

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

A.D.,

Plaintiff,

v.

DIVINE OGBONNAYA and
KIONTE GRAY,

Defendants.

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Case No. 21-0951-I

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ORDER GRANTING PLAINTIFF'S APPLICATION FOR TEMPORARY
INJUNCTION

This cause came before the Court on October 5, 2021, for hearing upon the Plaintiff's application for a temporary injunction. Present for the hearing were Plaintiff's counsel and Defendant Kionte Gray, who represented himself *pro se*. Upon review of the Plaintiff's Verified Complaint, the Plaintiff's Memorandum of Law In Support of Her Application for Temporary Injunction, the affidavits of Defendant Divine Ogbonnaya appended as exhibits to Plaintiff's Memorandum of Law In Support of Her Application for Temporary Injunction, the arguments of Plaintiff's counsel and

unsworn statements of (Ptm)

Defendant Gray, and the entire record, the Court **FINDS** and **ORDERS** as follows:

1. The Court finds that there is a threat of irreparable harm to the Plaintiff, that the Plaintiff has clearly shown through her Verified Complaint and verification that her rights are being or will be violated, and that the Plaintiff will suffer immediate and irreparable injury if the sexually explicit videos, photographs, or images of the Plaintiff continue to be disseminated pending the conclusion of litigation.

2. The Court finds that there is a probability of success on the merits in favor of the Plaintiff as to her claims for invasion of privacy and intentional infliction of

emotional distress.

3. The Court finds that the balance of harm weighs in favor of the Plaintiff and against Defendant Gray, in that there is little harm to Defendant Gray in prohibiting him from engaging in activity that is ~~criminalized~~ ^{the subject of Tenn. Code Ann. § 39-17-318 and is prohibited} under Tennessee law. PHM

4. The Court finds that the public interest weighs in favor of granting an injunction that protects the Plaintiff's privacy interests during the pendency of this lawsuit.

5. Based on these findings, the Plaintiff's application for a temporary injunction should be and is hereby **GRANTED**.

6. The Court hereby **ENJOINS** and prohibits Defendant Kionte Gray from publishing or disseminating to any person or entity, or directing any other person or entity to publish or disseminate, any sexually explicit videos, photographs, or images of the Plaintiff.

7. The \$500.00 injunction bond that is currently in place shall remain in place.

8. The transcribed audio recording of the Court's hearing, attached hereto as **Exhibit #1**, is ^{temporary injunction PHM} incorporated into this order by reference. ^{The portion of the transcript containing the Court's ruling is hereby} All other matters are reserved. PHM

IT IS SO ORDERED.

beginning at page 22, line 15 to page 24, line 8. PHM

ENTERED this the _____ day of _____, 2021.

Patricia Head Moskal
PATRICIA HEAD MOSKAL
CHANCELLOR PART I

MAILED
10/25/21

APPROVED FOR ENTRY BY:

/s/ Daniel A. Horwitz
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October, 2021, a copy of the foregoing was mailed via USPS mail, postage prepaid, or transmitted via the Court's e-filing system, to:

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Pro se Defendant

By: /s/ Daniel A. Horwitz
Daniel A. Horwitz, Esq.

IN THE DAVIDSON COUNTY CHANCERY COURT, NASHVILLE, TENNESSEE

AD,)
) Case No. 21951
 v.)
)
 Divine Ogbonnaya, et. al.)
) October 5, 2021
) Honorable Patricia Moskai

TEMPORARY INJUNCTION HEARING

Transcribed from a digital file by:

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A P P E A R A N C E S

Daniel Horwitz, Esq.
4016 Westlawn Dr.
Nashville, TN 37209

Kionte Gray, Pro Se

1 THE COURT: -- County Chancery Court, Part One.
2 We are here this afternoon for a temporary injunction
3 hearing. This is Case No. 21951, Part One, AD versus
4 Divine Ogbonnaya and Kionte Gray -- if I have pronounced
5 your name correctly.

6 MR. GRAY: Yes, ma'am.

7 THE COURT: All right. Thank you.

8 And with me in the courtroom today is the
9 Part One Calendar Clerk Julie Spencer (phonetic), and the
10 Part One Staff Attorney, Heather Curl~~ess~~^(Pam) (phonetic).

11 We are recording today's hearing. Should anyone
12 need a copy of the recording, it is available upon request
13 from the trial court administrator's office. It is not a
14 certified copy, however, and there is charge for it.

15 Okay. We have a request, an application, for a
16 temporary injunction that follows the entry of a restraining
17 order that was previously entered in this case.

18 Mr. Horwitz, this is your application. Would you
19 like to proceed first?

20 MR. HORWITZ: Yes, Your Honor. Good afternoon.

21 THE COURT: Good afternoon.

22 MR. HORWITZ: If I may also invite Mr. Gallant
23 (phonetic). He's awaiting bar results. He's -- he's
24 working for me as an associate right now. If I can invite
25 him into the bar area, with your permission.

1 THE COURT: You're wait -- the results come out,
2 right, on October 29th, is what I hear?

3 UNIDENTIFIED MALE: Yeah.

4 THE COURT: I just went through some interviews
5 for -- character and fitness interviews. So I hope you've
6 had yours. It's -- with permission, yes, you're welcome to
7 come up.

8 Let me have -- is there anyone else that needs to
9 be identified?

10 We have --

11 MR. GRAY: I --

12 THE COURT: -- Mr. Kionte, you -- Gray, you are
13 here today on your own behalf.

14 MR. GRAY: Yes.

15 THE COURT: You are representing yourself; is that
16 correct?

17 MR. GRAY: Well, yes, ma'am. But I didn't have
18 time to get a lawyer because I work literally 5:00 until
19 5:00. So every time I call, either on break or when I get
20 off, either they're closed or the lawyer is super busy, and
21 I'm always talking to the assistant. So I didn't have
22 enough time to get a lawyer.

23 THE COURT: You don't have an -- an attorney as of
24 today.

25 MR. GRAY: No. But when --

1 THE COURT: Is it your intent to get an attorney?

2 MR. GRAY: Yes, ma'am.

3 THE COURT: But during the course of this case?

4 MR. GRAY: Yes, ma'am.

5 THE COURT: Okay. Thank you.

6 MR. GRAY: You're welcome.

7 THE COURT: All right. I'm going to hear from
8 Mr. Horwitz.

9 And if you'll just remain seated and listen
10 carefully. And then I'll give you an opportunity to respond
11 and tell me what your position is, sir.

12 MR. GRAY: Yes, ma'am.

13 THE COURT: Okay?

14 MR. GRAY: Okay.

15 MR. HORWITZ: Afternoon. I did just want to state
16 for the record that Defendant Gray is in the courtroom today
17 for this hearing.

18 This matter came before the Court upon a verified
19 complaint by the plaintiff in this matter. It concerns the
20 transmission of sexually explicit videos of the plaintiff
21 without her consent, to third parties.

22 Defendant Gray indicated that the videos were
23 deleted; they clearly were not. The plaintiff has alleged
24 and sworn under oath that the facts in her -- alleged in her
25 complaint are true.

1 And since this complaint was filed,
2 Defendant Ogbonnaya has stipulated to liability in this
3 matter, has consented to the entry of a permanent
4 injunction, and has provided a sworn copy of the text
5 message correspondence from Defendant Gray, in which
6 Defendant Gray transmits sexually explicit videos of the
7 plaintiff.

8 I think there is no serious dispute regarding --

9 THE COURT: And -- and before you continue, I just
10 want to make clear on the record, Defendant Divine Ogbonnaya
11 is not here. She is represented by counsel, Attorney
12 Mark Freeman.

13 But because they -- you have submitted to the
14 Court, which the Court has not yet entered, an agreed order
15 and consent judgment, they had no intent of being present
16 today for to -- today's temporary injunction hearing; is
17 that correct?

18 MR. HORWITZ: That's correct. It's our position
19 that a claim for temporary relief against her is moot,
20 because she has stipulated to the entry of permanent
21 injunctive relief, so that -- that's why they are not here.

22 THE COURT: We did not hear from either one of
23 them, but I -- but I understand.

24 MR. HORWITZ: As part of that consent decree that
25 is before Your Honor, Defendant Ogbonnaya was required to

1 produce authenticated copies of her text message
2 correspondence with other individuals, relevant to this
3 matter and with Defendant Gray. She did so. I have two
4 affidavits from her.

5 The correspondence is attached. It is between
6 Defendant Gray and Defendant Ogbonnaya. These are
7 Defendant Gray's own statements. And it is clear beyond
8 dispute that Defendant Gray did in fact transmit sexually
9 explicit videos of the plaintiff, in which the plaintiff is
10 identifiable to at least Defendant Ogbonnaya.

11 Under these circumstances, the plaintiff submits
12 that a temporary injunction should issue. Threat of
13 irreparable harm to the plaintiff if an injunction is not
14 granted is high.

15 With very little transmission, this -- these
16 videos have already gone worldwide. They have been
17 transmitted internationally. They have been transmitted to
18 the plaintiff's family. This is tremendously harmful for
19 self-evident reasons. But even if it were not, the
20 plaintiff has sworn as to the harm that she is suffering as
21 a result of this.

22 The balance between this harm and the injury that
23 granting an injunction would inflict on the defendant also
24 favors the issuance of a temporary injunction here.

25 Tennessee criminalizes the transmission of

1 sexually explicit videos identifying someone like the
2 plaintiff without the plaintiff's consent that cause harm.
3 That is precisely what Defendant Gray did here. It is a
4 crime.

5 There is no harm that will result to him from the
6 issuance of a temporary injunction, because Tennessee has
7 already criminalized what he has been doing. The
8 probability that the plaintiff will succeed on the merits of
9 this action is high.

10 This is a relatively new factual setting, because
11 the internet has made the damage associated with
12 transmissions like this particularly painful. But there
13 have been several courts that have adjudicated similar
14 factual circumstances and have -- have made clear that
15 actions like Defendant Gray's are tortious and actionable
16 under multiple tort theories.

17 We have brought two of those theories here. They
18 are a subset of invasion of privacy and the intentional
19 infliction of emotional distress. And I submit that the
20 evidence before the Court establishes the elements of those
21 torts beyond dispute.

22 Finally, there is the public interest to consider.
23 Tennessee has a state constitutional provision protecting
24 victims of crime like the plaintiff. Additionally, as
25 noted, Tennessee has criminalized what Defendant Gray has

1 been doing. The public interest favors the enforcement of
2 the state's statutes that reflect the state's public policy.
3 And they -- and it favors protecting crime victims like the
4 plaintiff.

5 Without having received anything in opposition
6 from Defendant Gray regarding this matter by this Court's
7 deadline, I don't know that anything that has been set forth
8 here, which is in our papers as well, is even disputed.

9 Under these circumstances, I would -- I would ask
10 the Court to extend its restraining order, grant a temporary
11 injunction. And I also note that the plaintiff has posted a
12 cash bond against which the defendant can recover in the
13 event that this Court ultimately determines that judgment
14 should not issue.

15 Thank you, Your Honor.

16 THE COURT: All right. And although you mentioned
17 that this conduct is criminalized, for the benefit of
18 Mr. Gray, I -- this is a civil lawsuit, in which the claims
19 asserted against you are civil claims, not criminal. This
20 -- we are not here for any kind of criminal prosecution in
21 this courtroom. All right?

22 MR. GRAY: (No audible response.)

23 THE COURT: The claims against you are for
24 invasion of privacy and intentional infliction of emotional
25 distress.

1 Did you receive copies of all -- of the papers
2 that were filed?

3 MR. GRAY: I did, ma'am. I was -- I just read --
4 I got up -- ready to go to work this morning, I forgot to
5 grab the papers off the counter. But I do have
6 [indiscernible] --

7 THE COURT: So you did get -- did you get copies
8 of the affidavits that were filed --

9 MR. GRAY: Yes, ma'am.

10 THE COURT: -- by Divine Ogbonnaya?

11 Am I pronouncing that correctly?

12 MR. HORWITZ: I -- I think so, Your Honor.

13 MR. GRAY: No, I didn't get any -- from Divine, I
14 didn't get anything.

15 THE COURT: You did ^{nt} get ^{PHM} any of the affidavits?

16 MR. GRAY: Are you saying the one with me and her
17 name on it?

18 THE COURT: Was there a certificate of service on
19 these affidavits?

20 MR. HORWITZ: There was, but this was filed
21 yesterday, Your Honor. I did include his email address as
22 well. It should have been transmitted associated with the
23 filing, but he may not have received it yet.

24 THE COURT: I don't see a certificate of service
25 on the affidavits.

1 MR. HORWITZ: Sorry.

2 THE COURT: Were they --

3 MR. HORWITZ: They were --

4 THE COURT: -- attached --

5 MR. HORWITZ: -- they were made exhibits to the
6 memorandum.

7 THE COURT: I apologize. Okay. They got stapled
8 separately to me.

9 Were those sent to Mr. Gray's email address?

10 MR. HORWITZ: They were.

11 THE COURT: Okay.

12 Did you receive the affidavits by email?

13 MR. GRAY: No. I've got the -- I got served
14 papers.

15 MR. HORWITZ: I have the originals here if he'd
16 like to review them.

17 THE COURT: Well, I just want to make sure he's
18 got copies of everything, since he's here today. And if he
19 hasn't seen them I want to give him the opportunity to
20 review them.

21 So would -- what I'm going to suggest before I
22 hear from you is to give you the opportunity to review the
23 affidavits that were filed.

24 MR. GRAY: May I, please?

25 THE COURT: Yes, you may.

1 And I was going to suggest we make copies. But
2 it's kind of hard to read the copies.

3 MR. HORWITZ: That's why I --

4 THE COURT: And if you've got the originals handy
5 and don't mind Mr. Gray looking at those. I -- I think that
6 may be the best...

7 MR. HORWITZ: If I might confirm Defendant's email
8 address for the record and make sure?

9 THE COURT: Mr. Gray, what is your email address?

10 MR. GRAY: GrayKionte@gmail.com.

11 THE COURT: Gray --

12 MR. GRAY: Kionte.

13 THE COURT: -- Kionte. One -- all one word --

14 MR. GRAY: Yes, ma'am.

15 THE COURT: -- with no space?

16 MR. GRAY: @gmail.com.

17 THE COURT: @gmail.com.

18 Is that what you had, Mr. Horwitz?

19 MR. HORWITZ: No. I had an iCloud address.

20 THE COURT: Okay. So now we have that.

21 And Mr. Kionte -- Mr. Gray, rather, I apologize --
22 until we know whether you're going to have an attorney
23 representing you, could you also provide us with your
24 telephone number so that we're able to reach you?

25 MR. GRAY: I actually don't have a telephone

1 number. I have an iCloud account. My phone isn't on right
2 now. My phone hasn't been on in about a year.

3 THE COURT: Oh, okay. So you don't have voice --

4 MR. GRAY: I --

5 THE COURT: -- service.

6 MR. GRAY: No, ma'am.

7 THE COURT: You just have text service?

8 MR. GRAY: Yes, ma'am.

9 THE COURT: Okay. And is your iCloud
10 GrayKionte03@iCloud.com?

11 MR. GRAY: Yes, ma'am. That's my iCloud I'm using
12 now.

13 THE COURT: Okay. All right.

14 I'm going to give you a few minutes, Mr. Gray, to
15 review that. And we will just take a pause so that you can
16 do so.

17 MR. HORWITZ: Also to state for the record: So we
18 had received the scans that were ultimately filed as
19 exhibits from Defendant Ogbonnaya's counsel. Now that I
20 have the originals, I can use a better scanner, so they'll
21 be a little more legible. But I -- I intend to do that
22 today.

23 THE COURT: All right. I was able to read the
24 text messages, so -- even those they're pretty dark.

25 All right. Mr. Gray, have you had been

1 opportunity to review those affidavits?

2 MR. GRAY: Yes, ma'am.

3 THE COURT: All right. Very good.

4 Ms. Spencer, would you collect those from Mr. Gray
5 and return them to Mr. Horwitz?

6 And Mr. Horwitz, will you make sure that a copy
7 gets forwarded --

8 MR. HORWITZ: [indiscernible].

9 THE COURT: -- a better copy gets forwarded to
10 Mr. Gray? Okay.

11 Do you also -- did you receive a copy of the
12 agreed order and consent judgment between the plaintiff AD
13 and Divine Ogbonnaya?

14 MR. GRAY: The restraining order?

15 THE COURT: Did you receive a copy of it?

16 MR. GRAY: Oh, yes, ma'am.

17 THE COURT: Okay. I just wanted to make sure that
18 you've gotten a copy of everything. And did you get a copy
19 of the restraining order?

20 MR. GRAY: Yes, ma'am.

21 THE COURT: Okay.

22 MR. GRAY: And that's from -- the restraining
23 order from --

24 THE COURT: I couldn't hear --

25 MR. GRAY: -- Ms. [REDACTED]

1 THE COURT: I couldn't hear you.

2 MR. GRAY: The -- the restraining order from

3 Ms. [REDACTED]?

4 THE COURT: From who?

5 MR. GRAY: Who -- who is it that you're talking
6 about?

7 MR. HORWITZ: It's the plaintiff, Your Honor
8 [indiscernible].

9 THE COURT: Oh. Thank you. I'm sorry. We're
10 referring to the plaintiff as "AD."

11 MR. GRAY: AD, okay.

12 THE COURT: Okay. There is a provision under
13 Tennessee law to protect the privacy of a litigant with a
14 sensitive matter like this, they can file just using their
15 initials --

16 MR. GRAY: Yes, ma'am.

17 THE COURT: -- without their full name. So we're
18 going to refer to the plaintiff as "AD."

19 MR. GRAY: Yes, ma'am.

20 THE COURT: Okay. All right.

21 Mr. Gray, I know you don't have an attorney with
22 you today. Is there anything that you would like to tell
23 the Court about your position?

24 And --

25 MR. GRAY: Yeah.

1 THE COURT: -- the request has been made to
2 convert the restraining order into a temporary injunction,
3 which means that the -- that any order would prevent you,
4 during the pendency of this lawsuit, from disseminating the
5 sexually explicit material that's the subject of this
6 lawsuit. So that's what is being asked, during the
7 remaining pendency of this lawsuit, until everything is
8 concluded and decided.

9 So what is your position?

10 MR. GRAY: Well, the last -- well, the last three
11 weeks -- two weeks -- I'd say from September 18th through
12 now -- maybe the 17th, I've been working steady. I've been
13 busy working.

14 And I came home to like 16 missed called from AD.
15 And I was trying to figure out what was going on. Of
16 course, I just got home. But when I got time to answer the
17 phone, I answered the phone, and she asked why were I
18 sending videos to her family, her boyfriend, this and that.
19 And I told her that I -- I didn't do it. And I -- I wasn't
20 doing it.

21 THE COURT: Okay.

22 MR. GRAY: And --

23 THE COURT: Let me -- let me stop you there,
24 because I haven't put you under oath.

25 MR. GRAY: Yes, ma'am.

1 THE COURT: And you're giving me evidence about
2 the facts. And what I'd really like to know is, with regard
3 to the plaintiff's, AD's, request, that you be enjoined from
4 publishing or disseminating to any other person any sexually
5 explicit videos, photographs or images of the plaintiff.

6 So tell me whether you oppose that request, to be
7 -- for you to be enjoined from disseminating that
8 information?

9 MR. GRAY: I -- I -- I -- can you say that again?
10 I -- I don't --

11 THE COURT: Sure.

12 MR. GRAY: -- understand what that means.

13 THE COURT: And I'm going to take my mask off so
14 that we can communicate --

15 MR. GRAY: Yes, ma'am.

16 THE COURT: -- a little bit easier.

17 The request today by AD's attorney is for me to
18 enter an injunction extending the restraining order that
19 prohibits you from disseminating or publishing to any other
20 person any sexually explicit videos, photographs, or images
21 of AD --

22 MR. GRAY: Uh-huh.

23 THE COURT: -- during the pendency of this
24 lawsuit.

25 Do you oppose that request?

1 MR. GRAY: Oppose it, meaning?

2 THE COURT: Are you against it?

3 MR. GRAY: No.

4 THE COURT: Do you --

5 MR. GRAY: It --

6 THE COURT: -- so you would consent, or at least
7 not oppose that type of an order being entered against you,
8 prohibiting you from disseminating that sexually explicit
9 information?

10 MR. GRAY: I -- I never done a court thing, so I
11 -- I'm -- I'm not opposed to it, I guess. I don't know.

12 THE COURT: Okay. And you will have an
13 opportunity, either through counsel or on your own, to tell
14 me what the underlying facts are in this case and what you
15 did or did not do. That will be for another day.

16 MR. GRAY: Yes, ma'am.

17 THE COURT: Okay? That's not what we're here
18 about today.

19 This is kind of a ^{limited (pm)} ~~limiting~~ hearing today on a
20 temporary injunction, which is an order that will tell you
21 what's going to happen and what you can and cannot do during
22 the pendency of this lawsuit.

23 MR. GRAY: Yes, ma'am. And --

24 THE COURT: Okay.

25 MR. GRAY: And --

1 THE COURT: Do you understand that?

2 MR. GRAY: I do. And --

3 THE COURT: Okay. Good.

4 MR. GRAY: And I also -- oh, never mind. You can
5 go ahead. Go ahead.

6 THE COURT: It -- did you have something --
7 please, go ahead.

8 MR. GRAY: Okay. So I know that there are videos
9 being spread around, but I am not the person that's
10 spreading the videos or sending this to her family of any
11 matter. I don't have her family's number -- anyone's
12 number. And I can be completely above -- honest above
13 everything.

14 THE COURT: And I -- I understand what you are
15 saying and -- and that that's your position. But I'm not
16 going to decide that today.

17 MR. GRAY: Yes, ma'am.

18 THE COURT: For -- for today, what we are here to
19 determine is the entry of a temporary ~~restraining~~ ^{injunctive} order to
20 prevent harm to AD during the pendency of this lawsuit.

21 MR. GRAY: Yes, ma'am.

22 THE COURT: All right.

23 MR. GRAY: But --

24 THE COURT: Is there anything else?

25 MR. GRAY: -- I -- I'm saying that during the

1 pendency of this, while it's pending, what if another video
2 gets sent to her family, and I'm -- I'm still not the person
3 doing it, what does that do to me --

4 THE COURT: The --

5 MR. GRAY: -- because I can get in trouble for
6 that [indiscernible].

7 THE COURT: Well, if I put down an injunction
8 forbidding you from disseminating any sexually explicit
9 information, you must comply with it.

10 MR. GRAY: I know.

11 THE COURT: And whether someone else does or not
12 is beyond the scope of my order. I am re -- enjoining you.
13 If you violate that Court order, you could be subject to
14 contempt of court. Mr. Horwitz and his client would have
15 the right to file a motion for an order of contempt.

16 So what you need to be concerned about is your
17 behavior and what you do.

18 MR. GRAY: Yes, ma'am.

19 THE COURT: And you also cannot direct anyone else
20 to disseminate the sexual -- you cannot tell a friend, for
21 example, to do it.

22 MR. GRAY: That's --

23 THE COURT: You -- you cannot -- you will be
24 prohibited, through yourself or through anyone else at your
25 direction. Does --

1 MR. GRAY: Yes, ma'am.

2 THE COURT: -- do you understand?

3 MR. GRAY: Yes, ma'am. But these -- there are
4 videos being sent to her -- like it's -- it -- it has
5 nothing to do with me. It's not me. So if that happens
6 while this is going on, but it's not me, what happens to me?

7 THE COURT: Well, we'll -- we'll have to have a
8 hearing to see what the source of that is. That's not in
9 front of me today.

10 MR. HORWITZ: The only -- the only thing --

11 THE COURT: Mr. Horwitz?

12 MR. HORWITZ: -- I'd ask for clarification on is
13 if he is disputing the plaintiff's likelihood of success on
14 the merits, I'd like some clarification as to whether or not
15 he is contending he has not sent any videos, or if he's not
16 currently sending videos.

17 THE COURT: Well, I haven't put him under oath.
18 And I think I have enough information in front of me today
19 through the affidavit of Divine Ogbonnaya to make that
20 determination for purposes of the application today.

21 Mr. Gray intends to get an attorney. I would like
22 to afford him that opportunity to do so. And it's -- that's
23 why I -- this was not a -- designed to be an evidentiary
24 hearing, he did not have advance notice that it's an
25 evidentiary hearing.

1 And so I'm going to be very cautious and -- in
2 terms of eliciting any admissions from Mr. Gray today. All
3 right?

4 And ma'am, I see you had your hand up. Are you an
5 attorney?

6 UNIDENTIFIED FEMALE: No, ma'am.

7 THE COURT: Okay. And I assume you're related
8 to --

9 UNIDENTIFIED FEMALE: I'm his mother.

10 THE COURT: Okay. Thank you for being here. I'm
11 sure it was important to Mr. Gray that you are here for
12 support. But I cannot hear from you. I can only hear from
13 Mr. Gray or his attorney.

14 All right. Anything else, Mr. Gray? Okay.

15 The Court has before it the plaintiff's
16 application for a temporary injunction that would convert
17 the restraining order into -- that currently is in effect as
18 of September 22, 2021, to convert that into a temporary
19 injunction during the pendency of this hearing, under
20 Rule 65.04 of the Tennessee Rules of Civil Procedure.

21 The Court finds that the application for temporary
22 injunction should be granted.

23 The Court finds that there is a threat of
24 irreparable harm to the plaintiff, that she has clearly
25 shown through her verified complaint and verification that

1 her rights are being or will be violated, and that she will
2 suffer immediate and irreparable injury if the sexually
3 explicit videos, photographs, or images of Plaintiff are
4 continued to be disseminating during the pendency of the
5 hearing.

6 The Court further finds that there is a
7 probability of success on the merits in favor of the
8 plaintiff. The plaintiff has asserted claims for invasion
9 of privacy and intentional infliction of emotional distress.

10 And the conduct that has been alleged to have been
11 engaged in is the subject of Tennessee Code
12 Annotated 39-17-318, and is prohibited by law, the unlawful
13 exposure of sexually explicit information, and that that has
14 been recognized as giving rise to theories of liability
15 under the causes of action for invasion of privacy and
16 intentional infliction of emotional distress.

17 The Court further finds that the balance of harm
18 weighs in favor of the plaintiff and against the defendant,
19 in that there is little harm to Defendant in prohibiting him
20 from engaging in activity that is criminalized under
21 Tennessee law.

22 And then finally, for the public interest factor,
23 the Court finds that the -- that factor weighs also in favor
24 of the plaintiff to protect her privacy interests during the
25 pendency of this lawsuit.

1 Based on those findings, the Court hereby enjoins
2 and prohibits Kionte Gray from publishing or disseminating
3 to any person or entity, or directing any other person or
4 entity, from publishing or disseminating any sexually
5 explicit videos, photographs, or images of the plaintiff.

6 The \$500 injunction bond that is currently in
7 place shall remain in place. And all those issues are
8 reserved.

9 If -- I'm going to ask you, Mr. Horwitz, if you
10 would prepare the injunction order. And would you please
11 reflect in the order that Mr. Gray was present today and had
12 the opportunity to state his position.

13 Mr. Gray, I very much appreciate you being present
14 today. That was important for you to appear. And if there
15 are any other hearings scheduled, you need to be present or
16 have -- with or without your attorney. Okay?

17 MR. GRAY: Yes, ma'am.

18 THE COURT: Mr. Horwitz?

19 MR. HORWITZ: Yes, Your Honor. I anticipate
20 ordering the audio and getting that transcribed, so it may
21 take me a few more days than usual to get the order down --

22 THE COURT: The restraining order will remain in
23 effect until the temporary injunction order is entered by
24 the Court.

25 So you are still restrained until we get a

1 written order, that I sign, that's entered by the Court.

2 MR. GRAY: Yes, ma'am.

3 THE COURT: Okay?

4 MR. GRAY: Yes, ma'am.

5 THE COURT: Do you under -- have any questions
6 about that?

7 MR. GRAY: No, ma'am.

8 THE COURT: All right.

9 MR. HORWITZ: I just wanted to check to make sure,
10 can I make the transcript part of the order that is filed?

11 THE COURT: It's -- it's a recording.

12 MR. HORWITZ: I know. I'm going to get it
13 transcribed.

14 THE COURT: Oh, okay. Just --

15 MR. HORWITZ: Okay.

16 THE COURT: You -- you're welcome to do that.

17 MR. HORWITZ: Okay.

18 THE COURT: Is there anything else we can address
19 today, Mr. Horwitz?

20 MR. HORWITZ: Not for the plaintiff, Your Honor.

21 THE COURT: All right.

22 Is there anything else we can address today,
23 Mr. Gray?

24 MR. GRAY: No, ma'am.

25 THE COURT: Okay. Thank you all for being here.

1 STATE OF TENNESSEE)
2 COUNTY OF DAVIDSON)

3

4 I, Laurie McClain, Transcriber,

5 DO HEREBY CERTIFY that the foregoing proceedings
6 were transcribed by me from a digital file, and the
7 foregoing proceedings constitute a true and correct
8 transcript of said recording, to the best of my ability.

9 I FURTHER CERTIFY I am not a relative or employee
10 or attorney or counsel of any of the parties hereto, nor a
11 relative or employee of such attorney or counsel, nor do I
12 have any interest in the outcome or events of this action.

13

14 Date 10/18/2021

Laurie McClain
Laurie McClain
Transcriber

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