

IN THE CHANCERY COURT FOR LOUDON COUNTY

SHADRACK WATER SPORTS, INC

Petitioner,

v.

No. 11238

LENIOR CITY TENNESSEE

And

STEVE HARRELSON.

Respondent.

PETITION FOR RESTRAINING ORDER

Comes now the Petitioner Shadrack Water Sports, Inc by and through their attorney, Michael S. Farley pursuant to rule 65.03 of the Tennessee Rules of Civil purctive, and moves this honorable court for a restraining order restraining the City of Lenoir City there agents, employees and especially Steve Harrelson from interfering with Shadrack Water Sports, Inc., us of the Lenoir City Park from Friday May 2, 2008 through Sunday May 4, 2008, for the purposes of having a boat show. For grounds your petitioner Shadrack Water Sports will show this honorable court as follows:

1) That in years past Shadrack Water Sports, Inc. has been authorized to us the Lenoir City Park for the purpose of putting on an on a boat show.

2) That in 2007 Shadrack Water Sports, Inc requested the use of the

Lenoir City Park for such an event and was arbitrarily denied use of the park for no

STATE OF TENN. LOUDON COUNTY  
I, Fred Chaney, Clerk and Master for said county, certify this to be a true & correct copy of the original which is on file in my office at the Court House in Loudon.  
Witness my hand and seal at office, this

May 2 2008  
Fred Chaney Clerk  
By Connie Black D.C.

FILED 2 DAY OF May 2008  
AT 10:32 AM  
Fred Chaney  
LOUDON CO. CLERK & MASTER  
CB

apparent or explained reason. This is Public Park and numerous other organizations are allowed the use of this park.

3) That as a result of Shadrack Water Sports being denied the use the Lenoir City Park for the boat show in 2007, Shadrack Water Sports had several thousand dollars in lost profits as compared to the previous years when they were allowed to have such an event.

4) That in 2008 Shadrack Water Sports again requested the use of the Lenoir City Park and was again denied use of the park without any explanation or reason by Steve Harrelson the Director of Parks and Recreation for Lenoir City .

5) That after hiring Michael Farley and entering into negotiation with Lenoir City and Steve Harrelson through there attorney Shannon Littleton an agreement was reached wherein Shadrack Water Sports was given permission to have unrestricted use of the Lenoir City Park from May 2, 2008 to May 4, 2008. This permission was granted through there attorney Shannon Littleton after consulting with Steve Harrelson.

6) That the permission for Shadrack Water Sports to use the park May 2, 2008 through May 4, 2008 was conveyed to attorney Michael Farley by letter from Shannon Littleton dated the 14<sup>th</sup> day of April, 2008, a copy of which is attached as exhibit one.

7) That after receiving written permission for unrestricted use of the park on this date, Shadrack Water Sports undertook the planning of a boat show at the Lenoir City Park and has spent over Thirty Thousand Dollars (\$30,000.00) in advertising and preparation cost to put on this event.

8) That Shadrack Water Sports expects the sales of numerous boats as result of this event and has invested thousand dollars to put on this event.

9) That on April 30, 2008, after having been given written permission for unrestricted use of the park Steve Harrelson, Parks and Recreation Director for Lenoir City contacts Josh Glover an employee of Shadrack Water Sports and advises him that he will not be able to use the park on Sunday May 4, 2008 because Steve Harrelson has now scheduled another event at the same time.

10) That when Mr. Glover was advised of this he explained to Mr. Harrelson that they had been given written permission for unrestricted use of the park and due to the advertising both in both print and radio media and all of the preparation and planning that had went into this event they could not change what had already been agreed to and set in motion. Mr. Glover advised that Sunday was a critical day for this event and they would need to proceed with the event.

11) Subsequent to that conversation Steve Harrelson forwarded to Josh Glover a letter by e-mail that and offered to allow a very restricted use of the park for that day. Shadrack Water Sports has planned for a 50 boat event and in Mr. Harrelson's letter, which is attached as Exhibit No. 2. , Mr. Harrelson is going to allow them to proceed on Sunday, but limited to a maximum of eight boats and further limit them to parking in the boat ramp area only.

12) In Mr. Harrelson's letter of April 30, 2008, he further advises that if Mr. Glover did not abide by this then he would shut down the boat show for Sunday.

13) Subsequent to this conversation and receipt of this letter, Josh Glover contacted his attorney, Michael S. Farley, who contacted Lenoir City's Attorney, Shannon

Littleton, and has attempted to negotiate and resolve this issue. After several hours of negotiation over the past two days, the attorneys have been unable to resolve this issue, primarily because of the lack of cooperation from Steve Harrelson.

14) Shadrack Water Sports had originally intended to use the vast majority of the park, but even offered to limit their use of the park to a very small area, which still was unacceptable to Mr. Harrelson.

15) Attorney Michael S. Farley explained the economic ramifications of this to attorney Shannon Littleton and attorney Littleton has went beyond the call of duty to try to resolve this matter, but has been unable to do so. Petitioner will show that their attorney and Lenoir City's attorney worked late into the evening of May 1, 2008 attempting to resolve this matter, but due to the position taken by Steve Harrelson, it was unable to be resolved.

16) It is apparent from the conversations and letter from Steve Harrelson and his actions, that he fully intends to interfere and disrupt Shadrack Water Sports use of the Lenoir City Park after having been granted written permission and if necessary shut down the boat show, which will cause serious, irreparable and immediate harm to Shadrack Water Sports.

17) Attorney Michael S. Farley in his last conversation with attorney Shannon Littleton advised him that the only way to stop Steve Harrelson from interfering with Shadrack Water Sports use of the park and to prevent the serious and irreparable harm that would occur from that interference was to seek a Restraining Order, which attorney Michael S. Farley advised attorney Shannon Littleton that he would do Friday morning.

18) Your Petitioner will show this Honorable Court that unless the City of Lenoir City and Steve Harrelson is restrained from interfering with Shadrack Water Sports unrestricted use of the Lenoir City Park from May 2<sup>nd</sup> through May 4<sup>th</sup> that serious and irreparable and immediate harm will occur.

19) Your Petitioner will show that unless this Court issues this Temporary Restraining Order, that the Petitioner's rights will be violated by the adverse party and the Petitioner will suffer immediate and irreparable injury, loss and damage before Notice can be served and a Hearing can be had thereon.

20) Therefore your Petitioner, Shadrack Water Sports moves this Honorable Court, pursuant to Rule 65.03 as the Tennessee Rules of Civil Procedure for a temporary Restraining Order Restraining Shadrack Water Sports the City of Lenoir City, their employees and Steve Harrelson, Park and Recreation Director from interfering with their previously authorized and unrestricted use of the Lenoir City Park from May 2<sup>nd</sup> through May 4<sup>th</sup>.

Respectfully submitted this the 2<sup>nd</sup> day of May, 2008.



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Michael S. Farley

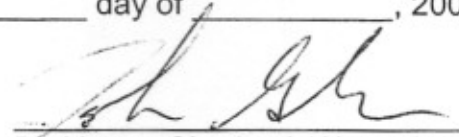
Fox & Farley Attorneys at Law  
1107 Charles Seivers Blvd.  
Clinton, Tennessee 37716  
(865) 457-6440  
BPR No. 017976

STATE OF TENNESSEE

COUNTY OF ANDERSON

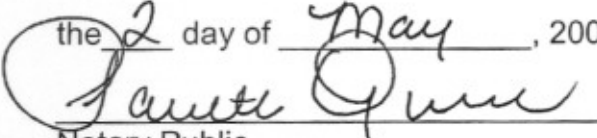
Josh Glover, Petitioner, after first being duly sworn according to law, makes oath that he has read the foregoing Petition, and that the facts set forth therein are true to the best of his knowledge, information and belief, and that this Petitioner is not made out of levity or by collusion with the Defendant, but in sincerity and truth for the causes mentioned therein.

Witness my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
Petitioner, Shadrack Water Sports  
By Josh Glover

Sworn to and subscribed before me this

the 2 day of May, 2008.

  
\_\_\_\_\_  
Notary Public


My Commission Expires: 2/23/11



COST AND EXTRAORDINARY PROCESS BOND

We hereby acknowledge ourselves as sureties for the costs of this cause and further acknowledge ourselves responsible for any judgment or costs that may be assessed against us as a result of the wrongful issuance of extraordinary process in this cause, pursuant to Tennessee Code Annotated §20-12-120.

Shadrack Watersports  
\_\_\_\_\_  
Shadrack Water Sports Petitioner

  
\_\_\_\_\_  
By: Josh Glover

Keith Glover  
\_\_\_\_\_

**Paulette Queener**

**From:** Josh Glover [josh@shadrack.com]  
**Sent:** Wednesday, April 30, 2008 11:17 AM  
**To:** keith glover; Paulette Queener  
**Subject:** Fwd: Demo Day

Paulette,

This is the email that was sent to me from Steve Harrelson from Lenoir City Parks and Rec. Can you please forward to Mike Farley ASAP?

Thanks,  
 Josh Glover

----- Forwarded message -----

**From:** **Steve Harrelson** <steveharrelson@charter.net>  
**Date:** Wed, Apr 30, 2008 at 11:09 AM  
**Subject:** Demo Day  
**To:** josh@shadrack.com  
**Cc:** littleatty@lcub1.com

Josh:

As per our conversation a few minutes ago I wanted to go ahead and e-mail you the best solution to remedy the conflict at the park for this weekend. As I mentioned it was my thought that if you had accepted Shannon Littleton's offer through your attorney that you would have contacted me like all others do to find out the exact times available, park restrictions, event rules, etc. If I had received this call and talked to you personally then we would not be having these conversations because all details would have been worked out.

After talking to you at length it is very evident that there is no way a 50 boat event and our Annual Taste of Loudon County Chamber event can happen at the same time. The Taste event is on Sunday which is the only day we have a conflict. I have thought about the best solution possible to still allow you to have a demo day on Sunday and not conflict with the other event. Therefore here is what I am offering as a solution.

1. Bring your boats out on Friday and Saturday and do as you please. I am concerned with having 50 boats displayed throughout the park but hopefully you can park that many without impacting the other park users too much.
2. Bring a maximum of 8 boats to the park on Sunday for demo purposes and park them in the boat ramp parking area only. This will allow you the opportunity to still showcase 8 of your more popular selections for people to test.
3. Use the grassy area between the boat ramp parking lot and driveway leading to the ramp area to display your tents. This is the area that is surrounded by roads or the parking lot and does not have

any shelters in it. There are some flat areas across the driveway from the ramp that will be perfect for you tents.

4. Use this tent area to display any information about Shadrach Motorsports.
5. Use this area to provide any sales or financial information necessary to sell your boats.

I hope you can work with us and the Loudon County Chamber of Commerce on Sunday. As I mentioned this is the best solution I could come up with to hopefully make all parties happy.

Please help us by abiding by these items listed above. My totally last resort for Sunday is to have to shut down the boat show but that will be my only recourse if these items are not followed.

Thanks for your help and understanding on this matter

Please feel free to forward a copy of this on to your attorney.

**Steve Harrelson**

Lenoir City Parks and Recreation

865-986-1223

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Josh Glover  
General Manager  
Shadrack Watersports & RV  
w: (865) 693-9949  
c: (423) 340-0315  
[www.shadrack.com](http://www.shadrack.com)

4/30/2008



**M. SHANNON LITTLETON**  
ATTORNEY AT LAW

LENOIR CITY UTILITIES BUILDING  
200 DEPOT STREET  
P.O. BOX 449  
LENOIR CITY, TENNESSEE 37771  
(865) 988-0753 VOICE  
(865) 988-0856 FACSIMILE

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April 14, 2008

Michael Farley  
Attorney at Law  
One Centre Plaza  
1107 Charles Seivers Boulevard  
Clinton, Tennessee 37716

**Re: Shadrack Water Sports v. Lenoir City**

Dear Mike:

I am in receipt of your letter dated April 8, 2008, regarding possible dates that your client Shadrack Water Sports, has requested for use of the Lenoir City Park. Steve Harrelson, Lenoir City Parks and Recreation Director, has agreed to allow Shadrack Water Sports use of the Lenoir City Park on May 2-4, 2008.

If you have any questions, please do not hesitate to give me a call.

Sincerely,



M. Shannon Littleton

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SHADRACK WATER SPORTS,

Petitioner,

v.

Civil Action No. 11238

LENOIR CITY  
and  
STEVE HARRELSON,

Respondents.

TEMPORARY RESTRAINING ORDER AND MANDATORY  
INTERLOCUTORY INJUNCTION

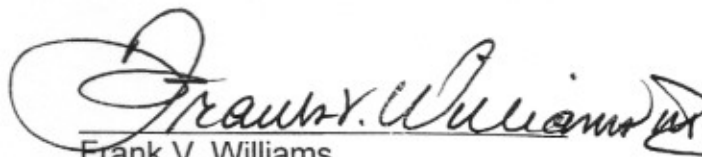
**To: Lenoir City, its agents and employees, Steve Harrelson, Parks and Recreation Director and Loudon County Sheriff's Department take notice.**

Lenoir City, Tennessee its agents and employees and specifically Steve Harrelson, Parks and Recreation Director, you are hereby Ordered as if by Fiat of this Court and further restrained from contacting, calling, threatening, harassing, coming around in any way interfering with Shadrack Water Sports' unrestricted use of the Lenoir City Park from Friday, May 2<sup>nd</sup> through Sunday, May 4<sup>th</sup>, 2008. Further, in the event that Lenoir City, its agents or employees, and specifically Steve Harrelson, interferes with Shadrack Water Sports unrestricted use of the park from May 2<sup>nd</sup> through May 4<sup>th</sup>, or in any way violates provision of this Order. The Loudon County Sheriff's Department is hereby ordered to remove said agent or employee and/or Steve Harrelson from the Lenoir City Park for the duration of this event.

That hearing may be held in 15 days in the request of the respondent.

ENTERED this the 2nd day of May, 2008, at 10:30 o'clock (a.m.) with the Petitioner having made appropriate bond as required by law.

FILED 2 DAY OF May 2008  
AT 10:32A M  
Freel Cheney  
LOUDON CO. CLERK & MASTER



Frank V. Williams  
Chancellor, Loudon County

OFFICER'S RETURN

I received this Restraining Order on the \_\_\_\_ day of \_\_\_\_\_, 2008.

I hereby certify and return that on the \_\_\_\_ day of \_\_\_\_\_, 2008, I:

( ) Served this Restraining Order Respondents, Lenoir City and Steve Harrelson, in the following manner:

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( ) Failed to serve this summons within thirty days after its issuance because:

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Process Server