

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

Elijah Shaw & Patricia Raynor,)
 Plaintiffs,)
v.)
Metropolitan Government)
of Nashville and Davidson County,)
 Defendant.)

No. 17-1299-II

ANSWER

1. Denied.
2. Denied.
3. Denied.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
- 11-25. Defendant is without sufficient information to admit or deny.
26. Admitted.
27. Admitted.
28. Admitted that enforcement is based on anonymous reporting; but it is also based on reporting where the complainant provides his/her name.
29. Admitted.
30. Admitted.

31. Admitted.

32. Admitted that a call took place, but the Codes inspector was returning Mr. Shaw's phone call.

33. Admitted

34. Denied that the officer "invented" ways to comply. The inspector told him he had to stop having artists come to record, but that he could use it for himself.

35. Admitted.

36. Defendant is without sufficient information to admit or deny.

37- 48. Defendant is without sufficient information to admit or deny.

49. Admitted.

50 – 63. Defendant is without sufficient information to admit or deny.

64. Admitted.

65-71. Admitted.

72-77. Defendant is without sufficient information to admit or deny.

78-82. Admitted.

83-85. Denied.

86-88. Admitted.

89. Denied. STRPs meet the broad definition in Metropolitan Code § 17.04.060 but not the additional requirements for a home occupation in §17.16.250.D.

90. Denied.

91-94. Admitted.

95. Admitted.

96. Denied – day cares are permitted in residential districts only with conditions or by obtaining a special exception permit.

97-98. Denied.

99. Denied. Day care homes meet the broad definition in Metropolitan Code § 17.04.060 but not the additional requirements for a home occupation in §17.16.250.D.

100. Denied.

101-104. Admitted.

105. Denied. “ Historically significant structure” is limited and defined in Metropolitan Code § 17.04.060.

106. Denied. Historic home events are not permitted in any district as of right. They require a special exception permit.

107-108. Admitted.

109. Historic Home Events meet the broad definition in Metropolitan Code § 17.04.060 but not the additional requirements for a home occupation in §17.16.250.D.

110. Denied.

111-114. Admitted.

115-116. Admitted.

117. Denied.

118-120. Admitted.

121-122. Denied.

123. Admitted.

124-126. Defendant is without sufficient information to admit or deny, since no particular SP is identified.

127-135. Defendant is without sufficient information to admit or deny.

136. Denied.

137-144. Defendant is without sufficient information to admit or deny.

145. The responses above are repeated and incorporated.

146-148. Admitted.

149. Admitted.

150-155. Denied.

156. Admitted.

Response to Prayer for Relief

The Metropolitan Government denies that Plaintiffs are entitled to the relief sought.

Respectfully submitted,

s/ Lora Fox

Lora Barkenbus Fox, #17243
Catherine J. Pham, #28005
Attorneys for the Metropolitan Government
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219-6300
(615) 862-6310
lora.fox@nashville.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been emailed and served through the Chancery Court filing system on Meggan S. DeWitt, meggan@beacontn.org, Paul V. Avelar and Keith Neely, Institute for Justice, pavelar@ij.org, kneely@ij.org on January 18, 2023.

s/ Lora Fox

Lora Barkenbus Fox