

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

KELLY BUTLER, on his own behalf and as the natural parent and next friend of his minor children, H.B. and P.B.; JASON CARR and SHARONA CARR, on their own behalf and as the natural parents and next friends of their minor children, L.C. and D.C.,

Plaintiffs,

v.

SMITH COUNTY BOARD OF EDUCATION; BARRY H. SMITH, in his official capacity as Director of Schools of the Smith County School System; KELLY BELL, in her official capacity as Principal of Smith County Middle School; and DUSTY WHITAKER, in his official capacity as Principal of Smith County High School,

Defendants.

Civil No.: 2:19-cv-00091

Judge: Waverly D. Crenshaw, Jr.

Magistrate Judge:

**DECLARATION OF HEATHER L. WEAVER IN SUPPORT
OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Heather L. Weaver, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney representing the Plaintiffs in the above-captioned action.
2. Attached hereto as Exhibit A is a true and correct copy of a Facebook post saved via screenshot by my office. Dated April 20, 2019, the post appeared on the Facebook page of Murf Murray, the head coach of the Smith County High School football team. The exhibit shows a screenshot of the post itself and a screenshot of Coach Murray liking a comment made on the post. As of November 17, 2019, the Facebook post remained available to the public.

3. Attached hereto as Exhibit B is a true and correct copy of a screenshot saved by my office from a video posted on April 20, 2019, on the official Facebook page for the Smith County High School football team ("SCHS Football"). As of November 17, 2019, the Facebook post remained available to the public.

4. Attached hereto as Exhibit C is a true and correct copy of a Facebook post saved via screenshot by my office. Dated April 20, 2019, the post appeared on the official Facebook page for the Smith County High School football team ("SCHS Football"). As of November 17, 2019, the Facebook post remained available to the public

5. Attached hereto as Exhibit D is a true and correct copy of a Facebook post saved via screenshot by my office. Dated July 14, 2019, the post appeared on the official Facebook page for the Smith County High School football team ("SCHS Football"). As of November 17, 2019, the Facebook post remained available to the public.

6. Attached hereto as Exhibit E is a true and correct copy of a Facebook post saved via screenshot by my office. Dated May 8, 2019, the post appeared on the official Facebook page for Smith County Middle School ("Smith Middle"). The exhibit includes a screenshot of the post itself and screenshots of the comments section, including comments and a photo posted by Smith County Middle School teacher, Amanda Hicks. As of November 17, 2019, the Facebook post remained available to the public. Although this post was publicly available on the middle school's official Facebook page, out of an abundance of caution and out of respect for the privacy of any minors in the photos, counsel's office has redacted from Exhibit E the faces of any persons who appear to be minors.

7. Attached hereto as Exhibit F is a true and correct copy of a screenshot saved by my office from a video posted on the official Facebook page for Smith County Middle School ("Smith

Middle”). The video was posted in or near November 2018. As of November 17, 2019, the post remained available to the public. Although this video was publicly available on the middle school’s official Facebook page, out of an abundance of caution and out of respect for the privacy of any minors in the photo, counsel’s office has redacted from Exhibit F the faces of any persons who appear to be minors.

8. Attached hereto as Exhibit G is true and correct copy of a screenshot saved by my office from a video posted on the official YouTube channel for the Smith County Insider (“Smith County Insider”). Dated September 19, 2018, the video features Smith County Middle School library teacher Martha Holladay. As of November 17, 2019, the YouTube video remained available to the public on YouTube, <https://www.youtube.com/watch?v=EsvJ5NW3nNU>, and on the website for the Smith County Insider, <https://smithcountyinsider.com/home-page-featured/sci-spotlight-scms-friends-of-the-library/>.

9. Attached hereto as Exhibit H is a true and correct copy of screenshots saved by my office of the Weebly webpage for Smith County High School teacher Amy Gentry. The webpage features syllabi and “Class Paperwork” for courses taught by Ms. Gentry. As of November 17, 2019, the webpage remained available to the public at amygentryschs.weebly.com.

10. Attached hereto as Exhibit I is a true and correct copy of a Facebook post saved via screenshot by my office. Dated May 4, 2018, the post appeared on the official Facebook page for the Smith County High School HOSA club (“Smith County High School HOSA”). As of November 17, 2019, the Facebook post remained available to the public. Although this post was publicly available on the official Facebook page for the HOSA club, out of an abundance of caution and out of respect for the privacy of any minors in the photo, counsel’s office has redacted from Exhibit I the faces of any persons who appear to be minors.

11. Attached hereto as Exhibit J is a true and correct copy of a Facebook post saved via screenshot by my office. Dated May 28, 2019, the post appeared on the Facebook page for Murf Murray, head coach of the Smith County High School football team. As of November 17, 2019, the Facebook post remained available to the public. Although this post was publicly available on Coach Murray's Facebook page, out of an abundance of caution and out of respect for the privacy of any minors in the photos, counsel's office has redacted from Exhibit J the faces of any persons who appear to be minors.

12. Attached hereto as Exhibit K is a true and correct copy of a Facebook post saved via screenshot by my office. Dated October 1, 2019, the post appeared on the official Facebook page of the Smith County High School girls' soccer team ("Smith County High School Lady Owls Soccer"). The exhibit features a screenshot of the post, as well as a separate screenshot of the photo that appears in the post. As of November 17, 2019, the Facebook post remained available to the public. Although this post was publicly available on the soccer team's official Facebook page, out of an abundance of caution and out of respect for the privacy of any minors in the photos, counsel's office has redacted from Exhibit K the faces of any persons who appear to be minors.

13. Attached hereto as Exhibit L is a true and correct copy of an Instagram post saved via screenshot by my office. Dated July 18, 2019, the post appeared on the Instagram page of Murf Murray, head coach of the Smith County High School football team. Coach Murray's Instagram handle is "coach_murray34." As of November 17, 2019, the Instagram post remained available to the public. Although this post was publicly available on Coach Murray's Instagram account, out of an abundance of caution and out of respect for the privacy of any minors in the photo, counsel's office has redacted from Exhibit L the faces of any persons who appear to be minors.

14. Attached hereto as Exhibit M is a true and correct copy of a Facebook post saved via screenshot by my office. Dated July 18, 2019, the post appeared on the official Facebook page of the Smith County High School football team (“SCHS Football”). As of November 17, 2019, the Facebook post remained available to the public. Although this post was publicly available on the football team’s official account, out of an abundance of caution and out of respect for the privacy of any minors in the photo, counsel’s office has redacted from Exhibit M the faces of any persons who appear to be minors.

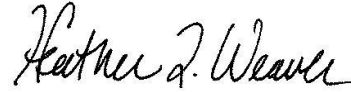
15. Attached hereto as Exhibit N is a true and correct copy of a Facebook post saved via screenshot by my office. Dated November 14, 2019, the post appeared on the official Facebook page of the Smith County High School football team (“SCHS Football”). The exhibit shows a screenshot of the post itself and a screenshot of comments made on the post. As of November 17, 2019, the Facebook post remained available to the public. Although this post was publicly available on the football team’s official account, out of an abundance of caution and out of respect for the privacy of any minors in the photos, counsel’s office has redacted from Exhibit N the faces of any persons who appear to be minors.

16. Attached hereto as Exhibit O is a true and correct copy of a Facebook post saved via screenshot by my office. Dated July 12, 2019, the post appeared on the official Facebook page for the Smith County High School girls’ basketball team (“Smith County High School Lady Owls Basketball”). As of November 17, 2019, the Facebook post remained available to the public.

17. Attached hereto as Exhibit P is a true and correct copy of the Smith County Board of Education “Prayer and Period of Silence” policy, descriptor code 4.805, Version Date: Dec. 18, 2018. The document is available via the Smith County School System website or at

<https://onedrive.live.com/view.aspx?resid=C425CC264269ABEF!62900&ithint=file%2cdocx&authkey=!AAB-2aYPMWHn7LY>.

I declare under penalty of perjury that the foregoing is true and correct.



Heather L. Weaver
Executed this 18th day of November, 2019