

**IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION, AT NASHVILLE**

PEPPER BLACK AND
S. BRAD DOZIER,

Plaintiffs-Appellants,

v.

THERESA BALDWIN,

Defendant-Appellee.

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Case No. M2024-00151-COA-R3-CV

Circuit No.: 74CC1-2022-CV-247

**APPELLEE’S MOTION TO DIRECT THAT A SUPPLEMENTAL
RECORD BE CERTIFIED AND TRANSMITTED**

I. INTRODUCTION

Comes now Appellee Theresa Baldwin, through undersigned counsel, and pursuant to Tennessee Rule of Appellate Procedure 24(e), respectfully moves this Court to order that a supplemental record be certified and transmitted. *See id.* (“If necessary, the appellate . . . court may direct that a supplemental record be certified and transmitted.”). In particular, the Appellee moves this Court to instruct the Clerk to supplement the record in this appeal with: (1) the trial Court’s October 22, 2024 Order, *see* **Ex. 1**, Order (Oct. 22, 2024); (2) the exhibits introduced at the Parties’ October 4, 2024 hearing; and (3) the transcript of the October 4, 2024 hearing, *see* **Ex. 2**, Tr. of Oct. 4, 2024 Proceedings.

As grounds for this Motion, Ms. Baldwin respectfully states as follows:

II. ARGUMENT

This case concerns speech-based tort claims filed by the Appellants against Appellee Theresa Baldwin. After lengthy litigation, the trial court dismissed the Appellants' claims and awarded money judgments against the Appellants under the fee-shifting and sanctions provisions of the Tennessee Public Participation Act. This appeal followed.

Weeks after the trial court's money judgments became final—and while appellate proceedings unfolded here—the Appellees fraudulently transferred Ms. Black's assets. The trial court has recently determined as much following an evidentiary hearing. *See Ex. 1* at ¶ 3. Such fraudulent misbehavior is relevant to the Appellants' right to maintain this appeal any further. *See, e.g., Durr v. Buerger*, No. 0A01-9901-CH-00030, 1999 WL 807701, at *3 (Tenn. Ct. App. Oct. 12, 1999) (“The pleading of unclean hands is not a prerequisite for denying relief. Upon discovering it, the court may apply the maxim on its own motion.”); *Farmers & Merchants Bank v. Templeton*, 646 S.W.2d 920, 924 (Tenn. Ct. App. 1982) (“Once found to exist, the doctrine of unclean hands repels the unclean plaintiff at the steps of the Courthouse.”). The hearing at which the trial court made this finding also featured additional testimony relevant to several matters in this appeal. *See generally Ex. 2*.

For these reasons, Ms. Baldwin respectfully moves this Court to “direct that a supplemental record be certified and transmitted” under Tennessee Rule of Appellate Procedure 24(e).

III. CONCLUSION

For the foregoing reasons, this Court should order the trial court clerk to file a supplemental record.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd of October, 2024, a copy of the foregoing was served via the Court's electronic filing system, via email, and/or via USPS mail, postage prepaid, to the following parties:

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