

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

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IN RE: MICHAEL JEROME WILLIAMS, JR.  
A/K/A MICHAEL JEROME OHER

CAUSE NUMBER: C-010333

MICHAEL JEROME OHER  
PETITIONER AND FORMER WARD

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**MOTION FOR TEMPORARY INJUNCTION**

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Pursuant to Tennessee Rule of Civil Procedure 65.04 and Tennessee Code Annotated § 47-25-1106, petitioner Michael Jerome Oher (“Petitioner” or “Mr. Oher”) respectfully moves this Court for a temporary injunction enjoining the Former Co-Conservators, Sean Tuohy and Leigh Anne Tuohy (“Former Co-Conservators” or the “Tuohys”), from persisting in commercially using his name, image, and likeness, often in conjunction with the continuing false claims that they adopted Mr. Oher, and are his adoptive parents.<sup>1</sup> As grounds for and in support of his motion, Petitioner states as follows:

**FACTUAL AND PROCEDURAL BACKGROUND**

This Court in its hearing terminating the conservatorship recognized that the Former Co-Conservators had a duty, once money came to their ward, to report that to the Court and to protect the conservatorship funds under the supervision of the court. The Former Co-Conservators failed completely in this fiduciary obligation.

However, the Tuohys’ breach of duty is greater than just that failure. Although the ward had no cash money at the time the conservatorship was established, he did have a very valuable

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<sup>1</sup> See screenshots of Leigh Anne Tuohy’s website (<https://www.leighannetuohy.com>, last accessed Nov. 3, 2023), and screenshots of the *Simkins Speaker Series: Leigh Anne Tuohy, Eastern Florida State College, November 14, 2023*, <https://allevents.in/cocoa/simpkins-speaker-series-leigh-anne-tuohy/200025501380251> (last visited Nov. 13, 2023), collectively attached hereto as Exhibit A.

asset which was convertible to cash: his name, image, and likeness (“NIL”) rights as the top-ranked college football recruit in the nation. These NIL rights are property protected by Tennessee Code Annotated § 47-25-1105(a), should have been disclosed to the Court at the outset of the proceedings, but were fraudulently concealed by the Former Co-Conservators from the Court. For example, if the ward had owned rental property capable of producing income, certainly such property would have to be disclosed to the court and accounted for on a regular basis, and the same is true for Mr. Oher’s NIL property.

The Tuohys were keenly aware of this property right and were already planning a book exploiting this relationship to their great financial benefit and to Mr. Oher’s detriment by the time the conservatorship was established.

In 2004, after Mr. Oher was a legal adult, Sean Tuohy and Leigh Anne Tuohy petitioned the court and were granted conservatorship over Mr. Oher.<sup>2</sup> This conservatorship was recently terminated by this Court, subject to having Mr. Oher’s claims against the Tuohys adjudicated after they make a full accounting thereof.

To obtain this conservatorship, the Tuohys fraudulently misrepresented its purpose to Mr. Oher’s natural mother, telling her the petition she would execute was only to change Mr. Oher’s last name,<sup>3</sup> and misrepresenting it separately to Mr. Oher, telling him that it was a necessary step in the adoption process.<sup>4</sup>

In so doing, by and through that conservatorship, the Former Co-Conservators have misused – and continue to misuse – Mr. Oher’s NIL for their own benefit. Indeed, the Former Co-Conservators have used this NIL property of their former ward, weaving it with a false narrative

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<sup>2</sup> See Order Appointing Conservators (“Conservatorship Order”), filed herein on Dec. 7, 2004.

<sup>3</sup> See Affidavit of Denise Oher, attached hereto as Exhibit B.

<sup>4</sup> See Mr. Oher’s sworn Petition to Terminate Conservatorship, filed herein on Aug. 14, 2023, at ¶¶ 6-7.

(that they are the adoptive parents of Mr. Oher) to create a commercial enterprise of public speaking and internet sales which have made them millions of dollars, while at the same time materially lessening the value of Mr. Oher's NIL rights, and while demeaning and defaming Mr. Oher at the same time. This misconduct is ongoing, in spite of repeated demands that they cease.<sup>5</sup>

The Former Co-Conservators continue to misuse Mr. Oher's NIL and to perpetuate false claims that they adopted him, even though the Former Co-Conservators have admitted in Court documents that they are not and have never been Mr. Oher's adoptive parents. The Former Co-Conservators, for example, list Mr. Oher as their "adopted son" on their website<sup>6</sup> and continue to book events under the false guise of Mr. Oher's "adoptive" parents and without his consent. Moreover, Former Co-Conservator Leigh Anne Tuohy has been advertised on the Eastern Florida State College website as speaking at the "Simpkins Speaker Series" event on Tuesday, November 14, 2023.<sup>7</sup> The event advertisement states:

Be motivated by Leigh Anne Tuohy – successful businesswoman, talented interior designer, and the adoptive mother of NFL football star Michael Oher. Their inspirational true story was featured in the best-selling book 'The Blind Side: Evolution of a Game' and its acclaimed 2009 film adaptation in which Sandra Bullock won an Oscar for her portrayal of Leigh Anne."<sup>8</sup>

The event describes no other reason for Former Co-Conservator Leigh Anne Tuohy's speaking event, leaving any normal reader to assume she plans to speak about Mr. Oher and the Former Co-Conservators' falsely claimed adoption of Mr. Oher. This is only the most recent example of the Former Co-Conservators misuse of Mr. Oher's NIL, which the Former Co-Conservators have misused since the inception of the former conservatorship.

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<sup>5</sup> By way of example, see attached Exhibit C, letters from Anne Johnson to the Tuohy's legal counsel demanding they stop using the NIL of Michael Oher.

<sup>6</sup> See Exhibit A.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

Under this Court's order, the Former Co-Conservators no longer exercise control over Mr. Oher's NIL. In his Petition, Mr. Oher requested the Former Co-Conservators cease their use of his NIL and their perpetuation of the false claim that they are his adoptive parents. Mr. Oher now asks the Court to issue a temporary injunction and order the Former Co-Conservators to cease their use of his NIL during the pendency of this action.

#### STANDARD

In addition to the common law right of publicity in Tennessee, the state provides statutory protection. Tenn. Code Ann. ("TCA") § 47-25-1101 *et seq.* Tennessee's Personal Rights Protection Act ("TPRPA") created "an inheritable property right for those people who use their names or likenesses in a commercial manner, such as an entertainer or sports figure." *Apple Corps Ltd. v. A.D.P.R., Inc.*, 843 F. Supp. 342, 348 (M.D. Tenn. 1993). It provides that anyone who:

knowingly uses or infringes upon the use of another individual's name, photograph, or likeness in any medium, in any manner directed to any person other than such individual, as an item of commerce for purposes of advertising products, merchandise, goods, or services, or for purposes of fund raising, solicitation of donations, purchases of products, merchandise, goods, or services, without such individual's prior consent, or, in the case of a minor, the prior consent of such minor's parent or legal guardian, or in the case of a deceased individual, the consent of the executor or administrator, heirs, or devisees of such deceased individual, shall be liable to a civil action.

TCA § 47-25-1105. Pursuant to TCA § 47-25-1106 this Court has the power to enjoin violations of the TPRPA:

Injunctions; impounding or destruction of materials; damages

(a) The chancery and circuit court having jurisdiction for any action arising pursuant to this part may grant injunctions on such terms as it may deem reasonable to prevent or restrain the unauthorized use of an individual's name, photograph, or likeness. As part of such injunction, the court may authorize the confiscation of all unauthorized items and seize all instrumentalities used in connection with the violation of the individual's rights. All instrumentalities seized pursuant to enforcing an injunction under this subsection (a) shall be liquidated and used to satisfy statutory damages, if damages are recovered by the rights holder.

*Id.* § 47-25-1106; *see also* *Gracey v. Maddin*, 769 S.W.2d 497, 505 (Tenn. Ct. App. 1989) (plaintiff may “obtain the injunction authorized by TCA § 47-25-1106(a)” where “defendants’ conduct is proscribed by TCA § 47-25-1105(a)”).

The Tennessee Rule of Civil Procedure (“TRCP”) 65 authorizes a temporary injunction during the pendency of an action where “the movant’s rights are being or will be violated by an adverse party and the movant will suffer immediate and irreparable injury, loss or damage pending a final judgment” or “the acts or omissions of the adverse party will tend to render such final judgment ineffectual.” TRCP 65.04(2). Courts weigh the following factors when considering a request for injunctive relief: (1) the threat of irreparable harm to plaintiff if the injunction is not granted; (2) the balance between this harm and the injury that granting the injunction would inflict on the defendant; (3) the probability that the plaintiff will succeed on the merits; and (4) the public interest. *South Cent. Tenn. R.R. Auth. v. Harakas*, 44 S.W.3d 912, 919 n.6 (Tenn. Ct. App. 2000); *accord* *Denver Area Meat Cutters v. Clayton*, 120 S.W.3d 841, 857 (Tenn. Ct. App. 2003). “The issuance of an interlocutory or preliminary injunction is a matter of legal discretion with the chancellor.” *Nashville, C. & S. L. Ry. v. Railroad & Public Utilities Com.*, 32 S.W.2d 1043, 1045 (Tenn. 1930).

### ARGUMENT

Petitioner is entitled to a temporary injunction under TRCP 65.04 and TCA § 47-25-1106. The Former Co-Conservators are knowingly using Petitioner’s valuable name, image, and likeness without his consent for the purpose of advertising, to their monetary benefit. Mr. Oher will be irreparably harmed without the injunction; the Former Co-Conservators will not be harmed if the Court grants the injunction; Mr. Oher has a high likelihood of success on the merits; and public interest favors granting the injunction. The Court should thus grant the requested temporary injunction.

**A. Petitioner Will Clearly Be Irreparably Harmed If the Injunction is Not Granted**

Mr. Oher is irreparably harmed by the Former Co-Conservators' continued misuse of his NIL. The Former Co-Conservators are using Mr. Oher's name in advertising for, *inter alia*, paid speaking engagements and fund raising in violation of clear statutory law. Mr. Oher has a right of publicity, and he alone owns the right to control his name and likeness. "The rights provided for [by the TPRPA] are deemed exclusive to the individual." TCA § 47-25-1104. To date, the Former Co-Conservators have not provided any contract for the licensing or use of Mr. Oher's NIL, nor did they include any such agreement/contract or any payments from such an agreement/contract in their accounting filed with the Court. As a result, in addition to no statutory right to exploit the NIL of Mr. Oher, they cannot have a contractual right to exploit the NIL of Mr. Oher.

The Former Co-Conservators' unauthorized use for their own commercial gain infringes on Mr. Oher's rightful use and detracts from the value of his NIL which he alone has the right to commercially exploit. In fact, the Former Co-Conservators' fictional story of their adoption of Mr. Oher and their acquiescence of the portrayal of him in "The Blind Side" book and movie as being "slow", "unintelligent", and/or developmentally challenged are utterly false and without merit. These perceptions have haunted Mr. Oher for decades, have impacted his career due to the negative perception of him and continue to affect the public perception of him presently. To this day, Mr. Oher has to deal with people assuming he is unintelligent as a result of the portrayal of him, and the stories spread by the Former Co-Conservators to enrich themselves at his expense. The recurrent nature of the Former Co-Conservators' misappropriation of Mr. Oher's rights, that is, their continued and repeated use since 2004, indicates that Mr. Oher is irreparably harmed, and legal remedies alone would be inadequate. *See Apple Corps Ltd.*, 843 F. Supp. at 349 (in a Beatles look-alike case, considering whether injunctive relief was appropriate, interpreting Tennessee law, and finding plaintiffs suffered irreparable harm where defendant's use of plaintiffs' names and

likenesses was unauthorized and recurrent). Mr. Oher will continue to suffer immediate and irreparable injury from the Former Co-Conservators' use of his NIL if they are not enjoined from doing so. *See id.* ("Plaintiff is not required to show that the injury is beyond the possibility of repair or compensation of damages. It is sufficient that plaintiff show that the injury, because of its constant and frequent recurrence, cannot be addressed on a fair or reasonable basis in a court of law.").

**B. The Former Co-Conservators Will Not Be Harmed If the Injunction Is Granted**

The issuance of the temporary injunction will not cause undue inconvenience or loss to the Former Co-Conservators. Their right to control Mr. Oher's contractual rights and any use of his NIL through virtue of being a Co-Conservator has been terminated by this Court. The Former Co-Conservators can claim no further right or permission to use Mr. Oher's NIL to their own financial advantage. Requiring the Former Co-Conservators to cease misuse of Mr. Oher's NIL will not unduly harm them.

**C. There Is a High Probability That Mr. Oher Will Succeed on The Merits**

Mr. Oher has a strong likelihood of success on the merits. In his Petition, Mr. Oher asserted that the Former Co-Conservators have misused his NIL for their monetary benefit. Mr. Oher possesses a clear statutory right to publicity of his NIL under Tennessee law. The Former Co-Conservators have infringed on Mr. Oher's rights through their misuse of his NIL and will continue to do so absent a court order, especially in conjunction with the continuing false claims that they adopted Mr. Oher. Lastly, Mr. Oher is clearly a protected person under any reading of TCA § 47-25-1103, and he has directly and pointedly demanded that Former Co-Conservators cease using his NIL. However, that request has fallen on deaf ears as the Former Co-Conservators continue to violate Mr. Oher's NIL Property rights.

Under Tennessee law, “[e]very individual has a property right in the use of that person’s name, photograph, or likeness in any medium in any manner.” TCA § 47-25-1103. The TPRPA, coextensive with Tennessee’s common law right to publicity, lays forth the basis for a violation of an individual’s right to publicity:

Any person who knowingly uses or infringes upon the use of another individual’s name, photograph, or likeness in any medium, in any manner directed to any person other than such individual, as an item of commerce for purposes of advertising products, merchandise, goods, or services, or for purposes of fund raising, solicitation of donations, purchases of products, merchandise, goods, or services, without such individual’s prior consent[.]

*Id.* § 47-25-1105(a). This gives rise to three elements: a defendant must (1) knowingly use an individual’s name, photograph, or likeness; (2) as an item of commerce for purposes of advertising prohibited products, merchandise, goods, or services, or for purposes of fund raising, solicitation of donations, purchases of products, merchandise, goods, or services; (3) without the individual’s consent. *Id.* While there is no element of “value” under the TPRPA, the Tennessee Court of Appeals has read into the statute a fourth requirement of “value in associating an item of commerce with his identity.” *Wells v. Chattanooga Bakery, Inc.*, 448 S.W.3d 381, 390 (Tenn. Ct. App. 2014). There can be no real dispute here about any of these elements.

First and foremost, there can be no true dispute that the Former Co-Conservators do not have Mr. Oher’s permission to use his NIL in the future, and any alleged right to use Mr. Oher’s NIL in the past cannot exist because it was not included in the accounting.

Mr. Oher is no longer a minor and is no longer under the former Order setting up the conservatorship that removed his right to enter into contracts without Former Co-Conservators



permission<sup>9</sup>. Thus, only Mr. Oher can grant any future use of his NIL and he does not grant the Tuohys any future use of his NIL.

Second, there can be no real dispute that the Former Co-Conservators have knowingly used and continue to use Mr. Oher's NIL to their advantage for the purpose of advertising services, fund raising, and the solicitation of donations under the TPRPA. Petitioner considers the first two elements together, as their analysis here is interrelated. Certainly, Former Co-Conservator Leigh Anne Tuohy is using Mr. Oher's name to advertise her paid speaking engagements at the Eastern Florida State College in stating that she is "the adoptive mother of NFL football star [Michael] Oher."<sup>10</sup> She further references Mr. Oher in that advertisement when expanding on her speaking topic: the "inspirational true story [which] was featured in the best-selling book 'The Blind Side: Evolution of a Game' and its acclaimed 2009 film adaptation."<sup>11</sup> The Former Co-Conservators cannot seriously contend that this is an unknowing use. And they cannot seriously contend that this is not an advertisement for Former Co-Conservator Leigh Anne Tuohy's paid speaking event, or that the speaking event is not one of the prohibited uses under the TPRPA. *See* TCA § 47-25-1105 (prohibiting the use of "another individual's name, photograph, or likeness . . . for purposes of advertising products, merchandise, goods, or services, or for purposes of fund raising, solicitation of donations, purchases of products, merchandise, goods, or services"). The Former Co-Conservators are knowingly using Mr. Oher's name, image, and likeness in advertising as prohibited under TCA § 47-25-1105(a).

This case is factually and legally similar to *Apple Corps Ltd.*, where the court considered Beatles look-alikes' infringement on The Beatles' publicity rights. 843 F. Supp. at 342. In that

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<sup>9</sup> *See* Conservatorship Order; and Order Dismissing Conservatorship ("Conservatorship Dismissal"), filed herein on Sept. 29, 2023.

<sup>10</sup> *See* Exhibit A at 13.

<sup>11</sup> *Id.*

case, the federal district court, reasoning that “Tennessee’s statute is clearly directed at preventing the use of another’s name or likeness, without consent, for advertising purposes,” found defendants’ use of The Beatles’ and their combined “individual names in advertising or promotional materials does violate § 47-25-1105(a).” *Id.* at 348. That is the exact scenario here. The Former Co-Conservators are using Mr. Oher’s distinctive name and likeness in advertising and promotional materials for paid speaking engagements and fund raising in clear violation of TCA § 47-25-1105(a).

Third and finally, there can be no true dispute that Mr. Oher’s name, image, and likeness have had value since at least 2004 and are exclusively Mr. Oher’s and that he has resultingly suffered injury, particularly as the Former Co-Conservators have been paid millions for their speaking engagements advertised and based upon Mr. Oher’s NIL and despite the ending of the Conservatorship continue to use it to their own financial gain.

“The rights provided for [by the TPRPA] are deemed exclusive to the individual.” Tenn. Code Ann. § 47-25-1104. Mr. Oher’s rights and NIL rights are exclusively his, and while the TPRPA contains no “value” requirement, the Tennessee Appellate Court has held that value to a plaintiff’s identity is necessary to assert the right of publicity. *Wells*, 448 S.W.3d at 390 (“the key is that ‘to assert the right of publicity, a plaintiff must demonstrate that there is value in associating an item of commerce with his identity’”) (quoting *Landham v. Lewis Galoob Toys, Inc.*, 227 F.3d 619, 624 (6th Cir. 2000)). Mr. Oher is a former NFL football player who was selected by a football team in the first round of the 2009 football player draft. Mr. Oher’s NIL undoubtedly has value – the TPRPA was created to protect the NIL of individuals exactly like Mr. Oher. *See Apple Corps Ltd.*, 843 F. Supp. at 348 (the TPRPA was “intended to ‘create an inheritable property right for those people who use their names or likenesses in a commercial manner, such as an entertainer or

sports figure””) (quoting Senator Kyle, the sponsor of the bill creating the TPRPA); *and State ex rel Elvis Presley v. Crowell*, 733 S.W.2d 89, 96–97 (Tenn. Ct. App. 1987) (“Unquestionably, a celebrity’s right of publicity has value.”). The true value of Mr. Oher’s likeness is impossible to estimate without a full accounting from the Former Co-Conservators. However, to the best of Petitioner’s knowledge, the Former Co-Conservators along with their natural born children have earned millions of dollars in revenue using Mr. Oher’s NIL while paying Mr. Oher nothing for their use of his NIL. In fact, the Former Co-Conservators continued use of his NIL along with their continued fictional version of his life continues to degrade and devalue his NIL. If Mr. Oher’s name and likeness were valueless, the Former Co-Conservators would have no reason to continue their use and would have no problem acquiescing to Mr. Oher’s request that they cease their use of his NIL. Certainly, Mr. Oher’s NIL is valuable, and he has suffered injury from the Former Co-Conservators’ use of it.

Thus, Petitioner has established each of the elements under TCA § 47-25-1105(a). He has demonstrated that the Former Co-Conservators have and will knowingly use his name, image, and likeness to their improper and financial advantage unless this Court grants Mr. Oher’s motion. Mr. Oher has demonstrated that his NIL and right of publicity have value and that the Former Co-Conservators do not have his permission to use his NIL. Petitioner has thus demonstrated a likelihood of success on the merits that the Former Co-Conservators are violating his right of publicity.

#### **D. Granting the Injunction Is in The Public Interest**

Granting the injunction Mr. Oher has requested is in the public interest. As set forth above, the Former Co-Conservators have misappropriated Mr. Oher’s NIL and used it for their own financial gain. “It is desirable that the law protect an individual’s right to control the commercial

use of his or her name or likeness.” *Apple Corps Ltd.*, 843 F. Supp. at 349. “Clearly, enjoining the [Former Co-Conservators’] activities would serve the public interest by protecting this right.” *Id.*

#### **E. The Court Need Not Require a Bond**

TRCP 65 provides:

Except in such actions as may be brought on pauper’s oath, no restraining order or temporary injunction shall be granted except upon the giving of a bond by the applicant, with surety in such sum as the court to whom the application is made deems proper, for the payment of such costs and damages as may be incurred or suffered by any person who is found to have been wrongfully restrained or enjoined.

TRCP 65.05(1). “The plain language of the rule establishes that the purpose of requiring a bond as a condition precedent to the issuance of a restraining order or preliminary injunction is ‘to provide a mechanism for reimbursing an enjoined party for harm it suffers as a result of an improvidently issued injunction or restraining order.’” *South Central Tennessee Railroad Authority v. Harakas*, 44 S.W.3d 912, 918, 917 (Tenn. Ct. App. 2000) (collecting cases referencing the “rebuttable presumption” that an enjoined party is entitled to an executed bond, and citing *Coyne-Delany Co. v. Capital Dev. Bd. of Ill.*, 717 F.2d 385, 391 (7th Cir. 1983) (“Most cases hold . . . that a prevailing defendant is entitled to damages on the injunction bond unless there is a good reason for not requiring the plaintiff to pay in the particular case.”)). TRCP provides an exception from the bond requirement for “domestic relations cases.” TRCP 65.07.

Petitioner asks the Court to require no bond for issuance of this temporary injunction. Firstly, this action should be subject to the exception under TRCP 65.07. But even if it were not, Petitioner offers to the Court that neither Petitioner nor the Court can evaluate the potential costs and damages as the Former Co-Conservators may incur from using his NIL. This is because at no time have the Former Co-Conservators submitted to the Court yearly reports as required during the conservatorship by TCA § 34-1-111, and they have not listed any contractual right or benefits received from using Mr. Oher’s NIL in their final accounting filed earlier this month. As

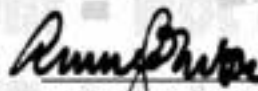
recognized by this Court, the Former Co-Conservators themselves failed to post any bond or accountings that should have been required of them as former co-conservators.

In short, his case falls squarely within the “domestic relations” exception to the bond requirement. Requiring a bond or any bond in excess of a nominal bond to enforce the Court’s Order is unfairly punitive and would serve only to re-victimize Mr. Oher. Petitioner asks this Court to require no bond in issuing the requested temporary injunction.

### CONCLUSION

WHEREFORE, having shown that Petitioner is entitled to a temporary injunction under TRCP 65.04 and TCA § 47-25-1106, as he will be irreparably harmed without an injunction, the Former Co-Conservators will not be unduly harmed if the Court grants it, Mr. Oher has a high likelihood of success on the merits, and that granting the injunction is in the public interest, the undersigned counsel respectfully moves this Honorable Court to issue a temporary injunction:

1. Against the Former Co-Conservators, Sean Tuohy and Leigh Anne Tuohy enjoining them from using Mr. Oher’s name, image, and likeness, especially in conjunction with the continuing false claims that they adopted Mr. Oher;
2. Such injunction to include, but not be limited to, prohibiting Former Co-Conservator Leigh Anne Toughy from using Mr. Oher’s name, image, and likeness at the Simpkins Speak Series event occurring on Tuesday, November 14, 2023.



Anne Johnson (BPR #23719)  
Butler, Sevier, Hinsley & Reid, PLLC  
530 Oak Court Drive, Suite 100  
Memphis, TN 38117-3722  
Tel: (901) 578-8888  
Fax: (901) 579-8888  
[anne@bshrlaw.com](mailto:anne@bshrlaw.com)

John W. ("Don") Barrett  
Sterling Aldridge  
Barrett Law Group, P.A.  
404 Court Square N  
P.O. Box 927  
Lexington, MS 39095  
Tel: (662) 834-2488  
Fax: (662) 834-2628  
[dbarrett@barrettlawgroup.com](mailto:dbarrett@barrettlawgroup.com)  
[saldridge@barrettlawgroup.com](mailto:saldridge@barrettlawgroup.com)

J. Gerard Stranch, IV  
Stranch, Jennings & Garvey PLLC  
The Freedom Center  
223 Rosa L. Parks Ave., Suite 200  
Nashville, TN 27203  
Tel: (615) 254-8801  
[gstranch@stranchlaw.com](mailto:gstranch@stranchlaw.com)

Richard Barrett (*admitted pro hac vice*)  
Law Office of Richard R. Barrett, PLLC  
2086 Old Taylor Rd, Suite 1011  
Oxford, MS 38655  
Tel: 662-380-5018  
Fax: 866-430-5459  
[rrb@rrblawfirm.net](mailto:rrb@rrblawfirm.net)

*Counsel for Petitioner*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record via the

U.S. Postal Service and/or electronic mail on November 14, 2023.

Randall Fishman  
200 Jefferson Ave., #1250  
Memphis, TN 38103

Debra Branam  
2584 Hwy 51 South  
Hernando, MS 38632  
[kdjudge@aol.com](mailto:kdjudge@aol.com)

Steven E. Farese, Sr.  
Farese, Farese & Farese  
122 Church Ave.  
Ashland, MS 38603

  
Anne Johnson (BPR #23719)

# Exhibit A



Leigh Anne



LEIGH ANNE TUOHY, INSPIRATION SUBJECT OF THE BLIND SIDE

Dubbed a 'warrior princess' by author Michael Lewis in his best-selling book *The Blind Side*, Leigh Anne is the inspirational matriarch of the Tuohy family. She graduated from Ole Miss and while there met her husband, Sean Tuohy. Both were ambitious college students: Leigh Anne was a cheerleader and an active member of her sorority, Kappa Delta and Sean became a record-breaking SEC basketball champion (and still holds that record today!). They are the proud parents of daughter, Collins, and sons, Michael Oher and Sean, Jr. Leigh Anne and Sean just celebrated their 40 year wedding anniversary.

Leigh Anne is a motivational speaker and an interior designer by trade. Her work has been featured on numerous TV shows including HGTV, *Extreme Makeover Home Edition*, *Designing on a Dime*, and *Family Addition* in addition has been in countless publications. She has designed for clients from athletes such as Peyton Manning, Scottie Pippen and Isaac Bruce to CEOs, Universities, commercial

establishments and residential clients. She is a New York Times best-selling author of *In a Heartbeat: Sharing the Power of Cheerful Giving*. Another book authored by Leigh Anne, *Turn Around*, is a five-day-per-week devotional that uses scripture as a springboard to reconsider what it means to give sacrificially, generously, and immediately. After *The Blind Side* was released the response was overwhelming and as a result Sean and Leigh Anne established their charity, The Making it Happen Foundation, which promotes awareness, provides hope, and improves standards of living for all the children fighting to survive in the invisible cracks in society.

She makes appearances on various broadcasts in the national media, including Fox and Friends, Good Morning America, 20/20, The Today Show, Sean Hannity, CNN, Huffington Post Live and HLN, to name a few. Leigh Anne is a sought after motivational speaker represented by GTN, a United Talent Agency Company.

Through all of their projects, Leigh Anne and her family continue their mission to uplift, inspire hope, promote kindness, ignite generosity, and make it happen for those that are valued so incorrectly but are so deserving, but most importantly the overlooked and underserved youth. They truly believe that everyone has the ability to make a difference.

## Here's What Others are Saying

*"Just wanted to tell you how much I enjoyed listening to you at Women for OSU Symposium. Thanks for reminding me to do what I can to help others and to listen to God's voice."*

**Donna**

Stillwater, OK

*"Thank you for coming to speak at Good Sam Luncheon in San Antonio. Just the kind of fire I needed to be more proactive in my own journey. You see I advocate for those who are struggling readers. Those with Dyslexia. Very much like Michael's story so many students just get passed through grade after grade. No one taking the time to "turn back" when their gut is telling them something is not right here. Taking the time to request testing, and then intervene. You see reading is a basic right and an essential skill for living. You can only imagine the social and financial consequences on one personally and ultimately our society. Although I actively advocate for my own child, I do feel a calling to "do more." To speak up for those parents and students who just don't know and trust in a broken system that allows these students to fall through the cracks. Once again thank you. I believe you were divinely placed in my path for a unique purpose."*

**Tricia**

San Antonio, TX

*"Thank you so much for the impact you made on our event in Scottsdale. So many people said what a joy it was to hear you speak. It was an added delight to have dinner with you and to get to know your heart for making a difference."*

**Donald**

Santa Ana, CA





Leigh Anne



## After the Blind Side

Only three years after *The Blind Side* burst onto the scene, breaking box office records and inspiring individuals nationwide, Sean and Leigh Anne continue to make an impact. In July 2010, they released the *New York Times* best-seller, *In a Heartbeat: Sharing the Power of Cheerful Giving*, and established their charity, [The Making it Happen Foundation](#) which promotes awareness, provides hope and improves standards of living for all the children fighting to survive in the invisible cracks in society. Through both projects, the Tuohy family continues their mission to inspire hope, ignite generosity, and make it happen for the deserving, but underserved youth.

The Tuohy family's inspirational story has been covered all over the national media including *Good Morning America*, *The Today Show*, *20/20*, and *Huckabee* to name a few. They are also working on a new book and potential television shows. They are actively involved in many civic and faith-based organizations, including Grace Evangelical Church, of which they are founding members.

At the podium, they invite audiences to go behind-the-scenes of the Tuohy household with a heartwarming message:

"In our house, we believe in miracles."

## Our Family



## Leigh Anne

Dubbed a "warrior princess" by Michael Lewis in his best-selling book *The Blind Side*, Leigh Anne is the inspirational matriarch of the Tuohy family.

[Learn More](#)



## Sean

Entrepreneur & NBA Broadcaster – Sean was an American success story: he had come from nothing and made himself rich," wrote Michael Lewis in *The Blind Side*.

[Learn More](#)



## Collins

Collins shares a famously close bond with her adopted brother Michael Oher. It began when she first met Michael in the hallways of Briarcrest.

[Learn More](#)



## SJ

My name is Sean Tuohy Jr, which everyone assumes stands for "Sean Jr" when in actuality at a young age I



## Michael

The adopted son of Sean and Leigh Anne Tuohy, Michael spent most of his childhood in various

started calling myself  
"SJ" to be like Michael  
Jordan (MJ).

[Learn More](#)

foster homes and moved  
in with the Tuohys when  
he was 16.

[Learn More](#)

When someone comes into your life, like a Michael Oher, trust me , when I tell you that you (the giver) will benefit much more than the receiver ever will. We truly learned about being a real family when Michael came into our lives. We were fooling ourselves before. One simple random act of kindness opened our eyes to the true meaning of what a family was all about.

- Leigh Anne Tuohy

Leigh Anne



MICHAEL OHER, SUBJECT OF THE BLIND SIDE & NFL PLAYER, BALTIMORE RAVENS

## About

Michael Oher's inspirational journey from the streets of Memphis to the NFL was chronicled in Michael Lewis' best-selling book *The Blind Side*, now a major Hollywood blockbuster. The adopted son of Sean and Leigh Anne Tuohy, Michael spent most of his childhood in various foster homes and moved in with the Tuohys when he was 16. "Who knows where I'd be?" says Michael, who with the love and support of the Tuohys, improved as a student and became the most sought after player in college and professional football.

## At the Podium

Michael inspires audiences to see their greatest challenges as opportunities. "As I look back, it's crazy how I got here," he says. "But it didn't seem tough at the time. I just

lived day to day, did the best I could."

## Biography Details

At 6-foot-6, 320 pounds, Michael's size and athleticism had professional scouts and recruiters pegging him as a first-round NFL draft pick as soon as he stepped on the field as an offensive tackle and first-round draft pick for the Baltimore Ravens. Michael played collegiate football at the University of Mississippi and prepped at Briarcrest Christian School in Memphis, TN, earning USA Today and EA Sports All-American honors. In college, he was All SEC First Team; First Team All American; runner up to The Outland Award; and received The Jacobs Award for best blocker in the SEC. In 2013, Oher helped to lead to Ravens to Super bowl victory.

Michael began playing football as a child and joined the Briarcrest Varsity team his junior year. In his senior season, he took over as the starting left tackle, and quickly became one of the top prospects at the position. He also competed in the US Army All-American Bowl and was named to Rivals.com's All-American Bowl All-Time Team. Selected by Tom Lemming/ESPN as the nation's top offensive tackle, Michael was named to the SuperPrep All-American team. A multi-talented athlete, Michael was also a state runner-up in the discus as a senior in high school and earned All-State honors by helping lead the basketball team to a 27-6 record, winning the district championship as a senior.

With *The Blind Side* as one of the most talked-about true stories of our time, Michael is now sharing the story in his own words. His book, *I Beat the Odds: From Homelessness to The Blind Side and Beyond* (Gotham 2011), offers an intimate look at what the "Blind Side experience" was truly like for Michael. Seeing the story through Michael's perspective, he shares how the Tuohy family impacted his life, and how their love, combined with his hard work and dedication, propelled him into professional sports.





*“When Sean Tuohy saw the new kid sitting in the high school gym, he saw a boy with nowhere to go but up. The question was how to take him there.” — from *The Blind Side**

## About

“Sean was an American success story: he had come from nothing and made himself rich,” wrote Michael Lewis in *The Blind Side*, the best-selling book that inspired the major motion picture starring Sandra Bullock and Tim McGraw. *The Blind Side* tells the story of Michael Oher, a homeless teenager turned first round NFL draft pick, with the support and love of an unlikely adoptive family: the Tuohys. The movie’s message of hope, love, and opportunity has resonated with millions of people. Sean Tuohy, Michael’s adoptive father, is an extremely successful multi-brand fast food entrepreneur. Before conquering the franchise world, he was a South Eastern Conference (SEC) record-breaking basketball player and drafted in the NBA. In addition to owning and operating 60+ fast food restaurants, Tuohy has over 15 years of experience as an NBA Broadcaster for the Memphis Grizzlies. In February 2013, Sean and the whole Tuohy family were on the sidelines cheering Michael and the Baltimore Ravens on to his first Super Bowl victory.

## At the Podium

Sean is one of the most sought after motivational speakers and has given lectures to a broad spectrum of audiences from Fortune 500 Corporations, to town halls, to religious groups, to college campuses. At the podium, Sean invites audiences to go behind the scenes of the Tuohy household with an inspiring and heartwarming message: “In our house, we believe in miracles. One simple random act of kindness can change someone’s life.” Tuohy shares personal anecdotes with his signature southern charm and asks al

us to consider a simple question: how many other kids just like Michael Oher are falling through the cracks every day? And how can we make an impact big enough to change a broken system? Tuohy speaks on topics from finance, to giving, to valuing people correctly.

## Biography Details

A native of New Orleans, Louisiana, Tuohy knew what it meant to be the poor kid in a private school. he had been one himself. With sports as his meal ticket through high school and college, Tuohy left home after graduating from The Isidore Newman School and headed for The University of Mississippi, better known as Ole Miss, on a basketball scholarship. When Tuohy graduated from Ole Miss, he shattered every major SEC assist record. Tuohy had become a legend in the SEC! He led Ole Miss to their first ever SEC championship and holds honors from Hall of Fames to retired jerseys.



SEAN TUOHY, ENTREPRENEUR, NBA BROADCASTER & SUBJECT OF THE BLIND SIDE

Drafted by the NBA's New Jersey Nets in 1982, Tuohy opted to continue his career overseas before returning to the US to be with his father during his final days. He became a successful entrepreneur building a company that now owns and operates fast food restaurants including Taco Bell, KFC and Freddy's.

Tuohy has been married to his college cheerleader sweetheart, the former Leigh Anne Roberts, since 1982. They are the proud parents of daughter Collins and sons Michael

Oher and Sean Junior.

Prior to Tuohy's NBA Broadcasting career, he was an analyst for the radio broadcast at Ole Miss as well as a broadcaster for Westwood One and CBS radio. In addition to his demanding business, broadcasting, school and church schedules (he along with several others helped to create one of the fastest growing evangelical churches in Memphis, the Grace Evangelical Church) Tuohy is heavily involved in numerous organizations that support kids. Tuohy says, "It's easy to beat up a kid. The hard thing is to build him up."

That philosophy is what propelled the Tuohy family to bring Michael into their home, give him love and support, and eventually adopt him as their son.

The Tuohy's life was chronicled in Michael Lewis' New York Times bestseller, The Blind Side. The book then went on to become a record breaking Hollywood Blockbuster movie that has earned more than \$400 million at the box office. The Blind Side has become the number one sports themed movie in history

surpassing Rocky! The Tuohy family's inspirational story has been covered over national media, including Katie, Fox and Friends, Good Morning America, 20/20, The Today Show, Dr. Drew, Sean Hannity, and Huckabee.


Years after *The Blind Side* has burst onto the scene, breaking box office records and inspiring individuals nationwide, Tuohy continues to make an impact. In July 2010, he and his wife Leigh Anne released the New York Times bestseller, *In a Heartbeat: Sharing the Power of Cheerful Giving*. They also established their charity, The Making it Happen Foundation which promotes awareness, provides help, and seeks to improve the standard of living for all the children fighting to survive in the invisible cracks in society. Tuohy serves on numerous boards and never misses an opportunity to mentor and coach others up.


Through all of their projects Sean, and the entire Tuohy family, continue their mission to inspire hope, ignite generosity, and make it happen for the deserving but underserved youth in our society.




(<https://allevents.in/cocoa>)

## Simpkins Speaker Series: Leigh Anne Tuohy

 Tue Nov 14 2023 at 12:00 pm  
(GMT-04:00)

[add to calendar](#) 

 Eastern Florida State College (Cocoa Campus), 1519 Clearlake Road, Cocoa, FL, United States [view on map](#)

 I'm Interested

### About the event

#### Simpkins Speaker Series: Leigh Anne Tuohy

Be motivated by Leigh Anne Tuohy — successful businesswoman, talented interior designer, and the adoptive mother of NFL football star Michael Oher. Their inspirational true story was featured in the best-selling book "The Blind Side: Evolution of a Game" and its acclaimed 2009 film adaptation in which Sandra Bullock won an Oscar for her portrayal of Leigh Anne.

Read more about Leigh Anne's background: <https://easternflorida.edu/go/simpkins> (<https://easternflorida.edu/go/simpkins>).


The free event is open to students, faculty, staff, and the general public and will take place in the Simpkins Fine Arts Center (Bldg. 4) on the Cocoa Campus.

The Simpkins Speaker Series is named after the late Bernie Simpkins, a highly successful entrepreneur and Brevard County business leader who established the sessions that have brought some of the nation's top business innovators to EFSC.

For more information, contact Dawn Niehoff at [niehoffd@easternflorida.edu](mailto:niehoffd@easternflorida.edu) or 321-433-7053.

Also check out other Arts Events in Cocoa ([https://allevents.in/cocoa/art?ref=ep\\_desc\\_also](https://allevents.in/cocoa/art?ref=ep_desc_also)), Business Events in Cocoa ([https://allevents.in/cocoa/business?ref=ep\\_desc\\_also](https://allevents.in/cocoa/business?ref=ep_desc_also)).

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NOV 18

USD 10

### MetaFest Fall 2023

(<https://allevents.in/merritt%20island/metafest-Merritt-Square-Mall-777-Merritt-Island-Cswy-E-Merritt-Island-F...>)

NOV 25

FREE

### Brevard Children's Business Fair

(<https://allevents.in/melbourne/brevard-childrens-The-Avenue-Viera-2261-Town-Center-Melbourne-United-States>)

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Cocoa Beach Public Library, 550 N Brevard Ave, Cocoa Beach,...

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Med Instead of Meds - Evening Class (https://allevents.in/cocoa/med-instead-of-meds-evening-class/10000754800858687?  
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Cocoa (Brevard County), FL ServSafe Manager's Class and Exam (https://allevents.in/cocoa/cocoa-brevard-county-fl-servsafe-  
managers-class-and-exam/1000030128892328?ref=footer-up-ep-upcoming)

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Topsy-Turvy Tuesday at George & Dragon (https://allevents.in/cocoa/topsy-turvy-tuesday-at-george-and-  
dragon/10000695208957707?ref=footer-up-ep-upcoming)

Med Instead of Meds - Afternoon Class (https://allevents.in/cocoa/med-instead-of-meds-afternoon-class/10000754715262667?  
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Trauma Release with emphasis on Upper Body (https://allevents.in/cocoa/trauma-release-with-emphasis-on-upper-  
body/200025501379749?ref=footer-up-more-ep-upcoming)

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Cocoa Beach Blitz Scavenger Hunt (<https://allevents.in/cocoa%20beach/cocoa-beach-blitz-savenger-hunt/10000697908702717?ref=footer-up-more-ep-upcoming>)

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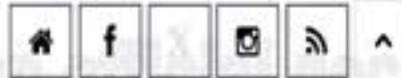
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# Exhibit B

**IN THE PROBATE COURT OF MEMPHIS SHELBY COUNTY, TENNESSEE**

---

**IN RE: MICHAEL JEROME WILLIAMS, JR.  
A/K/A MICHAEL JEROME OHER**

**CAUSE NUMBER: C-010333**

**MICHAEL JEROME OHER,  
WARD AND PETITIONER.**

**DEMAND FOR JURY TRIAL**

---

**AFFIDAVIT OF DENISE OHER**

---

STATE OF TENNESSEE  
COUNTY OF SHELBY

I, Denise Oher, being duly sworn, states as follows:

1. I am over the age of 18, and I am competent to testify to the facts in this affidavit.
2. The petitioner, Michael Oher, is my son. I am familiar with and know Leigh Anne Tuohy and Sean Tuohy.
3. When my son was born, he was legitimated with his father's last name of Williams on his birth certificate. But while he was growing up, I always used my last name, Oher, as Michael's last name on documents.
4. When Michael turned eighteen, Ms. Tuohy asked me to help Michael get his last name changed to Oher.
5. In the summer of 2004, when I went to Court with Michael, I understood from talking with Ms. Tuohy that I was there for Michael's last name to be changed from Williams to Oher, and that I needed to sign paperwork to make that happen. I signed some paperwork at the Courthouse and was there for about 10 minutes.

6. After I signed the paperwork Ms. Tuohy took me out of the Court room. Michael stayed in the Courtroom with Mr. Tuohy. I do not know what happened after that.

7. I was not told that the papers I signed were for an adoption or conservatorship; none of that was explained to me.

8. Later, I found out by reading in the papers that my son had been adopted; I did not know that anything I signed was related to that.

FURTHER AFFIANT SAITH NOT.

Denise Oher  
AFFIANT DENISE OHER

On this the 18<sup>th</sup> day of September, 2023 personally appeared Denise Oher, known to be the person described herein, and who executed the foregoing.

Paul J. Cliff  
NOTARY PUBLIC

My Commission Expires:

March 2, 2026



# Exhibit C



Lara E. Butler †  
Gail R. Sevier  
Susan A. Hinsley †  
Margaret A. Reid \*  
Anne Johnson   
Elizabeth W. Fyke   
Abigail D. Hall  
Tiffany Bowders  
Rachel S. Cliff

†Rule 31 Listed Family Mediator  
\*Trained in Collaborative Law  
\*Also Licensed in Mississippi  
✓Masters of Law in Child and Family Law

August 14, 2023

Debra Branan, Esq.  
2584 Hwy 51 S  
Hernando, MS 38632  
kdjudge@aol.com

Via U.S. Mail and Email

RE: IN RE: Michael Jerome Williams, Jr. A/K/A Michael Jerome Oher  
Cause Number: C-010333

Dear Debbie:

It is our understanding that you represent Mr. and Mrs. Sean and Leigh Anne Tuohy in the above-referenced matter. Enclosed please find a copy of Mr. Michael Oher's *Petition to Terminate Conservatorship, for Accounting, and Other Relief, First Set of Interrogatories Propounded to Co-Conservators By Petitioner, and First Set of Requests for Production of Documents Propounded to Co-Conservators by Petitioner*, submitted for filing with the Probate Court of Shelby County, Tennessee this afternoon. I will forward filed copies upon my receipt of same. I, along with Mr. Gerard Stranch, IV, Mr. John W. ("Don") Barrett, Ms. Sterling Aldridge and Mr. Richard Barrett have been retained by Mr. Michael Oher in the filing of this *Petition*.

Concerning the subpoenas for records enclosed, if you would, please confirm that you accept service of these subpoenas so we will not incur the cost of a private process server for service of same.

We request that all counsel for the Tuohys instruct their clients to immediately cease the use of Mr. Michael Oher's name, likeness and image in conjunction with claims that they adopted Mr. Oher, pursuant to Tennessee Code Annotated §47-25-1106.

Sincerely,

  
Anne Johnson

Encl

cc: Gerard Stranch, IV, Esq.  
John W. ("Don") Barrett, Esq.  
Richard Barrett, Esq.  
Sterling Aldridge, Esq.



BUTLER  
SEVIER  
HINSLEY  
& REID  
PLLC

ATTORNEYS AT LAW

Lara E. Butler †  
Gail R. Sevier  
Susan A. Hinsley †  
Margaret A. Reid \*  
Anne Johnson *e*  
Elizabeth W. Fyke *e*✓  
Abigail D. Hall  
Tiffany Bowders  
Rachel S. Cliff

†Rule 31 Listed Family Mediator  
*e* Trained in Collaborative Law  
\*Also Licensed in Mississippi  
✓Masters of Law in Child and Family Law

August 14, 2023

Randall Fishman, Esq.  
200 Jefferson Avenue  
Suite 1250  
Memphis, TN 38103  
Fax: 901-525-6294  
rfishman@bbfpc.com

Via Fax, U.S. Mail, and Email

RE: IN RE: Michael Jerome Williams, Jr. A/K/A Michael Jerome Oher  
Cause Number: C-010333

Dear Mr. Fishman,

It is our understanding that you represent Mr. and Mrs. Sean and Leigh Anne Tuohy in the above-referenced matter. Enclosed please find a copy of Mr. Michael Oher's *Petition to Terminate Conservatorship, for Accounting, and Other Relief, First Set of Interrogatories Propounded to Co-Conservators By Petitioner, and First Set of Requests for Production of Documents Propounded to Co-Conservators by Petitioner*, submitted for filing with the Probate Court of Shelby County, Tennessee this afternoon. I will forward filed copies upon my receipt of same. I, along with Mr. Gerard Stranch, IV, Mr. John W. ("Don") Barrett, Ms. Sterling Aldridge and Mr. Richard Barrett have been retained by Mr. Michael Oher in the filing of this *Petition*.

We request that all counsel for the Tuohys instruct their clients to immediately cease and use of Mr. Michael Oher's name, likeness and image in conjunction with claims that they adopted Mr. Michael Oher, pursuant to Tennessee Code Annotated §47-25-1106.

Sincerely,

Anne Johnson

Encl.  
cc: Gerad Stranch, IV, Esq.  
John W. ("Don") Barrett, Esq.  
Richard Barrett, Esq.  
Sterling Aldridge, Esq.