

IN THE CIRCUIT COURT OF MCMINN COUNTY, TENNESSEE

AT ATHENS

STATE OF TENNESSEE,

EX REL. STEPHEN M. HATCHETT,

DISTRICT ATTORNEY GENERAL,

Plaintiff,

V.

CASE NO. 25-CV-358

LIBERTY PROPERTY SERVICES and

CONNIE AMMERMAN,

Defendants

FILED

1246p

SEP 22 2025

RHONDA J. COOLEY
CIRCUIT COURT CLERK
BY AS D.C.

PETITION FOR TEMPORARY RESTRAINING ORDER

AND PERMANENT INJUNCTION

Comes now Stephen M. Hatchett, District Attorney General for the 10th Judicial District, and files this petition pursuant to Tennessee Code Annotated Sections 39-17-905 and 39-17-919.

PARTIES

1. The State of Tennessee files this action by and through Stephen M. Hatchett, the elected District Attorney General of the 10th Judicial District pursuant to Tennessee Code Annotated Sections 39-17-905 and 39-17-909;

2. Defendant Liberty Property Services is named as the owner of the real property located on East Washington Avenue on the deed registered with the McMinn County Register of Deeds in Athens, Tennessee said deed attached as **Exhibit A**;
3. Defendant Connie Ammerman is named as the "Trustee" of Liberty Property Services on the deed on file with the McMinn County Register of Deeds for the real property described in **Exhibit A**;

VENUE AND JURISDICTION

1. Venue is proper before the Court because the building in question is in McMinn County, Tennessee which is part of the 10th Judicial District;
2. This Court has jurisdiction to hear this matter pursuant to Tennessee Code Annotated Sections 39-17-905 and 39-17-919;

RELEVANT FACTS

1. The property in question is a building that is subdivided with tenants, upon information and belief both residential and commercial, and sits on the courthouse square in downtown Athens on Washington Avenue in McMinn County, Tennessee in the 10th Judicial District and is readily visible from the street from most directions of travel as can be seen in attached **Exhibit B**;
2. The property has been covered over the years with various messages regarding various matters, primarily grievances, whether real or imagined, in either stenciled paint or with spray paint;
3. On several occasions, words that would meet the legal definition of obscenity were written on walls of the building but rather than entire words only certain letters of the

words with enough letters to make it clear what words was being used as can be seen in attached **Exhibit C**;

4. However, on or about September 19, 2025, words appeared on the wall of the building, on an uppermost part of the building that includes an obscenity in all capital letters as can be seen in attached **Exhibit B**;
5. Of note, in the entire sentence, the only word in all capital letters is the aforementioned obscenity;
6. The deed on file with the McMinn County Register of Deeds indicates that Liberty Property Services is a “trust” and Connie Ammerman is the “trustee”;
7. As part of this action, the State of Tennessee intends to use the power and process of the court to obtain all documents regarding the formation and operation of this trust;
8. In addition to being an alleged violation of Tennessee Code Annotated Sections 39-17-902 and 39-17-911, the sentence itself is directed at Athens City Mayor Larry Eaton and should this Honorable Court ultimately determine obscenity does not apply, the sentence would then constitute political advertisement such that a statement is required to appear indicating who authorized the statement to be published pursuant to Tennessee Code Annotated Section 2-19-120;
9. Failure to adhere to Tennessee Code Annotated Section 2-19-120 is a separate and distinct crime that does not require the analysis regarding obscenity.

APPLICABLE LAW

1. Pursuant to Tennessee Code Annotated Section 39-17-901(10), it respectfully submitted the use of word depicted in all capital letters in **Exhibit B** is obscene as used in this context under the definition provided in subpart (10) to wit:

(A) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(B) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and

(C) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value. *Id.*

2. Further, because of the location, the material is plainly being exhibited to minors, along with every other person that reaches the courthouse square, and is harmful to minors pursuant to Tennessee Code Annotated Section 39-17-901(6) to wit:

“Harmful to minors” means that quality of any description or representation, in whatever form, of nudity, sexual excitement, sexual conduct, excess violence or sadomasochistic abuse when the matter or performance:

(A) Would be found by the average person applying contemporary community standards to appeal predominantly to the prurient, shameful or morbid interests of minors;

(B) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

(C) Taken as whole lacks serious literary, artistic, political or scientific values for minors; *Id.*

3. The word used is patently offensive pursuant to Tennessee Code Annotated Section 39-17-901(11) as it “goes substantially beyond customary limits of candor in describing or representing such matters”. *Id.*;

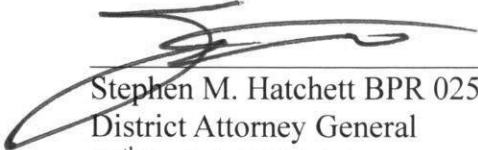
4. The word used plainly appeals to prurient interest pursuant to Tennessee Code Annotated Section 39-17-901(12) as it represents “a shameful or morbid interest in sex”;
5. The State of Tennessee further expects the proof will show that the statement was placed on the wall as a means of coercing the City of Athens into settling various civil matters between the City of Athens and Glenn Whiting who, upon information and belief, is the spouse of Connie Ammerman and has recently suffered adverse rulings from the United States Court of Appeals for the Sixth Circuit in other lawsuits involving the City of Athens including a Show Cause issued on September 18, 2025 by the United States Court of Appeals for the Sixth Circuit which is attached hereto as **Exhibit D**;
6. A temporary restraining order requiring the entire section of wall depicted in **Exhibit B** to be covered with a fully opaque weather-proof covering is appropriate and needed to protect the writing from being viewed daily by minors until this matter is litigated as well as to preserve it as evidence of a potential violation of Tennessee Code Annotated Section 2-19-120 should this Court ultimately find that the writing is not obscene;
7. A temporary restraining order is further appropriate pursuant to Rule 65 of the Tennessee Rules of Civil Procedure as it is unclear what legal entity “Liberty Property Services” is as a matter of fact and/or law and has only a Post Office Box listed for an address with the Register of Deeds therefore the delivery of notice as to the purported owner of the building is problematic at best;
8. Similarly, Defendant Connie Ammerman is listed in the deed as a “trustee” however it is unclear what actual role she plays in the daily operation of the building and, upon information and belief, she did not spray paint the obscenity on the building;

9. Given the central location of the building to the downtown area of Athens, a permanent injunction is appropriate to ensure that obscenity is not placed squarely in view of minors in the future;
10. Attached hereto is an affidavit in support of this petition;
11. This is the first application for injunctive relief in this matter.

WHEREFORE, premises considered, the State of Tennessee prays that:

1. Process issue to the Defendants requiring them to answer to this Petition within the time set by law;
2. That a temporary restraining order be issued requiring the wall at issue be covered with a fully opaque weather-proof covering until this matter is litigated;
3. That upon a hearing of this matter, a permanent injunction be entered prohibiting the owners of the real property from writing or allowing to be written material that is obscene and harmful to minors;
4. Such other, and further, relief as the justice demands.

Respectfully Submitted,



Stephen M. Hatchett BPR 025440
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Cleveland, TN 37312
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Facsimile: (423) 479-4434
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IN THE CIRCUIT COURT OF MCMINN COUNTY, TENNESSEE
AT ATHENS

STATE OF TENNESSEE,
***EX REL.* STEPHEN M. HATCHETT,**
DISTRICT ATTORNEY GENERAL,
Plaintiff,

V.

CASE NO.

LIBERTY PROPERTY SERVICES and
CONNIE AMMERMAN,
Defendants

AFFIDAVIT IN SUPPORT OF PETITION FOR TEMPORARY RESTRAINING
ORDER AND PERMANENT INJUNCTION

I, Stephen M. Hatchett, the elected District Attorney General for the 10th Judicial District, being duly sworn, makes this affidavit in support of the issuance of a Temporary Restraining Order and Permanent Injunction prohibiting Liberty Property Services and/or Connie Ammerman from displaying obscene material on any exterior wall of the building located on East Washington Avenue on the courthouse square in downtown Athens, Tennessee said building being referenced in attached **Exhibit A** to this affidavit and to the petition. The building in question has been covered in various stenciled and spray painted messages over the years addressing various matters including grievances, whether real or imagined, involving the City of Athens. There have been previous instances where words that would have met the standard for obscenity have

been painted on the exterior of the building referenced in **Exhibit A** however in those instances the entire word did not appear but only enough letters to clearly indicate what word was being used. An example of this can be seen in **Exhibit C** attached hereto and to the Petition. On or about September 19, 2025, the statement depicted in **Exhibit B** was spray painted on the upper part of the building in plain view of the public at large including minors. The building, and the statement at issue, sits directly across from the McMinn County Courthouse which houses numerous county offices including the Trustee, the Property Assessor, the Register of Deeds, and the County Mayor. The building and the writing also is within view of the McMinn County Chamber of Commerce, a martial arts studio that has minors as students, a barber shop, various stores, and other commercial properties located on the courthouse square along with thousands of vehicles that pass through downtown Athens on a daily basis. Further, the timing of the placing of the statement on the wall came after the United States Court of Appeals for the Sixth Circuit issued a Show Cause order on September 18, 2025 in various other matters pending before the Court of Appeals. The timing of the all capital lettered use of the word at issue gives rise to, at a minimum, an inference that the statement, including the obscene word, was spray painted on the building either as retaliation for the United States Court of Appeals for the Sixth Circuit issuing a Show Cause order and/or to force the City of Athens to reach a settlement in the unrelated civil litigation or be forced to have minors seeing the obscenity in large capital letters on the exterior wall of a building in the center of downtown Athens. Further, the City of Athens is set to host Pumpkintown, a large community festival on October 11, 2025, that is held predominantly around the courthouse square and attracts thousands of visitors including children who will have a clear view of the exterior wall.

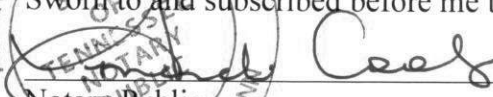
The language used on the building in this matter would not be allowed under the United States Supreme Court's reasoning in *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) and the likelihood of the State of Tennessee prevailing in its petition in this matter is very high.

Further affiant sayeth not.



Stephen M. Hatchett, District Attorney General
10th Judicial District

Sworn to and subscribed before me this 22 day of September, 20 23



Notary Public

My commission expires: 3-31-24

TRACTS ONE AND TWO being the same property conveyed by THE CITY OF
ATHENS, TENNESSEE, by their Limited Warranty Deed dated December 3rd,
2002 and recorded in the Register of Deeds Office of McMinn County,
Tennessee, in Deed Book ~~34~~, Pages ~~134~~ to ~~58~~, to CONNIE L. AMMERMAN,
TRUSTEE, **First Party**/Grantor herein.

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STATE OF TENNESSEE, McMINN COUNTY

I hereby swear or affirm that to the
best of affiant's knowledge, information
and belief, the actual consideration
for this transfer ~~or value of the~~
~~property transferred, whichever is~~
~~greater is \$ 21.00, which amount is~~
~~equal to or greater than the amount~~
~~which the property transferred would~~
~~command at a fair voluntary sale.~~

Affiant: Connie L. Ammerman

Subscribed and sworn to before me this
the 20th day of June, 2003



Property Address: _____

Mail Tax Bill to: ENTITY/LIBERTY PROPERTY SERVICES, trust
Address: Attn: Connie L. Ammerman, Trustee,
Post Office Box #66
Athens, Tennessee (37371)

LEGAL DESCRIPTION: (AS CARRIED FORWARD BY REFERENCE ONTO THE FACE OF
THIS ~~Fee Simple Deed~~ **HEREOF**)

TRACT ONE:

LYING AND BEING situated in the First Civil District of McMinn County, Tennessee, and within the Corporate Limits of the City of Athens, the same being a part of LOT NO. SIX (6), as laid down in the original plat of the public square, and said parcel is more particularly described as follows, to-wit:

BEGINNING at a point inside the sidewalk in the North line of Washington Street, 44 feet and 2 inches, more or less, West of Washington and Jackson Streets; and running thence in a Westerly direction with the North line of said sidewalk, 38 feet and 6 inches to the Southwest corner of the lot here described, in the West line of the wall; thence in a Northerly direction 105 feet and 4 inches to the Southwest corner of the property formerly owned by First National Bank; thence in an Easterly direction with said Bank's South line, 33 feet and 6 inches to the Northwest corner of the easement or right of way 4 feet wide which extends from the Northeast corner of the property here conveyed in an Easterly direction to Jackson Street; thence in a Southerly direction 35 feet and 4 inches to a point; thence in an Easterly direction 5 feet to a point; thence in a Southerly direction 70 feet to the point of BEGINNING.

ALSO, all right, title, interest, claim and equity in and to a strip of land 4 feet in width extending in a Westerly direction from the west line of Jackson Street in said City of Athens, TN, 49 feet to a point in the Northeast corner of the parcel hereinabove conveyed, and which said strip is bounded on the North by the South line of the brick wall and building owned by First National Bank and on the South by the North line of the brick wall and building formerly owned by R. N. Magill and wife, and being a perpetual right to use said strip as a right of way of ingress and egress to and from said Jackson Street, and to lay, construct, and maintain, through, under and along said 4 foot right of way and all sewer pipes, drain pipes, or other pipes for the purpose of serving any building now on said hereinabove described lot (formerly J. H. Hornsby lot) or any building that may be in the future be erected on said lot.

SUBJECT to the requirements of Zoning Ordinances of the City of Athens, Tennessee.

TRACT TWO:

LYING AND BEING situated in the First Civil District of McMinn County, Tennessee, and bounded and described as follows:

ONE LOT OR PIECE of land in Athens, McMinn County, Tennessee, situated on the West corner of Washington and Jackson Streets, and being a part of Lot No. 6 according to the original plan of said Town of Athens, and described as follows:

BEGINNING at the East corner of said Lot No. 6; thence in a Westerly direction along and fronting on Washington Street 44 feet to the East corner of J. H. Hornsby (now W & R Athens) lot; thence in a Northerly direction with said W & R Athens line, and parallel with Jackson Street 70 feet; thence in a Westerly direction, parallel with Washington Street, 5 feet; thence in a Northerly direction with said W & R Athens line, and parallel with Jackson Street, 30 feet to the line of the First National Bank property now owned by the City of Athens; thence in an Easterly direction with the line of the City of Athens property, and parallel with Washington Street 49 feet to Jackson Street; thence with Jackson Street 100 feet to the BEGINNING corner.

SUBJECT to any existing easements and rights-of-way, visible or not.

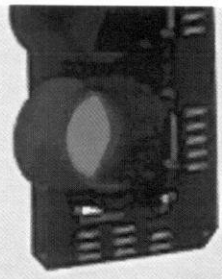
MADISON AVENUE

THE RIGHT
CITIZENS INTO
IMPERVERTS AND

Mayor Larry Eaton TELLS
Citizen F U C K You after
Court said city violated Law

Ex.C

WASHINGTON AVENUE



City attorney Chris Cadwell Lied
according to Court order

Vice Mayor Eaton says
p.s.y and no balls bec
Want to attack Seth

calls citizen pu...y with no balls. Now says not all
gative or say hames when speaking in meetings

Francis Witt
Lied under oath

H.R. Nina Edmonds
Shredded documents about
Orgy investigation

City attorneys - Buck Le
that info was confidential
er Was

Document received by the TN Court of Appeals.

Ex. D

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 18, 2025
KELLY L. STEPHENS, Clerk

24-5918/5919

GLENN WHITING,
Plaintiff - Appellant,

v.

CITY OF ATHENS, TENNESSEE (24-5918/5919); MIKE KEITH and BRANDON
AINSWORTH (24-5918); STEVE SHERLIN (24-5919),
Defendants - Appellees.

25-5424

GLENN WHITING,
Plaintiff - Appellant,

VAN IRION,
Appellant,

v.

CITY OF ATHENS, TENNESSEE; SETH SUMNER; BO PERKINSON; BRANDON
AINSWORTH; JAMESON SLIGER; TY GABLE; ROD WALKER; SETH WALKER; DEB
CARDIN; TYLER HICKS; OFFICER TOM GARLAND,
Defendants - Appellees.

On Appeal from the United States District Court
for the Eastern District of Tennessee at Knoxville.

SHOW CAUSE ORDER

THESE MATTERS are before the court *sua sponte*. All three cases are appeals that arise out of lawsuits filed by Plaintiff-Appellant Glenn Whiting against the City of Athens, Tennessee, and several city officials over a 2022 fireworks show and the subsequent fallout.

Document received by the TN Court of Appeals.

Nos. 24-5918/5919/25-5424, *Whiting v. City of Athens, Tenn. et al.*

We have concerns about some of the representations in Whiting’s briefing. For example, on page 21 of his brief in No. 25-5424, Whiting asserts that the district court issued sanctions *sua sponte* under 28 U.S.C. § 1927, but the district court issued those sanctions on motion of the defendants.

We also have concerns related to several of the authorities cited in Whiting’s briefing. A sample of problematic citations follows.

On page 1 of his brief in No. 25-5424, Whiting cites “*Jones v. Hamilton Cnty.*, 29 F.4th 647, 655 (6th Cir. 2022),” for the proposition that we review sanctions under “42 U.S.C. § 1927” for an abuse of discretion. Whiting Brief in No. 25-5424 at 1. Whiting also cites “*Jones v. Hamilton Cnty.*” on pages 13 and 20 of the brief. *Id.* at 13, 20. The Federal Reporter citation does not correspond with a Sixth Circuit decision. The decision at 29 F.4th 647 is a Tenth Circuit opinion in an unfair competition case. *See Bimbo Bakeries USA, Inc. v. Sycamore*, 29 F.4th 630, 647 (10th Cir. 2022). And the decision at 29 F.4th 655 is another Tenth Circuit case—this time an appeal from a guilty plea. *See United States v. McIntosh*, 29 F.4th 648, 655 (10th Cir. 2022). Neither Tenth Circuit case discusses attorneys’ fees or sanctions. This court has issued a decision captioned “*Jones v. Hamilton County*,” but it was an unpublished opinion from 2023. *See Jones v. Hamilton County*, No. 23-3002, 2023 WL 7391704 (6th Cir. Nov. 8, 2023), *cert. denied*, 144 S. Ct. 1098 (2024). That case does, however, stand for the proposition that we review sanctions under 28 U.S.C. § 1927 for an abuse of discretion. *See id.* at *3.

Also on page 1 of his brief in No. 25-5424, Whiting cites “28 U.S.C. § 455(f)” as providing the appropriate provision to pursue a recusal motion. Whiting Brief in No. 25-5424 at 1. But § 455(f) creates an exception to the rule that judges must recuse from a case in which they have a financial interest. It says nothing about recusal motions generally.

Nos. 24-5918/5919/25-5424, *Whiting v. City of Athens, Tenn. et al.*

On pages 3, 14, 22, and 23 of his brief in No. 25-5424, Whiting cites “*Espinosa*, 559 U.S. 260 (2010)” and “*Espinosa v. United Student Aid Funds, Inc.*, 559 U.S. 260, 272 (2010),” for the proposition that the district court violated Whiting’s due process rights by failing to give him enough time to prepare his pleadings and by denying him access to the CM/ECF electronic filing system. Whiting Brief in No. 25-5424 at 3, 14, 22–23. But the case is actually captioned “*United Student Aid Funds, Inc. v. Espinosa*.” Moreover, that case was about whether the bankruptcy court should have granted Rule 60(b) relief because the debtor did not serve a creditor with a summons and complaint in an adversary proceeding. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 264 (2010).

On pages 12 and 16 of his brief in No. 25-5424, Whiting cites “*Price Bros. v. Philadelphia Gear*, 629 F.2d 444, 449 (6th Cir. 1980),” to argue that the district court violated the “extrajudicial-source doctrine.” Whiting Brief in No. 25-5424 at 12. Although that case does involve a judge who sent his law clerk to engage in extra-record fact-finding, the pincite that Whiting cites is to a Seventh Circuit case about medical malpractice. *See Williams v. St. Joseph Hosp.*, 629 F.2d 448, 449 (7th Cir. 1980).

On page 16 of his brief in No. 25-5424, Whiting cites “*Berg v. Knox Cnty., TN*, 2024 WL 2012345, at *4 (6th Cir. Mar. 12, 2024),” for the proposition that “recusal mandated when extrajudicial commentary demonstrates bias.” Whiting Brief in No. 25-5424 at 16. We cannot find any evidence that this case exists. The WL citation does not generate a case. We could not find the opinion in our opinions archive. Indeed, the only source on Westlaw that cites to a Sixth Circuit decision called “*Berg v. Knox Cnty.*” is Whiting’s briefing in this case. We found three district court opinions captioned as “*Berg v. Knox County, Tennessee*” in Westlaw, but none of them discuss recusals of a judge. *See generally Berg v. Knox County*, No. 3:20-CV-00019-DCLC,

Nos. 24-5918/5919/25-5424, *Whiting v. City of Athens, Tenn. et al.*

2020 WL 7078374 (E.D. Tenn. Sept. 28, 2020); *Berg v. Knox County*, No. 3:22-CV-272-KAC-JEM, 2023 WL 122904 (E.D. Tenn. Jan. 6, 2023); *Berg v. Knox County*, No. 3:20-CV-19-DCLC-HBG, 2020 WL 13888749 (E.D. Tenn. Dec. 17, 2020).

On pages 17 and 19 of his brief in No. 25-5424, Whiting cites “T.C.A. § 29-12-119,” but we cannot find a section 29-12-119 in the Tennessee Code Annotated.

Finally, on pages 17 and 20 of his brief in No. 25-5424, Whiting cites to *Fox v. Vice*, 563 U.S. 826 (2011), for the propositions that (1) “fee awards ‘must be limited to the hours reasonably expended on’ the frivolous claim,” (2) “[t]he Court ‘may make . . . a percentage reduction’” of a lawyer’s requested fees, and (3) “[u]nsupported ‘attorney conjecture’ on apportionment” of attorneys’ fees “is impermissible.” Whiting Brief in No. 25-5424 at 17, 20 (omission original). But none of those quotes appear in *Fox*.

On pages 1 and 4 of Whiting’s reply in No. 24-5918, Whiting says, “[T]he mere fact that a plaintiff did not prevail does not mean that the claim was frivolous.” *Adcock-Ladd v. Secretary of the Treasury*, 227 F.3d 343, 350 (6th Cir. 2000).” That quote does not appear in *Adcock-Ladd*. Furthermore, throughout the reply, Whiting includes quoted language without citing a source. For example, on pages 1, 4, 6, and 7, Whiting apparently cites to Appellees’ brief but does not provide a record cite. And on pages 6 and 8, Whiting appears to quote language from court cases but includes no case citation.

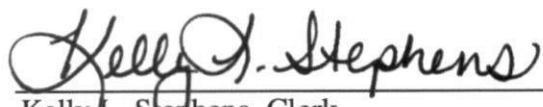
We therefore have cause to believe that sanctions may be warranted under the Federal Rules of Appellate Procedure, this court’s inherent authority, and any other source of disciplinary or sanctioning power. *See, e.g.*, Fed. R. App. P. 38; *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991).

NOW THEREFORE,

Nos. 24-5918/5919/25-5424, *Whiting v. City of Athens, Tenn. et al.*

1. Van Irion and Russell Egli are **ORDERED TO SHOW CAUSE** why they should not be sanctioned and/or disciplined for the conduct described in this order.
2. Briefs of no more than 5,000 words are due within two weeks after the issuance of this order.
3. Any other party wishing to submit a brief may submit a brief of no more than 5,000 words within two weeks after Irion and Egli submit their responsive briefs.
4. There will be no reply briefs.
5. Irion and Egli must provide the Westlaw or LexisNexis printouts of each authority cited across all of the briefs they have filed in the consolidated appeals. If Irion and Egli have quoted from an authority, they must highlight the quoted language in each authority. If there are any discrepancies, Irion and Egli are expected to discuss those discrepancies in their responsive briefing.
6. In addition to any arguments or factual submissions that they believe warrant our consideration, Irion and Egli must explain (1) who wrote the briefing in each case, (2) whether any of the briefs were ghost written in whole or in part, (3) whether generative AI was used in the drafting of these briefs, and (4) the processes that were used to cite-check each brief.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk