11. As to Council meetings, the mayor of the City shall “[b]e the chief executive officer of the municipality and shall preside at meetings of the council, may introduce ordinances and resolutions and shall have a seat, a voice, a veto, in accordance with Article V, section 4 of the Charter, but no vote, except for the purposed of breaking a tie, and in the election or termination of city officials, appointed or elected by the city council under the City Charter, when he or she shall vote as other members of the council; . . .”. See Charter, Art. II, Sec. 2-46(1).

12. Under the City Charter, the Council is to meet at 6:00 p.m. on the first and third Tuesday of each month. See Charter, Art. II, Sec. 2-91.

13. Each meeting has an order of business, which includes “old business” and “new business”. See Charter, Art. II, Sect. 2-92.

14. Pursuant to the City Charter, “. . . the City Council may determine the rules of their

proceedings, subject to this charter . .” See Charter Art. III, Sect. 12.

15. Pursuant to the City Charter, “The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, will provide guidance for the orderly and efficient transaction of business by and before the City Council at its meetings, to the extent the rules are applicable and are not inconsistent with provisions of the Charter or this Code.” See Charter, Art. II, Sec. 2-93.

16. Without any authority, the Mayor has essentially completely ignored the Robert’s Rules of Order and has merely presided over the meeting in the fashion she so chooses and, in an effort, to advance her own agenda instead of the agenda of the people as determined by their elected councilmen.

17. The Mayor has engaged in practices which demonstrate that she does not respect that the councilmen are the elected representatives of the people and that under the City Charter, it is through the Council’s votes that the Gallatin ordinances are passed and Gallatin’s policy is set.

18. When the Mayor does not agree or does not like the comments of a councilman, she will abruptly interrupt the councilman, try to re-direct the discussions or otherwise misuse her authority to minimize the right of the councilman to deliberate or even vote.

19. Pursuant to the Charter and ordinances, it is clear that the primary duties and responsibility of the councilmen are to have a thorough deliberation process and according to such, vote to achieve the collective will of the people through their representatives on the Council.

20. The Mayor routinely attempts to thwart the primary function of the Council by deliberately interfering with the Council, even though she does not, in the normal course of

business, have the right to vote.

21. The most blatant attempt of the Mayor to circumvent the deliberative process and interfere with the councilmen's duty to deliberate on behalf of their constituents is seen in the fact that Mayor Brown has prevented Councilman Jouvence from using visual aids to assist in the deliberation of an issue.

22. Mayor Brown has a palpable level of disrespect and intolerance for Councilman Jouvence's representation of his constituents as he does not share Mayor Brown's view on many issues facing the City; including, Councilman Jouvence does not believe in unfettered and uncontrolled growth in Gallatin as does the Mayor.

23. Mayor Brown routinely interrupts Councilman Jouvence and/or attempts to end or re-direct his comments.

24. Mayor Brown also often feigns confusion or attempts to portray Councilman Jouvence's comments as nonsensical or unproductive.

25. Mayor Brown in general does not like how Councilman Jouvence votes or his general attempts to direct the policy of the Gallatin as the Charter commissions him to do.

26. In an attempt to interfere with Councilman Jouvences duties as dictated by the City Charter, beginning in the middle of 2024, citing her authority to "run the meeting", Mayor Brown asked Councilman Jouvence to let her know when he intended to use visual aids during the council meetings.

27. Thereafter, again with no authority, Mayor Brown began demanding that he show her the visual aid before they are presented in a Council meeting.

28. Initially, Councilman Jouvence complied but he soon realized it was only an effort

by Mayor Brown to interfere with his duties to deliberate over the issues which came before the Council and was part of her pattern of attempting to dictate the agenda and the voting of the Council.

29. Councilman Jouvence also believed that communicating with Mayor Brown prior to a meeting about matters upon which she could possibly vote could be a violation of the Open Meeting Act.

30. During the September 2, 2025 Council meeting, a second reading of Gallatin Municipal Code § 025-0741, which dealt with the rezoning of the Wedgewood town homes from R-15 residential to mixed-use, came before the Council.

31. Councilman Jouvence opposed the previous votes as he was against approving high density developments such as town homes next to traditional residential lots and homes.

32. Prior to the meeting, Councilman Jouvence spoke with adjacent neighbors who had concerns about the congestion that high destiny developments would cause in and about their neighborhood.

33. Councilman Jouvence also compiled a brief visual presentation, which included an overhead shot of the area around the proposed location for the townhomes. A true and accurate copy of the visual presentation is attached hereto as Exhibit A.

34. Prior to the City Council, upon information and belief, Mayor was apprised of the fact that Councilman Jouvence intended to use a visual presentation which would oppose the approval of the townhomes.

35. Prior to the Council meeting, the Mayor consulted with Jenna Landstrom, a city employee who was operating the AV system during the meeting, and Landstrom explained to the

Mayor that Councilman Jouvence's presentation included overhead pictures of the proposed location for the townhomes.

36. The Mayor was fully aware prior to the meeting of the content which Councilman Jouvence intended to present during the meeting.

37. Upon information and belief, in part, the Mayor did not want Councilman Jouvence to show the pictures of the affected area because she did not want citizens in the audience or who may be watching on YouTube to see what her irresponsible growth agenda would do to yet another neighborhood.

38. Prior to the ordinance coming up for discussion and vote, the Mayor made the determination she would prevent Councilman Jouvence from using the visual presentation based solely on the fact that she did not like the implications of his presentation.

39. Upon the Mayor opening up the floor for discussion on the ordinance, Councilman Jouvence raised his hand to speak and was recognized.

40. Councilman Jouvence began to express concern about how the rezoning will affect the area in question and attempted to use a visual aid to demonstrate the congestion which would be caused by the rezoning.

41. The visual aid would have shown that the proposed townhomes would be adjacent to residential homes.

42. At that time, Mayor Brown, claiming she "is in charge of the meetings", objected to the use of the visual aid because she "was not comfortable" having not been able to preview the visual aid.

43. The Mayor's indication that she was not comfortable with the visual aid as she did

not have a chance to review was misleading as Landstrom had explained to the Mayor the content of Councilman Jouvence's visual aid.

44. Councilman Jouvence correctly pointed out that the Mayor did not prevent others from using visual aids.

45. Ignoring the truth, Mayor Brown simply announced again that "I am in charge of the meetings".

46. Within two minutes of Mayor Brown preventing Councilman Jouvence from using a visual aid, Bryan Rose, the City Planner was allowed to use a visual aid in addressing the same issue.

47. In showing the need for the visual aid which Councilman Jouvence intended to use, shortly after Mayor Brown interfered with Councilman Jouvence's duty to deliberate upon behalf of his constituents, one of the councilmen specifically asked, "What is going to be adjoining this? Anything on the other side? . . . I can't remember." The councilman went on to explain the importance of buffering between townhomes and traditional residential homes.

48. While during the comments related to the Ordinance 025-0741, Mayor Brown did not make her opinions known, however, in comments on another zoning vote which involved apartments, Mayor Brown made it clear she supports additional apartments and townhomes in Gallatin.

49. The Mayor specifically targeting Councilman Jouvence's comments in attempt to affect the outcome of the deliberations to her favor.

50. Councilman Jouvence explained to Mayor Brown that she was interfering with him doing his job and he would leave the meeting if he was not allowed to make his presentation.



51. In a prime example of the Mayor's disregard of the Councilman Jouvence's integral role on the Council, the Mayor responded, "No, you are actually trying to interfere with my job which is to lead this meeting."

52. The Mayor then claimed she had the right to be "comfortable" and she had the right to run the meeting.

53. Mayor Brown also attempted to misrepresent Councilman Jouvence's efforts. She stated multiple times that "You cannot do anything you want at a council meeting".

54. Councilman Jouvence was not trying to do "anything he wants at a council meeting"; he was trying to fulfill his duties under the Charter by engaging in the deliberative process with the use of visual aids to assist the Council in understanding the issue at hand.

55. It is Mayor Brown who believes she can do whatever she wants notwithstanding the mandates of the City Charter and the Gallatin Code.

56. Given the Mayor's persistent refusal to allow Councilman Jouvence to exercise his duties as dictated by the Charter, Councilman Jouvence left the Council meeting.

57. Despite the Mayor intentionally foiling the deliberative process, she proceeded with the vote on the second reading of the Ordinance, which passed 5 to 1.

58. Given that Councilman Jouvence's efforts to prevent Mayor Brown's unlawful interference were unsuccessful, he engaged counsel and a draft of this petition was sent to the City Attorney.

59. Mayor Brown was unmoved by the petition which clearly outlined her unlawful behavior and, instead, extended her concerted effort to interfere with the Council's duties and responsibilities outlined under the Charter.

60. Upon information and belief, the Mayor recruited other councilmen to assist in interfering with Councilman Jouvence's use of visual aids.

61. During the October 14, 2025, committee meeting, Councilman Shawn Fennell ("Councilman Fennell"), who is a loyal disciple of the Mayor, raised the issue of whether there should be a procedure for presenting visual aids during Council meetings.

62. Councilman Fennell was working in concert with the Mayor to unlawfully interfere with Jouvence's duties and responsibilities related to the deliberative process.

63. Councilman Fennell stated that the visual aid should be approved by the City Attorney, which is one of the remedies that had been discussed between the parties in this matter.

64. Councilman Fennell's commentary strongly suggests that he spoke with the Mayor, whether directly or indirectly, and conspired with her to attempt to thwart Councilman Jouvence's ability to fulfill his duties under the City Charter.

65. The Council discussed various measures but did not vote to add any rule or procedure for presenting visual aids during a Council meeting.

66. During the discussion, the Mayor revealed her true disregard for Jouvence's position as an elected official of the City.

67. When Councilman Jouvence pointed out that many others made presentations before the Council without pre-approval, the Mayor responded that before those presentations, a department head would have reviewed it.

68. Given the Mayor's response, it is evident that the Mayor takes the position that it is acceptable under the law to rely on the discretion of a department head, who actually works at the pleasure of the Council pursuant to the Gallatin Code, on what should be displayed during

Council meetings, but she believes Councilman Jouvence requires pre-approval or some oversight as to what he can display before the Council.

69. The lack of logic in the Mayor's position exposes her true motivation in interfering with Councilman Jouvence, which has nothing to do with the orderly fashion of the Council and is about her attempt to silence Councilman Jouvence because he does not agree with her agenda.

70. Despite there not being any rule or procedure in place, at the November 4, 2025 Council meeting, the Mayor once again attempted to interfere with Councilman Jouvence by creating out of thin air a procedure that required the Council to approve the use of visual aids during a Council meeting.

71. During the discussion of a road acceptance, which required the approval of the Council, Councilman Jouvence stated he wanted to show a short 20 second video to demonstrate an issue which needed to be addressed before voting on approval.

72. Mayor Brown stated that someone needed to make a motion to allow Councilman Jouvence to use a visual aid.

73. Pursuant to the Mayor's demand, a councilman made a motion, it was seconded and the motion passed.

74. The short video was shown which demonstrated that there was severe flooding in the area which was the subject of the resolution before the Council.

75. Councilman Jouvence explained that the video had been taken by the owner and demonstrated what happens after a few days of rain.

76. Mayor Brown, in her typical fashion, immediately began her effort to undermine Councilman Jouvence.

77. Mayor Brown stated that she was not sure what the area looked like after a couple of days of rain, thereby implying that the video was not accurate.

78. Mayor Brown then falsely stated that the video was from November of 2024, however, once it was explained to her the video had no date on it, she had to retract her false statement.

79. Councilman Jouvence explained the video had been provided by the owner a couple of weeks ago.

80. Mayor Brown's incredulity and false statements regarding the video exposed her motivation in preventing visual aids: she does not want the citizens of Gallatin to see the true effect of her reckless growth agenda.

81. Further evidence of Mayor Brown's unlawful effort to silence Councilman Jouvence is found in the Mayor's refusal to place items on the agenda pursuant to his request.

82. Gallatin Municipal Code § 2-71(c), states, "All department heads and all other persons desiring to present any matter to the council committee shall notify the mayor in writing of the matter(s) to be placed upon the council committee agenda. Such notification must be made at least five (5) calendar days in advance of the date of the council committee meeting in order to be placed upon the agenda. The council committee may, upon majority vote, waive the five-day written notice. The mayor shall prepare the agenda and deliver such to the council committee at least two (2) days in advance of any meeting of the council committee. The council committee, may upon majority vote, consider any non-agenda matter."

83. Pursuant to the aforementioned ordinance, on October 22, 2025, Councilman Jouvence emailed Mayor Brown and requested that an item be placed on the agenda. A true and

accurate copy of the email is attached hereto as Exhibit B.

84. Mayor Brown ignored Councilman Jouvence's request and did not even bother to respond.

85. Councilman Jouvence followed up in an October 29, 2025 email and requested again that the item be placed on the agenda.

86. Mayor Brown responded saying she was "busy", implying that is why she ignored Councilman Jouvence's request.

87. She then stated that the "practice" was that he needed to raise the issue at the meeting and that she was not "comfortable" with putting the item on the agenda.

88. Despite Councilman Jouvence outlining that the Gallatin Code allows "any person" to place an item on the agenda, Mayor Brown did not put the item on the agenda.

89. The Mayor's refusal to comply with the plain language of the law demonstrates that Mayor Brown is operating outside her authority under the Charter or the Gallatin Code in a concerted effort to silence Councilman Jouvence or interfere with his official duty of setting Gallatin's policy.

90. Mayor Brown's frequent interference with Councilman Jouvence's duties as councilman has caused irreparable harm and will continue to cause irreparable harm as without robust and informed deliberations, which is determined by the councilmen, not the Mayor, Councilman Jouvence cannot properly represent his constituents, which is his official duty under the City Charter.

## **CAUSES OF ACTION**

### **COUNT I: DECLARATORY JUDGMENT**

91. The previous paragraphs are hereby incorporated and adopted as if set forth fully herein.

92. “Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.” T.C.A. § 29-14-103

93. A declaratory judgment is the proper vehicle to determine the legality of ordinance passed by the City Council.

94. Plaintiff seeks a declaratory judgment that Ordinance 25-0741 is void as it was passed without the full deliberation and/or vote of Councilman Jouvence which is mandated by the City Charter.

95. Under the City Charter, “Every ordinance shall be passed on two separate votes, each vote to be on a separate day, in an open session of the City Council before it shall become effective, . . . All ordinances and resolutions shall be effective on final passage unless otherwise provided therein.” See Charter, Art. IV, Section 3.

96. Under the City charter, the Council is the legislative body and it sets the policy of the City.

97. Ordinances are passed by the Council after deliberation as governed by Roberts’ Rules of Order.

98. The deliberative process is how the Council functions as a body and without it the Council cannot conduct the main objective of the Council, to wit: pass ordinances and resolutions which represent the collective will of the people through their respected representatives.

99. In the matter of *Cornett v. Fetzer*, 604 S.W.2d 62, 63 (Tenn. Ct. App. 1980), the Tennessee Court of Appeals has explained the importance of the deliberative process, especially at the city council level, when finding that members of a city council should have absolute immunity from statements made during a council meeting, “We feel that the above policy is equally relevant and should apply with equal weight with regard to subordinate legislative bodies. Such lesser legislative entities make important social and economic decisions that many times affect our lives to a greater degree than do decisions made by our state legislators and congressmen. If the utterances of members of the legislative bodies such as city councils are not cloaked with an absolute privilege, an unwarranted consideration-personal monetary liability-will be interjected into a councilman's decision making process. *This, we feel, would have the unavoidable effect of inhibiting the independent and forceful debate out of which decisions which best serve the interests of the populace are borne.*”(emphasis added).

100. The Mayor’s actions as outlined herein implicate the crucial doctrine of separation of powers.

101. The United States form of government is a representative republic in which the power is held by the people and elected officials represent the people.

102. The primary tenet of a representative republic is that laws which govern the people are passed by the people through representatives they elect.

103. The City of Gallatin, like most governments in American, is founded on the principle of separation of powers as set forth in the City Charter.

104. The concept of separation of powers is a crucial tenant of a republican government as it ensures that no one person or branch can overrule the will of the people.

105. “Our democracy is based on a constitutional form of government. As such, one of its basic and fundamental features is the vesting of governmental powers in three branches, the executive, legislative and judicial. It is generally acknowledged that these branches are coordinate, independent, coequal, and potentially coextensive. *It has been declared that the division of governmental powers into executive, legislative, and judicial represents probably the most important principle of government declaring and guaranteeing the liberties of the people, and that it is a matter of fundamental necessity, and is essential to the maintenance of a republican form of government.*” *Anderson Cnty. Quarterly Court v. Judges of 28th Judicial Circuit*, 579 S.W.2d 875, 877 (Tenn. Ct. App. 1978)(citations omitted)(emphases added).

106. “In the theory of our government, all sovereignty is inherent in the people. The Constitution of this state to expressly declares. It further declares (article 2, § 1) that ‘the powers of government shall be divided into the three distinct departments, the legislative, executive, and judicial,’ and (section 2) that no one of these departments ‘shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.’ Thus each department is limited within its own appropriate sphere. To each has been delegated by the people—whose agents they are—such portion of sovereignty as was deemed expedient. On the one hand, neither can assume the exercise of any of the powers conferred upon either of the others; nor, on the other, can either divest itself—by transfer to another department, or other



subagent—of any portion of the power expressly confided to its own exercise, except in virtue of its explicit authority to that effect given by the Constitution itself.” *Richardson v. Young*, 122 Tenn. 471, 125 S.W. 664, 668 (1910).

107. Under the City Charter, the Council is part of the legislative branch and the Mayor is part of the administrative branch.

108. While the Mayor does preside over council meetings, the mayor normally does not have a vote.

109. The Mayor does have veto power, but this can be overridden by the Council and demonstrates that the concept of separation of powers is important in avoiding the concentration of power.

110. Under the City Charter, the Mayor does not play a significant role in passing legislation or setting the policy of the City.

112. Given the City Charter and the important principle of the separation of powers, if the Mayor is allowed to thwart or unduly interfere with the deliberative process, she is violating the City Charter and the principle of separation of powers found therein and, thereby, is interfering with the right of the people to only be governed by laws which are passed by their representatives.

113. The importance of the public deliberative process is further seen in the fact that under the Charter, the Robert’s Rules of Order sets forth an elaborate system to have a robust, but orderly debate and, thereafter, pass legislation.

114. Indeed, the public deliberative process is enshrined in the Open Meetings Act found at Tenn. Code Ann. § 8-44-101 et seq., as it strictly prohibits two or more members of a

governmental body from deliberating outside a public meeting which has been properly noticed. The corollary to this is that government bodies must deliberate in public before voting on any matter which comes before them.

115. On September 2<sup>nd</sup>, 2025, and previously, Mayor Brown intentionally interfered with the deliberative process in an attempt to hijack the legislative duties of the Council.

116. On September 2<sup>nd</sup>, 2025, the issue of approving townhomes next to traditional residential lots was on the agenda in the form of the second reading of the Ordinance 25-0741.

117. Historically, Mayor Brown has advocated for more apartments and townhomes in Gallatin and, thus, she was in support of the ordinance at issue.

118. Historically, Councilman Jouvence has only been for responsible growth and in this case, he had genuine concerns about building high density townhomes next to traditional residential lots.

119. It was crucial to the deliberative process that Councilman Jouvence demonstrate to the Council through a visual aid the congestion and the incongruity of approving the high density development.

120. Mayor Brown realized the persuasiveness of Councilman Jouvence's visual aid, because she was aware of its content, and, therefore, intentionally prevented Councilman Jouvence from using a visual aid with an intent of interfering with the deliberative process and minimizing Councilman Jouvence role with respect to voting on this issue.

121. As Mayor Brown's repeated efforts to unlawfully interfere with the deliberative process will likely continue, Plaintiff additionally seeks a declaratory judgment finding that Mayor Brown does not have the right or authority to prevent a member of the council from using

visual aids during the deliberative process or demand a vote from the Council before Councilman Jouvence can use a visual aid.

122. Mayor Brown's interference with Councilman Jouvence's use of visual aids is no different than if she tried to prevent Councilman Jouvence from speaking regarding a matter on the agenda, which would clearly be unlawful.

123. Whether Mayor Brown is attempting to keep Councilman Jouvence from speaking or using a visual aid, the result is the same: Councilman Jouvence is being denied his full participation in the deliberative process which is crucial to his duty to represent his constituents and which is memorialized in the City Charter.

124. Mayor Brown's actions unlawfully interfered with the deliberative process and, thus, Ordinance 25-0741 was passed in violation of the law and should be found to be void.

125. Since September 2<sup>nd</sup>, 2025 as outlined herein, Mayor Brown has continued to unlawfully interfere with Councilman Jouvence's duties and responsibilities as an elected councilman, including, but not limited to, she has unlawfully refused to place items on the agenda as requested by Councilman Jouvence.

126. Plaintiff seeks a declaratory judgment that Gallatin Municipal Code § 2-71(c), authorizes Councilman Jouvence to place items on the agenda.

127. The Council sets the policy of the City of Gallatin and it defies common sense that the mayor and department heads can place items on the agenda, but members of council, who are commissioned to set the policy of the City, cannot place items on the agenda without approval from the majority of the Council.

128. Mayor Brown may preside over the meeting and the administration of the City,

but she does not have a right under the City Charter to dictate to Councilman Jouvence how he determines he will represent his constituents.

## **COUNT II: INJUNCTIVE RELIEF**

129. The previous paragraphs are hereby incorporated and adopted as if set forth fully herein.

130. Rule 65 of the Tennessee Rules of Civil Procedure affords this Court authority to issue preliminary injunctions or temporary restraining orders which describe in detail the act or acts restrained or required.

131. Plaintiff seeks a preliminary and permanent injunction enjoining Mayor Brown from preventing councilmen from using visual aids during the deliberative process.

132. Plaintiff should be granted a temporary injunction as a likelihood exists that Plaintiff will prevail on the merits of this matter as it is axiomatic that the Mayor as a member of the administrative branch cannot use means and methods such as interfering with the deliberative process to affect the duties exclusive to the legislative branch, to wit: the Council.

133. The Mayor's continued unlawful interference with the deliberative process will result in irreparable harm as ordinances will be passed in violation of the City Charter and without the full representation of the elected officials on the Council.

134. The granting of the injunction sought herein will not cause substantial harm to others as it cannot be argued with any sincerity that having ordinances passed lawfully would cause substantial harm to any citizen; to the contrary, it will ensure that the citizens of Gallatin are properly represented through their elected officials on the Council.

135. Plaintiff further avers that a temporary injunction is in the public interest as it

will ensure the concept of separation of powers and representative government are unencumbered by the Mayor.

136. Plaintiff also seek a permanent injunction enjoining the Mayor from refusing to allow Councilman Jouvence to place items on the agenda pursuant to Gallatin Municipal Code § 2-71(c).

137. “All department heads and all other persons desiring to present any matter to the council committee shall notify the mayor in writing of the matter(s) to be placed upon the council committee agenda. Such notification must be made at least five (5) calendar days in advance of the date of the council committee meeting in order to be placed upon the agenda. The council committee may, upon majority vote, waive the five-day written notice. The mayor shall prepare the agenda and deliver such to the council committee at least two (2) days in advance of any meeting of the council committee. The council committee, may upon majority vote, consider any non-agenda matter.” Gallatin Municipal Code § 2-71(c).

138. Plaintiff will likely prevail on this matter as the plain language of the Code affords Councilman Jouvence the right to place items on the agenda.

139. The Code specifically states that “all other persons desiring to present any matter to the council meeting shall notify the mayor in writing of the matter(s) to be placed on the council meeting agenda”.

140. The Mayor’s continued refusal to respond to Councilman Jouvence’s request to place items on the agenda will result in irreparable harm as Councilman Jouvence will be prevented from fulfilling his duty to set the policy of the Gallatin as he is commissioned to do under the City Charter.

141. The granting of the injunction sought herein will not cause substantial harm to others as the injunction will facilitate Councilman Jouvence in representing his constituents as he will be able to bring matters before the Council which he believes are in the best interest of the City and his constituents.

142. Plaintiff further avers that a temporary and permanent injunction is in the public interest as it will ensure the concept of separation of powers and representative government are unencumbered by the Mayor.

143. Plaintiff will request a hearing on his application for a preliminary injunction by separate motion.

144. This is Plaintiff's first application for extraordinary process in this matter.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that proper process issue and be served upon Defendants as required under the law, requiring Defendants to answer the Complaint within the time prescribed by law and pursuant to a trial in this matter, a final judgment as follows:

1. A declaratory judgment that Ordinance 25-0741 is void as it was not passed pursuant to the City Charter.
2. A declaratory judgment that Mayor Brown does not have authority under the City Charter or the Gallatin Code to prevent Councilman Jouvence from using visual aids or require him to obtain pre-approval from her to use a visual aid.
3. A declaratory judgment that Mayor Brown does not have authority under the City Charter or the Gallatin Code to demand the Council vote on whether Councilman Jouvence can use a visual aid.

4. A declaratory judgment that pursuant to Gallatin Municipal Code § 2-71(c), Councilman Jouvence has a right to place matters on the agenda.

5. A preliminary and permanent injunction enjoining Mayor Brown from preventing councilmen from using visual aids during the deliberative process of the Council or otherwise unduly interfering with the deliberations of the Council;

6. A preliminary and permanent injunction enjoining Mayor Brown from demanding or requiring the Council to vote before Councilman Jouvence can use a visual aid.

7. A preliminary and permanent injunction enjoining Mayor Brown from refusing to place times on the agenda at Councilman Jouvence's request.

8. That the Defendants be required to pay the Plaintiff's discretionary costs, attorney's fees and court costs of this action;

9. For any other general and further relief as may be considered by this Court and as justice may require.

**RULE 72 DECLARATION**

I, PASCAL JOUVENCE, UPON THE PENALTY OF PERJURY, DO HEREBY  
VERIFY AND CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT ON THIS  
8TH DAY OF DECEMBER, 2025.

Signed by:  
  
AF6339636ECC40C...  
PASCAL JOUVENCE



Respectfully submitted,

**CLEMENTS LAW FIRM, PLC**

/s/Kirk L. Clements

**KIRK L. CLEMENTS, BPR NO. 20672**

Attorney for Plaintiffs

105 Broadway, St. 2

Nashville, TN 37201

615-964-8000

615-953-1902 (fax)

kirk@kirkclementsllaw.com