

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
April 8, 2026 Session

FILED

08/21/2026

Clerk of the
Appellate Courts

**CONNIE REGULI v. MAYOR ROGERS ANDERSON OF WILLIAMSON
COUNTY, TENNESSEE**

**Appeal from the Chancery Court for Williamson County
No. 22-CV-51293 Vanessa A. Jackson, Senior Judge**

No. M2025-00676-COA-R3-CV

This appeal arises from the Williamson County Chancery Court’s order imposing sanctions on the Petitioner-Appellant. At issue are the following: (1) whether a non-sanctioned party has standing “to argue on behalf of” sanctions imposed on the court’s own motion; (2) whether a sanction is improper when it imposes a pre-filing restriction that requires the sanctioned party to engage an attorney as associate counsel to ensure compliance with Rule 11 in all civil actions brought by that party in the Twenty-First Judicial District; and (3) whether a party on remand is entitled to a refund of discretionary costs initially paid to the opposing party. Following our review, we affirm in part, reverse in part, vacate in part, and remand for further proceedings.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed
in Part, Reversed in Part, Vacated in Part, and Remanded**

WILLIAM E. PHILLIPS II, J., delivered the opinion of the court, in which FRANK G. CLEMENT JR., C.J., and W. NEAL MCBRAYER, J., joined.

Connie Reguli, Murfreesboro, Tennessee, Pro Se.

Lisa M. Carson and Jeffrey D. Moseley, Franklin, Tennessee, for the appellee, Mayor Rogers Anderson of Williamson County, Tennessee.

OPINION

Factual and Procedural Background

A. Background

This case concerns Tennessee Rule of Civil Procedure 11.03 sanctions imposed on Petitioner-Appellant, Connie Reguli, by the Williamson County Chancery Court and is

before this Court for a second time. As described more fully in this Court’s prior opinion, the underlying proceedings are part of long and contentious litigation between one of Petitioner’s clients and a former Williamson County employee. Reguli v. Anderson, No. M2022-00705-COA-R3-CV, 2024 WL 1708347, at *1 (Tenn. Ct. App. April 22, 2024), perm. app. denied, (Tenn. Sep. 12, 2024) (“Anderson”). These proceedings and that litigation are both part of a broader conflict between Petitioner and various county and state officials. See Reguli v. Hetzel, --- F.4th ---, 2026 WL 1733572 (6th Cir. June 16, 2026).

For approximately a decade, Petitioner has represented a client in federal and state court over allegations that her client was mistreated and sexually assaulted while detained at the Williamson County Juvenile Detention Center in 2013. Anderson, 2024 WL 1708347, at *1. Criminal charges were brought against a former Williamson County employee over the alleged sexual assault, but he was ultimately acquitted after a trial. Id. On behalf of her client, Petitioner then filed suit against the former employee and Williamson County in federal court alleging civil rights violations and in state court alleging tort claims. Id. Williamson County was dismissed from both lawsuits. Id.

B. Tennessee Public Records Act Request

In February 2022, Petitioner submitted a public records request to Williamson County. Anderson, 2024 WL 1708347, at *1. Petitioner sought records regarding the legal defense of the former Williamson County employee accused of sexual assault by her client. Id. at *2. The request was for any payments made by Williamson County for the former employee’s legal defense in the state criminal prosecution, the state tort lawsuit, and the federal civil rights lawsuit. Id.

As a result of Petitioner’s request, the former Williamson County employee filed a motion for a protective order in federal court. Id. The motion sought to prevent the disclosure of the requested records by arguing that they were protected under attorney-client privilege and as attorney work product. Id. Based on the pending motion in federal court, Williamson County denied Petitioner’s public records request. Id.

Following Williamson County’s denial, Petitioner filed a pro se Tennessee Public Records Act petition in Williamson County Chancery Court against Respondent-Appellee, Mayor Rogers Anderson of Williamson County, Tennessee. Id. In describing the federal civil rights lawsuit, Petitioner asserted the following in the petition: “The Sixth Circuit Court [of Appeals] found that holding [her client] in solitary confinement was excessive punishment and violated his constitutional right as a pre-trial detainee.” Id. at *3. Petitioner did not include in or with her petition the Federal Reporter citation of the Sixth Circuit’s opinion, a copy of the Sixth Circuit’s full opinion, or pages from Federal Reporter. Id. Instead, Petitioner “included four pages taken from the slip opinion of the case as an exhibit.” Id.

Respondent replied to the petition by denying that the Sixth Circuit found that “the actual conditions of confinement violated the constitutional rights” of Petitioner’s client. Id. Instead, Respondent argued that no “factfinder has . . . ever weighed the credibility of those allegations” as the Sixth Circuit appeal dealt with the grant of summary judgment for Williamson County and Williamson County officials. Id.; see J.H. v. Williamson Cnty., Tenn., 951 F.3d 709 (6th Cir. 2020). Respondent characterized the portion of the Sixth Circuit’s opinion referred to by the Petitioner as stating that “at the summary judgment stage, taking all of Plaintiff’s allegations as true, the allegations made by Plaintiff in that case, if proven, would constitute excessive punishment and would potentially violate his constitutional rights as a pre-trial detainee.” Id.

C. Tennessee Rule of Civil Procedure 11.03 Sanctions

The Williamson County Chancery Court held a hearing on Petitioner’s public records petition in March 2022. Anderson, 2024 WL 1708347, at *4. During the hearing, the chancery court raised on its own motion¹ its concerns that Petitioner had violated Tennessee Rule of Civil Procedure 11.02 based on the petition’s contents. Id. One of the court’s primary concerns was the “seeming falsity of [Petitioner’s] statement in her [p]etition related to the Sixth Circuit’s decision.” Id. To the court, Petitioner “appeared to have falsely represented the Sixth Circuit’s decision.” Id.

Petitioner responded to the court’s concerns by “insist[ing] that she had not relied upon the case as a fundamental predicate for her petition,” but instead had “merely intended to provide a summary statement of the case.” Id. at *5.

Following the hearing, the chancery court issued a written show cause order regarding potential violations of Rule 11.02. Id. In the order, the court stated that Petitioner “appeared to be involved in a public campaign to argue to the [c]ounty’s elected officials and voters that [Williamson] County should not provide funding for” the former county employee’s legal defense. Id. The court was also concerned that Petitioner was making “deceptive public statements” about this issue that “could taint a jury pool.” Id. Regarding the petition’s wording of the Sixth Circuit’s opinion, the court stated that what Petitioner “said was a finding of the Sixth Circuit . . . was not actually the Sixth Circuit’s finding.” Id.

The chancery court set a hearing date on the show cause hearing for the next month. Id. at *5, 7. Before the show cause hearing, the federal court issued an order denying the former Williamson County employee’s motion for a protective order. Id. at *7. The federal court also concluded, however, that Petitioner had violated the local rule covering the release of information concerning civil proceedings. Id. The federal court directed

¹ The actions of a court taken on its own accord without prompting, suggestion, or motion have traditionally been referred to using the Latin term *sua sponte*. See Sua Sponte, Black’s Law Dictionary (12th ed. 2024).

Petitioner to stop commenting on the evidence in that case and to stop referring to the former Williamson County employee “as a ‘pedo,’ ‘pedophile,’ ‘rapist,’ and ‘pervert’” in her public comments. Id. With the protective order denied in federal court, Respondent asserted at the subsequent show cause hearing that it could provide Petitioner with the records she requested within thirty days, “if she [paid] the cost as per statute.” Id.

The evidence presented at the show cause hearing “was less substantial than the testimony at the initial . . . hearing.” Id. at *8. Respondent presented evidence regarding the cost of addressing Petitioner’s public records request. Id. Additionally, the chancery court questioned Petitioner regarding prior Rule 11.03 sanctions in another case and whether she had complied with those sanctions. Id.

Following the show cause hearing, the chancery court entered an order concluding that Petitioner had violated Rule 11.02(1), (2), and (3). Id. The chancery court found that Petitioner had (1) filed her Tennessee Public Records Act petition “for an improper purpose,” (2) “made false allegations,” and (3) “did not conduct a reasonable investigation into the veracity” of one of the assertions in the petition. Id.

Specifically, the chancery court found that Petitioner had made a false allegation by stating that the Sixth Circuit had “‘found’ that ‘holding [her client] in solitary confinement was excessive punishment and violated his constitutional rights as a pre-trial detainee.’” Id. The chancery court continued:

With respect to the untrue allegation about the [Sixth] Circuit making a finding regarding [Petitioner’s client] being held in solitary confinement in violation of his rights, [Petitioner] compounded her Rule 11.02 violation by fabricating a materially misleading exhibit to the Petition. This exhibit was deceptively composed for the purpose of ostensibly corroborating the untrue allegation.

Id.

The chancery court then imposed Rule 11.03 sanctions on Petitioner. Id. at *9. First, the chancery court dismissed the Tennessee Public Records Act petition with prejudice. Id. Second, the chancery court imposed a \$5,000 “penalty” on Petitioner. Id. The court noted that it could not order Petitioner to pay Respondent’s attorneys’ fees because Respondent had not sought Rule 11.03 sanctions. Id. But in imposing the \$5,000 penalty, the court reasoned that previous sanctions imposed on Petitioner in other cases had either been “insufficient” or Petitioner was “impervious to correction.” Id. Third, the chancery court ordered that Petitioner, “at her expense,” retain “associate counsel licensed to practice law in Tennessee[] for the limited purpose of ensuring compliance with Rule 11.02” in “all civil actions in the 21st Judicial District” where Petitioner was acting pro se. Id.

Respondent then filed a written motion for discretionary costs under Tennessee Rule of Civil Procedure 54.04(2). Respondent sought to recover the costs of a court reporter and transcript for both the initial hearing and the Rule 11.03 hearing. The chancery court subsequently granted Respondent's motion and awarded Respondent discretionary costs of \$1,698.00.

D. Petitioner's First Appeal

Petitioner appealed to this Court raising several issues with the chancery court's sanctions. Anderson, 2024 WL 1708347, at *9. As relevant to our current review, this Court held that the chancery court did not abuse its discretion "in determining that [Petitioner] violated Rule 11[.02] by advancing a false statement regarding a decision of the Sixth Circuit and supporting this false statement with a deceptively crafted exhibit." Id. at *25.

In so holding, this Court noted that "[t]he context in which the case [referenced by Petitioner in her public records petition] arose before the Sixth Circuit was an appeal of a partial grant of summary judgment awarded by a federal district court." Id. at *12. As such, the Sixth Circuit was required by the applicable standard of review and procedural standard to presume that the factual allegations asserted by Petitioner's client were true. Id. However, Petitioner never provided a citation to the Sixth Circuit's published opinion in her petition before the chancery court. Id.

Instead, Petitioner:

[C]reated an exhibit in which she provided four pages drawn from the [Sixth Circuit's] slip opinion rather than the published opinion. The pages provided by [Petitioner] did not include language indicating that the appeal before the Sixth Circuit was taken in the context of a partial summary judgment awarded by a federal district court to a number of the defendants in the case. The pages provided did not include portions of the opinion indicating that the Sixth Circuit had ultimately upheld the grant of partial summary judgment to these defendants. The pages provided did not include the Sixth Circuit's express indication that its analysis was addressed to answering the legal questions presented *if* the facts asserted by [Petitioner's client] were *true*. The pages provided in the exhibit also did not include the Sixth Circuit's express indication that its holding was predicated upon "assuming [the client's] allegations to be true."

Id. In the published opinion, the limiting language appeared before and after the portion provided by Petitioner. Id. But by using the slip opinion rather than the published opinion, Petitioner "supported her characterization of the Sixth Circuit's decision by avoiding revealing this critical limitation." Id.

This Court concluded that the chancery court had not abused its discretion in finding that Petitioner's actions went beyond "a simple mistake or even aggressive lawyering within professional bounds." Id. at *13. Rather, the chancery court was within its discretion when it concluded that Petitioner had "set forth in her [p]etition a false statement" and supported it with an attached exhibit "crafted in such a manner to deceptively advance this false statement." Id. As such, this Court affirmed the chancery court's ruling that Petitioner had violated Rule 11.02 by advancing a false statement in her petition. Id. at *25.

However, this Court ultimately held that the chancery court had abused its discretion in concluding that Petitioner had filed her petition for an improper purpose as the petition was filed under the Tennessee Public Records Act. Id. This Court also held that the chancery court's sanction of a \$5,000 penalty violated the Fifty-Dollar Fine Clause of the Tennessee Constitution. Id.; see Tenn. Const. art. VI, § 14. Subsequently, this Court vacated the three sanctions imposed and remanded the case back to the chancery court "for determination of an appropriate sanction or sanctions" regarding Petitioner's "conduct that did violate Rule 11[.02]." Id.

E. Proceedings on Remand

Following this Court's opinion, Petitioner filed a Motion on Remand for Relief in which she sought an order requiring Williamson County to produce the requested records and refunding the \$5,000 penalty. Respondent replied by taking no position on the repayment of the \$5,000 penalty. However, Respondent declined to produce the requested records as the chancery court had not yet had an opportunity to revisit the issue of appropriate sanctions on remand.

At the same time, the sitting chancellor recused herself from hearing this matter, and Senior Judge Vanessa Agee Jackson was assigned to preside over the proceedings on remand.

Our description of the remaining proceedings in chancery court is hindered by Petitioner's failure to include the transcripts of the hearings before that court in the record on appeal. Based on the technical record, the chancery court held a hearing in January 2025 on Petitioner's Motion on Remand for Relief. At the hearing, Respondent made an oral motion "for time to file an additional brief" on the issue of appropriate sanctions under Rule 11.03. The chancery court granted Respondent's oral motion "over the objection" of Petitioner. The chancery court also ordered the repayment of the \$5,000 penalty that this Court had held unconstitutional.

Much of Respondent's brief argued that the chancery court should dismiss the petition with prejudice "given the circumstances of this case, [Petitioner's] history of dishonesty in various judicial forums, and the failure of past sanctions to correct [Petitioner's] behavior." Respondent also argued, in a more summary fashion, that the

chancery court impose “the requirement that [Petitioner] engage associate counsel for the limited purpose of ensuring compliance with Rule 11.02 in all civil actions brought in the 21st Judicial District.”

In support of its argument that dismissal of the petition was an appropriate sanction, Respondent highlighted what it referred to as Petitioner’s “cavalcade of improprieties.” Respondent first noted that this Court had previously denounced Petitioner’s “inexcusable” use of an appellate brief “as a vehicle to convey her contempt of the trial court” with “impertinent and unprofessional” statements about the trial court. Ross v. Ross, No. M2008-00594-COA-R3-CV, 2008 WL 5191329, at *8-9 (Tenn. Ct. App. Dec. 10, 2008). Petitioner later received a public censure from the Tennessee Board of Professional Responsibility for her comments. In re: Connie Lynn Reguli, BPR #16867, No. M2011-00640-SC-BPR-BP, B.O.P.R. No. 2009-1804-6-KH (Tenn. Apr. 12, 2011).

Respondent next highlighted that Petitioner was suspended from the practice of law in 2015 for failing to refund unearned fees to a former client and for having false statements on her website. Bd. Prof’l Responsibility v. Reguli, 489 S.W.3d 408, 415-16 (Tenn. 2015). Respondent also noted that, at the time its brief was filed, Petitioner had been temporarily suspended from the practice of law for posing “a threat of substantial harm to the public” since November 2023.² In re: Connie Lynn Reguli, BPR #016867, No. M2023-01351-SC-BAR-BP, B.O.P.R. No. 2023-3351-6-AW-12.3 (Tenn. Nov. 20, 2023).

Additionally, Respondent highlighted other instances where courts had imposed sanctions against Petitioner under Rule 11.03. See In re Carolina M., No. M2014-02133-COA-R3-JV, 2016 WL 6427853, at *6-8 (Tenn. Ct. App. Oct. 28, 2016) (affirming the trial court’s sanctioning of Petitioner with additional hours of continuing legal education and payment of attorneys’ fees for filing civil and criminal contempt petitions with an improper purpose); Roberts v. Roberts, No. M2004-00162-COA-R3-CV, 2005 WL 1114447, at *3-5 (Tenn. Ct. App. May 10, 2005) (reversing the trial court’s denial of Rule 11.03 sanctions and sanctioning Petitioner with payment of attorneys’ fees for filing an untimely and frivolous motion to set aside a default judgment).

Respondent argued that Petitioner’s history of professional discipline and previous Rule 11.03 sanctions was not “sufficient to deter [Petitioner] from violating Rule 11[.02] by making false representations” in her public records petition. Respondent emphasized that Petitioner had been reprimanded by this Court and later publicly censured for her “impertinent and unprofessional” statements about a trial court. Likewise, Respondent emphasized that Petitioner had previously been suspended from the practice of law “in part

² Petitioner was later permanently disbarred for conduct unrelated to this case. Reguli v. Bd. Prof’l Responsibility, --- S.W.3d ---, 2026 WL 2082926 (Tenn. July 20, 2026) (affirming the punishment of disbarment based on Petitioner’s attempt to “directly poison the well of justice” by engaging “in a years-long orchestrated effort on social media to publicly intimidate judges and justice system officials, and to inspire community fear and loathing against the justice system itself”).

for allowing false representations to be made on her website.” Respondent concluded that dismissal of the public records petition with prejudice was an appropriate sanction given the facts of this matter and Petitioner’s history.

Much of Petitioner’s reply that followed was spent detailing her broader conflict with local and state officials rather than arguing the issue of sanctions. Petitioner initially argued that Respondent’s “attempt . . . to reinstitute two of [the vacated] sanctions should be summarily denied.” Petitioner reasoned that Respondent “did not pursue sanctions in the [chancery] court” and “had every opportunity to present legal arguments on these sanctions” but failed to do so.

Petitioner eventually argued that no sanctions should be imposed because she had “already been sanctioned” having been “legally robbed of her assets for nearly three years” due to the \$5,000 penalty and discretionary costs that had been imposed on her. Petitioner asserted that sanctions were inappropriate in this matter because there was no evidence that she filed her public records petition “willfully in bad faith.” Petitioner additionally asserted that her history of professional discipline and sanctions was not relevant to the chancery court’s decision because this was “not a disciplinary proceeding.”

Petitioner sought an order that Respondent produce the requested records, but that they be produced without redactions and at no cost. Petitioner also requested that the chancery court “find that the award of discretionary costs” was not appropriate as Respondent was no longer the prevailing party. Petitioner asserted that Respondent “should promptly return to [Petitioner] the discretionary costs in the full amount of \$1,698 . . . upon entry of the court’s order.”

In April 2025, the chancery court held a second hearing on this matter where both parties presented oral arguments on the sanctions issue. The chancery court’s written order followed soon after. Based on Petitioner’s violation of Rule 11.02(3), the chancery court imposed a \$50 penalty and that

Petitioner shall engage an attorney, who is licensed and in good standing in Tennessee, as associate counsel for the limited purpose of ensuring compliance with Rule 11.02 in all civil actions brought by her, either on her own behalf or as counsel for another party, in the Twenty-[F]irst Judicial District of Tennessee.

The chancery court denied Respondent’s request to sanction Petitioner by dismissing the public records petition with prejudice.

The chancery court also rejected the Petitioner’s argument that she should receive the requested records without redactions and at no cost. Instead, the chancery court ordered that Petitioner receive the requested public records “upon such terms and at such costs as any other citizen of Williamson County.”

The chancery court treated Petitioner's request for reimbursement of the discretionary costs as a new request for discretionary cost and subsequently denied it. The chancery court reasoned that Petitioner had failed to file her request within thirty days as required by Tennessee Rule of Civil Procedure 54.04(2).³ The chancery court also denied discretionary costs as, "[g]iven Petitioner's conduct in this case," the "equities [were] not in her favor" under Tennessee Code Annotated section 20-12-119.⁴

Petitioner now appeals to this Court challenging for a second time the chancery court's imposition of Rule 11.03 sanctions.

Discussion

In this appeal, Petitioner contends that Respondent lacks standing "to argue on behalf of" the chancery court's sanctions and its "arguments should be stricken." Essentially, Petitioner argues that Respondent is asserting the rights of another, the chancery court, because the court initially imposed Rule 11.03 sanctions on its own motion. Respondent replies that there is "no legal authority in support of" Petitioner's contention.

Chiefly, Petitioner contends that the chancery court abused its discretion by imposing a sanction that requires Petitioner "to retain private counsel prior to vindicating her rights in litigation." Petitioner argues that this pre-filing restriction requires a showing that the underlying litigation was repetitive, frivolous, or vexatious that has not been made in this case. Additionally, Petitioner argues that this pre-filing restriction "interferes with [her] fundamental constitutional protections for access to the [c]ourts." Respondent replies that the pre-filing restriction was "well within" the chancery court's discretion in light of Petitioner's "history of dishonesty in various judicial forums."

Petitioner further contends that the chancery court abused its discretion by treating her request for a refund of the discretionary costs paid to Respondent prior to her first appeal as a new request for discretionary costs and denying it. Petitioner argues that she is entitled to a refund of the discretionary costs because Respondent was no longer the prevailing party on remand. Respondent replies that the chancery court did not abuse its

³ As referenced by the chancery court, Rule 54.04(2) provides:

In the event an appeal results in the final disposition of the case, under which there is a different prevailing party than the prevailing party under the trial court's judgment, the new prevailing party may request discretionary costs by filing a motion in the trial court, which motion shall be filed and served withing thirty [] days after filing of the appellate court's mandate in the trial court.

⁴ Section 20-12-119 provides that, in all civil cases, the trial judge has the right to adjudge the costs and has discretion "to apportion the cost between the litigants" as, in the trial judge's opinion, "the equities of the case demand." Tenn. Code Ann. § 20-12-119(a)-(b) (2021).

discretion, as awarding it “the costs of recording and transcribing the two evidentiary hearings in this matter was consistent with the equities of the case.”

I. Respondent’s Standing

Petitioner’s contention that Respondent lacks standing “to argue on behalf of” the chancery court’s sanction is misplaced as the rules for determining whether a litigant has standing are inapplicable here. Therefore, we affirm the chancery court’s ruling and decline to strike Respondent’s arguments.

Whether a party has standing is a question of law, and questions of law are reviewed do novo with no presumption of correctness for the trial court’s ruling. Houghton v. Malibu Boats, LLC, --- S.W.3d ---, 2025 WL 2971436, at * 7 (Tenn. Oct. 22, 2025).

Standing is a justiciability doctrine courts use to decide “whether to hear and decide a particular case.” Case v. Wilmington Trust, N.A., 703 S.W.3d 274, 281 (Tenn. 2024). Courts use standing to determine “whether a particular litigant is entitled to have [a] court decide the merits of his or her dispute.” Id. (citing City of Memphis v. Hargett, 414 S.W.3d 88, 98 (Tenn. 2013)). “[T]he doctrine of standing precludes courts from adjudicating an action at the instance of one whose rights have not been invaded or infringed.” Id. (quoting Am. C.L. Union of Tenn. v. Darnell, 195 S.W.3d 612, 619 (Tenn. 2006)).

As standing is concerned with the assertion of a legal right or claim by a litigant, the focus is typically “on the party bringing the lawsuit rather than on the merits of the claim.” Metro. Gov’t of Nashville & Davidson Cnty. v. Tenn. Dep’t of Educ., 645 S.W.3d 141, 148 (Tenn. 2022) “The party focused upon . . . is almost invariably the plaintiff.” 13A Wright & Miller’s Federal Practice & Procedure § 3531 (3d ed.), Westlaw (database updated Apr. 2026); see also City of Memphis v. Hargett, 414 S.W.3d 88, 97 (Tenn. 2013) (“The proper focus of a determination of standing is a party’s right to bring a cause of action.”). Generally, courts do not focus on whether a defendant “has a sufficient interest to present a justiciable controversy with the plaintiff” unless the defendant has asserted their own claim. 13A Wright & Miller, supra, § 3531. Rather, “ordinarily the role of defendants is considered only in determining whether they have caused the injury complained of [by the litigant] and whether an order directed to them will redress that injury.” Id.

Here, there is no dispute that Respondent was a proper party to Petitioner’s public records petition filed in chancery court. Petitioner requested public records in Respondent’s possession. Respondent denied her request based on a pending motion for a protective order in federal court. Respondent was then haled into court by Petitioner, as allowed by the Tennessee Public Records Act, to litigate the issue of Respondent’s denial of the requested records.

In litigating that issue, the chancery court found that Petitioner had committed conduct warranting sanctions under Rule 11.03. Petitioner now contends that Respondent lacks standing to submit its own arguments on behalf of the appropriateness of, or to otherwise defend, the chancery court's sanctions because they were imposed on the court's own motion, and not at the request of Respondent. Petitioner's argument is without merit. The rules for determining whether a litigant has standing are inapplicable here. Respondent's briefing and argument do not assert a legal right or claim on behalf of itself or another. As such, there is no issue of standing as that term is used to address a litigant's ability to assert a legal right or claim.

Moreover, "[i]t is well settled that the latitude or argument is under the control of the [trial] court; that it must be left largely to the ethics of the profession and the discretion of the trial judge." Hager v. Hager, 66 S.W.2d 250, 257 (Tenn. Ct. App. 1933). Allowing Respondent to brief and argue the issue of appropriate Rule 11.03 sanctions was well within chancery court's discretion as it provided the chancery court with a more complete picture of the issues before it.

The same is true for this Court's consideration of Respondent's arguments regarding sanctions on appeal. Indeed, Respondent was *required* by the Tennessee Rules of Appellate Procedure to present their "contentions . . . with respect to the issues presented." Tenn. R. App. P. 27(a)(7)(A), (b); see also Kaplan v. DaimlerChrysler, A.G., 331 F.3d 1251, 1254 n.1 (11th Cir. 2003) (declining to address the issue of standing when denying defendants' motion to strike plaintiffs' brief regarding Federal Rule of Civil Procedure 11 sanctions imposed on the district court's own motion because the circuit court benefitted "from hearing both sides of the story").

Accordingly, we affirm the chancery court's ruling allowing Respondent to brief and argue on the issue of Rule 11.03 sanctions and deny Petitioner's request to strike Respondent's arguments regarding this issue in this court.

II. Rule 11.03 Sanction

We reverse the chancery court's sanction of a pre-filing restriction on Petitioner requiring her to retain private counsel to ensure compliance with Rule 11.02 "in all civil actions brought by her" in the Twenty-First Judicial District.⁵ The chancery court's sanction runs afoul of the Tennessee Constitution's Open Courts Clause. See Tenn. Const. art. I, § 17. Accordingly, the case is remanded to the chancery court for entry of a more narrowly tailored sanction.

A trial court's decision regarding a violation of Rule 11, including the nature and extent of the sanction imposed, is reviewed for an abuse of discretion. Hooker v.

⁵ Petitioner does not challenge on appeal the chancery court's sanction of a \$50 penalty.

Sundquist, 150 S.W.3d 406, 411 (Tenn. Ct. App. 2004) (Hooker II); Hooker v. Sundquist, 107 S.W.3d 532, 535 (Tenn. Ct. App. 2002) (Hooker I). We apply the abuse of discretion standard because assessing whether a Rule 11.02 violation has occurred requires the trial court “to make highly fact-intensive determinations regarding the reasonableness of the attorney’s conduct.” Hooker I, 107 S.W.3d at 535. We apply a presumption of correctness in reviewing the trial court’s findings of fact. Id. (citing Tenn. R. App. P. 13(d)).

“A court abuses its discretion when it causes an injustice to the party challenging the decision by (1) applying an incorrect legal standard, (2) reaching an illogical or unreasonable decision, or (3) basing its decision on a clearly erroneous assessment of the evidence.” Lee Med., Inc. v. Beecher, 312 S.W.3d 515, 524 (Tenn. 2010). As such, we are not permitted to second-guess the trial court or to substitute our discretion for the trial court’s. Id. However, the abuse of discretion standard does not “immunize a lower court’s decision from any meaningful appellate scrutiny.” Id.

Every pleading, written motion, and other paper filed in a trial court is required to be signed by at least one attorney of record or a pro se party.⁶ Tenn. R. Civ. P. 11.01(a). By signing a filing, the attorney certifies that their representations to the court are made to the best of their “knowledge, information, and belief” formed after a reasonable inquiry under the circumstances. Tenn. R. Civ. P. 11.02. Among other things, the attorney’s signature specifically certifies that “the allegations and other factual contentions have evidentiary support or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.” Tenn. R. Civ. P. 11.02(3).

The main purpose of Rule 11 is “detering abuse in the litigation process.” Andrews v. Bible, 812 S.W.2d 284, 292 (Tenn. 1991). Rule 11 is “a potent weapon that can and should be used to curb litigation abuses.” Id. Trial courts are “urged not to hesitate to impose sanctions once a violation of Rule 11 is found to exist.” Id. However, trial courts “should [also] use utmost care in” imposing sanctions under Rule 11.03. Id.

A trial court, on its own initiative, “may enter an order describing the specific conduct that appears to violate [Rule] 11.02 and directing an attorney . . . to show cause why [they have] not violated [Rule] 11.02. Tenn. R. Civ. P. 11.03(1)(b).

Trial courts apply a standard of “objective reasonableness under all the circumstances . . . existing at the time the document in question was signed” when determining if an attorney’s conduct has violated Rule 11.02. Andrews, 812 S.W.2d at 288. In doing so, trial courts “should consider not only the circumstances of the particular violation, but also factors bearing on the reasonableness of the conduct, such as experience and past performance of the attorney, as well as the general standards of conduct of the bar of the court.” Id. at 292 n.4. The same standard of objective reasonableness applies to any

⁶ While Petitioner was acting pro se in this matter, she was also a licensed attorney at the time of the Rule 11.02 violation.

violation of Rule 11.02. Project Creation v. Neal, No. M1999-01272-COA-R3-CV, 2001 WL 950175, at *11 (Tenn. Ct. App. Aug. 21, 2001).

If the trial court determines that Rule 11.02 has been violated, it may “impose an appropriate sanction upon the attorney[.]” Tenn. R. Civ. P. 11.03. The sanction imposed “shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.” Tenn. R. Civ. P. 11.03(2). The sanction may include specific monetary sanctions or “directives of a nonmonetary nature.” Id.

Subject to those principles, trial courts have “available a variety of possible sanctions to impose for violations” of Rule 11.02. Project Creation, 2001 WL 950175, at *14 (quoting Fed. R. Civ. P. 11 advisory committee’s note to 1993 amendment). Factors a trial court may consider in determining what sanctions would be appropriate under the circumstances include, but are not limited to:

Whether the improper conduct was willful, or negligent; whether it was part of a pattern of activity, or an isolated event; whether it infected the entire pleading, or only one particular count or defense; whether the person has engaged in similar conduct in other litigation; whether it was intended to injure; what effect it had on the litigation process in time or expense; whether the responsible person is trained in the law; what amount, given the financial resources of the responsible person, is needed to deter that person from repetition in the same case; [and] what amount is needed to deter similar activity by other litigants.

Id. (quoting Fed. R. Civ. P. 11 advisory committee’s note to 1993 amendment).

For example, this Court has previously upheld pre-filing restrictions that were “limited so as to protect the rights of the litigant, but sufficient to protect the judicial system by curbing repetitive, frivolous, or vexatious litigation.” Hooker II, 150 S.W.3d at 412. In Hooker II, the attorney, acting pro se, had “filed a series of lawsuits asserting violations” of the Tennessee Constitution, despite various courts rejecting his novel interpretations of several of its provisions. Id. at 411. In sanctioning the attorney under Rule 11.03, the trial court “imposed a screening mechanism for two years during which any complaint filed by [the attorney] in state trial court [had to be] submitted by the clerk of the court to a special master.” Id. at 410. The special master was then to “determine whether [the attorney’s] new lawsuit [was] frivolous or duplicative of other lawsuits previously filed by him.” Id.

This Court affirmed the sanction on appeal because the pre-filing “screening mechanism . . . was narrowly tailored and short in duration” but still capable of “effectively curbing for a defined period of time any repetitive or frivolous lawsuits filed by” the attorney. Id. at 413. Additionally, the sanction “was fully warranted given [the attorney’s] undisputed history of filing” repetitive or frivolous lawsuits. Id. However, the sanction

was narrowly tailored in such a way that it did not prevent the attorney from filing “another lawsuit,” “only from relitigating essentially the same lawsuit.” Id.

In Bush v. Commerce Union Bank, this Court upheld a similar pre-filing restriction. No. M2024-01007-COA-R3-CV, 2025 WL 2491100, at *12 (Tenn. Ct. App. Aug. 29, 2025). There, the trial court imposed a pre-filing screening mechanism where a probate master was assigned as a special master to review the plaintiffs’ future filings “to determine if they satisfy Rule 11.02 and make a report and recommendation” to the presiding judge of the trial court. Id. at *5. This Court held that the trial court did not abuse its discretion in imposing the pre-filing restriction as a Rule 11.03 sanction given that the underlying lawsuit was the plaintiffs’ “sixth unsuccessful attempt to litigate claims that [had] been adjudicated adverse to [them] five previous times.” Id. at *5, 12.

In contrast, this Court has previously held that a Rule 11.03 sanction completely barring a litigant from filing an action in court was impermissible. Ali v. Moore, 984 S.W.2d 224, 230 (Tenn. Ct. App. 1998). In Ali, the trial court on its own motion imposed on the plaintiff a sanction “permanently enjoin[ing]” him from “filing pro se actions in the First Judicial District.” Id. at 227. In the order, the trial court also “appointed a local attorney to represent [the plaintiff] for any future meritorious claims.” Id. This Court reversed the sanction on appeal, “[n]otwithstanding [its] laudable objective,” because it violated the Open Courts Clause of the Tennessee Constitution.⁷ Id. at 230 (citing Tenn. Const. art. I, § 17).

Here, Petitioner violated Rule 11.02(3) by including a false statement in her public records petition and advancing that false statement with a deceptively crafted exhibit. Petitioner’s conduct was objectively unreasonable under the circumstances, especially in light of her history of professional discipline and other Rule 11.03 sanctions. As such, the only issue before the chancery court on remand was determining appropriate sanctions for the violation.

Petitioner contends that before a trial court can impose a pre-filing restriction as a sanction there must be a finding that the underlying litigation was repetitive, frivolous, or vexatious. Essentially, Petitioner argues that a pre-filing restriction is only available as a sanction in cases where the underlying litigation was filed for an improper purpose. Petitioner argues that such a sanction is inapplicable here because the chancery court’s original finding that she had filed the public records petition for an improper purpose was reversed. Petitioner’s contention, however, is inaccurate.

While the comparable Tennessee cases involved sanctions for filing a pleading with an improper purpose, that does not equate to pre-filing restrictions being limited as a

⁷ The Open Courts Clause provides “[t]hat all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.” Tenn. Const. art. I, § 17.

sanction to only that type of Rule 11.02 violation. Trial courts are afforded a wide variety of possible sanctions that can be imposed for any violation of Rule 11.02 with the ultimate goal that whatever sanction is imposed will help to curb litigation abuses. The only requirement placed on a trial court by Rule 11.03 is that the sanction be limited to what is sufficient to deter repetition of sanctionable conduct.

The chancery court did not abuse its discretion in deciding that a pre-filing restriction was an appropriate sanction in this case. This Court previously concluded that Petitioner's actions went beyond "a simple mistake or even aggressive lawyering within professional bounds." Anderson, 2024 WL 1708347, at *13. Rather, Petitioner's false statement appears willful given that she supported it with an attached exhibit "crafted in such a manner to deceptively advance this false statement." Id.

In addition to the willfulness of Petitioner's conduct in this case, her conduct was part of a pattern of activity. The underlying public records petition was part of lengthy and contentious litigation in both federal and state court. During the course of that litigation, the federal district court eventually directed Petitioner to stop publicly referring to the defendant in that case, who had been acquitted of sexual abuse charges in state criminal court, "as a 'pedo,' 'pedophile,' 'rapist,' and 'pervert.'"

Petitioner was an attorney and has received professional discipline for similar conduct in the past. Petitioner received a public censure for "impertinent and unprofessional" statements made about a trial court in an appellate brief she authored. Petitioner was later suspended from the practice of law in part for having false statements on her website. In addition to professional discipline, Petitioner was sanctioned with payment of attorney's fees and additional hours of continuing legal education in at least two cases. As such, a \$50.00 penalty alone is unlikely to deter similar litigation abuses by Petitioner in the future.

At this point, the majority of this case has been spent on Petitioner's false statements and how she should be sanctioned. Given these circumstances, the chancery court did not abuse its discretion in determining that a pre-filing restriction was an appropriate sanction.

However, the pre-filing restriction imposed by the trial court here was not sufficiently narrowly tailored. The chancery court's pre-filing restriction requires Petitioner to "engage an attorney" to ensure compliance with Rule 11.02 "in all civil actions" brought by Petitioner in the Twenty-First Judicial District. Said restriction is also indefinite.

In Hooker II and Bush, this Court approved pre-filing restrictions that required filings to be lodged with the trial court and screened by a special master appointed by the trial court. Additionally, the pre-filing restriction in Hooker II was limited to a two-year period and to the subject matter of the previously filed lawsuits. Instead, the pre-filing restriction imposed by the chancery court here is more like the sanction in Ali that this

Court struck down. There, the trial court “permanently enjoined” the plaintiff from filing pro se actions but appointed a local attorney to represent the plaintiff in any meritorious future claims.

Here, the only limitation on the chancery court’s pre-filing restriction was geographic. Otherwise, there was no time limit or subject matter limit to the pre-filing restriction. More importantly, the chancery court’s restriction did not appoint a special master to review Petitioner’s filings. Instead, it required Petitioner to hire another attorney to review her pleadings. This restriction limits Petitioner’s access to the courts and runs afoul of the Tennessee Constitution’s Open Courts Clause as it makes her access to the courts dependent on her ability to retain and pay an attorney to review her filings.

Unlike previous pre-filing restrictions that this Court has upheld, the chancery court’s restriction did not appoint a special master to review Petitioner’s filings; limit the subject matter of the restriction, such as limiting it to civil actions against the city, county, or city and county officials; or set a time limit on the restriction. Therefore, we reverse the chancery court’s pre-filing restriction and remand the case for the chancery court to craft a more narrowly tailored sanction in light of the guidance in this opinion.

III. Discretionary Costs

Petitioner argues that her request is not governed by Tennessee Rule of Civil Procedure 54.04(2) because she sought only a refund of discretionary costs paid prior to an appeal and not a new assessment of discretionary costs in her favor. For the reasons set forth below, the chancery court erred when it relied upon Rule 54.04(2) to decline to consider Petitioner’s request for a refund of discretionary costs. Accordingly, we vacate the chancery court’s order on discretionary costs and remanded the case for reconsideration of that issue in light of the following.

Like the name implies, awarding discretionary costs is a decision left to the trial court’s reasonable discretion. Mass. Mut. Life Ins. Co. v. Jefferson, 104 S.W.3d 13, 35 (Tenn. Ct. App. 2002). As such, “we employ a deferential standard when reviewing a trial court’s decision . . . to deny motions to assess these costs.” Id. Therefore, “we are generally disinclined to second-guess a trial court’s decision unless the trial court has abused its discretion.” Id.

As stated earlier, “[a]n abuse of discretion occurs when the trial court applies incorrect legal standards, reaches an illogical conclusion, bases its decision on a clearly erroneous assessment of the evidence, or employs reasoning that causes an injustice to the complaining party.” West v. Schofield, 460 S.W.3 113, 120 (Tenn. 2015).

A prevailing party may request discretionary costs, but such costs “are allowable only in the [trial] court’s discretion.” Tenn. R. Civ. P. 54.04(2). Rule 54.04(2) does not provide a method to refund discretionary costs paid prior to or while a case is pending on

appeal when the outcome of the appeal changes the prevailing party. Instead, Rule 54.04(2) provides:

In the event an appeal results in *the final disposition of the case*, under which there is a different prevailing party than the prevailing party under the trial court's judgment, the new prevailing party may request discretionary costs by filing a motion in the trial court, which motion shall be filed and served within thirty [] days after filing of the appellate court's mandate in the trial court.

Id. (emphasis added).

However, this provision only applies when the appellate court's decision has resolved all outstanding issues and left nothing of substance for the trial court to do. Cobble v. Greene Cnty., Tenn., No. E2018-02017-COA-R3-CV, 2019 WL 3450930, at * 5 (Tenn. Ct. App. July 31, 2019) (concluding that this Court's prior remand "operated to transfer jurisdiction back to the trial court with the accompanying authority for the trial court to collect costs and enforce the judgment as rendered by the appellate court"). When this Court remands a case for further substantive proceedings, such as a new trial or "for other proceedings on the merits," the new prevailing party may file a motion for discretionary costs "following the trial court's ultimate judgment on remand." Tenn. R. Civ. P. 54.04 advisory commission cmt. to 2005 amendment.

Rule 54.04(2) requires the filing of a written motion by the party seeking discretionary costs; a trial court may not award discretionary costs on its own motion. Holmes v. Byrd's Auto Alignment, No. 03S01-9407-CH-00070, 1995 WL 572047, at *4 (Tenn. Ct. App. Apr. 20, 1995). "[A] party requesting discretionary costs shall file and serve a motion within thirty [] days *after* entry of judgment." Tenn. R. Civ. P. 54.04(2) (emphasis added). While a late filed motion would prevent the awarding of discretionary costs, a prematurely filed motion should not. See Hawkins v. Hawkins, 883 S.W.2d 622, 625 (Tenn. Ct. App. 1994) (interpreting similar language in Tennessee Rule of Civil Procedure 59.04 to allow for the filing of a premature motion to alter or amend a judgment); see also Grundy Cnty. v. Dyer, 546 S.W.2d 577, 579 (Tenn. 1977) (allowing for the filing of a premature motion for new trial and appeal bond as "[i]t would be manifestly unjust . . . to dismiss [an] appeal and penalize a lawyer and [their] client for promptness").

A party is not entitled to discretionary costs "simply because they prevail at trial." Mass. Mut., 104 S.W.3d at 35. Rather, "[t]he party seeking to recover discretionary costs bears the burden of demonstrating that it is entitled to recover such costs." Carpenter v. Klepper, 205 S.W.3d 474, 490 (Tenn. Ct. App. 2006). In deciding whether to award discretionary costs, trial courts should

- (1) determine whether the party requesting the costs is the "prevailing party,"
- (2) limit awards to the costs specifically identified in the rule, (3) determine

whether the requested costs are necessary and reasonable, and (4) determine whether the prevailing party has engaged in conduct during the litigation that warrants depriving it of the discretionary costs to which it might otherwise be entitled.

Mass. Mut., 104 S.W.3d at 35 (citation modified).

Additionally, it is well-established that “[t]he taxation of costs is at all times under the control of the [taxing court]; and costs collected may be ordered to be refunded at a subsequent term if found erroneous.” Williams’s Lessee v. Henderson, 1 Tenn. (1 Overt.) 424, 424 (1809). To that end, the Tennessee Code has long provided that “[i]f the taxation of costs is excessive . . . by charging costs to an improper party . . . or the taxation is otherwise erroneous, the party aggrieved may move the court for a retaxation, setting forth the particulars in which the clerk has erred.” Tenn. Code Ann. § 20-12-108 (2021). This is because discretionary costs “are incidental, or ancillary, to the underlying merits of the case” as “they are merely incidental, or subordinate, to the adjudication of the merits of the case.” Gunn v. Jefferson Cnty. Econ. Dev. Oversight Comm., Inc., 578 S.W.3d 462, 467 (Tenn. Ct. App. 2019).

Here, the chancery court initially dismissed the public records petition with prejudice as a sanction. Respondent then timely filed a motion for discretionary costs under Rule 54.04(2), which the chancery court granted as Respondent was the prevailing party. On appeal, however, all of the initial Rule 11.03 sanctions were vacated and the matter was remanded to the chancery court reinstating the underlying public records petition. On remand, the chancery court was to address the issue of sanctions in light of this Court’s opinion, and to adjudicate the public records petition which had been improperly dismissed. Petitioner ultimately prevailed on her public records petition. The trial court held on remand: “Petitioner shall receive said records upon such terms and at such cost as any other citizen of Williamson County.” Petitioner then requested that she be refunded the discretionary costs she had already paid because Respondent “was no longer the prevailing party.” The chancery court treated her request as a new request for discretionary costs and denied it as untimely under Rule 54.04(2) because it was not filed within thirty days of this Court’s mandate. The chancery court also stated that the equities of the case were not in Petitioner’s favor given her conduct.

As this Court’s opinion on the first appeal did not result in a final disposition of this case, the chancery court erred when it relied on that provision of Rule 54.04(2). Instead, the case was remanded for further substantive proceedings, specifically the imposition of sanctions in light of this Court’s opinion and adjudication of the underlying public records petition. Therefore, the chancery court abused its discretion in denying Petitioner’s request for being untimely filed as that provision of Rule 54.04(2) did not apply to this case.

The proper procedure to address Petitioner's concerns about the previously awarded discretionary costs would have been for Petitioner to file a written motion requesting discretionary costs as a refund or "retaxation" of the previously paid \$1,698.00 after the chancery court issued its order rendering her the prevailing party on the underlying public records petition. Nevertheless, Petitioner should not be penalized for prematurely submitting her request to the chancery court.

In determining whether to award discretionary costs, a trial court must first determine if the requesting party is the prevailing party. Petitioner was correct in her assertion that Respondent was no longer the prevailing party after this Court vacated the chancery court's order and remanded the matter back to the chancery court. Ultimately, Petitioner was the prevailing party for the underlying public records petition.

Furthermore, Petitioner's request to be refunded the previously paid \$1,698.00 was more like a motion to retax the costs than a motion to award discretionary costs as Petitioner did not seek to be awarded discretionary costs of her own. Instead, she sought to return the parties to their original positions before the chancery court's dismissal of the public records act petition. As the chancery court's error pretermitted full consideration of Petitioner's request, we vacate the order denying Petitioner's request for discretionary costs and remand for further proceedings consistent with this opinion.

Finally, we note that this convoluted procedural issue could have been avoided had Petitioner given a bond and collection of the discretionary costs been stayed pending appeal to this Court. See Tenn. R. Civ. P. 62.04 (providing that "when an appeal is taken the appellant by giving a bond may obtain a stay" that becomes "effective when the bond is approved by the court").

Conclusion

Based on the preceding, we affirm the judgment of the chancery court in part, reverse in part, and vacate in part. The case is remanded to the chancery court to craft a more narrowly tailored sanction and to address the issue of discretionary costs.

/s/William E. Phillips II
WILLIAM E. PHILLIPS II, JUDGE