

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY TENNESSEE

JASON CROSS a/k/a MIKEL KNIGHT,  
an individual, AND 1203  
ENTERTAINMENT, LLC,

Petitioners,

v.

FACEBOOK, INC.,  
AND JOHN AND/OR JANE DOES 1-10,  
being an individual or individual(s) who  
act as administrator(s) of the Facebook  
page "Families against Mikel Knight and  
the MDRST"—on which false and  
defamatory statements were made—and  
whose identity is unknown to the Plaintiff  
at this time but who will be added by  
amendment when ascertained.

Respondents.

Case No. 15C2403

FILED  
2015 AUG 11 AM 9:21  
RICHARD R. ROBERTS, CLERK  
*[Signature]*

ORDER

On July 31, 2015, this matter came before the Court, as required by the Court's July 24, 2015 Order. The Court conducted a hearing so it could determine whether to extend the *ex parte* Temporary Restraining Order previously issued against Facebook, Inc. ("Facebook"), dissolve the Temporary Restraining Order, or grant Petitioners a temporary injunction under Rule 65.04 of the Tennessee Rules of Civil Procedure.

Facebook opposed the July 24, 2015 Temporary Restraining Order and requested that it be dissolved. Further, Facebook filed an opposition to Petitioners' Request for a Temporary Injunction. After reviewing the submissions of the parties and the authorities cited therein and considering the arguments of Counsel, the Court determines that Petitioners' request for a temporary injunction should be denied and the July 24, 2015 Temporary Restraining Order

should be dissolved. In support of these conclusions, the Court makes the following findings of fact and conclusions of law under Rule 65.04(6) of the Tennessee Rules of Civil Procedure:

**Findings of Fact & Conclusions of Law**

1. Petitioners filed a Petition for Pre-litigation Discovery. Petitioners have named Facebook, Inc. and various John and/or Jane Does as defendants in the Petition.

2. Petitioners allege the Doe Defendants posted alleged defamatory material regarding Petitioners on a Facebook page. Petitioners concede that the alleged offending content was not created by Facebook.

3. Facebook is a social media website and is an interactive computer service as defined under 47 U.S.C. § 230(f)(2).

4. Facebook is not the information content provider, as defined under 47 U.S.C. § 230(f)(3), of the alleged defamatory material referenced in the Petition.

5. Facebook is not the publisher of the alleged defamatory material referenced in the Petition.

6. The Court concludes 47 U.S.C. § 230, *et seq.* applies and bars Petitioners' request for a temporary injunction under Rule 65.04 of the Tennessee Rules of Civil Procedure.

7. The Court concludes the July 24, 2015 Temporary Restraining Order issued under Rule 65.03 of the Tennessee Rules of Civil Procedure should be dissolved because Petitioner is not entitled to such relief under 47 U.S.C. § 230, *et seq.*

8. The Court concludes Petitioners' request for a temporary restraining order and temporary injunction against Facebook is not warranted because Facebook is not the author or publisher of the alleged defamatory materials.

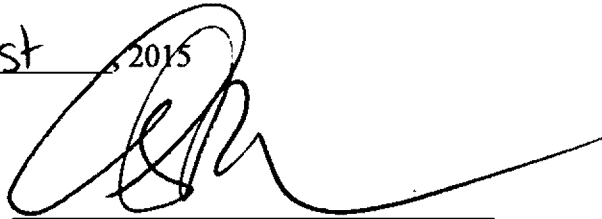
9. The Court concludes there is not a legal basis to extend the July 24, 2015 Temporary Restraining Order or issue a Temporary Injunction against Facebook.

10. The Court concludes the Petition for Pre-Litigation Discovery does not articulate a civil claim against Facebook.

Thus, it is hereby

**ORDERED** that the Temporary Restraining Order issued on July 24, 2015 is dissolved, and Petitioners' request for a temporary injunction is denied.

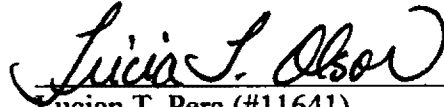
Entered this 11<sup>th</sup> day of August, 2015



The Honorable Amanda McClendon

Respectfully Submitted,

**ADAMS AND REESE LLP**



Lucian T. Pera (#11641)  
Adams and Reese LLP  
Crescent Center  
6075 Poplar Avenue, Suite 700  
Memphis, TN 38119-0100  
Main: 901-525-3234  
Fax: 901-524-5419  
lucian.pera@arlaw.com

Tricia Olson (#24643)  
Rocklan W. King, III (BPR #30643)  
ADAMS AND REESE LLP  
Fifth Third Center  
424 Church Street, Suite 2800  
Nashville, TN 37219  
Telephone: (615) 259-1450  
Facsimile: (615)-259-1470  
trica.olson@arlaw.com  
rocky.king@arlaw.com

**COLE LAW GROUP**



Todd Cole (#31078)  
750 Old Hickory Boulevard  
Building Two, Suite 202  
Brentwood, TN 37027

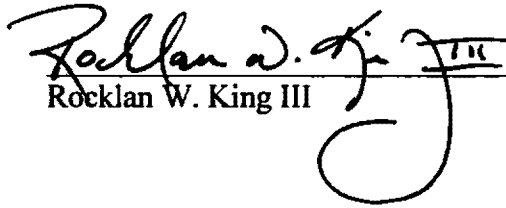
Counsel for Petitioners

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was served on this the 4<sup>th</sup> day of August, 2015 by Electronic Mail and Facsimile on the following:

Todd Cole  
750 Old Hickory Boulevard  
Building Two, Suite 202  
Brentwood, TN 37027

Counsel for Petitioners

  
Rocklan W. King III