

been no written findings of fact detailing the substantial evidence required to support the Order as required by Rule 30(d)(2).

In consideration of the total and complete disregard for the requirements of Rule 30 as evidenced by the copy of the Order served upon the Knoxville News Sentinel, the Petitioner prays to be permitted to intervene, present evidence at a hearing and have a written opinion and findings of fact as required by law and for the other relief prayed for herein.

Respectfully submitted, this ___ day of September, 2011.

Richard L. Hollow
Attorney for Petitioner,
Jack McElroy, Editor of the
Knoxville News Sentinel

HOLLOW & HOLLOW, LLC
P. O. Box 11166
Knoxville, TN 37939
Ph. 865-769-1715

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Motion has been served upon all counsel of record by electronic transmission, this ___ day of September, 2011.

Richard L. Hollow

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STAIR &
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ATTORNEYS AT LAW

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September 30, 2011

MARGO J. MAXWELL
C. SCOTT TAYLOR
ALLISON D. EASTERDAY
L. CAESAR STAIR IV
HUGH B. WARD, JR.

VIA HAND-DELIVERY

Joy R. McCroskey, Clerk
Knox County Criminal Court
City-County Building
Knoxville, Tennessee 37902

RE: State of Tennessee v. Mark Stephen Foster, Alias
Knox County Criminal Court No. 94077

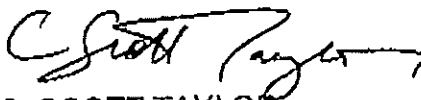
Dear Ms. McCroskey:

Enclosed herein please find an original and one copy of WBIR-TV Channel 10's
Objection to Media Guidelines Order to be filed in the above-referenced case. Please
date-stamp the extra copy and return to our office.

A copy has been served on opposing counsel and other interested parties as
noted in the Certificate of Service.

As always, we appreciate your assistance with this matter.

Very truly yours,


C. SCOTT TAYLOR

CST/cs
cc:

WATE-TV Channel 6
Attention: Joe Creed
Fax: (865) 523-3581

WVLT-TV Channel 8
Attention: Dave Sikes
Fax: (865) 584-1978

The Knoxville News Sentinel
Attention: News Department
Fax: (865) 342-8400

Kyle Hickson, Esq.
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Fax: (865) 522-9945

Honorable Mary Beth Leibowitz, Judge
Fax: (865) 215-3163

Honorable Bobby Ray McGhee, Judge
Fax: (865) 215-3921

Richard L. Hollow, Esq.
Fax: (865) 580-0005

IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE
DIVISION II

STATE OF TENNESSEE,

vs.

No. 94077

MARK STEPHEN FOSTER, ALIAS.

OBJECTION TO MEDIA GUIDELINES ORDER

Pursuant to Rule 30 of the Rules of the Tennessee Supreme Court, WBIR-TV Channel 10 (hereafter "WBIR-TV"), by and through counsel, respectfully objects to the Media Guidelines Order (the "Order") entered by this Court on September 30, 2011. WBIR-TV objects on the basis that the Order was entered and served upon WBIR-TV, along with other local media outlets, without an evidentiary hearing in this matter, in contravention of Rule 30(D)(2) of the Rules of the Tennessee Supreme Court. In support of its Objection, WBIR-TV would show to the Court as follows:

1. WBIR-TV is a licensed television station in Knoxville, Tennessee, operating on Channel 10. WBIR-TV is a news media. WBIR-TV gathers and procures information for news broadcasting through its employees and agents.
2. Rule 30(A)(2) provides that the media's request for in-court media coverage must be made in writing not less than two business days before the proceeding is scheduled to being. WBIR-TV made its media request on February 10, 2011. A copy of WBIR-TV's Request for Coverage is attached hereto as Exhibit 1 and incorporated herein by reference as if set forth verbatim.

3. On Friday afternoon, September 30, 2011, WBIR-TV received, by facsimile, a copy of a Media Guidelines Order entered in this Court on September 30, 2011, at 1:55 p.m. The Media Guidelines Order specifically limits WBIR-TV's media coverage of the hearing in this cause, scheduled to begin on October 3, 2011.


4. Rule 30(D)(2) provides that the Court shall hold an evidentiary hearing before denying, limiting, suspending, or terminating media coverage. The burden of proof shall be on the party seeking limits on media coverage.

5. WBIR-TV asserts that the Order was entered in contravention to Rule 30 of the Rules of the Tennessee Supreme Court. Further, WBIR-TV asserts that there is no just cause to limit the media coverage in this case, and that the Order should be set aside.

WHEREFORE, WBIR-TV respectfully objects to the Media Guidelines Order entered in this case on September 30, 2011, and requests the Court to set aside that Order in its entirety, and conduct an evidentiary hearing prior to the entry of any further orders limiting media coverage.

BERNSTEIN, STAIR & MCADAMS LLP

BY:


C. SCOTT TAYLOR (BPR # 024037)
ATTORNEY FOR WBIR-TV CHANNEL 10
4823 Old Kingston Pike, Suite 300
Knoxville, Tennessee 37919
Telephone: 865-546-8030
Facsimile: 865-522-8879

CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the foregoing document was properly served upon:

WATE-TV Channel 6
Attention: Joe Creed
Fax: (865) 523-3561

WVLT-TV Channel 8
Attention: Dave Sikes
Fax: (865) 584-1978

The Knoxville News Sentinel
Attention: News Department
Fax: (865) 342-6400

Kyle Hickson, Esq.
Assistant District Attorney
Fax: (865) 215-4253

Robert R. Kurtz, Esq.
Counsel for Defendant
Fax: (865) 522-9945

at his last known address by first class mail, postage prepaid, ^{and fax} on this 30 day of September, 2011.

BERNSTEIN, STAIR & McADAMS LLP

BY: 

C. SCOTT TAYLOR



1513 Hutchinson Avenue

Knoxville, TN 37917

(865) 637-1010

Fax

To: Knox County Criminal Court **From:** Paul Brown, Content Coordinator
Judge: Hon. Bobby McGee **Pages:** 1
Fax: 215-4291 **Date:** 2/10/2011
Re: State of Tennessee vs. Mark Steven Foster (Docket# @908445, @908447,
@908448)

WBIR would like to request a camera in your courtroom.

This form will serve as an official request for camera coverage in the courtroom for the following proceeding.

State of Tennessee vs. Mark Steven Foster (Docket# @908445, @908447, @908448)

Coverage request Date: October 3rd, 2011.

EXHIBIT

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