

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

PASCAL JOUVENCE,

Plaintiff,

vs.

PAIGE BROWN, in her official capacity

as mayor of the City of Gallatin, and

THE CITY OF GALLATIN,

Defendants.

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Case No.: 25-CV-263

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF PASCAL JOUVENCE’S
MOTION FOR TEMPORARY INJUNCTION**

COMES NOW Plaintiff Pascal Jouvence (“Councilman Jouvence”), by and through counsel, and pursuant to the local rules, and submits this memorandum of law in support of Plaintiff’s Motion for Temporary Injunction.

SUMMARY OF ARGUMENT

The case *sub judice* is a petition for declaratory judgment seeking to vindicate Councilman Jouvence’s right to exercise his duties as a duly elected councilman of the city of Gallatin (sometimes referred to as “City” or “Gallatin”), to include his duty to participate independently in legislative deliberation and set the policy for Gallatin. Defendant Paige Brown (sometimes referred to as “Mayor” or “Mayor Brown”) has taken the unprecedented and unlawful action of preventing Councilman Jouvence from using visual aids during council meetings because she does not like the content of his comments and has prevented him from setting items on the agenda despite the plain language of Gallatin law which affords Councilman Jouvence the right to do so. The Mayor’s

actions are a violation of the City Charter, the imperative doctrine of separation of powers, Gallatin law and Robert's Rule of Order.

Under the City Charter, the Gallatin city council ("Council") is made up of seven (7) elected alderman (colloquially referred to as "councilman" and, thus such term is used herein). *See* Charter, Art. I, Sec.3. The legislative powers are invested in the Council, and such may be used to pass ordinances and resolutions not inconsistent with the Charter. *See* Charter, Art. III, Sec. 6. *See also* Gallatin Municipal Code § Sec. 2-27. The Council must assemble in public and only may exercise its legislative powers "through proceedings adopted at some regular or special session". *See* Charter, Art. II, Sec. 2-27(1). As part of the checks and balances inherent in the doctrine of separation of powers, the mayor has the right to preside over the meeting, introduce ordinances and resolutions, have a voice at Council meetings and may veto any ordinance or resolution passed by the Council, however, unless needed to break a tie, the mayor does not have a vote. *See* Charter, Art. II, Sec. 2-46(1). Therefore, under the City Charter, the legislative function of the City is vested exclusively in the Council. Any attempt by the Mayor to interfere with the legislative process, such as interrupting or restricting Councilman Jouvence, is in direct violation of the City Charter.

The City Charter consistent with the Tennessee Constitution manifestly outlines the doctrine of separation of powers by vesting the Council with the legislative function and the mayor with the executive function. The doctrine of separation of powers is a fundamental principle of our form of government, but more importantly, it is crucial to ensuring the citizens' liberty. *See Anderson Cnty. Quarterly Court v. Judges of 28th Judicial Circuit*, 579 S.W.2d 875, 877 (Tenn. Ct. App. 1978)("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 is essential to the maintenance of a republican form of government.”) The premises of the doctrine of separation of powers is to disperse power over multiple individuals or bodies so that the power of the government does not rest in the hands of one or the few. It is only by this mechanism that the government can truly be “by the people and for the people”. The Mayor’s actions seek to undo these fundamental precepts by acting as legislator and administrator. The Mayor clearly has her own agenda, which includes a reckless plan for unfettered growth in Gallatin, and it would be an abuse of power to allow her to confine Councilman Jouvence’s comments to her preferences or prevent him from placing items on the agenda because she is not “comfortable” (a direct quote from Mayor Brown).

Specifically, at the September 2, 2025, council meeting, the Mayor prevented Councilman Jouvence from showing an overhead shot of an area of residences where zero lot townhomes (effectively apartments) would be built because she did not want him to expose the real-world effects of her reckless growth agenda. Crucially, while the Mayor intimated in her comments that she was not aware of the content of Councilman Jouvence’s visual aid, the employee handling the presentation of the meeting to her the pictures Councilman Jouvence’s intended to use. Thus, it is an unrefuted fact that Mayor Brown deliberately interfered with Councilman Jouvence’s presentation because she did not like the content of his comments. This is a blatant violation of the separation of powers. Clearly, if the Mayor, who is the head of the executive branch of the City, can encumber the legislative debate, which is essential to passing ordinance pursuant to the will of the people, then she has injected herself unlawfully into the legislative process. This cannot be allowed to continue if the doctrine of separation of powers is to remain intact.

The Mayor's actions are also in violation of the Gallatin law and the Robert's Rules of Order. 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. Thus, pursuant to Gallatin law, Robert's Rules of Order, Newly Revised, (“Rules”) are to provide guidance in the “orderly and efficient transaction of business” before the Council. *See* Gallatin Municipal Code, § 2-93. The Rules do not provide the Mayor any authority to restrict or interrupt a councilman during legislative debate. Under the Rules, each councilman has the right to participate in the debate and the debate cannot be waived without a vote by two-thirds of the Council. Therefore, Councilman Jouvence cannot be restricted in his comments during legislative debate by the Mayor pursuant to her own agenda under the guise of presiding over the meeting. The Mayor does preside over the meeting, but such authority is not absolute; she must do so pursuant to the Rules, which she has failed to do.

Likewise, the Mayor's refusal to allow Councilman Jouvence to place items on the agenda at committee meetings is in violation of Gallatin law. Gallatin law explicitly states that “any other person” can place items on the agenda. *See* Gallatin Municipal Code, §2-71(c). However, once again, the Mayor claiming she is “not comfortable” refused to allow Councilman Jouvence to place items on the agenda for a committee meeting. Thus, under the Mayor's logic, a department head who is a member of the executive branch can place items on the agenda, but a councilman, who, under the explicit terms of the City Charter, is commissioned to set the policy for Gallatin, cannot do so. The Mayor's position in this regard highlights her fatally flawed understanding of the clear terms of the City Charter and the doctrine of separation of powers. Under her theory, not only is she the chief executive of the Gallatin, she gets to decide who places items on the agenda, who

gets to speak during legislative debate (both legislative functions), but she also gets to interpret the law (judicial function). A temporary injunction is needed in this matter to discontinue the Mayor's abuse of power and, more importantly, to guarantee that "the people", i.e. Councilman Jouvence's constituents, are able to have a government "for the people" through the representation of their councilman.

FACTS

Plaintiff Pascal Jouvence ("Councilman Jouvence") is the duly elected councilman of the City of Gallatin for District 3 and is a resident of the City of Gallatin, Tennessee. Verified Petition for Declaratory Judgment and Injunctive Relief ("Petition"), ¶1. Defendant Paige Brown is the duly elected mayor of the City of Gallatin. *Id.* at ¶2. The City of Gallatin ("Gallatin"), a municipal corporation, was created by the Tennessee General Assembly pursuant to the Private Act of 1953. *Id.* at ¶3.

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. Pursuant to the City Charter, the corporate authority of the Gallatin is vested in the Mayor and Council. *See* Charter, Art. I, Sec. 3. 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. 9. 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). 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* Gallatin Municipal Law, §2-27(4).

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. 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 . . .” *See* Charter, Art. II, Sec. 2-93.

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. *Id.* at ¶16. 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. *Id.* at ¶17. 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. *Id.* at ¶18. 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. *Id.* at ¶19. 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. *Id.* at ¶20.

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. *Id.* at ¶21. 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. *Id.* at ¶22. Mayor Brown routinely interrupts Councilman Jouvence and/or attempts to end or re-direct his comments. *Id.* at ¶23. Mayor Brown also often feigns confusion or attempts to portray Councilman Jouvence's comments as nonsensical or unproductive. *Id.* at ¶24. 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. *Id.* at ¶25.

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. *Id.* at ¶26. Thereafter, again with no authority, Mayor Brown began demanding that he show her the visual aid before they are presented in a Council meeting. *Id.* at ¶27. 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. *Id.* at ¶28.

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. *Id.* at ¶29.

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. 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. 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. Councilman Jouvence also compiled a brief visual presentation, which included an overhead shot of the area around the proposed location for the townhomes. *See Id.*, Exhibit A and ¶¶30-33.

Prior to the City Council meeting, Mayor was apprised of the fact that Councilman Jouvence intended to use a visual presentation which would oppose the approval of the townhomes. 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. Thus, the Mayor was fully aware prior to the meeting of the content which Councilman Jouvence intended to present during the meeting. 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. *Id.* at ¶¶34-37.

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. Upon the Mayor opening up the floor for discussion on the ordinance, Councilman Jouvence raised his hand to speak and was recognized. 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. The visual aid would have shown that the proposed townhomes would be adjacent to residential homes. *Id.* at ¶¶38-41.

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. 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. Councilman Jouvence correctly pointed out that the Mayor did not prevent others from using visual aids. Ignoring the truth, Mayor Brown simply announced again that “I am in charge of the meetings”. 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. *Id.* at ¶¶42-46.

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. 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, consistent with her agenda for reckless growth in Gallatin, made it clear she supports additional apartments and townhomes in Gallatin. *Id.* at ¶¶47-48.

The Mayor specifically targeting Councilman Jouvence's comments in attempt to affect the outcome of the deliberations to her favor. 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. 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." The Mayor then claimed she had the right to be "comfortable" and she had the right to run the meeting. 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". 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. It is Mayor Brown who believes she can do whatever she wants notwithstanding the mandates of the City Charter and the Gallatin Code. *Id.* at ¶¶49-55. 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. 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. *Id.* at ¶¶56-57.

Given that Councilman Jouvence's efforts to prevent Mayor Brown's unlawful interference

were unsuccessful, he engaged counsel and a draft of the Petition was sent to the City Attorney. 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. Upon information and belief, the Mayor recruited other councilmen to assist in interfering with Councilman Jouvence's use of visual aids. 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. Councilman Fennell was working in concert with the Mayor to unlawfully interfere with Councilman Jouvence's duties and responsibilities related to the deliberative process. 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. 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.

The Council discussed various measures but did not vote to add any rule or procedure for presenting visual aids during a Council meeting. During the discussion, the Mayor revealed her true disregard for Jouvence's position as an elected official of the City. 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. 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 Municipal Code, on what should be displayed

during Council meetings, but she believes Councilman Jouvence, an elected official, requires pre-approval or some oversight as to what he can display before the Council. *Id.* at ¶¶58-68.

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. 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. Mayor Brown stated that someone needed to make a motion to allow Councilman Jouvence to use a visual aid. Pursuant to the Mayor's demand, a councilman made a motion, it was seconded and the motion passed. 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. Councilman Jouvence explained that the video had been taken by the owner and demonstrated what happens after a few days of rain. Mayor Brown, in her typical fashion, immediately began her effort to undermine Councilman Jouvence. 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. 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. Councilman Jouvence explained the video had been provided by the owner a couple of weeks ago. 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. *Id.* at ¶¶70-80.

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. 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.” Pursuant to the aforementioned ordinance, on October 22, 2025, Councilman Jouvence emailed Mayor Brown and requested that an item be placed on the agenda. *See Id.*, Exhibit B. Mayor Brown ignored Councilman Jouvence’s request and did not even bother to respond. Councilman Jouvence followed up in an October 29, 2025, email and requested again that the item be placed on the agenda. Mayor Brown responded saying she was “busy”, implying that is why she ignored Councilman Jouvence’s request. 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. Despite Councilman Jouvence outlining that the Gallatin Code allows “any other person” to place an item on the agenda, Mayor Brown did not put the item on the agenda. 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. 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 independent 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. *Id.* at ¶¶81-90.

LAW AND ARGUMENT

I. A TEMPORARY INJUNCTION SHOULD BE ISSUED ENJOINING DEFENDANT BROWN FROM PREVENTING PLAINTIFF FROM USING

VISUAL AIDS AS PLAINTIFF WILL LIKELY PREVAIL ON THE MERITS AND PLAINTIFF WILL SUFFER IRREPARABLE HARM AS HIS CONSTITUENTS WILL NOT HAVE PROPER REPRESENTATION WITHOUT INJUNCTIVE RELIEF.

A. INTRODUCTION

Temporary Injunctions are governed by Rule 65 of the Tennessee Rules of Civil Procedure. “A temporary injunction may be granted during the pendency of an action if it is clearly shown by verified complaint, affidavit or other evidence that the movant's rights are being or will be violated by an adverse party and the movant will suffer immediate and irreparable injury, loss or damage pending a final judgment in the action, or that the acts or omissions of the adverse party will tend to render such final judgment ineffectual.” T.R.C.P. 65.04(2). The standard for a temporary injunction is a four factor test: (1) the probability that plaintiff will succeed on the merits; 2) the threat of irreparable harm to plaintiff if the injunction is not granted; (3) the balance between this harm and the injury that granting the injunction would inflict on the defendant; (4) the public interest.” *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010). Each one of these factors weighs heavily in favor of granting a preliminary injunction in this matter and, thus, a temporary injunction should issue.

B. PLAINTIFF WILL LIKELY PREVAIL ON THE MERITS IN THIS CASE.

“Whether a plaintiff is likely to succeed on the merits for purposes of a temporary injunction is a question of law . . .”. *Fisher v. Hargett*, 604 S.W.3d 381, 395 (Tenn. 2020). The Court may consider the verified complaint, affidavits or other evidence in determining the likelihood of success. *See* T.R.C.P. 6.05(2). “In order to establish a likelihood of success on the merits of a claim, a plaintiff must show more than a mere possibility of success.” *State v. Irick*, 556 S.W.3d 686, 689 (Tenn. 2018) *quoting Six Clinics Holding Corp. II v. Cafcomp Sys.*, 119

F.3d 393, 402 (6th Cir. 1997). The legal issue before this Court is whether Mayor Brown has the authority to restrict Councilman Jouvence's presentation during deliberations of the Council.

Plaintiff respectfully submits that this issue is unequivocally answered in the negative.

Councilman Jouvence is an elected official pursuant to the City Charter and he is commissioned to represent the citizens of Gallatin at Council meetings. The essence of a councilman's duties is to deliberate and vote on issues brought before the Council. The import of independent deliberations is patently obvious. If a mayor can arbitrarily restrict the comments of a councilman, the citizens of Gallatin are denied the right to have matters decided collectively by the Council as the City Charter mandates. Further, the Mayor has no right under the Gallatin Municipal Code or the Roberts Rules of Order, which under the law governs Council meetings, to restrict Councilman Jouvence's comments during legislative debate.

1. The City Charter vests the Council with the Legislative Function of the City, not the Mayor.

The governing body of the Gallatin is the City Council which is composed of seven (7) Aldermen who are elected by the citizen of the Gallatin. Pursuant to the City Charter, the corporate authority of the Gallatin is vested in the Mayor and Council. *See* Charter, Art. I, Sec. 3. 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. Additionally, the Council "shall serve as the legislative body of the City of Gallatin". *See* Charter, Art. II, Sec. 2-27. 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* Gallatin Municipal Code § 2-27(1).

While the mayor of the City is “the chief executive officer of the municipality and shall preside at meetings of the council”, the Council is the policy making body “as passed by majority vote of the council meeting in regular and special session.” *See* Gallatin Municipal Code § 2-27(4). However, the mayor’s participation in the legislative process does not negate the separation of powers inherent in the City Charter and mandated by the Tennessee Constitution. *See Summers v. Thompson*, 764 S.W.2d 182, 196 (Tenn. 1988)(“ . . . the division of powers of the Constitution is maintained to some extent at the municipal level, although the executive and legislative branches are more closely bonded for the sake of efficiency; however, the fundamental principles served by the separation of powers are no less operative.”). Such an arrangement is very similar to the vice president of the United States presiding as the president of the U.S. Senate, who has the right to vote upon a tie. *See* U.S. Constitution, Article I, Sec. 3. Additionally, the president of the United States has the right to veto legislation passed by both houses of the U.S. Congress. *See* U.S. Constitution, Article I, Sec. 7. Yet, the separation of powers is not diminished by such an arrangement; to the contrary, such provisions fortifies this imperative doctrine as these are excellent examples of one branch checking the power of another branch. Thus, despite the mayor presiding over Council meetings, the City Charter is clear that the legislative function of the City is exclusively with the City Council.

2. The Separation of Powers is a Vital Doctrine Mandated by the Tennessee Constitution and the City Charter.

The fundamental principles of the separation of powers prevent a mayor from unlawfully

interfering with the legislative process by silencing a councilman. These principles are codified in the Tennessee Constitution. “The powers of the Government shall be divided into three distinct departments: the Legislative, Executive, and Judicial.” Tennessee Constitution, Art. 2, §1. Crucially, the Tennessee Constitution states, “No person or persons belonging to 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.” Tennessee Const. Art. 2, §2. These fundamental principles have been solidified by Tennessee appellate courts, “The legislative branch has the authority to make, alter, and repeal the law; the executive branch administers and enforces the law; and the judicial branch has the authority to interpret and apply the law. . . .The Tennessee Constitution forbids an encroachment by one department upon the powers or functions of another.” *Richardson v. Tennessee Bd. of Dentistry*, 913 S.W.2d 446, 453 (Tenn. 1995). The Court of Appeals has also explained that the separation of powers is of extraordinary and fundamental importance in maintaining the rights of citizens under a republic form of government. “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).

Therefore, pursuant to the principles of the separation of powers, the Mayor as a member of the executive branch cannot unlawfully interfere with the deliberations of the Council as she is thereby encroaching on the legislative functions, which is strictly forbidden by the Tennessee Constitution and the City Charter. *See* Charter, Art. III, Sec. 6. (“[T]he legislative and other powers, except as otherwise provided by this charter, are hereby delegated to and vested in the City Council . . .”)

3. Roberts Rules of Order Prevent the Mayor from Restricting Councilman Jouvence’s Comments during Legislative Debate.

It is the Council, not the mayor, which “may determine the rules of their proceedings, subject to this charter . . .” *See* Charter Art. III, Sect. 12. Indeed, Gallatin law states, “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* Gallatin Municipal Code, Sec. 2-93. Thus, contrary to the assertions of Mayor Brown, the mayor does not have unbridled authority over Council meetings. She must respect the duties of the Council as the policy making body at the Council meetings, which are to be handled in an “orderly and efficient manner” pursuant to Robert’s Rules of Order.

The Robert’s Rules of Order do not provide any mechanism by which the mayor can limit the speech of a councilman. Pursuant to the Robert’s Rule’s of Order, each councilman has a right to participate in the debate unless by two thirds of a vote, the council decides to forego any debate on the question. “After a question has been stated by the chair, it is before the assembly for consideration and action. All resolutions, reports of committees, communications to

the assembly, and all amendments proposed to them, and all other motions except the Undebatable Motions mentioned in 45, may be debated before final action is taken on them, unless by a two-thirds vote the assembly decides to dispose of them without debate.” Roberts Rules of Order, Newly Revised, Art. I, ¶7.1 The Rules further make it clear that a member of the assembly has the right to participate in debate. Upon the question being called, the Rules state, “The question is then open to debate, as is partially explained in 7, which should be read in connection with this section. No member shall speak more than twice during the same day to the same question (only once on an appeal), . . . without leave of the assembly; and the question upon granting the leave shall be decided by a two-thirds vote without debate.” *See Id.* at Art. VII, ¶42. Therefore, unless two-thirds of the council votes otherwise, Councilman Jouvence has the right to speak regarding any question before the Council without interruption from the Mayor. The Mayor’s attempt to prevent Councilman Jouvence’s from using visual aids is inconsistent with his duty to participate in debate as a member of the City Council as outlined in the Charter. It could not be argued with any sincerity that if the Mayor attempted to prevent Councilman Jouvence from speaking or cut him off before he concluded his remarks, that this would not only be a violation of the Rules, but it would be a violation of the separation of powers as, at that point, a member of the executive branch has unlawfully thwarted the efforts of a member of legislative branch from exercising his legislative function.

4. Mayor Brown’s Refusal to Allow Councilman Jouvence to use a Visual Aid was in Violation of the Separation of Powers.

One of the essential legislative functions is debate and discussion regarding the proposed

¹ Available at <http://www.rulesonline.com/index.html>

legislation during Council meetings. Indeed, the City Charter mandates that legislative action can only be taken at a public assembly of the City Council. “The said City Council shall exercise its powers in sessions duly assembled and no member nor group of members thereof shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special session.” *See also* City Charter, Art. III, Sec. 13 (“All meetings of the City Council shall be open to the public except those as allowed by law to be closed.”) The importance of independent and robust legislative debate has been recognized by the Tennessee Court of Appeals. In the matter of *Cornett v. Fetzer*, 604 S.W.2d 62 (Tenn. Ct. App. 1980), the Court addressed the issue of whether legislative members should enjoy absolute immunity for statements made in the course of debate. First the Court quoted Article 2, Section 13 of the Tennessee Constitution, which states, “Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech of debate in either House, they shall not be questioned in any other place.” The Court then found:

These constitutional provisions reflect the obvious policy determination that the importance of legislators freely speaking their minds outweighs the countervailing argument that those people who are defamed should be able to recover damages for injury to their reputations. 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.

Cornett v. Fetzer, 604 S.W.2d 62, 63 (Tenn. Ct. App. 1980). The last sentence of this quote is

especially compelling as it captures succinctly that the best interest of the citizens, i.e. Councilman Jouvence's constituents, is served when decisions arise from independent and forceful debate.

The import of the public deliberative process is also 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 provision of the law is that government bodies must deliberate in public before voting on any matter which comes before them. This cannot occur if Mayor Brown is able to arbitrarily disrupt Councilman Jouvence's comments during debate. Therefore, it is undeniable that Mayor Brown's actions violate the separation of powers doctrine as she clearly is unlawfully affecting the legislative process to the detriment of the citizens. 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.

5. Mayor Brown Intentionally Blocked Councilman Jouvence from using a Visual Aid because she did not like the Content of his Speech.

Mayor Brown's action in this matter are especially violative of the doctrine of the separation of powers, the City Charter and Robert's Rules of Order as prior to unlawfully prohibiting Councilman Jouvence from using a visual aid she, at minimum, was fully aware of the content of his visual aid and, thus, she intentionally sought to interfere with the deliberative process because she did not like the content of his speech. The facts as established in this matter demonstrate that the Mayor has a very pro-growth agenda and that Councilman Jouvence has tried to bring responsibility and reasonableness to the City. *See Complaint*, ¶22. She has

attempted to try to hide the real-world effects of her reckless growth policy, and she is especially angered by the fact that Councilman Jouvence’s visual aids expose the detriment her agenda to the Citizens of Gallatin.

On September 2, 2025, a second reading of Gallatin Municipal Code § 025-0741 was on the agenda, which dealt with the rezoning of the Wedgewood town homes from R-15 residential to mixed-use. *See* Complaint, ¶30. Councilman Jouvence prepared a brief visual presentation, which included overhead shots around the proposed location for the townhomes. *See* Complaint, ¶33, Exhibit A. However, 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. *See* Complaint, ¶¶35-36. In a recorded phone call with Councilman Jouvence on September 25, 2025, in response to the question of whether Landstrom shared with the mayor the pictures he intended to use at the meeting, Landstrom responded as follows: “It is hard for me to remember at this point, but I feel like I do remember telling her about the pictures and that they were aerial photos of a neighborhood. I am pretty sure I told her that.” *See* Exhibit A, Declaration of Pascal Jouvence, ¶6. Additionally, Councilman Jouvence saw Mayor Brown speaking with Landstrom before the meeting and looking at her computer. *See Id.* at ¶7. Despite the fact that Mayor Brown clearly knew, at least in general, what the visual aid consisted of, she misrepresented to the Council that she did not know what Councilman Jouvence intended to display. Upon Councilman Jouvence asking Landstrom to display the pictures, Mayor Brown interjected and stated, “. . . [S]ince you didn’t want me to see what you had brought, . . . because I’m not comfortable not having seen anything. Happy to always show something if I can

have some exposure to it since I'm in charge of the meetings.” After further discussion with Councilman Jouvence, she stated, “All I've asked is that you show me the things in advance so that I can be comfortable with what [they] are. . . .but I think it's appropriate that I know what we're going to disseminate to the public . . .” *See Id.* at ¶5, 43:26-44:29. Additionally, Mayor Brown blatantly misrepresented that she did not know if Landstrom had seen the pictures Councilman Jouvence intended to use (which logically does not make any sense). When Councilman Jouvence stated that she had seen the pictures, Mayor Brown falsely stated, “I don't know that she has seen [the pictures]”. *See Id.* at ¶5, 44:39.

Given the foregoing colloquy and the statements of Landstrom, it is apparent that not only did Mayor Brown know what Councilman Jouvence intended to display to the public, she misrepresented to the Council and the public that she did not know what the pictures contained. Mayor Brown, therefore, abused her authority to preside over the meeting by claiming that she had a right to “be comfortable”, when in actuality, she knew precisely what the picture contained and she did not want it displayed to the public because it showed how much congestion was in the area in question. This deception is clearly in violation of the City Charter, the doctrine of separation of powers and the Rules.

It should also be considered that Councilman Jouvence's visual aid would have assisted in the discussion regarding the proposed ordinance. Indeed, shortly after Councilman Jouvence was unlawfully prevented from fully participating in the debate, another councilman 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. *See Complaint*, ¶47.

The Mayor's actions become even more egregious as other individuals were allowed to use visual aids with regard to the ordinance in question. 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. *See* Complaint ¶46. In a later meeting, the mayor fully exposed her true disregard for the separation of powers and Councilman Jouvence's duties under the City Charter. When Councilman Jouvence's pointed out to the Mayor that she allowed others to present visual aids, she stated that those presentations had been reviewed and approved by a department head. The Mayor essentially admitted that visual aids to be used during legislative debate could only be used if approved by a member of the executive branch. This position is not only not found in the law, but it is in direct contradiction with the Robert's Rules of Order, the doctrine of separation of powers and the City Charter, which mandates that the legislative function of the City belongs to the Council.

Though Councilman Jouvence engaged legal counsel and provided a draft of the petition for declaratory judgment, the Mayor persisted in stifling Councilman Jouvence's legislative efforts by creating a procedural rule out of thin air that the Council had to vote on whether Councilman Jouvence could exercise his right to debate. *See* Complaint, ¶¶58 & 59. 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. *See* Complaint, ¶60. Ultimately, however, a procedural rule was never adopted or even voted upon. *See* Complaint, ¶70. Nonetheless, the Mayor was determined to interfere with Councilman Jouvence's legislative efforts and, thus, at the November 4, 2025 Council meeting the Mayor demanded a vote by the Council when

Councilman Jouvence sought to use a visual aid. *See* Complaint, ¶70. 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. Mayor Brown stated that someone needed to make a motion to allow Councilman Jouvence to use a visual aid. Pursuant to the Mayor's demand, a councilman made a motion, it was seconded and the motion passed. *See* Complaint, ¶¶71-73. However, such actions by the Mayor are clearly a violation of the City Charter, which states that it is the Council sets the procedural rules for the Council meetings. *See* Charter Art. III, Sect. 12.

There is simply no support in the City Charter, the Gallatin Code or Robert's Rules Order which affords the Mayor the right to unlawfully interfere with Councilman Jouvence's comments during legislative debate. As outlined above, the Mayor merely claimed she was "in charge" and was not "comfortable", neither position which is sanctioned by the law or the Robert's Rules of Order. The law does provide she "presides" over the meetings, but as argued herein, this must be done according to Robert's Rules of Order, which does not afford the Mayor the right to stifle Councilman Jouvence's comments just because she does not like the content of his comments. Further, the Mayor's authority to preside over the meeting is inherently limited by the City Charter and the doctrine of separation of powers. The Mayor seems to be asserting her authority is unlimited, which clearly it is not. If the Mayor's authority was unlimited then the separation of powers would be an empty doctrine as she solely could direct and restrict the legislative debate as she determined and, thereby, dominate the legislative function of the Council. This in turn would be violative of the City Charter, which clearly affords the Council the legislative authority of the City. Therefore, Plaintiff is likely to succeed on the merits at the trial of this matter

C. COUNCILMAN JOUVENCE, AND HIS CONSTITUENTS, WILL SUFFER IRREPARABLE HARM IF A TEMPORARY INJUNCTION IS NOT ISSUED.

The second consideration in determining if a temporary injunction is warranted, is “the threat of irreparable harm to plaintiff if the injunction is not granted”. *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010). Pursuant to T.R.C.P. 65.04 a temporary restraining order should be granted if “the movant's rights are being or will be violated by an adverse party and the movant will suffer immediate and irreparable injury . . .”. Councilman Jouvence will suffer irreparable harm if the Court does not enter a temporary injunction preventing Mayor Brown from unlawfully interfering with the deliberative process of the council as Councilman Jouvence’s constituents, and other citizens Gallatin, will not have sufficient representation in the determination of ordinances and resolutions passed by the Council. It is the Council who passes the ordinances and resolutions and, as outlined herein, the Council does so pursuant to public deliberation. The collective will of the people cannot be reflected in the ordinances and resolutions if their representatives cannot fully participate in the deliberative process. Thus, given the immutable principles of the separation of powers and the procedure for passing laws in Gallatin as set forth in the City Charter, Councilman Jouvence and his constituents will suffer irreparable harm if the Mayor is allowed to continue to interfere with the deliberative process.

D. MAYOR BROWN WILL NOT SUFFER ANY HARM IF SHE IS PREVENTED FROM ABUSING HER AUTHORITY.

The third factor in considering whether a temporary injunction is warranted is “the balance between this harm and the injury that granting the injunction would inflict on the defendant;”. *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010).

In the case *sub judice*, Mayor Brown will not suffer any harm if she is compelled to follow the

City Charter and Robert's Rules of Order. It would be a vacuous argument to assert that if the Mayor is unable to prevent Councilman Jouvence from using visual aids in his comments before the council, this would cause her harm. Keep in mind, Councilman Jouvence is not asserting that he has the right to say anything or show anything during legislative debate. And no one has ever accused Councilman Jouvence from using any irrelevant visual aids. The discussion here is related to those comments and visual aids which are relevant to this issue being debated. Thus, any attempt to falsely assert that Councilman Jouvence will abuse his power if the Mayor cannot restrain him is a red herring; Mayor Brown does not like that Councilman Jouvence's opposes her reckless growth agenda in Gallatin and she is using ridiculous and unrealistic hypotheticals to detract from the real issue at hand. Therefore, the Mayor will not suffer any harm if a temporary injunction is issued and, thus, this factor weighs heavily in favor of granting a temporary injunction.

E. IT IS IN THE PUBLIC'S INTEREST TO ALLOW COUNCILMAN JOUVENCE TO FULLY PARTICIPATE IN THE LEGISLATIVE DEBATE.

The fourth factor is the public interest. *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010). Each of the previous sections highlight the public's interest which will be served if the Mayor is prevented from unlawfully interfering with the legislative process. The public, i.e. the citizens of Gallatin, are best served by their representatives when they can participate in "forceful and independent" legislative debate when considering how to vote on a particular ordinance or resolution. The public's interest, however, is not served when one person, i.e. Mayor Brown, is allowed to control the agenda and the legislative debate. This severely undercuts the separation of powers, which is designed to keep the power out of one person's

hands and disperse power over several people or groups of people. As previously addressed, the separation of powers is the foundation of our republic form of government, and it is crucial to protecting the citizens' freedom. Justice Antonin Scalia, who famously was an ardent advocate for the separation of powers doctrine, explained as follows: "But it is a mistake to think that the Bill of Rights is the defining, or even the most important, feature of American democracy. Virtually all the countries of the world today have bills of rights. . . . They are what the Framers of our Constitution called 'parchment guarantees,' because the real constitutions of those countries-the provisions that establish the institutions of government-do not prevent the centralization of power in one man or one party, thus enabling the guarantees to be ignored. Structure is everything. The constitutional structure of the United States has two main features: (1) separation and equilibration of powers and (2) federalism. Each function to safeguard individual liberty in isolation, but they provide even greater protection working together." 83 Notre Dame L. Rev. 1417, 1417 (2008). This structure to which Justice Scalia refers is founded in the City Charter, *see* City Charter, Art. II, and it is intended to prevent the consolidation of power within one person. Thus, it is precisely because of the public interest that the Mayor must be prohibited from encroaching on the legislative function of the Council. Therefore, this factor weighs heavily in favor of issuing a temporary injunction.

F. CONCLUSION

Given the foregoing, the Mayor's attempt to obstruct Councilman Jouvence's presentation is in violation of the City Charter, the doctrine of separation of powers, Gallatin law and Roberts Rules of Order. If the Mayor is not satisfied with the result of the deliberative process, the City Charter, consistent with the separation of powers, has afforded her the

opportunity to veto legislation. *See* City Charter, Art. V, Sec. 4. But what she cannot do is manipulate the citizens and the process by preventing commentary or visual aids which does not support her reckless growth agenda. Therefore, as each of the other factors weigh heavily in favor of issuing a temporary restraining order, Plaintiff respectfully submits that Plaintiff's Motion for Temporary Injunction should be granted.

II. A TEMPORARY INJUNCTION SHOULD ISSUE ENJOINING DEFENDANT BROWN FROM PREVENTING PLAINTIFF FROM PLACING ITEMS ON THE AGENDA AS PLAINTIFF WILL LIKELY PREVAIL ON THE MERITS AND PLAINTIFF WILL SUFFER IRREPARABLE HARM AS HE CANNOT EFFECTUATE POLICY, WHICH IS HIS DUTY UNDER CITY CHARTER.

A. INTRODUCTION

Pursuant to T.R.C.P. 65 a temporary injunction should be issued if the movant establishes that their "rights are being or will be violated by an adverse party and the movant will suffer immediate and irreparable . . . loss . . . pending the final judgment in the action . . ." The standard for a preliminary injunction is a four factor test: (1) the probability that plaintiff will succeed on the merits; (2) the threat of irreparable harm to plaintiff if the injunction is not granted; (3) the balance between this harm and the injury that granting the injunction would inflict on the defendant; (4) the public interest." *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010). Each one of these factors weighs heavily in favor of granting a temporary injunction in this matter.

B. PLAINTIFF WILL LIKELY PREVAIL ON THE MERITS AS THE PLAIN AND UNAMBIGUOUS LANGUAGE OF GALLATIN MUNICIPAL CODE § 2-71(C) AFFORDS PLAINTIFF THE RIGHT TO PLACE ITEMS ON THE AGENDA UPON REQUEST.

The Tennessee Supreme Court has held, "The most basic principle of statutory

construction is to ascertain and give effect to legislative intent without broadening the statute beyond its intended scope. When statutory language is clear and unambiguous, we must apply its plain meaning in its normal and accepted use, without a forced interpretation that would extend the meaning of the language . . .” *Carter v. Bell*, 279 S.W.3d 560, 564 (Tenn. 2009). The Court must construe the words in the context that they appear in the statute. *See Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 526 (Tenn. 2010)(“And because these words are known by the company they keep, courts must also construe these words in the context in which they appear in the statute and in light of the statute's general purpose.”). Further, the Court should “presume that the General Assembly used every word deliberately and that each word has a specific meaning and purpose.” *Id.* at 527. These same principles apply when interpreting municipal ordinances. *See City of Chattanooga v. Davis*, 54 S.W.3d 248, 265 (Tenn. 2001)(“Because ‘[t]he rules of statutory interpretation are [also] used when interpreting an ordinance,’ . . . we determine the intent and purpose of an ordinance primarily from the language used. We also endeavor to read an ordinance as a whole and ‘in conjunction with [its] surrounding parts.’”)(citations omitted).

In addition to Council meetings, which are held every first and third Tuesday of each month, *see* Gallatin Municipal Code § 2-91, the City Council also serves as a council committee, which advises the City Council. *See* Gallatin Municipal Code 2-71(a). Importantly, “[a]ll actions requiring passage by ordinance or resolution shall first be considered by the council committee before consideration by the city council”, though a two-thirds voted by the City Council can dispense with this requirement. *See* Gallatin Municipal Code 2-71(a). Therefore, if a councilman seeks to propose any ordinance or resolution, they must first present the legislation to the City Council during a committee meeting. Accordingly, 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.” This ordinance is unambiguous and does not afford the Mayor any authority. While the Mayor apparently believes she has unlimited authority because she presides over meetings, the foregoing ordinance is ministerial in nature, not discretionary; under the plain language of the statute, the Mayor must place items on the agenda if the steps of the ordinance are followed. *See City of Memphis v. Shelby Cnty. Election Comm'n*, 146 S.W.3d 531, 535 (Tenn. 2004)(A ‘strictly ministerial duty’ is defined as: ‘A duty that is absolute and imperative, requiring neither the exercise of official discretion nor judgment.’”). Pursuant to Gallatin Municipal Code § 2-71(c), Councilman Jouvence more than once attempted to place an item on the agenda and, in violation of this ordinance, the Mayor has refused to do so because she did not like the content of the agenda item, thereby not only violating Gallatin law, but also once again unlawfully interfering with the legislative function of the City Council.

On October 22, 2025, Councilman Jouvence emailed Mayor Brown and requested that an item be placed on the agenda. *See* Petition, Exhibit B. Specifically, Councilman Jouvence stated in part, “Deceptive actions by Studio 8, the EDA and your office have directly impacted the decisions of the Council and I believe it’s important that these issues be discussed openly to

ensure transparency and accountability.” Once again, because Mayor Brown did not like the content of Councilman Jouvence’s request, Mayor Brown ignored Councilman Jouvence’s request and did not even bother to respond. Councilman Jouvence followed up in an October 29, 2025, email and requested again that the item be placed on the agenda. Mayor Brown responded saying she was “busy”, implying that is why she ignored Councilman Jouvence’s request. She then stated that the “practice’ was that he needed to raise the issue to a “work session” and that she “would not be comfortable putting an item on the agenda with the description you sent.” Despite Councilman Jouvence outlining that the Gallatin Municipal Code allows “all other persons” to place an item on the agenda, Mayor Brown did not place the item on the agenda.

The plain language of Gallatin Municipal Code § 2-71(c) clearly affords Councilman Jouvence the right to place a matter on the agenda. While the ordinance does reference “department heads”, it not only references “all other persons”, but the ordinance does not contain any other limiting language which would suggest that Councilman Jouvence did not have the right to place an item on the agenda. The Court must presume that the City Council used the term “any other person” intentionally because it intended to allow any other person to add items to the agenda. *See Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 526 (Tenn. 2010). Therefore, given the plain language of the ordinance, the Court should find that Councilman Jouvence has the right to place items on the agenda and cannot apply a forced interpretation just because the mayor feels “uncomfortable”. *See Carter v. Bell*, 279 S.W.3d 560, 564 (Tenn. 2009) (“When statutory language is clear and unambiguous, we must apply its plain meaning in its normal and accepted use, without a forced interpretation that would extend the meaning of the language . . .”).

In addition, when the Court examines the context of this ordinance, it is evident that

pursuant to Gallatin Municipal Code §2-71(c), Councilman Jouvence should be able to place items on the agenda for committee meetings. *See Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 526 (Tenn. 2010)(“And because these words are known by the company they keep, courts must also construe these words in the context in which they appear in the statute and in light of the statute's general purpose.”). Pursuant to the City Charter, it is the City Council which passes legislation, i.e. ordinances and resolutions, and sets the policy of the City. *See* Charter, Art. II, Sec. 2-27. Therefore, as an ordinance normally has to be brought before the Council in a committee meeting, if a councilman desires to propose legislation, they must be able to set a matter on the agenda of a committee meeting. While a “non-agenda matter” can be considered by majority vote of the committee, this puts another obstacle before a councilman in effectuating legislation or the policy of the City. Thus, in this context, it is illogical that a department head, who has no role in setting the policy of the City, can place a matter on the agenda, but a councilman, who is specifically commissioned to set the policy of the City must get the approval of the majority of the council to have a matter considered at a committee meeting. *See Martin v. Powers*, 505 S.W.3d 512, 525 (Tenn. 2016)(“We also reiterate our obligation to construe statutes in a manner that provides for a harmonious operation of the laws and which avoids an absurd result.”).

Given the plain language and context of the subject ordinance, it is evident once again, the Mayor is prioritizing her “comfort”, as opposed to following the law, which is an egregious violation of the City Charter. 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. Therefore, there is a strong likelihood that Plaintiff will prevail on the merits of this issue.

C. COUNCILMAN JOUVENCE WILL SUFFER IRREPARABLE HARM IF A TEMPORARY INJUNCTION IS NOT ISSUED AS HE WILL BE UNABLE TO SET POLICY AND REPRESENT HIS CONSTITUENTS.

Pursuant to T.R.C.P. 65.04 a temporary restraining order should be granted if “the movant's rights are being or will be violated by an adverse party and the movant will suffer immediate and irreparable injury . . .”. As established in the previous section, Councilman Jouvence has a duty under the City Charter to pass legislation and set policy. *See* Charter, Art. III, Sec. 6. Councilman Jouvence will suffer immediate and irreparable injury as without the temporary injunction he will be denied the right to propose legislation without a majority vote of the Council. Therefore, the Mayor can continue to prevent him from setting matters on the agenda by simply convincing a majority of the councilman not to approve non-agenda items. This was clearly not the intent of the Council when it passed Gallatin Municipal Code § 2-71(c) and, thus, this factor weighs heavily in favor of issuing a temporary injunction.

D. THE MAYOR WILL NOT SUFFER ANY HARM IF SHE IS COMPELLED TO FOLLOW THE LAW.

The third factor for the Court to consider is “the balance between this harm and the injury that granting the injunction would inflict on the defendant; . . .” *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010). The temporary injunction which is being sought merely compels the Mayor to follow the plain language of the law and to discontinue unlawfully interfering with the legislative process. The Mayor cannot claim any harm from allowing Councilman Jouvence to place matters on the agenda. If no harm can arise from a department head, who is not an elected official, placing items on the agenda, then certainly no harm can arise

from allowing a councilman to place items on the agenda. Therefore, this factor weighs heavily in favor of granting the temporary injunction.

E. IT IS IN THE PUBLIC’S INTEREST TO COMPEL THE MAYOR TO FOLLOW THE LAW.

The fourth and final factor for the Court to consider is whether the temporary injunction would be in the public’s interest. *See Gentry v. McCain*, 329 S.W.3d 786, 793 (Tenn. Ct. App. 2010). Similar to the previous consideration, compelling the Mayor to follow the law certainly is in the public interest. It is against the public interest, i.e. Councilman Jouvence’s constituents, to allow the Mayor to thwart Councilman Jouvence from proposing legislation. It is through Councilman Jouvence’s representation that the public is able to influence the legislation and policy of the City and, thereby, ensure a “government for the people”. Allowing the Mayor to short circuit this process is, thus, against the public’s interest and, thus, this factor weights heavily in favor of granting a temporary injunction.

CONCLUSION

Given the foregoing law and argument, Plaintiff respectfully submits that the Court should enter a temporary injunction enjoining Defendant Brown from 1) refusing to allow Councilman Jouvence to use visual aids during deliberations or requiring a vote before allowing him to do so; and 2) refusing to place matters on the committee meeting agenda upon Councilman Jouvence’s request pursuant to Gallatin Municipal Code §2-71(c).

Respectfully submitted,

CLEMENTS LAW FIRM, PLC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been forwarded to the attorney via email pursuant to Rule 5.02(2) on this 14th day of January, 2026: Robert M. Burns
3310 West End Avenue, Suite 550, Nashville, Tennessee 37203; rburns@howell-fisher.com

/s/ Kirk L. Clements
KIRK L. CLEMENTS

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

PASCAL JOUVENCE,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No.: 25-CV-263
PAIGE BROWN, in her official capacity)	
as mayor of the City of Gallatin, and)	
THE CITY OF GALLATIN,)	
)	
Defendants.)	

DECLARATION OF PASCAL JOUVENCE

I, Pascal Jouvence, having been duly sworn, do attest as follows:

1. I am over the age of 21 and am competent to testify.
2. I have direct knowledge of the facts and information set forth herein.
3. I am a resident of Sumner County, Tennessee and I am a duly elected councilman of the City of Galatin for District 3.
4. On September 2, 2025, during a council meeting and in the course and scope of my position as an elected councilman, I addressed directly the item on the agenda, to wit: Gallatin Municipal Code § 025-0741, which dealt with the rezoning of the Wedgewood town homes from R-15 residential to mixed-use.
5. During the course of my comments, I asked Jenna Landstrom, who was operating the AV System during the meeting, to display an aerial picture of the neighborhood which I had presented to her prior to the meeting. *See* Complaint, Exhibit A. Upon doing so, Mayor Paige Brown interrupted me and ultimately refused to allow me to use the visual aid. A true and accurate

copy of the video of the September 2, 2025 Council meeting is available at <https://www.youtube.com/watch?v=TJS7MHG9yJM>.

6. After the meeting, on September 25, 2025, I had a conversation with Jenna Landstrom regarding her interaction with Mayor Brown before the meeting in which she showed Mayor Brown the aerial photo I intended to use as part of the legislative debate during the Council meeting. A true and accurate copy of that conversation is available in a Dropbox at <https://www.dropbox.com/scl/fo/bnvuymj6vefmb5r1dxzbs/AAUQZ7XqBFD7WbT8VAyuSmU?rlkey=qqqq8loz4jmv3vfyy1xxas5hq&st=8eiehq2m&dl=0>.

7. Notably, before the September 2, 2025, Council meeting, I witnessed Mayor Brown speaking with Jenna Landstrom and looking at her computer.

FURTHER AFFIANT SAYETH NOT.

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 13th DAY OF JANUARY, 2026.

Signed by:

Pascal Jouvence

AFB339638EC640C
PASCAL JOUVENCE