MAR 2 6 2010

## CIRCUIT COURT

## IN THE CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE

GWEN SHAMBLIN and TEDD ANGER )		COPY
Plaintiffs,	)	
VS	)	Case No. 09476
RAFAEL MARTINEZ	)	FILED 4/1/10
Defendant.	)	ENTERED BOOKPAGE DEBBIE McMILLAN BARRETT

THIS MATTER came on to be heard before the Honorable Robbie Beal on the 22<sup>nd</sup> day of March, 2010. Based upon the Defendant's Motion for Summary Judgment, Plaintiffs' Response to Defendant's Motion for Summary Judgment, Defendant's Reply to Plaintiffs' Response, the Statement of Undisputed Facts pursuant to Rule 56, the stipulations of Counsel, Affidavits, Exhibits to the various papers filed by the parties, the statement of Counsel, and the record before the Court, the Court finds that:

ORDER

- The Plaintiffs in this matter are public persons.
- 2. The issues that form the subject of the Statement, as that term is defined in the pleadings, are matters of public discussion and debate.
  - 3. The Statement is a matter of opinion.
  - The controversy before the Court is a question of law and not of fact.
- 5. The Plaintiffs cannot and did not show actual malice as required for public figures.

6. The Court concludes that there is nothing in the Statement that cannot be linked to televised news reports and/or public dialogue.

From all of which the Court concludes that the Defendant is entitled to Summary Judgement as a matter of law, and that this Complaint shall be dismissed with prejudice.

Costs of this cause shall be taxed to the Plaintiffs, for all of which execution may issue.

IT IS SO ORDERED.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 2010

HONORABLE ROBBIE BEAL

APPROVED FOR ENTRY:

G. Philip Anderson, #3279 Attorney for Defendant 155 Franklin Road

Suite 120

Brentwood, TN 37027

615/377-9370

Co-Counsel for Defendant

John O. Belcher, # 018335 with permission Lassiter, Tidwell, Davis, Keller & Hogan, PLLC 150 Fourth Ave. North One Nashville Place, Suite 1850 Nashville, Tennessee 37219-2408 615/259-9344 Co-Counsel for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Order was sent via email to sjharrislaw@hotmail.com and via U.S. Mail, postage prepaid, to Samuel J. Harris, 320 East Broad Street, Suite 200, Cookeville, Tennessee, 38501, this day of March, 2010.

G. Philip Anderson

CLERK'S CERTIFICATE
I hereby certify that a true and exact copy of toregoing has been mailed or delivered to all parties or counset of record.

Circuit Court

Order C:/GPA/3240P868PL