

2. On July 15, 2017, a “Community Alert” was posted online by Lawrence County Commissioner, Scott Franks, stating, “We are actively exploring our options on getting this operation shutdown [...] County Executive Williams, Sheriff Brown, County Attorney Holt and District Attorney Cooper are all involved in this effort.”

3. Because Mr. McKamey’s property is located in unincorporated territory, public retaliation against Mr. McKamey was limited.

4. Lawrenceburg Police Department entered Mr. McKamey’s property around that same time in response to a report by Mr. McKamey’s neighbor.

5. On July 20, 2017, a meeting was held between Mr. McKamey and Twenty Second Judicial District Attorney Brent Cooper, during which Mr. Cooper recited the law in Tennessee for false imprisonment and kidnapping based on reported activity occurring on Mr. McKamey’s property related to the “McKamey Manor.” Mr. Cooper later stated in a news interview that Mr. McKamey is walking “a very fine line.” Mr. Cooper advised Mr. McKamey in the July 2017 meeting, “I won’t let those lines be crossed here.”

6. On March 29, 2018, Jeff Dunn, Criminal Investigator for the Twenty Second Judicial District Attorney’s Office, was permitted onto Mr. McKamey’s Summertown property to interview Mr. McKamey and investigate claims surrounding the “McKamey Manor.”

7. In 2023, the concerted effort to prevent Mr. McKamey from engaging in lawful conduct on his private property escalated into a sprawling investigation by the Tennessee Attorney General’s Office, which Defendant Skrmetti announced through a post to his Twitter account on October 31, 2023.

8. Defendant Skrmetti's investigation arose after a Hulu Documentary about McKamey Manor – entitled “Monster Inside: America's Most Extreme Haunted House” – premiered on October 12, 2023.

9. Relying on T.C.A. § 47-18-106, Defendant Skrmetti issued a Request for Information (“RFI”) to Mr. McKamey on November 15, 2023 containing 18 requests for production of documents, 28 interrogatories, a demand to appear for sworn testimony, and an Affidavit of Compliance to attest to the accuracy of the written responses. The RFI states, “The State has reason to believe that Russ McKamey and McKamey Manor are engaging in, have engaged in, or are about to engage in unfair and deceptive acts or practices in violation of the Tennessee Consumer Protection Act of 1977 [(“TCPA”)] [...] in connection with McKamey Manor's unfair and deceptive practices towards consumers.”

10. Although each violation of TCPA alone is a Class B misdemeanor under T.C.A. § 47-18-104(a), the RFI seeks information far beyond any question of fairness or deception related to a purported consumer transaction and closely related the allegations of a more serious criminal nature made in the Hulu Documentary.

11. On the same day that Mr. McKamey received the RFI, an anonymous complaint was filed with Defendant Lawrence's office resulting in an inspection of Mr. McKamey's property on November 21, 2023. After the inspection, Chief Counsel for Fire Prevention Ben Conrady and Assistant Commissioner of Tennessee Department of Commerce and Insurance Gary Farley advised Mr. McKamey that “continued inspections will occur” until a sworn affidavit attesting to three code violations – each a Class C misdemeanor – despite no such affidavit being required by any law in Tennessee.

12. Defendants seek to score political points by riding the coattails of a sensationalized, one-sided Hulu documentary and suspend Mr. McKamey's rights as a private citizen along the way.

13. Defendants coordinated targeting of Mr. McKamey thinly conceals – and, in part, admits – its interest in creating long-sought criminal exposure for Mr. McKamey for offenses spanning the full spectrum of criminal liability in Tennessee from Class C misdemeanor to Class A felony.

14. This action seeks to halt Defendants' concerted effort to further violate Mr. McKamey's constitutional rights including, but not limited to, the right not to be compelled to self-incriminate, the right to be free of warrantless searches, the right not to speak, and the right to be free of retaliation for constitutionally protected conduct.

15. Defendants are free to investigate whatever they and other State leadership believe to be within the scope of their duties to protect the public, but they cannot be permitted to disregard Mr. McKamey's rights in the course of such investigation.

II. JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1343, the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. §1983.

17. Mr. McKamey's claims for declaratory and injunctive relief are authorized by 28 U.S.C. § 2201, by Federal Rules of Civil Procedure 57 and 65, and by the legal and equitable powers of this Court.

18. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) because both Defendants reside in this judicial district and all of the events giving rise to Mr. McKamey's claims occurred in this judicial district.

III. PARTIES

19. Plaintiff Russ McKamey is an individual who resides at 12 Stephenson Road, Summertown, Lawrence County, Tennessee 38483.

20. Defendant Jonathan Skrmetti is the Attorney General & Reporter for the State of Tennessee ("AG"). He is named as a Defendant in his official capacity. Defendant Skrmetti is charged by the General Assembly under T.C.A. § 47-18-106 with investigating and prosecuting violations of the Tennessee Consumer Protection Act on behalf of the State and the public. The exercising of such authority in his official capacity in this case has directly caused the injuries to Mr. McKamey discussed herein. All conduct by Defendant Skrmetti discussed or referred to in the following paragraphs occurred in the course of his exercising powers provided by state law. Defendant Skrmetti has exclusive authority to enforce the Tennessee Consumer Protection Act on behalf of the public and conduct investigations under T.C.A. § 47-18-106.

21. Defendant Carter Lawrence is the Commissioner of the Tennessee Department of Commerce and Insurance ("TDCI") as well as the State Fire Marshal. He is named as a Defendant in his official capacity. Defendant Lawrence is charged by the General Assembly under T.C.A. § 68-102-116 to directly, and through his deputies and assistants, "perform the duties" under Chapter 102 of Title 68 of the Tennessee Code Annotated – entitled "Fire Prevention and Investigation" and "Health, Safety and Environmental Protection" respectively. The exercising of such authority in his official capacity in this case has directly caused the injuries to Mr. McKamey discussed herein. All conduct by Defendant Lawrence, other TDCI

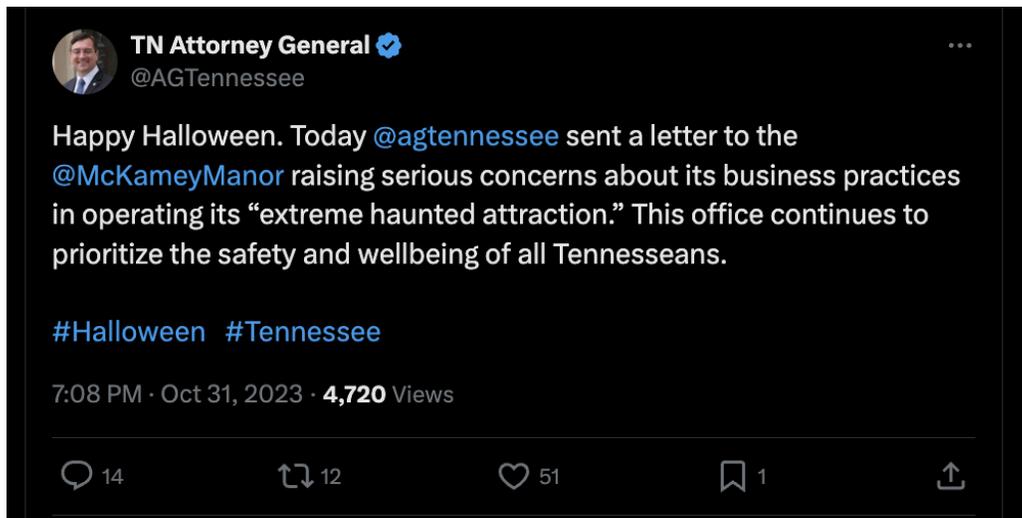
policymakers, or their agents discussed or referred to in the following paragraphs occurred in the course of TDCI exercising powers provided by state law.

IV. FACTS

22. “McKamey Manor” does not operate and has never operated under or as an entity in the State of Tennessee. All information sought in the RFI is personal information belonging to Mr. McKamey. (*See* Exhibit 1: Affidavit of Russ McKamey at ¶ 8).

23. On October 12, 2023, the streaming service Hulu released a documentary entitled “Monster Inside: America’s Most Extreme Haunted House” (“the Documentary”). (*Id.* at ¶ 2).

24. On October 31, 2023, Defendant Skrmetti announced this investigation into McKamey Manor via the following post from his Twitter/X account:



(*Id.* at ¶ 5).

25. Although Defendant Skrmetti apparently did not know that the @McKameyManor account was created and operated by a fan, not by Mr. McKamey, Defendant Skrmetti clearly communicated that he believes Mr. McKamey to have violated the Tennessee

Consumer Protection Act and to be a danger to the “safety and wellbeing” of the public and the guests of McKamey Manor.

26. Also on October 31, 2023, Mr. McKamey received a letter from Defendant Skrmetti’s office stating, in part, the following:

This office is responsible for protecting the public interest, including enforcing consumer protection laws in Tennessee.

[...]

We are concerned by recent reports regarding McKamey Manor and its practices. Specifically various sources and reports allege that:

McKamey Manor either does not offer, or honor, a means for a participant to stop the tour. In Hulu’s 2023 documentary about McKamey Manor, you are quoted as saying, “we’re known for no quitting and no safe wording.”

Participants do not have access to the lengthy waiver that describes the risks involved with a “tour” before signing up, traveling long distances to Tennessee, or even before the tour begins. Former participants describe the adrenaline and pressure they felt when reviewing the waiver at the start of the tour. One interviewee from the Hulu documentary stated, “I had too much excitement going through my veins at the time. If [the waiver] would have said that a man is going to come out of the woods and murder you during this event, I would’ve signed it.

(See Exhibit 2: 10-31-23 Letter; Exhibit 1: McKamey Aff. at ¶ 6).

27. On November 15, 2023, Defendant Skrmetti signed and delivered a “Request for Information Issued Pursuant to Tenn. Code Ann. § 47-18-106” (“RFI”). (See Exhibit 3: RFI). The RFI states, in part, “You are required, pursuant to Tenn. Code. Ann. § 47-18-106(a)(1), to respond in writing to the attached Requests for Production of Documents and Information and provide a Written Statement Under Oath [...] by completing the attached Affidavit of Compliance.” (*Id.*; *Id.* at ¶ 7).

28. The RFI further states, “You are required pursuant to Tenn. Code Ann. § 47-18-106(a)(2), to provide one or more witnesses who are knowledgeable about McKamey Manor’s practices in Tennessee, the responses to this Request for Information, and the defined subject areas for the purposes of providing testimony under oath[.]” (*Id.*)

29. The RFI further states, “This [RFI] is made pursuant to Tenn. Code Ann. § 47-18-106 in connection with an investigation by the State of Tennessee, through Jonathan Skrmetti, Attorney General and Reporter (the State) [...] The State has reason to believe that Russ McKamey and McKamey Manor are engaging in, have engaged in, or are about to engage in unfair or deceptive acts or practices in violation of the Tennessee Consumer Protection Act of 1977 (TCPA).” (*Id.*)

30. The RFI further states, “Unless otherwise indicated, documents to be produced pursuant to this Request include each and every document prepared, sent, dated, received, in effect, or that otherwise came into existence during the period from January 1, 2017 to the date of the production of the documents [...] Similarly, Your response to an information request should include information addressing the period from January 1, 2017 to the date of your response to the request.” (*Id.*)

31. Each violation of the Tennessee Consumer Protection Act is a Class B misdemeanor under T.C.A. § 47-18-104(a).

32. As implied by the 10-31-23 Letter, the RFI seeks information beyond the scope of a purported consumer transaction, including, but not limited to, the following explicit requests:

- 22. Identify any and all procedures you and/or Agents of McKamey Manor have to monitor the health and safety of Participants while they are participating in a Tour.
- 23. Has McKamey Manor ever facilitated medical treatment for a Participant?

- 24. To your knowledge have any Participants sought medical treatment soon after participating in a Tour? If so, identify in a list form the name(s) of the Participants(s) and the injuries, if known.

(Id.)

33. On January 16, 2024, Assistant Attorney General Kelley Groover – who was copied on both the 10-31-23 letter to Mr. McKamey on behalf of Defendant Skrmetti and the RFI – stated on a video conference, “Obviously there was quite a bit of reporting, um, around the release of the recent Hulu documentary, and that definitely is a factor in us taking a closer look.”

The Documentary

34. The Documentary featured five individuals who had been a guest of the “McKamey Manor” at some point. Being a “guest” of the “McKamey Manor” means to take the tour – in other words, to be a participant for whom the immersive experience is designed. All but one of the five individuals had taken the tour multiple times.

35. Mr. McKamey did not participate in the Documentary. (*See* Exhibit 1: McKamey Aff. at ¶ 2).

36. The Documentary used footage of the tours of the five individuals, and others, which was taken and posted online by Mr. McKamey.

37. The Documentary also used stock footage that had nothing to do with “McKamey Manor.”

38. The central claim of the Documentary is that “McKamey Manor” is a unique aberration or anomaly in the immersive horror experience landscape in a way that makes it a criminal enterprise. (*See* Exhibit 1: McKamey Aff. at ¶ 3).

39. W.P. West, a self-described “producer and creator of immersive horror” participated as a subject matter expert in the Documentary and stated, “[I]t isn’t just torturing

people [...] There is subtext to the show [...] There is subtext to the things I'm talking about [...] But, that isn't always the case [...] There's one person basically running a torture chamber." The Documentary then shows a clip of Mr. McKamey. West further stated in the Documentary, "If people want to do it, I'm not going to stop them, but it's not going to shock me if someone dies one day and [Mr. McKamey] goes to jail because of it." (*Id.* at ¶ 4).

40. Dr. Lindsay Bira, a self-described "Clinical Health Psychologist and PTSD and trauma specialist" participated as a subject matter expert in the Documentary and stated, "I'm worried about these types of experiences because there's no real structure [...] There's no real limits [...] The limits keep getting pushed [...] But, the most important thing is to be very careful who is leading an extreme experience [...] There can easily be an abuse of power and we don't know how far to trust somebody." (*Id.*)

41. Melissa Everly, a repeat guest of "McKamey Manor", stated in the Documentary:

I drive down for the second tour. Russ ends up coming over to the hotel room. And I knew from the Youtube videos this isn't the first time he's been in somebody's hotel room.

[...]

The conversation ended up taking a turn kind of for the worse. He started going into his sexual history with past contestants. Talking about how he liked a very competitive outgoing girl, but he wants a woman that's going to submit to him when it comes to being aggressive during sex. In that moment, I was feeling very nervous. Like, I'm just there. I'm barely participating in conversation because I don't really know what to say. I don't want to give any leading responses because I just wanted to go through the Manor. I was tired. I was exhausted. I was willing to listen to him, but I was also scared that if I was propositioned, I'm not going to be able to have this experience if I decline.

[...]

My brain was like mashed potatoes when he picked me up when he came and picked me up and we headed out to go for my next tour. It's just me and Russ on this tour. He had no helpers. Through the bamboo run is when he started, like, whispering in my ear and, like, complimenting my neck and kind of grabbing my neck and being sexual. But, in that moment, I'm like, 'Oh this is part of the tour.' You know, this is part of what he does. I was dead to the world. By the end of it, I was over 30 hours no sleep. I was beyond sleep deprived. I remember at that

point, I had fell asleep, and he told me it was fine to go to sleep. He covered me up with towels.

Well, sometime after the tour, and I'm going to fast forward for a moment because I asked him how the footage went, and he was like, 'Well, there was this one time that I didn't get the footage I really wish I had.' What happened? What did he do when I was asleep? Because he never answered me, and I think I deserve the right to know. Like what did he mean? What footage did he miss? That's always going to haunt me. I will question myself that until the day I die. 'Cause I don't want and I never have wanted to do anything with Russ. And, just the fact that that may have been a possibility disgusts me. He is a cruel, fucking disgusting person.

(Id.)

42. Kris Smith, a repeat guest and former assistant at "McKamey Manor" stated in the Documentary his response to this account from Everly, "There's always gonna be that doubt [...] There's always gonna be that doubt." *(Id.)*

43. When asked by Documentary director Andrew Renzi, "Why did you decide to do this?" Everly stated in the Documentary, "I am here because I want everyone to know the truth about [Mr. McKamey]." *(Id.)*

44. Gabi Hardiman, a repeat guest of "McKamey Manor", stated in the Documentary, "You can have your kinks and that's perfectly fine, but don't invite people into your kinks without them knowing that that's exactly they're going to be in [...] If I knew that I was getting into [Mr. McKamey's] fantasy world and living out whatever fantasies he wanted to see, I would probably would have felt different about it, but I was supposed there to survive my own horror experience, not survive Russ McKamey's fantasy experience." *(Id.)*

45. The Documentary plays a clip of Mr. McKamey performing with a band during the Captain's Pizza Party on the USS Independence CV 62 in 1993 while he was in the United States Navy. In the selected clip, Mr. McKamey is shown playing as the frontman of the band

and singing, “I really, really, really, really, really, really, really, really, really like girls [...] Yeah, I really, really, really, really, really, really, really like girls.” (*Id.*)

46. Brandon Vance, a repeat guest of McKamey Manor, stated in the Documentary, “The dude lives in the dark [...] The world needs to see what this man has done to people.” (*Id.*)

47. Vance further stated in the Documentary, “McKamey Manor was ‘Tinder’ to him [...] Was his ‘Plenty of Fish’ [...] That's what he used it for [...] That’s the impression that I got.” (*Id.*)

48. Kris Smith stated in the Documentary, “He was my friend [...] Like, I don’t want to think that he would actually purposefully manipulate these women, but he does.” (*Id.*)

49. Beyond explicitly claiming that Mr. McKamey is a serial sexual offender of guests to McKamey Manor, the Documentary on which the RFI is based claims that Mr. McKamey has fraudulently obtained, violated, and/or gone beyond the guests’ consent to a wide range of other risks and physical injuries in the tour.

The Documentary and The McKamey Manor Waiver

50. Smith further stated in the Documentary about his time assisting with McKamey Manor, “His phone would constantly ring, and my phone would constantly ring with people trying to get in [...] It was insane how quickly and how big it got [...] And that’s when it got violent.” (*Id.*)

51. The McKamey Manor Waiver is the document whereby Mr. McKamey obtains each guest's express consent to everything they will experience during their tour.

52. Everly states in the Documentary, “I went to meet Russ at the park for my waiver signing [...] I was nervous [...] I was shaking [...] My hands were trembling, and I was trying to fake that I was fine.” Documentary director Andrew Renzi asked Everly, “Had you signed the

waiver ahead of time already?”, to which she replied, “No.” Renzi then asks her, “Ok, so you were signing it on the spot?”, to which she replied, “Yes.” (*Id.*)

53. Vance states in the Documentary, “That was the infamous waiver [...] That was the waiver that you’re basically signing your life away.” (*Id.*)

54. Hardiman paraphrased the waiver in the Documentary and stated, “We’re not responsible if you die, like, you’re agreeing to sign up for this.” (*Id.*)

55. Vance read from a copy of the waiver in the Documentary, stating, “Participant fully understands and agrees that once participant enters MM there is no quitting unless serious psychological injury is present.” Vance went on to quote from a list of potential injuries to which guests of McKamey Manor consented by signing the waiver, “Head, neck, back injuries; death; stroke; traumatic brain injury; brain aneurysm [...] retinal hemorrhage; subdural hematoma; loss of consciousness; whiplash; harmful heart reactions; nausea; headache; dizziness; lacerations; broken or sprained bones.” (*Id.*)

56. Regarding the process of signing the waiver, Hardiman stated, “I wasn’t allowed to, like, look at the person who gave us the waiver [...] We had very weird instructions.” (*Id.*)

57. Haridman further stated, “I don’t know how he’s still able to legally do this because I don’t feel that it’s legal.” (*Id.*)

58. Regarding the process of signing the waiver, Everly stated, “I had too much excitement running through my veins at the time [...] If it would’ve said a man’s gonna come out of the woods and murder you during this event, I would have signed it.” (*Id.*) Defendant Skrmetti’s office quoted this statement in the October 31, 2023 letter to Mr. McKamey. (*See Exhibit 2: 10-31-23 Letter.*)

59. Smith stated in the Documentary, “That camera, when that camera is in front, your limits are gone [...] Anything that you sign thinkin’ that you were getting into and those were the rules that were set in place, those don’t exist.” (See Exhibit 1: McKamey Aff. at ¶ 4).

60. In response to the question from Director Andrew Renzi, “Was there one that really made you realize, like, ‘oh my god?’” Smith further stated in the Documentary, “So, it was a person that they sent me photos I hadn’t seen [...] And it was the photos of Lori. I’m seeing this girl that was just beaten like a gang initiation [...] When I saw these pictures of Lori, I—I couldn’t do it anymore.” (*Id.*)

61. In response to the question from Director Andrew Renzi, “Do you think that Russ’s behavior could be construed as criminal?”, Vance stated, “Yeah absolutely, I— whenever he’s physically abusing the females who he entraps in his house.” (*Id.*)

62. In response to the question from Director Andrew Renzi, “Was there ever a specific moment where you revoked consent and things still kept happening?”, Hardiman stated, “Maybe the spider [...] But, I don’t think I made it clear with anything else that I was like, not consenting. I didn’t really feel that I could say that, though ‘cause I signed the waiver.” (*Id.*)

63. Alka Pradhan, a self described “Human Rights Attorney practicing at Guantanamo Bay and before the International Criminal Court” “employed by the Department of Defense” whose “expertise is in working with torture victims”, participated as a subject matter expert in the Documentary and stated, “Personally, I am really repulsed by the idea of anyone using torture or acts that simulate torture in a way that is entertaining [...] Nothing about torture is entertaining [...] The first thing to keep in mind is that all torture has psychological effects [...] Even if you consent to some aspect of that, the fear created in your mind, what psychologists

often call ‘uncontrollable stress’ can literally change your neural pathways [...] And, it’s something that is almost impossible to remove.” (*Id.*)

64. In response to the question from Director Andrew Renzi, “Why do you think Russ hasn’t been criminally charged with anything or anyone’s actually gone after him substantively?” Pradhan stated, “There may be an element of shame in the fact that you signed up for this experience, um, in this sense that you kind of brought on yourself [...] But, under the law, even if they have signed a waiver, they may still have recourse for what was done to them.” (*Id.*)

65. Pradhan further stated in the Documentary, “It is certainly possible when you attend, for example, a haunted house, to consent to certain acts that may cause fear or that may even touch you in what would otherwise be considered offensive contact or battery [...] But the line is drawn when something constitutes serious bodily injury [...] Examples of that would be traumatic brain injuries, fractures, back injuries, and psychological injuries that require prolonged treatment [...] So it is not possible for someone to say, ‘Yes, I am okay with permanent physical or psychological damage [...] Even if they say that, under the law, that cannot be valid [...] But, the other aspect of it is that it’s a violation of your consent, if, for example, your mouth is covered so you cannot say the safe word, or the circumstances in that situation are such that you really couldn’t reasonably be expected to remember or be able to say a safe word but are acting in other ways that make it very clear that you’ve withdrawn consent, then I think [McKamey] may have a real problem.” (*Id.*)

66. The Documentary – from which Defendant Skrmetti’s investigation was admitted to have been born and on which it relies – is explicitly and emphatically making the case that Mr. McKamey could and should be criminally charged with a range of felonious conduct including, but not limited to, especially aggravated kidnapping (A Felony), aggravated assault (C Felony),

aggravated rape (A Felony) among a number of other conceivable offenses not excluding versions of attempted homicide.

The TDCI / Fire Marshal Investigation

67. The same day that Defendant Skrmetti issued the RFI – November 15, 2023 – an anonymous complaint was filed with Defendant Lawrence’s office. (*See* Exhibit 4: 2023 Codes Complaint).

68. The only specific information supporting the Complaint was “the barn is being used as a special amusement facility.” This means that whoever filed the Complaint had to know about a previous Complaint filed on November 18, 2019, which was resolved by agreement that Mr. McKamey that the barn would “no longer be used for the McKamey Manor shows.” (*See* Exhibit 5: 2019 Inspection Report). The term “special amusement” is an arcane term of art from the Chapter 202 of the International Fire Code. That Mr. McKamey’s barn was even considered a “special amusement building” was a determination reached in the resolution of the first complaint in 2019. (*Id.*)

69. On November 21, 2023, Defendant Lawrence’s office conducted an inspection of Mr. McKamey’s property through which it was alleged that four codes violations existed: (1) “automatic fire detection system has not been installed in the bar and CONNEX [sic] in accordance with Section 907 of the IBC”; (2) “Exit signs have not been installed at required exists in the bar and CONNEX [sic] box”; (3) “Emergency voice/alarm communications systems has not been provided in the barn or CONNEX [sic] box; and (4) “A portable fire extinguisher has not been provided”. (*See* Exhibit 6: 2023 Inspection Report).

70. Each such allegation constitutes a Class C misdemeanor under T.C.A. § 68-102-113(g).

71. After the inspection, Defendant Lawrence's office requested that Mr. McKamey execute an Affidavit admitting to these building code violations and swearing he would not use certain parts of his property. (*See* Exhibit 7: 12-15-23 Email).

72. On January 8, 2024, Associate Counsel for Fire Prevention stated she did not know the authority for requiring the submission of an affidavit but would research and confirm.

73. On January 30, 2024, Associate Counsel for Fire Prevention stated, "The Department's authority in this matter is in Tennessee Code Annotated Title 68, Chapter 120, and all rules promulgated thereunder."

74. No provision of Chapter 120 of Title 68 or other rule requires the submission of an affidavit after an inspection.

75. In response to a repeated request for authority – accompanied by the citation of T.C.A. § 68-120-117 outlining the administrative inspection warrant requirement and process – Chief Counsel for Fire Prevention intervened and stated, in part:

Mr. McKamey is not required to bring the barn into compliance with adopted codes and standards so long as he does not use the facility for anything beyond storage. As you are aware, the SFMO *suggested* that Mr. McKamey complete an affidavit stating that the barn and CONEX boxes would only be used for storage. Such action would constitute an acceptable POCA and the complaint would be closed.

Currently, the complaint against Mr. McKamey's property remains open. At the direction of Assistant Commissioner Gary Farley, ***continued inspections will occur*** until an acceptable POCA is received, or the facility is brought into compliance with adopted codes and standards and inspected by the SFMO.

(*See* Exhibit 8: 2-2-24 Email) (emphasis added).

76. These threatened inspections in violation of Mr. McKamey's right to be free of warrantless searches under the Fourth Amendment are in direct retaliation to Mr. McKamey asserting such right and to Mr. McKamey asserting his right against compelled speech.

77. Assistant Commissioner Gary Farley is a policymaker for the Tennessee Department of Commerce and Insurance.

78. Chief Counsel Ben Conrady is a policymaker for the State Fire Marshal.

79. But for Mr. McKamey exercising his First and Fourth Amendment rights, Defendant Lawrence's office would not have stated that warrantless "continued inspections will occur" until he complied with the demand.

80. The fact that the Assistant Commissioner and Chief Counsel for Fire Prevention became involved in a situation as small, on its face, as this anonymous complaint is indicative of coordination between the Defendants and an ulterior motive on the part of Defendant Lawrence for insisting on a sworn affidavit from Mr. McKamey.

81. Because this affidavit was admitted to not be required by any law under the circumstances, the only reason to have Mr. McKamey sign such an affidavit was, at least, to construct a perjury trap for him. If connected to an official proceeding, such a trap would create Class D felony exposure for Mr. McKamey. *See* T.C.A. § 39-16-703.

82. Both Defendants are trying to force Mr. McKamey to execute sworn admissions to criminal conduct.

The AG Investigation

83. On January 5, 2024, through counsel, Mr. McKamey expressly invoked his Fifth Amendment privilege not to participate in or respond to the RFI. (*See* Exhibit 1: McKamey Aff. at ¶ 10).

84. In attempting to secure compliance with the RFI, Defendant Skrmetti's office has repeatedly claimed, in one way or another, that the goal of the investigation is simply "to gather information to determine whether a violation of the law has occurred or not."

85. Accordingly, it was proposed to Defendant Skrmetti that the information sought by the RFI could be provided by Mr. McKamey's counsel outside the RFI process – thereby satisfying the purported goal of the investigation without waiving Mr. McKamey's privilege or exposing him unnecessarily to potential criminal liability.

86. The response from Defendant Skrmetti's office was, "How do I authenticate in court? Who is going to attest to the authenticity of those things?"

87. Authentication is only a concern if the information is being gathered for the purpose of exhibition in a legal action.

88. In addition to verified written responses and document production, Defendant Skrmetti demanded Mr. McKamey appear in person on April 8, 2024 to provide testimony in response to the RFI.

89. On January 11, 2024, Defendant Skrmetti's office stated, "Mr. McKamey represented in his affidavit to the court that he would need until February 15 to respond to the RFI and requested April 8 to appear for his statement [...] we will expect productions and Mr. McKamey's appearance on those dates."

90. At the time Mr. McKamey filed a request for an extension of time to respond to the RFI in the Davidson County Chancery Court, he was represented by previous counsel. Mr. McKamey's request for additional time was at the direction of and produced by his counsel at that time.

91. On January 18, 2024, Defendant Skrmetti's office stated, "Should we receive no response by the date Mr. McKamey himself identified as a reasonable production date, we will pursue enforcement of our RFI."

92. Providing documents, information, and testimony all under oath to Defendant Skrmetti is absolutely not necessary for him to conduct this investigation. Such attestations are, however, necessary to both remove evidentiary safeguards to admissibility in a subsequent legal action, lay a perjury trap for Mr. McKamey, and discover information – under these circumstances – which could lead to criminal prosecution.

93. T.C.A. § 47-18-5002 actually requires Defendant Skrmetti to “[l]end assistance to any district attorney general who elects to criminally prosecute any person for any criminal act or practice” discovered in the investigation. Such cooperation is not, under the law, discretionary were the local district attorney to elect to prosecute Mr. McKamey on evidence arising from the AG investigation. Regardless, however, of *who* were to prosecute Mr. McKamey, the possibility of prosecution arising from the accusations informing the RFI and information sought thereunder are, broadly speaking, very real.

94. On January 22, 2024, Defendant Skrmetti’s office stated its skepticism about the enforceability of the McKamey Manor Waiver. The 10-31-23 Letter from Defendant Skrmetti’s office had already expressly accused Mr. McKamey of violating the consent of McKamey Manor guests. (*See* Exhibit 2: 10-31-23 Letter).

95. This accusation clearly exposes Mr. McKamey, from law enforcement’s point of view, to every conceivable criminal offense that, but for the guests’ consent, could be said to have occurred. As the Documentary claims, this includes potential criminal offenses to which consent was never possible in the first place.

96. The statute of limitations for a Class A Felony in Tennessee is “fifteen (15) years.” (*See* T.C.A. § 40-2-101). The statute of limitations for a Class B Felony in Tennessee is “eight (8) years.” (*Id.*) The statute of limitations for Class C and D felonies in Tennessee is

“four (4) years.” (*Id.*) The State can also toll any applicable criminal statute of limitations under long-standing Tennessee jurisprudence.

97. In a Channel 5 WTVF interview in 2017, District Attorney Brent Cooper – in whose jurisdiction Mr. McKamey’s Summertown property sits – stated that but for the apparent consent of the guests, Mr. McKamey was “doing things to people that would otherwise be crimes – serious crimes in some instances.”

98. In a Channel 2 WKRN interview in 2019, Cooper further stated, “You have someone tied up and bound and gagged and they give the safe word...if you don’t release them at that point, then you are potentially looking at kidnapping from having them confined like that against their will.”

99. The Documentary – upon which Defendant Skrmetti’s investigation admittedly relies – claims that certain aspects of McKamey Manor are not even amenable to consent in the first place.

100. Aside from Title 39 Chapter 13 criminal offenses, the RFI seeks to have Mr. McKamey provide information under oath that would, in Defendant Skrmetti’s express opinion, constitute violations of the Tennessee Consumer Protection Act. Each such violation constitutes a Class B Misdemeanor.

101. What Defendant Skrmetti deliberately ignores, is the obvious possibility that information sought under oath by the RFI ***could lead to the discovery*** of evidence that could be used against Mr. McKamey. Even if direct use of the information sought under the RFI is barred by some statute of limitations, all such information could furnish a link in the chain of evidence that could lead to prosecution.

102. Because Defendant Skrmetti stated in the RFI that the “State has reason to believe that Russ McKamey [has] engaged in unfair or deceptive acts or practices in violation of the Tennessee Consumer Protection Act” every question that follows is designed to elicit information that could be used to criminally prosecute or could furnish a link in the chain of evidence to prosecute Mr. McKamey for Class B misdemeanors. (*See* Exhibit 3: RFI).

103. Defendant Skrmetti’s office admitted that the investigation, including but not limited to the RFI, arose from the Documentary.

104. The RFI seeks information related to claims against Mr. McKamey of far more serious offenses as discussed in the Documentary.

105. Regardless of whether Defendant Skrmetti intends to directly pursue information relating to the serious offenses in the Documentary, the RFI will necessarily include information that could be used by law enforcement for that purpose or could establish a link in the chain of evidence to be used for that purpose.

106. What is clear, is that the RFI violates Mr. McKamey’s constitutional rights to be free of compelled testimony and sworn production that could possibly lead to a criminal prosecution.

107. Defendant Lawrence and TDCI policymakers directly violated Mr. McKamey’s Fourth Amendment and First Amendment rights by stating warrantless searches of Mr. McKamey’s property “will occur” and also retaliated to Mr. McKamey invoking his right to be free of warrantless searches and his right not to be compelled to speak.

108. These violations have caused Mr. McKamey to incur substantial expenses in legal fees and other costs to defend himself from this RFI and defend the invasion of his rights by Defendant Lawrence.

V. CLAIMS FOR RELIEF

COUNT ONE: 42 U.S.C. § 1983

(Violation of Fifth Amendment to the United States Constitution)

(Against Defendant Skrmetti in his official capacity)

109. Paragraphs 1 through 105 are incorporated by reference as if fully restated herein.

110. Under the Fifth Amendment to the United States Constitution, no person shall be compelled in any proceeding – whether civil, criminal, administrative, judicial, investigatory, or adjudicatory – to provide testimony that could possibly lead to criminal prosecution or furnish a link in the chain of evidence that could lead to prosecution.

111. This articulation of the Fifth Amendment provides a clearly established right under the United States Constitution.

112. Defendant Skrmetti’s RFI demands sworn testimony and verified responses and production of documents regarding information that is directly punishable as a criminal offense under Tenn. Code Ann. § 47-18-104(a) because the RFI states Defendant Skrmetti “has reason to believe” Mr. McKamey has violated the Tennessee Consumer Protection Act.

113. Defendant Skrmetti’s RFI demands sworn testimony and verified responses and production of documents regarding information that could be used to pursue prosecution of Mr. McKamey for numerous serious offenses discussed in the Documentary – and appears to be intended for such use – included, but not limited to, especially aggravated kidnapping, rape, and aggravated assault.

114. All information sought by the RFI will directly or indirectly elicit information from Mr. McKamey that could be used to prosecute him for Tennessee Consumer Protection Act violations or any of the serious criminal offenses discussed in the Documentary.

115. Therefore, the Fifth Amendment privilege affords Mr. McKamey the right not to participate in or respond to the RFI.

116. Even though Mr. McKamey expressly invoked his Fifth Amendment privilege to Defendant Skrmetti's office on January 5, 2024, Defendant Skrmetti persists in his invasion of Mr. McKamey's Fifth Amendment rights and demands that Mr. McKamey appear in person for sworn testimony in response to the RFI on April 8, 2024.

117. Therefore, Defendant Skrmetti is liable for his violation of Mr. McKamey's constitutional rights under the Fifth Amendment to the United States Constitution under these circumstances.

COUNT TWO: 42 U.S.C. § 1983

(Violation of Fifth Amendment to the United States Constitution)

(Facial Challenge to T.C.A. § 47-18-106)

118. Paragraphs 1 through 114 are incorporated by reference as if fully restated herein.

119. The RFI expressly relies upon T.C.A. § 47-18-106.

120. T.C.A. § 47-18-106(a) provides that “whenever the attorney general has reason to believe that a person is engaging in, has engaged in, or, based upon information received from another law enforcement agency, is about to engage in any unlawful act or practice under this part, or has reason to believe it to be in the public interest to conduct an investigation to ascertain whether any person is engaged in, has engaged in, or is about to engage in such act or practice, the attorney general may: (1) require the person to file a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the alleged violation and to furnish and make available for examination all documentary material and information relevant to the subject matter of the investigation; (2) examine under oath any person connected to the

alleged violation; and (3) examine any merchandise or any sample of merchandise deemed relevant to the subject matter of the investigation.

121. T.C.A. § 47-18-106(c) provides that the attorney general can seek to compel compliance for untimely with the RFI.

122. T.C.A. § 47-18-104(a) makes any “unfair or deceptive act or practice” in violation of the Tennessee Consumer Protection Act a “Class B misdemeanor.”

123. The Fifth Amendment to the United States Constitution guarantees individuals the right to be free of compelled self-incrimination in any proceeding, including investigations seeking information which either directly leads to prosecution or furnishes a link in the chain of evidence that could lead to criminal prosecution.

124. On its face, an RFI is only authorized by T.C.A. § 47-18-106(a) in situations where the attorney general has “reason to believe” that a person has committed a Class B misdemeanor or has “reason to believe” that the public interest requires an investigation to ascertain whether a person has committed a Class B Misdemeanor.

125. Because the very circumstance giving rise to an RFI under the statute also triggers the Fifth Amendment, the two can never be in harmony.

126. Accordingly, because there is no set of circumstances under which the statute authorizing an RFI would not violate the Fifth Amendment, the statute is facially invalid and should be declared unconstitutional.

COUNT THREE: 42 U.S.C. § 1983

(Violation of Fourth Amendment to the United States Constitution)

(Against Defendant Lawrence in his official capacity)

127. Paragraphs 1 through 123 are incorporated by reference as if fully restated herein.

128. The Fourth Amendment to the United States Constitution guarantees individuals the right to be free from warrantless searches and seizures with certain exceptions not applicable in this case.

129. The Fourth Amendment is a clearly established right under the United States Constitution.

130. Mr. McKamey maintains a reasonable expectation of privacy on his property.

131. Mr. McKamey's personal, private property cannot be characterized as any closely regulated industry.

132. Defendant Lawrence's office stating that warrantless "continued inspections will occur" is an invasion of Mr. McKamey's rights under the Fourth Amendment complete upon its utterance.

133. Defendant Lawrence cannot claim ignorance of the warrant requirement because the same chapter and part cited by Defendant Lawrence's office for its authority to inspect Mr. McKamey's property includes T.C.A. § 68-120-117 which governs the inspection procedure and outlines the process for inspectors "in the event that a building official is denied permission to make an inspection and a warrant is required by the Constitution of the United States."

134. Under these circumstances, Defendant Lawrence's conduct meets no reasonable legislative or administrative standard necessary to permit warrantless, continuous searches of Mr. McKamey's property.

135. No reasonable, legislative or administrative standard would permit "continued" searches of a property until a person submits an affidavit desired by law enforcement but not required by any law.

136. Defendant Lawrence's "continued inspections" are designed to intimidate Mr. McKamey into unnecessary compliance.

137. Therefore, Defendant Lawrence is liable for his invasion and violation of Mr. McKamey's constitutional rights under the Fourth Amendment.

COUNT FOUR: 42 U.S.C. § 1983

(Retaliation for exercising Fourth Amendment to the United States Constitution)

(Against Defendant Lawrence in his official capacity)

138. Paragraphs 1 through 134 are incorporated by reference as if fully restated herein.

139. The Fourth Amendment right to be free from warrantless searches is a clearly established right under the United States Constitution.

140. The actions by Defendant Lawrence in Count Three came in direct response to Mr. McKamey citing T.C.A. § 68-120-117 thereby invoking his Fourth Amendment right to be free of warrantless searches.

141. But for Mr. McKamey's exercising his Fourth Amendment rights, Defendant Lawrence's office would not have stated "continued inspections will occur" until Mr. McKamey complied with the demand for him to submit a sworn affidavit which was not required by any law in Tennessee.

142. Therefore, Defendant Lawrence is liable to Mr. McKamey for retaliation against protected conduct.

COUNT FIVE: 42 U.S.C. § 1983

(Retaliation for exercising First Amendment to the United States Constitution)

(Against Defendant Lawrence in his official capacity)

143. Paragraphs 1 through 139 are incorporated by reference as if fully restated herein.

144. Freedom of speech is guaranteed to all citizens, including Mr. McKamey, under the First Amendment to the United States Constitution.

145. The right not to speak is a corollary of the freedom of speech.

146. The difference between compelled speech and compelled silence is without constitutional significance.

147. Defendant Lawrence, through TDCI policymakers, repeatedly demanded that Mr. McKamey complete and submit a sworn affidavit attesting to the fact that four building code violations were discovered on his property.

148. No law requires this affidavit.

149. By refusing to complete and submit the affidavit, Mr. McKamey exercised his right under the First Amendment to not speak.

150. In direct response to Mr. McKamey exercising this privilege, Defendant Lawrence's office stated that warrantless "continued inspections will occur" until he complied.

151. But for Mr. McKamey exercising his First Amendment rights, Defendant Lawrence's office would not have stated "continued inspections will occur" until Mr. McKamey complied with the demand for him to submit a sworn affidavit which was not required by any law in Tennessee.

152. Therefore, Defendant Lawrence is liable to Mr. McKamey for retaliation against protected conduct.

COUNT SIX: 28 U.S.C. § 2201 and FRCP 57

(Declaratory Judgment)

(Against Defendant Skrmetti in his official capacity)

153. Paragraphs 1 through 149 are incorporated by reference as if fully restated herein.

154. This court is empowered under federal law to declare rights of any interested party regardless of whether further relief is sought.

155. The Fifth Amendment may be asserted in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. The test for the valid invocation of the Fifth Amendment is whether Mr. McKamey has reasonable cause to apprehend danger from a direct answer. The scope of the privilege protects the witness from compelled disclosure not merely of evidence which may lead to criminal prosecution but also of information which would furnish a link in the chain of evidence that could lead to prosecution as well as evidence which an individual reasonably believes could be used against him in criminal prosecution.

156. Defendant Skrmetti's office made clear that the RFI arose from the Documentary.

157. The RFI expressly alleges that Mr. McKamey has violated the Tennessee Consumer Protection Act, which is a Class B misdemeanor with a maximum sentence of six months in jail for each violation.

158. The Documentary accuses Mr. McKamey of far more serious offenses including multiple Class A felonies. Part of the legal basis for this accusation was expressly quoted by Defendant Skrmetti in the RFI, which seeks information beyond the scope of any consumer transaction.

159. Therefore, Mr. McKamey is entitled to invoke his Fifth Amendment privilege in response to every question and demanded action by the RFI.

160. Mr. McKamey respectfully requests this Honorable Court enter a declaration with the effect of a final judgment that he is entitled under the Fifth Amendment to not participate in the RFI in any manner with no penalty as a result.

COUNT SEVEN: 28 U.S.C. § 2201 and FRCP 57

(Declaratory Judgment)

(Against Defendant Lawrence in his official capacity)

161. Paragraphs 1 through 157 are incorporated by reference as if fully restated herein.

162. The Fourth Amendment right to be free from warrantless searches is a clearly established right under the United States Constitution.

163. Defendant Lawrence, through TDCI policymakers, stated that “continued inspections will occur” on Mr. McKameys property in response to Mr. McKamey referencing the statutory warrant requirement under Tennessee law.

164. As the State Fire Marshal with the power to determine violation of building code with criminal misdemeanor liability, Defendant Lawrence is unquestionably a state law enforcement actor.

165. Therefore, Mr. McKamey is entitled under the Fourth Amendment to be presented a warrant supported by probable cause from Defendant Lawrence prior to any entry onto Mr. McKamey’s property.

166. Mr. McKamey respectfully requests this Honorable Court enter a declaration with the effect of a final judgment that he is entitled under the Fourth Amendment to be presented a warrant supported by probable cause prior to any entry onto his property by Defendant Lawrence or his agents.

COUNT EIGHT: 28 U.S.C. § 2201 and FRCP 57

(Declaratory Judgment)

(Against Defendant Lawrence in his official capacity)

167. Paragraphs 1 through 163 are incorporated by reference as if fully restated herein.

168. Freedom of speech is guaranteed to all citizens, including Mr. McKamey, under the First Amendment to the United States Constitution.

169. The right not to speak is a corollary of the freedom of speech.

170. The difference between compelled speech and compelled silence is without constitutional significance.

171. Defendant Lawrence, through TDCI policymakers, repeatedly demanded that Mr. McKamey complete and submit a sworn affidavit attesting to the fact that four building code violations were discovered on his property.

172. No law requires this affidavit.

173. By refusing to complete and submit the affidavit, Mr. McKamey exercised his right under the First Amendment to not speak.

174. Mr. McKamey respectfully requests this Honorable Court enter a declaration with the effect of a final judgment that he is entitled under the First Amendment to not complete any sworn affidavit demanded by Defendant Lawrence but not otherwise required by law such that retaliation in response to such exercise by Mr. McKamey is prohibited.

VI. PRAYER FOR RELIEF

WHEREFORE, all foregoing premises considered, Mr. McKamey respectfully requests this Honorable Court grant him the following relief:

1. Exercise jurisdiction over these Parties;
2. Exercise jurisdiction over the subject matter herein;
3. Find Defendants liable to Mr. McKamey as to all Claims for Relief;
4. Issue a preliminary injunction restraining Defendant Skrmetti and his agents from forcing Mr. McKamey to comply with the RFI;

5. Issue a permanent injunction restraining Defendant Skrmetti and his agents from forcing Mr. McKamey to comply with the RFI;
6. Issue a preliminary injunction against Defendant Lawrence and his agents from entering Mr. McKamey's property;
7. Issue a permanent injunction against Defendant Lawrence and his agents from entering Mr. McKamey's property;
8. Enter a declaratory judgment that Mr. McKamey is entitled under the Fifth Amendment to not participate in any way in the RFI with no penalty to occur as a result;
9. Enter a declaratory judgment that entry onto Mr. McKamey is entitled under the Fourth Amendment to be presented with a probable-cause-supported warrant by Defendant Lawrence or his agents before they may enter Mr. McKamey's property;
10. Enter a declaratory judgment that Mr. McKamey is entitled under the First Amendment to not submit any affidavit to Defendant Lawrence which is not otherwise required by law;
11. Award Mr. McKamey his costs, including reasonable attorney's fees under 42 U.S.C. § 1988;
and
12. Any other relief the Court finds appropriate.

Respectfully submitted,

/s/ Davis F. Griffin

Davis Fordham Griffin, Esq.

TBPR #34555

NORTHSTAR LITIGATION, P.C.

209 10th Avenue South, Suite 560

Nashville, TN 37203

davis@northstarpc.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon the following this 2nd day of May 2024 via the Court's electronic filing system:

Miranda Jones, Esq.
Senior Assistant Attorney General
Law Enforcement and Special Prosecutions Division
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202
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miranda.jones@ag.tn.gov
Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE
NASHVILLE DIVISION**

RUSS MCKAMEY,)	
)	
Plaintiff,)	
)	
)	
V.)	Case No. _____
)	
)	
JONATHAN SKRMETTI, Attorney General)	
for the State of Tennessee, <i>in his official</i>)	
<i>capacity; and</i>)	
)	
CARTER LAWRENCE, Commissioner of the)	
Tennessee Department of Commerce and)	
Insurance and State Fire Marshal, <i>in his</i>)	
<i>official capacity;</i>)	
)	
Defendants.)	

AFFIDAVIT OF RUSS MCKAMEY

Pursuant to 28 U.S.C. § 1746, I hereby swear under penalty of perjury that the following is true and correct to the best of my knowledge and understanding:

1. My name is Russ McKamey and I am over the age of eighteen with personal knowledge of the facts stated herein.
2. On October 12, 2023, a documentary called “Monster Inside: America’s Most Extreme Haunted House” (“the Documentary”) about my immersive horror experience, McKamey Manor, was released on Hulu. I did not participate in the documentary.
3. The Documentary claimed I was unlike any of the other so-called “extreme haunts” and that my conduct related to McKamey Manor was criminal.

4. The Documentary includes, in part, the following:
- W.P. West, a self-described “producer and creator of immersive horror” participated as a subject matter expert in the Documentary and stated, “[I]t isn’t just torturing people [...] There is subtext to the show [...] There is subtext to the things I’m talking about [...] But, that isn’t always the case [...] There’s one person basically running a torture chamber.” The Documentary then shows a clip of Mr. McKamey. West further stated in the Documentary, “If people want to do it, i’m not going to stop them, but it’s not going to shock me if someone dies one day and [McKamey] goes to jail because of it.”
 - Dr. Lindsay Bira, a self-described “Clinical Health Psychologist and PTSD and trauma specialist” participated as a subject matter expert in the Documentary and stated, “I’m worried about these types of experiences because there’s no real structure [...] There’s no real limits [...] The limits keep getting pushed [...] But, the most important thing is to be very careful who is leading an extreme experience [...] There can easily be an abuse of power and we don’t know how far to trust somebody.”
 - Melissa Everly, a repeat guest of “McKamey Manor”, stated in the Documentary:

I drive down for the second tour. Russ ends up coming over to the hotel room. And I knew from the Youtube videos this isn’t the first time he’s been in somebody’s hotel room.

[...]

The conversation ended up taking a turn kind of for the worse. He started going into his sexual history with past contestants. Talking about how he liked a very competitive outgoing girl, but he wants a woman that’s going to submit to him when it comes to being aggressive during sex. In that moment, I was feeling very nervous. Like, I’m just there. I’m barely participating in conversation

because I don't really know what to say. I don't want to give any leading responses because I just wanted to go through the Manor. I was tired. I was exhausted. I was willing to listen to him, but I was also scared that if I was propositioned, I'm not going to be able to have this experience if I decline.

[...]

My brain was like mashed potatoes when he picked me up when he came and picked me up and we headed out to go for my next tour. It's just me and Russ on this tour. He had no helpers. Through the bamboo run is when he started, like, whispering in my ear and, like, complimenting my neck and kind of grabbing my neck and being sexual. But, in that moment, I'm like, 'Oh this is part of the tour.' You know, this is part of what he does. I was dead to the world. By the end of it, I was over 30 hours no sleep. I was beyond sleep deprived. I remember at that point, I had fell asleep, and he told me it was fine to go to sleep. He covered me up with towels. Well, sometime after the tour, and I'm going to fast forward for a moment because I asked him how the footage went, and he was like, 'Well, there was this one time that I didn't get the footage I really wish I had.' What happened? What did he do when I was asleep? Because he never answered me, and I think I deserve the right to know. Like what did he mean? What footage did he miss? That's always going to haunt me. I will question myself that until the day I die. 'Cause I don't want and I never have wanted to do anything with Russ. And, just the fact that that may have been a possibility disgusts me. He is a cruel, fucking disgusting person.

- Kris Smith, a repeat guest and former assistant at "McKamey Manor" stated in the Documentary after this account from Everly, "There's always gonna be that doubt [...] There's always gonna be that doubt."
- When asked by Documentary director Andrew Renzi, "Why did you decide to do this?", Everly stated in the Documentary, "I am here because I want everyone to know the truth about [McKamey]."
- Gabi Hardiman, a repeat guest of "McKamey Manor", stated in the Documentary, "You can have your kinks and that's perfectly fine, but don't invite people into your kinks without them knowing that that's exactly they're going to be in [...] If I knew that I was getting into [McKamey's] fantasy world

and living out whatever fantasies he wanted to see, I would probably would have felt different about it, but I was supposed there to survive my own horror experience, not survive Russ McKamey's fantasy experience."

- A clip is shown of Mr. McKamey performing with a band during the Captain's Pizza Party on the USS Independence CV 62 in 1993 while he was in the United States Navy. In the selected clip, Mr. McKamey is shown playing as the frontman of the band and singing, "I really, really, really, really, really, really, really, really like girls [...] Yeah, I really, really, really, really, really, really, really, really like girls."
- Brandon Vance, a repeat guest of McKamey Manor, stated in the Documentary, "[McKamey] lives in the dark [...] The world needs to see what this man has done to people."
- Vance further stated in the Documentary, "McKamey Manor was 'Tinder' to him [...] Was his 'Plenty of Fish' [...] That's what he used it for [...] That's the impression that I got."
- Kris Smith stated in the Documentary, "He was my friend [...] Like, I don't want to think that he would actually purposefully manipulate these women, but he does."
- Everly states in the Documentary, "I went to meet Russ at the park for my waiver signing [...] I was nervous [...] I was shaking [...] My hands were trembling, and I was trying to fake that I was fine." Documentary director Andrew Renzi asked Everly, "Had you signed the waiver ahead of time

already?”, to which she replied, “No.” Renzi then asks her, “Ok, so you were signing it on the spot?” to which she replied, “Yes.”

- Vance states in the Documentary, “That was the infamous waiver [...] That was the waiver that you’re basically signing your life away.”
- Hardiman paraphrased the waiver in the Documentary stated, “We’re not responsible if you die, like, you’re agreeing to sign up for this.”
- Vance read from a copy of the waiver in the Documentary, stating, “Participant fully understands and agrees that once participant enters MM there is no quitting unless serious psychological injury is present.” Vance went on to quote from a list of potential injuries to which guests of McKamey Manor consented by signing the waiver, “Head, neck, back injuries; death; stroke; traumatic brain injury; brain aneurysm [...] retinal hemorrhage; subdural hematoma; loss of consciousness; whiplash; harmful heart reactions; nausea; headache; dizziness; lacerations; broken or sprained bones.”
- Regarding the process of signing the waiver, Hardiman stated, “I wasn’t allowed to, like, look at the person who gave us the waiver [...] We had very weird instructions.”
- Haridman further stated, “I don’t know how he’s still able to legally do this because I don’t feel that it’s legal.”
- Regarding the process of signing the waiver, Everly stated, “I had too much excitement running through my veins at the time [...] If it would’ve said a man’s gonna come out of the woods and murder you during this event, I would

have signed it.” Defendant Skrmetti’s office quoted this statement in the October 31, 2023 letter I received.

- Smith stated in the Documentary, “That camera, when that camera is in front, your limits are gone [...] Anything that you sign thinkin’ that you were getting into and those were the rules that were set in place, those don’t exist.”
- In response to the question from Director Andrew Renzi, “Was there one that really made you realize, like, ‘oh my god?’” Smith further stated in the Documentary, “So, it was a person that they sent me photos I hadn’t seen [...] And it was the photos of Lori [...] I’m seeing this girl that was just beaten like a gang initiation [...] When I saw these pictures of Lori, I –I couldn’t do it anymore.”
- In response to the question from Director Andrew Renzi, “Do you think that Russ’s behavior could be construed as criminal?”, Vance stated, “Yeah absolutely, I– whenever he’s physically abusing the females who he entraps in his house.”
- In response to the question from Director Andrew Renzi, “Was there ever a specific moment where you revoked consent and things still kept happening?”, Hardiman stated, “Maybe the spider [...] But, I don’t think I made it clear with anything else that I was like, not consenting [...] I didn’t really feel that I could say that, though ‘cause I signed the waiver.”
- Alka Pradhan, a self described “Human Rights Attorney practicing at Guantanamo Bay and before the International Criminal Court” “employed by the Department of Defense” whose “expertise is in working with torture

victims”, participated as a subject matter expert in the Documentary and stated, “Personally, I am really repulsed by the idea of anyone using torture or acts that simulate torture in a way that is entertaining [...] Nothing about torture is entertaining [...] The first thing to keep in mind is that all torture has psychological effects [...] Even if you consent to some aspect of that, the fear created in your mind, what psychologists often call ‘uncontrollable stress’ can literally change your neural pathways [...] And, it’s something that is almost impossible to remove.”

- In response to the question from Director Andrew Renzi, “Why do you think Russ hasn’t been criminally charged with anything or anyone’s actually gone after him substantively?” Pradhan stated, “There may be an element of shame in the fact that you signed up for this experience, um, in this sense that you kind of brought on yourself [...] But, under the law, even if they have signed a waiver, they may still have recourse for what was done to them.”
- Pradhan further stated in the Documentary, “It is certainly possible when you attend, for example, a haunted house, to consent to certain acts that may cause fear or that may even touch you in what would otherwise be considered offensive contact or battery [...] But the line is drawn when something constitutes serious bodily injury [...] Examples of that would be traumatic brain injuries, fractures, back injuries, and psychological injuries that require prolonged treatment [...] So it is not possible for someone to say, ‘Yes, I am okay with permanent physical or psychological damage’ [...] Even if they say that, under the law, that cannot be valid [...] But, the other aspect of it is that

it's a violation of your consent, if, for example, your mouth is covered so you cannot say the safe word, or the circumstances in that situation are such that you really couldn't reasonably be expected to remember or be able to say a safe word but are acting in other ways that make it very clear that you've withdrawn consent, then I think [Mckamey] may have a real problem."

5. On October 31, 2023, Defendant Skrmetti tweeted that McKamey Manor posed a serious risk to "the safety and wellbeing of all Tennesseans." Defendant Skrmetti tagged a Twitter/X profile that he appears to think was me.

6. On October 31, 2023, I received a letter from Defendant Skrmetti's office stating, in part:

This office is responsible for protecting the public interest, including enforcing consumer protection laws in Tennessee.

[...]

We are concerned by recent reports regarding McKamey Manor and its practices. Specifically various sources and reports allege that:

McKamey Manor either does not offer, or honor, a means for a participant to stop the tour. In Hulu's 2023 documentary about McKamey Manor, you are quoted as saying, "we're known for no quitting and no safe wording."

Participants do not have access to the lengthy waiver that describes the risks involved with a "tour" before signing up, traveling long distances to Tennessee, or even before the tour begins. Former participants describe the adrenaline and pressure they felt when reviewing the waiver at the start of the tour. One interviewee from the Hulu documentary stated, "I had too much excitement going through my veins at the time. If [the waiver] would have said that a man is going to come out of the woods and murder you during this event, I would've signed it.

7. On November 15, 2023, I received a “Request for Information Issued Pursuant to Tenn. Code Ann. § 47-18-106” (“RFI”). The RFI states, in part, “You are required, pursuant to Tenn. Code. Ann. § 47-18-106(a)(1), to respond in writing to the attached Requests for Production of Documents and Information and provide a Written Statement Under Oath [...] by completing the attached Affidavit of Compliance.”

8. “McKamey Manor” does not operate and has never operated under or as an entity in the State of Tennessee.

9. All information sought in the RFI is my personal information.

10. I first invoked my Fifth Amendment privilege from providing any response to the RFI through my attorney on January 5, 2024.

11. Defendant Skrmetti continues to pursue information, documents, and testimony from me all under oath despite my invocation of the Fifth Amendment privilege.

12. I first invoked my Fourth Amendment privilege to be free of warrantless searches of my property by Defendant Lawrence on January 30, 2024.

13. I also exercised my right under the First Amendment not to speak by refusing to complete and submit the affidavit demanded of me by Defendant Lawrence’s office.

14. The response from Defendant Lawrence’s office was that “continued inspections will occur” until I provided a sworn affidavit that was not even required by law.

15. Due to the Defendants’ actions in violation of my rights, I have incurred considerable expenses in attorneys fees and other costs to try and defend myself.

16. As I have previously stated to Defendant Skrmetti, I refuse under the Fifth Amendment to cooperate with the RFI and this affidavit does not waive such privilege.

17. As I have previously stated to Defendant Lawrence, I refuse to allow him or any of his agents onto my property without a warrant and satisfaction of other administrative procedures required under state law.

Russ McKamey

RUSS MCKAMEY

03 / 28 / 2024

DATE

Office of the Attorney General



JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615)741-3491
FACSIMILE (615)741-2009

October 31, 2023

Russ McKamey
12 Stephenson Road
Summertown, TN 38483

Re: McKamey Manor “Survival Horror” Tours

Dear Mr. McKamey:

This office is responsible for protecting the public interest, including enforcing consumer protection laws in Tennessee. I am writing to express serious concerns about McKamey Manor, the “extreme haunted attraction” you operate in Summertown, Tennessee.

It is our understanding that you own McKamey Manor and relocated from California to Summertown, Tennessee in 2017 following your San Diego operation being shut down due to public outcry. A 2019 promotional video from McKamey Manor’s YouTube page depicts some of the horrors visitors are subjected to, which includes getting dragged via heavy chains or locked into confined spaces while water pours in.

We are concerned by recent reports regarding McKamey Manor and its practices. Specifically, various sources and reports allege that:

- McKamey Manor either does not offer, or honor, a means for a participant to stop the tour. In Hulu’s 2023 documentary about McKamey Manor, you are quoted as saying, “we’re known for no quitting and no safe wording.”
- Participants do not have access to the lengthy waiver that describes the risks involved with a “tour” before signing up, traveling long distances to Tennessee, or even before the tour begins. Former participants describe the adrenaline and pressure they felt when reviewing the waiver at the start of the tour. One interviewee from the Hulu documentary stated, “I had too much excitement going through my veins at the time. If [the waiver] would have said that a man is going to come out of the woods and murder you during this event, I would’ve signed it.”

- The supposed \$20,000 prize offered to anyone who completes the McKamey Manor “challenge” does not exist and/or is impossible to win. When a journalist from the Nashville Scene asked you if anyone has won the challenge, you responded by saying, “Of course not, and they never will! Because it’s so mentally and physically challenging. But it will be the most exciting thing you’ve ever done.”

In the coming days, our Office will be sending you a formal request for documents and information to answer the numerous questions we have about the business practices of McKamey Manor and whether these practices violate consumer protection laws. We will direct these requests to the address listed above unless you request they be directed elsewhere. You may contact Assistant Attorney General Kristine Knowles by email at kristine.knowles@ag.tn.gov to offer any instruction for how the requests should be directed.

Sincerely,

/s/ Kristine Knowles
Kristine Knowles
Assistant Attorney General

Cc: David McDowell
Deputy Attorney General

Kelley Groover
Senior Assistant Attorney General



STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL AND REPORTER

REQUEST FOR INFORMATION
Issued Pursuant to Tenn. Code Ann. § 47-18-106

PENALTIES FOR NON-COMPLIANCE

IN RE INVESTIGATION OF MCKAMEY MANOR

TO: RUSS MCKAMEY

SERVE: C/O Tanner C. Gibson
5141 Virginia Way, Suite 320
Brentwood, TN 37027

ISSUED: November 15, 2023

YOU ARE REQUIRED, pursuant to Tenn. Code Ann. § 47-18-106(a)(1), to respond in writing to the attached Requests for Production of Documents and Information and provide a Written Statement Under Oath. Your response must be made in accordance with the attached definitions and instructions and must be made under oath by completing the attached Affidavit of Compliance. Contact the attorney listed below with any questions. **Your response must be received on or before the deadline of December 15, 2023 at 5:00 pm CT.**

YOU ARE REQUIRED, pursuant to Tenn. Code Ann. § 47-18-106(a)(2), to provide one or more witnesses who are knowledgeable about McKamey Manor's practices in Tennessee, the responses to this Request for Information, and the defined subject areas for the purposes of **providing testimony under oath on February 6, 2023 at 10:00 am CT**. The sworn testimony shall continue as necessary until completion. The witness(es) shall appear for this sworn testimony at the Office of the Tennessee Attorney General, UBS Tower, 315 Deaderick Street, Nashville, Tennessee 37243, or at a time and place mutually agreed upon by the parties prior to the date set forth above.

Unless otherwise agreed, your response must be either hand delivered or mailed to:

Kristine Knowles
Assistant Attorney General
Telephone: 615-741-1341
Email: Kristine.Knowles@ag.tn.gov

Kelley Groover
Senior Assistant Attorney General
Telephone: 615-532-2591
Email: Kelley.Groover@ag.tn.gov

Hand Delivery or Courier:
Office of the Tennessee Attorney General
Consumer Protection Division
UBS Tower, 20th Floor
315 Deaderick Street
Nashville, Tennessee 37243

U.S. Mail:
Office of the Tennessee Attorney General
Consumer Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207

This Request for Information is made pursuant to Tenn. Code Ann. § 47-18-106 in connection with an investigation by the State of Tennessee, through Jonathan Skrmetti, Attorney General and Reporter (the State). The State has reason to believe that Russ McKamey and McKamey Manor are engaging in, have engaged in, or are about to engage in unfair or deceptive acts or practices in violation of the Tennessee Consumer Protection Act of 1977 (TCPA), Tenn. Code Ann. § 47-18-101 *et seq.*, in connection with McKamey Manor's unfair and deceptive practices towards consumers.

Please read Tenn. Code Ann. § 47-18-106 carefully, which is attached for your review. Any petitions filed pursuant to Tenn. Code Ann. § 47-18-106(b) must be filed within 10 days of receipt of this Request for Information and served in accordance with state law. Responses to this Request for Information are confidential pursuant to Tenn. Code Ann. § 47-18-106(g).

NOTICE OF PRESERVATION DUTY: This Request for Information shall serve as notice to you that documents and information that may be relevant to this investigation, including the documents and information requested below, should be preserved during the pendency of this investigation and during any resulting enforcement action. Failure to preserve relevant documents may result in penalties under Tenn. Code Ann. § 47-18-106(e), sanctions for spoliation, including an adverse inference, a default judgment, the disallowance of a defense, or other remedies otherwise allowed by law.

Please take notice that under Tenn. Code Ann. § 47-18-106(a), you are required to produce your written response and the requested documents, and to appear and testify on the date specified and any subsequent day if necessary.

Failure to comply with this Request for Information may result in a court action against you.


JONATHAN SKRMETTI
Attorney General and Reporter

I. DEFINITIONS

For the purpose of this Request for Information, the following words or terms have the following definitions:

1. “You,” “Your,” “Russ McKamey” and/or “McKamey Manor” means and includes Russ McKamey, McKamey Manor LLC, and all of its officers, directors, owners, members, partners, affiliates, predecessors, successors, parents, subsidiaries, divisions, and all of his or its agents, consultants, attorneys, employees, and representatives.

2. “Advertisement” means any written, oral, graphic, or electronic statement, illustration, or depiction that is designed to create interest in the purchasing of, impart information about the attributes of, publicize the availability of, or affect the sale or use of, goods, services, or other offerings.

3. “Agent” includes all current and former employees and/or volunteers of McKamey Manor.

4. “Communication(s)” means any of the following: letter; email; posts or direct messages on any social media platform or other Internet platform; memorandum; record or recording of a meeting, conversation, or discussion; or note or other transmittal of information or message. The definition refers to all such communications, whether transmitted in writing, orally, electronically or by any other means.

5. “Custodian” means any person that, as of the date of this Request for Information, maintained, possessed, or otherwise kept or controlled such communication or document.

6. “Document” means all records and other tangible media of expression of whatever nature however and wherever created, produced, or stored (manually, mechanically, electronically, or otherwise), including all versions whether draft or final, and all annotated, nonconforming, or other copies. Any non-identical version of a document constitutes a separate document within this definition, including drafts or copies bearing any notation, edit, or any other alteration of any kind resulting in any difference between two or more otherwise identical documents.

7. “Goods” means any tangible chattels leased, bought, or otherwise obtained for use by an individual primarily for personal, family, or household purposes or a franchise, distributorship agreement, or similar business opportunity.

8. “Identify” means the following:

- a. With respect to a natural person, the complete name, any stage name or alias, social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;

- b. With respect to an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other affiliated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process; and
- c. With respect to a document, its Bates or other sequential notation, title, date, location, author(s), signatory, recipient(s), description (*e.g.*, memorandum, letter, contract, form), the number of pages, and a summary of the contents.

9. "Participant" and any definition thereof means any natural person who has expressed interest in participating in a Tour of McKamey Manor, has been interviewed by Russ McKamey or anyone else affiliated with McKamey Manor for consideration for participating in taking a Tour, who has traveled to McKamey Manor's location in either Summertown, TN or Huntsville, AL for the purpose of participating in a Tour, and/ or anyone who has participated in challenges either on Your property or as a test before being allowed to participate in a Tour.

10. "Person" means a natural person, individual, governmental agency, partnership, corporation, trust, estate, incorporated or unincorporated association, and any other legal or commercial entity however organized.

11. "Product(s)" means something that is distributed commercially for use or consumption.

12. "Service(s)" means any work, labor, or service, including services furnished in connection with the sale or repair of goods or products.

13. "Tour" means any activity a Participant has done or been directed to do by either Russ McKamey or an Agent as part of McKamey Manor's "extreme haunted attraction", "survival horror theater", "survival horror challenge" and/or a similar experience. This includes activities Participants are directed to do outside McKamey Manor in order to qualify for or begin a Tour.

14. "Trade or commerce" means the advertising, offering for sale, lease or rental, or distribution of any goods, services, or property, tangible or intangible, real, personal, or mixed, and other article, commodities, or things of value wherever situated.

II. INSTRUCTIONS

1. **Time Period.** Unless otherwise indicated, documents to be produced pursuant to this Request include each and every document prepared, sent, dated, received, in effect, or that otherwise came into existence during the period from January 1, 2017 to the date of the production of the documents. Similarly, Your response to an information request should include information addressing the period from January 1, 2017 to the date of your response to the request.

2. **Maintaining Organization of Documents.** Produce all documents in accordance with and as they are kept in the usual course of business, keeping all document families together, and in accordance with Instruction No. 3 below.

3. **Identifying Responses.** When providing your responses, identify each Request to which the document or information is responsive. In addition to listing the information included under the definition of “identify,” provide the Bates number or other sequential notation of the responsive document(s). If you believe that responsive documents or information have already been produced by you, specify by Bates number or other sequential notation which documents or information are responsive to which specific Requests.

4. **Providing All Document Versions.** For each document that you produce, produce the current version along with all earlier editions, versions, or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.

5. **Possession, Custody, and Control.** This Request requires you to produce all responsive documents in your possession, custody, or control without regard to the physical location of those documents or the person or persons by whom or for whom the documents were prepared (*e.g.*, your employees, distributors or dealers, competitors, or others).

6. **Documents No Longer In Your Possession.** If any responsive documents or information requested are no longer in your possession, custody, or control, produce a description of each such document, including the following:

- a. The name of each author, sender, creator, and initiator of such document;
- b. The name of each recipient, addressee, or party for whom such document was intended;
- c. The date the document was created;
- d. The date(s) the document was in use;
- e. The title of the document;
- f. A detailed description of the content of the document;
- g. The reason it is no longer in your possession, custody, or control;

- h. The document's current location and custodian thereof;
- i. The date the document left your possession, if applicable; and
- j. The reason the document is no longer in your possession.

7. **Document No Longer Exists.** If the document is no longer in existence, in addition to providing the information indicated above, identify the person(s) responsible for such destruction, state the date and manner of the destruction, the reason for such destruction, and why such destruction does not violate Tenn. Code Ann. § 47-18-106(e).

8. **No Responsive Documents or Information.** If you do not have any documents or information responsive to a particular request, state this fact within your response.

9. **Privilege.** If you assert a privilege in response to a document request, you must state the privilege and the basis for the privilege. In addition, identify the communication or document or portion thereof to which the privilege is asserted. For any document to which a privilege is asserted, state:

- a. The type of document (*e.g.*, letter, memorandum, contract, etc.), the date of the document, and the subject matter of the same;
- b. The name, address, and position of the author of the document and of any person who assisted in its preparation;
- c. The name, address, and position of each addressee or recipient of the document or any copies of it; and
- d. The present location of the document and the identity of the person who has custody of it.

Such information must be supplied in sufficient detail to permit the State to assess the applicability of the privilege claimed. All responsive documents that are subject to an asserted privilege shall not be destroyed, mutilated, or otherwise altered, shall be maintained in their original format, and are subject to the provisions of Tenn. Code Ann. § 47-18-106(e).

10. **Continuing Obligation to Produce.** If you obtain documents or information responsive to any Request after you have submitted your written responses or production, you should supplement your responses and/or production with any new and/or different documents or information that become available to you.

11. **Document Production Format.** Produce all documents electronically, unless otherwise specified or agreed to by the Office of the Attorney General. Any questions regarding electronic document production should be directed to the attorneys whose contact information is listed on the second page of this Request for Information.

12. **Affidavit of Compliance.** All documents shall be produced along with the attached Affidavit of Compliance by the person(s) responsible for compiling your response.

III. REQUESTS FOR PRODUCTION OF DOCUMENTS AND INFORMATION

In accordance with the requirements set forth in the “Definitions” and “Instructions” sections of this Request for Information, you are specifically required to respond in writing to each of the following Requests and produce responsive documents and information within the time frame set forth above:

1. All documents that show the business structure of McKamey Manor, including but not limited to identifying all Agents and those persons’ job titles and job descriptions.
2. All documents that show any changes to the business structure of McKamey Manor since you began operating it in Tennessee.
3. All licenses, permits, and/or certifications issued to Russ McKamey, McKamey Manor, or any of its Agents from any Tennessee government entity.
4. All versions of any waiver You have required Participants to sign before participating in a Tour since you began operating McKamey Manor in Tennessee.
5. All versions of any non-disclosure agreement You have required Participants to sign concerning McKamey Manor since you began operating McKamey Manor in Tennessee.
6. All other documents You have provided to Participants before, during, or after a Tour.
7. Copies of all Advertisements or marketing materials, including social media posts, that were created, produced, sent, viewed by, or delivered on your behalf to Participants and/or the public about McKamey Manor. This includes Advertisements, marketing materials, scripts, or phone solicitations to people regarding a monetary prize for completing or participating in the McKamey Manor Tour.
8. For each year since you began operating McKamey Manor in Tennessee, identify the number of Tours McKamey Manor has operated.
9. An electronically searchable list of the names and contact information for all former Participants and those currently scheduled to participate in a Tour. Contact information should include postal address, email address(es), phone number(s), and social media handle(s).
10. All documents provided to and/or signed by the Participants identified in Request 9.
11. All current and former waitlists to participate in a McKamey Manor Tour since you began operating McKamey Manor in Tennessee.
12. All policies, procedures, or practices related to how you or Agents interact with Participants before, during, and after a Tour, including selection criteria for Participants, and how you or your Agents conduct a Tour.

13. All complaints, whether from Participants or members of the public, that You have received since you began operating McKamey Manor in Tennessee.

14. All lawsuits, pleadings, memoranda, court orders, court opinions, Assurances of Voluntary Compliance, Assurances of Discontinuance, Consent Judgments, consent decrees, or similar documents to which you were a party that have been filed in any state, federal, local, or administrative tribunal.

15. All documents or records of communications related to any federal, state, or local investigation or inquiry into You or McKamey Manor.

16. All documents that show Your annual gross income derived from McKamey Manor. This includes donations, payments, deposits, income derived from live streaming Tours, posting Tours on social media (including, but not limited to: YouTube, TikTok, Facebook, and Twitter), and wagers on Tours.

17. For any charitable donations requested from Participants and accepted by McKamey Manor, documents sufficient to show said donations were forwarded to a nonprofit organization and the identity of any such nonprofit organization.

18. All video and audio footage of Tours filmed in the State of Tennessee, including all unedited footage and all edited recordings.

19. All other documents related to or relied upon for any of your Written Statements Under Oath in Part IV.

IV. WRITTEN STATEMENT UNDER OATH

1. Identify the person(s) answering or assisting in answering this Request on your behalf.

RESPONSE:

2. When did you begin operating McKamey Manor in Tennessee?

RESPONSE:

3. Why did you move McKamey Manor to Tennessee?

RESPONSE:

4. Identify in list form every person who has either worked for or volunteered at McKamey Manor since you began operating McKamey Manor in Tennessee. Include job titles, if applicable. Indicate which people were paid for their work versus those who were volunteers.

RESPONSE:

5. Describe Your selection and screening process for allowing people to work or volunteer at McKamey Manor.

RESPONSE:

6. How many people are on McKamey Manor's waitlist to participate in a Tour?

RESPONSE:

7. What is the average length of time a Tour lasts?

RESPONSE:

8. Identify everyone who is present during a typical Tour.

RESPONSE:

9. What are the most common activities that occur on a Tour?

RESPONSE:

10. Describe how you decide what will occur on each Participant's Tour.

RESPONSE:

11. Identify all persons responsible for directing or controlling McKamey Manor's policies and procedures, including the procedures of the Tour.

RESPONSE:

12. Describe the selection process to participate in a Tour. Identify all persons who have, or had, the authority to select Participants. What criteria do you or your Agents use to decide who is chosen to Participate in a Tour? What screening process, if any, is done before a Participant starts a Tour? Are there any factors that immediately disqualify a potential Participant? If so, identify them in list form.

RESPONSE:

13. Has McKamey Manor ever charged money for a Participant to do a Tour, whether characterized as a donation, deposit, or otherwise? If so, provide details on which Participants were required to pay and how much they were required to pay. What, if any, supplies are Participants required to purchase and bring for the Tour? Are Participants required to give you any goods in exchange for the opportunity to participate? If so, identify the goods.

RESPONSE:

14. Identify every disclosure you make to a Participant at any time before they begin a Tour, specifying what information is disclosed and at what point before a Tour begins.

RESPONSE:

15. When are Participants first given a waiver concerning participation in a Tour? Can Participants access the waiver before the day of the event?

RESPONSE:

16. When are Participants first given a non-disclosure agreement concerning McKamey Manor? Can Participants access the non-disclosure agreement before the day of the Tour?

RESPONSE:

17. What are the terms and conditions of receiving the \$20,000 prize, or any previously offered monetary prize, for completing the Tour?

RESPONSE:

18. Do You currently have the funds to pay out if a person were to win? If so, describe how those funds are currently held (e.g., cash, bank account, securities, other form of value).

RESPONSE:

19. Has a Participant ever won the prize?

RESPONSE:

20. Is it possible for a Participant to win the prize?

RESPONSE:

21. Identify in list form every person, along with their contact information, who has attempted to win the prize since you began operating McKamey Manor in Tennessee. How did each of those Tours end?

RESPONSE:

22. Identify any and all procedures you and/or Agents of McKamey Manor have to monitor the health and safety of Participants while they are participating in a Tour.

RESPONSE:

23. Has McKamey Manor ever facilitated medical treatment for a Participant?

RESPONSE:

24. To your knowledge have any Participants sought medical treatment soon after participating in a Tour? If so, identify in list form the name(s) of the Participant(s) and the injuries, if known.

RESPONSE:

25. Identify in list form all props and supplies you have used during a Tour.

RESPONSE:

26. Are all Tours filmed? Identify every Tour that was filmed since you began operating McKamey Manor in Tennessee. For each such Tour, if you no longer have possession, custody, or control of such film, explain why and include any information you have about the film's current custodian and location.

RESPONSE:

27. Explain how McKamey Manor is funded, identifying each funding source and the amount of funds from that source that has been spent in the operation of McKamey Manor.

RESPONSE:

28. List your total gross income by year since 2017. Identify how much of your income came from the operation of McKamey Manor.

RESPONSE:

V. SWORN TESTIMONY—AREAS OF WITNESS(ES) COMPETENCY

Pursuant to Tenn. Code Ann. § 47-18-106(a)(2) and the terms of this Request for Information, you are required to produce one or more witnesses at the above-designated place and time, or any agreed-upon place and time, who are competent to testify under oath as to the subject matters listed below. The sworn testimony shall last from day-to-day until completed and shall be audio- or video-recorded at the election of the Office of the Attorney General. Under this Request for Information, you have the duty to designate one or more witnesses and to undertake reasonable efforts to prepare them to respond to questions pertaining *at least* to the subject areas listed below:

1. The basic personal background, education, job history, and job duty(ies) of each individual You designated to testify pursuant to this Request for Information
2. All documents, information, and Written Statements Under Oath that are the subjects of this Request for Information.



STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL AND REPORTER

AFFIDAVIT OF COMPLIANCE

IN RE INVESTIGATION OF MCKAMEY MANOR

State of _____
County of _____

I, _____, being duly sworn, state as follows:

1. I am employed by _____ in the position of _____.
2. The enclosed production of documents and responses to the Request for Information of the Office of the Attorney General, dated _____, were prepared and assembled under my personal supervision.
3. I made or caused to be made a diligent, complete, and comprehensive search for all documents and information requested by the Request for Information, in full accordance with its definitions and instructions.
4. The enclosed responses and production of documents to the Request for Information are complete and correct to the best of my knowledge and belief, and they are in no way misleading or calculated to withhold information that is available to me and is requested.
5. No documents or information responsive to the Request for Information have been withheld from this production and response, other than responsive documents or information withheld on the basis of a legal privilege.
6. All responsive documents or information withheld on the basis of a legal privilege have been identified on a privilege log composed and produced in accordance with the instructions in the Request for Information.
7. The documents contained in these productions and responses to the Request for Information are authentic, genuine, and what they purport to be.

Initials _____

8. No documents or information in the possession, custody, or control of McKamey Manor have been concealed, withheld, mutilated, falsified, or by any other means altered.
9. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Request for Information, all persons under whose personal supervision the preparation and assembly of productions and responses to the Request for Information occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any documents produced are authentic, genuine, and what they purport to be.

Signature of Affiant

Date

Printed Name of Affiant

Street Address/City/State/Zip Code

Telephone

Email address

Subscribed and sworn to before me
on _____, 202__.

Notary Public

My Commission Expires: _____

Initials _____

West's Tennessee Code Annotated
Title 47. Commercial Instruments and Transactions
Chapter 18. Consumer Protection (Refs & Annos)
Part 1. Consumer Protection Act of 1977 (Refs & Annos)

T. C. A. § 47-18-106

§ 47-18-106. Requests for information; violations; destruction of documentary materials; service of process

Effective: September 30, 2019

Currentness

(a) Whenever the attorney general has reason to believe that a person is engaging in, has engaged in, or, based upon information received from another law enforcement agency, is about to engage in any unlawful act or practice under this part, or has reason to believe it to be in the public interest to conduct an investigation to ascertain whether any person is engaging in, has engaged in, or is about to engage in such act or practice, the attorney general may:

(1) Require the person to file a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the alleged violation and to furnish and make available for examination all documentary material and information relevant to the subject matter of the investigation;

(2) Examine under oath any person connected to the alleged violation; and

(3) Examine any merchandise or any sample of merchandise deemed relevant to the subject matter of the investigation.

(b) At any time prior to the return date specified in the attorney general's request for information pursuant to subsection (a), or within ten (10) days following notice of such a request, whichever is shorter, any person from whom information has been requested may petition the circuit or chancery court of Davidson County, stating good cause, for a protective order to extend the return date for a reasonable time, or to modify or set aside the request. The attorney general shall receive at least one (1) day's notice of such a petition and shall be given an opportunity to respond.

(c) If no protective order from the court is secured and the written request by the attorney general is not complied with by its return date, the attorney general, upon notice to the person requested to provide information, may apply to a court of competent jurisdiction for an order compelling compliance with the request made pursuant to subsection (a).

(d) Any court of competent jurisdiction in this state, upon a showing by the attorney general that there are reasonable grounds to believe that this part is being, has been, or is about to be violated; that the persons who are committing, have committed, or are about to commit such acts or practices or who possess the relevant documentary material have left the state or are about to leave the state; and that such an order is necessary for the enforcement of this part, may order such persons to comply with subsection (a) whether the attorney general has made a prior request for information or not. The court may also, notwithstanding any provision to the contrary, immediately and without notice, forbid the removal from any place, concealment, withholding, destruction, mutilation, falsification, or alteration by any other means of any documentary material in the possession, custody, or control of any person believed by the attorney general to be connected with acts or practices which violate this part.

(e) Any person who has received notice of a request for information pursuant to subsection (a), or of an order pursuant to subsection (c) or (d), and with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation or order under this part, removes from any place, conceals, withholds, destroys, mutilates, falsifies or by any other means alters any documentary material in the possession, custody, or control of any person subject to such notice, shall be subject to a civil penalty of not more than one thousand dollars (\$1,000), recoverable by the state in addition to any other appropriate sanction.

(f) Documentary material or merchandise requested pursuant to this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person possessing such documentary material or merchandise, or at such other time and place as may be agreed upon by the possessor and the attorney general.

(g) No documentary material, merchandise, or other information, including trade secrets, obtained pursuant to a request under this section, unless otherwise ordered by the court for good cause shown, shall be produced for inspection, copied by, or its contents disclosed to, any person other than an authorized representative of the attorney general or other proper law enforcement official for the purpose of prosecution without the consent of the person who produced the material or information. The attorney general may use copies of the documentary material produced in accordance with this section and merchandise impounded under a court order as it determines necessary in the enforcement of this part, including the presentation before any court; provided, that none of the powers conferred upon the attorney general by this part shall be used for the purpose of compelling any natural person to furnish testimony or evidence which may be protected by such person's right against self-incrimination.

(h) In conducting an inquiry pursuant to this section, the attorney general, whenever such aid is determined to be necessary and desirable, may request the aid of any agency of the state; and any agency, as requested, shall give full aid, support, and cooperation to the attorney general in such investigation.

(i) Service of any notice, order, or request for information by the attorney general may be made in compliance with the Tennessee Rules of Civil Procedure or by:

(1) Delivering a duly executed copy of the notice, order, or request for information to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;

(2) Mailing by registered or certified mail a duly executed copy of the notice, order, or request for information addressed to the person, to be served at the person's principal place of business in this state, or if the person has no place of business within this state, to the person's principal office, place of business, home, or last known address; or

(3) Personal service, pursuant to §§ 20-2-214 -- 20-2-220.

Credits

1977 Pub.Acts, c. 438, § 7; 2019 Pub.Acts, c. 459, § 5, eff. Sept. 30, 2019.

T. C. A. § 47-18-106, TN ST § 47-18-106

Current with laws from the 2023 Regular Sess. and 1st Extraordinary Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee

Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

End of Document

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Formstack Submission For: **Centralized Complaint Form**

Submitted at 11/15/23 2:20 PM

Please choose a profession at the drop-down below.
(Required):

Building and Fire Safety

Building Name:

McKamey Manor

Address (Required):

12 Stephenson Rd
Summertown, TN 38483

County (Required):

Lawrence | Lawrence

Property/Structure Type:

Public Venue (concerts, weddings, etc.)

Complaint Description:

**Egress blocked / Exit obstructed or
congested
Structural Concerns**

Provide specific information about the nature of the
complaint. (Required):

the barn is being used as a special
amusement facility



General Inspection Report 2017 0.1

50 - Lawrence

20053

Complaints (Misc.)

POCA Approval

12/18/2019

**McKamey Manor Complaint CLOSED
COMPLAINT**

Russell Schwahn



Email Distribution:

**musicalexcitementwithruss@yahoo.
com**

Fred.Garbler@tn.gov

Christopher.Bainbridge@tn.gov

Harvell.Harrell@tn.gov

Jennifer.B.Murphy@tn.gov



Division of Fire Prevention
 Codes Enforcement Section
 500 James Robertson Parkway
 Nashville, TN 37241-1162

Inspection Date: **Wednesday, December 18, 2019**

Inspector: **Russell Schwahn**

County: **50 - Lawrence**

Inspection Type: **Complaints (Misc.)**

TFM Number: **20053**

Document Type: **POCA Approval**

Building/Project Name: **McKamey Manor Complaint CLOSED COMPLAINT**

Street Address: **12 Stephenson Road**

City: **Summertown**

ZIP: **38483**

Contact Name: **Russ McKamey**

Additional Contact: **Fred Garbler**

Street Address: **12 Stephenson Road**

Email: **Fred.Garbler@tn.gov**

City: **Summertown**

Additional Contact: **Chris Bainbridge**

ZIP: **38483**

Email: **Christopher.Bainbridge@tn.gov**

Phone: **858-335-9670**

Additional Contact: **Harvell Harrell**

Email: **musicalexcitementwithruss@yahoo.com**

Email: **Harvell.Harrell@tn.gov**

Additional Contact: **Jennifer Murphy**

Email: **Jennifer.B.Murphy@tn.gov**

Additional Contact:

Email:

Additional Contact:

Email:

IBC Occupancy Type: **Mixed**

NFPA Occupancy Type: **Other**

Deficiencies found. Items below must be corrected.

Item Number	Deficiency	Code Reference	Found Date	Correction Date
1.	<p>The Barn located adjacent to the 3 con ex trailers meets the definition of a special amusement building under the business occupancy.</p> <p>The Barn will be required to have an automatic fire detection system installed by a TN licensed fire alarm company.</p>	<p>Special amusement buildings shall be equipped with an automatic fire detection system in accordance with 2012 IBC Section 907.2012 and IBC 411.3</p>	11/04/2019	

Item Number	Deficiency	Code Reference	Found Date	Correction Date
2.	<p style="text-align: center;">Smoke Detectors installed within the Barn shall adhere to the following code requirement.</p> <p>[F] 411.5 Alarm. Actuation of a single <i>smoke detector</i>, or other automatic fire detection device shall immediately sound an alarm at the building at a <i>constantly attended location</i> from which emergency action can be initiated including the capability of manual initiation of requirements in Section 907.2.12.2.</p> <p>907.2.12.2 The activation of two or more smoke detectors, a single smoke detector equipped with an alarm verification feature, the automatic sprinkler system or other approved fire detection device shall automatically:</p> <ol style="list-style-type: none"> 1. Cause illumination of the means of egress with light of not less than 1 footcandle (11 lux) at the walking surface level; 2. Stop any conflicting or confusing sounds and visual distractions; 3. Activate an approved directional exit marking that will become apparent in an emergency; and 4. Activate a prerecorded message, audible throughout the special amusement building, instructing patrons to proceed to the nearest exit. Alarm signals used in conjunction with the prerecorded message shall produce a sound which is distinctive from other sounds used during normal operation. <p>The staff at the location is expected to be capable of then providing the required egress illumination, stopping the conflicting or confusing sounds and distractions and activating the exit marking required by Section 411. 7.</p> <p>It is also anticipated that the staff would be capable of preventing additional people from entering the building.</p> <p>[F] 411.6 Emergency voice/alarm communications system.</p> <p>An <i>emergency voice/alarm communications system</i> shall be provided in accordance with Sections 907.2.12 and 907.5.2.2, which is also permitted to serve as a public address system and shall be audible throughout the entire <i>special amusement building</i>.</p>	2012 IFC 907.2.12.2 & 2012 IFC 411.5	11/04/2019	

Item Number	Deficiency	Code Reference	Found Date	Correction Date
3.	<p>There are no Exit signs within the Barn</p> <p>Illuminated Exit signs shall be installed in the Barn.</p> <p>1. Exit signs shall be installed at the required exit or exit access doorways of amusement buildings in accordance with 2012 IBC Sections 411 and 1011. Approved directional exit markings shall also be provided. Where mirrors, mazes or other designs are utilized that disguise the path of egress travel such that they are not apparent, approved and listed low-level exit signs that comply with Section 1011.5, and directional path markings listed in accordance with UL 1994, shall be provided and located not more than 8 inches (203 mm) above the walking surface and on or near the path of egress travel. Such markings shall become visible in an emergency.</p>	<p>2012 IBC 411.7 & Section 907.2.12.2.</p>	<p>11/04/2019</p>	
4.	<p>There are no smoke detectors located within the Barn building.</p> <p>Smoke Detectors shall be installed in the Barn</p> <p>Activation of any single smoke detector, the automatic sprinkler system or any other automatic fire detection device shall immediately sound an alarm at the building at a constantly attended location from which emergency action can be initiated, including the capability of manual initiation.</p>	<p>2012 IBC Section 907.2.11.2. 2012 IBC 411.5</p>	<p>11/04/2019</p>	
5.	<p>Electrical Power shall be installed in the Barn to maintain proper and safe means of operating the special amusement props and fire detection system. It shall be installed by a licensed electrician with the State of Tennessee and must be inspected and approved for use by the State of Tennessee Electrical Inspector and have a Blue tag affixed to the electric panel and the meter base, before the building can be occupied for use as a special amusement building.</p>	<p>State of TN Rule. 2017 NEC</p>	<p>11/04/2019</p>	

Item Number	Deficiency	Code Reference	Found Date	Correction Date
6.	<p>Extension cords were found to be daisy chained into another power strip (surge protector) Cords cannot be plugged into another extension cord or into a power strip.</p> <p>Extension cords and power strips are not allowed as permanent wiring, and must be removed from use.</p>	<p>2012 IFC 605.5 Extension cords. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.</p> <p>605.5.1 Power supply. Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one portable appliance.</p>	11/04/2019	
7.	<p>All interior finishes or fabrics on the interior of the Barn and conex trailers shall meet the Class A flame spread rating. Any fabric treated will need to be treated by a compliant fire retardant. Owner can must show proof either by a manufacturer product cut sheet or the original package of the product used upon a follow up inspection.</p>	<p>2012 IFC 411.8 Interior Finish & IFC 803.1</p>	11/04/2019	

Notes:

On **December 18, 2019** a follow up inspection was conducted by SFMO personnel Jeff Gammon, Robert Williams, and Scotty Harrell. Upon arrival they were met on site with owner Russ McKamey. Mr. McKamey escorted SFMO personnel to the Barn to visually inspect if all props have been removed from the Barn. It was confirmed that all equipment has been removed and will no longer be used for the McKamey Manor shows. If at any time in the future another complaint is received and it is verified that Mr. McKamey has returned the props to the barn and intends to use the Barn for the entertainment purposes legal action will be pursued by our office to remedy the action. Mr. McKamey has stated and understands and states he will not use the barn for any other purpose other than storage.

As of this date December 18, 2019 this complaint will now be closed. Thanks for your cooperation to remedy this issue.

On November 18, 2019 I (Russell Schwahn) received the POCA response from Mr. Russ McKamey on his plans to correct the issues found during the complaint inspection. Mr. McKamey has provided the process in which he plans to proceed. All information in the email has been printed and attached to this report. I stated to Mr. McKamey the POCA is accepted and that the complaint will remain open until all the props have been removed from the barn. Once the props have been removed and a follow up inspection is conducted to verify all props have been removed the complaint will then be closed. Mr. McKamey was instructed that the props must be removed in a timely manner and that no use of or shows can take place in the Barn. Mr. McKamey stated that he

understood and will start the process of removing the props from the barn.

On November 4, 2019 our office conducted a site visit at McKamey Manor located at 12 Stephenson Road, Summertown TN 38483 (Lawrence County). Myself, Manager Fred Garbler, Scotty Harrell, Lead Inspector Jeff Gammon and Amusement Inspector Jennifer Murphy met with owner Russ McKamey. Mr. McKamey was very courteous and willing to meet and resolve any complaint that has been issued at the location.

The nature of the complaint came through the TN.Gov website and only stated the location had several fire code violations. Upon meeting with the owner we were shown the entire property which involved several outside props and equipment, which consisted of a zip line, and metal cages for a maze. Also on the property were 3 metal con-ex trailers, wooden barn and a structure with corrugated metal siding. Con-ex Trailers are approximately 40 foot long by 8 feet wide. The wooden barn structure is approximately 31 foot long by 30 foot wide with double swinging doors with padlocks on the exterior of doors. The other structure is approximately 10 foot by 10 foot with corrugated metal siding and a door that is approximately 18 inches wide. Inside the 10 x 10 structure is a corrugated pipe that goes through the floor of the structure straight down into the ground approximately 10 foot deep and the pipe is approximately 24 inches in circumference. Another corrugated pipe exits the building at an angle to the ground/pit area. None of the structures have any electrical power to them. There is an extension cord run from Mr. McKamey's personal residence to the wooden barn which powers a surge protector for the props located within the barn. There is no exit/emergency lighting in any of the structures. **Note: The barn is under 1000 square feet and therefore does not meet the requirement to have an automatic sprinkler system installed.** All other deficiencies noted above will need to be corrected and approved before the barn can be used for entertainment purposes described by Mr. McKamey. All fire alarm system and components must be installed by a licensed TN fire alarm company along with all electrical work must be done by a licensed electrician. Verification of license of all contractors **shall be** provided before the complaint is closed.

Mr. McKamey stated to us during our walk through that at no time is any door on any of the buildings ever closed and locked. He is there with the participants at all times and if any issue ever comes up the participation stops.

According to the 2012 ICC the Barn located on Mr. McKamey's property due to its size and use falls under the special amusement building designation and with an occupant load of less than 50 falls under the Business designation.

Mr. McKamey will have 7 days from the date of this Inspection Report to submit a Plan Of Corrective Action back to me at Russell.Schwahn@tn.gov on how he plans to correct the found code deficiencies, and once the POCA is received back by our office it will be determined if his POCA will be accepted. POCA RESPONSE IS NEEDED BY NOVEMBER 21, 2019. RESPONSE CAN BE SENT AS A WORD DOCUMENT OR A DETAILED EMAIL TO RUSSELL.SCHWAHN@TN.GOV

THANKS
Russell Schwahn
Mid West Regional Supervisor
TN Codes Enforcement Section

If this box is checked, a Plan of Corrective Action must be submitted. See the attached form, read the directions, fill out the form and return it to the inspector by email (address below).

Fire Safety Specialist Email: **russell.schwahn@tn.gov**

Russell Schwahn

 Digitally signed by Russell Schwahn
Date: 2019.12.18 14:47:57 -06'00'

Fire Safety Specialist: _____

Attachment 1

McKamey Email.oxps - XPS Viewer

File Permissions Find

Russell Schwahn

From: Russell Schwahn
 Sent: Wednesday, November 13, 2019 7:08 AM
 To: Russell Schwahn
 Subject: Fwd: [EXTERNAL] Re: Complaint at McKamey Manor

Sent from my iPhone

Begin forwarded message:

From: Russ McKamey <musicalactismenwithruss@yahoo.com>
 Date: November 5, 2019 at 10:48:43 AM CST
 To: Russell Schwahn <Russell.Schwahn@tn.gov>
 Subject: [EXTERNAL] Re: Complaint at McKamey Manor
 Reply-To: Russ McKamey <musicalactismenwithruss@yahoo.com>

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - ST 8- Security. ***

Hello, thank you for taking the time to visit my home yesterday. If you need anything else, please let me know.
 R.Russ

On McKamey Manor:

McKamey Manor is a private experience for consenting adults at Russ McKamey's residence in Summertown, TN; private tours are provided to family and friends of Russ McKamey. Roughly 25 people embark on the tour per year, after a lengthy screening process where these individuals get to know Russ McKamey extremely well and vice versa. Friends and family that take the McKamey Manor tour are well aware that the Manor is a psychological experience; perceived hardships and events at the Manor are a result of mind tricks and forms of sensory deprivation (being blindfolded and told to do a task while the surroundings described to the participant are highly embellished).

No one is ever enclosed, trapped, locked up, or otherwise put in a situation where they cannot safely exit the tour. At all times his friends can exit the experience, and at no point are friends restrained or locked into any enclosures. Locks are never used on any doors, and are left open during the experience. No one is being tortured. Friends of Russ McKamey are well informed of all possible risks and scenarios, and enthusiastically, willingly take the tour. Every participant is also given a safe word, and if this safe word is used at anytime during the tour experience, the tour immediately ends.

The friends of Russ McKamey that have taken the tour in the past are also well aware that the prize money is in reality, close to impossible to win. Russ in the past has stated for promotional purposes (and is true), that Russ will pay out monies to anyone that can last ten hours at the Manor after completing an activity that "starts the clock." No one has ever lasted 10 hours, and very few friends have even started the clock itself. The friends that have taken the tour do so for the experience, for the game, for the challenge, knowing full well that they will not win the prize. This is explained multiple times in the screening process. In fact, due to the level of attention that the prize money is drawing, the Manor will no longer offer any monies as a possible prize. Such a prize detracts from the real reason friends take the tour to begin with: the unique and customized experience.

Russ McKamey has never and will never require payment from his friends to take a tour. He reports that his friends be drug and alcohol free, mentally and physically capable (per a doctor's physical), and that they spend several hours understanding and considering the experience before embarking. Russ accepts donations in the form of dog food to those friends that wish to contribute to a good cause voluntarily. Please note, that donations are NOT required to attend the experience.

The McKamey Manor contract is also part of the psychological experience. The contract is designed to begin the "mind game" and instill fear in the participant before the tour actually begins. In order for a McKamey Manor friend to reach the "contract reading and signing," they have already been heavily screened for days, and verbally informed that the contract itself is meant as a scare tactic.

Manor activities take place in outdoor or open areas. Again, sensory deprivation and persuasive language may cause a participant to believe that they are entirely somewhere else. Russ McKamey uses his barn and storage containers for the most part as areas to hold his theatrical manor props.

To conclude, McKamey Manor dwells on Russ McKamey's private property. While the media is exploding with eager people who now want to take the tour, the fact is, unless Russ McKamey gets to know them and actually befriends them and trusts them, and vice versa, these vast numbers of eager masses of people will never set foot on Russ' property. McKamey Manor tours are reserved only for friends and family that have been thoroughly informed of how customized, and psychological the experience is, while maintaining safety is always paramount.

On Friday, November 5, 2019, 08:12:20 AM CST, Russell Schwahn <russell.schwahn@tn.gov> wrote:

Mr McKamey
 Thank you for meeting with us at your place yesterday.
 I wanted to let you know that I am preparing the inspection report but will await a response from you by email or an attached document we requested from you on the process of participation and as you had stated how the doors to all of the things remain open and unlocked.
 We will go through the whole process and get that to me and hopefully I can get the report finished and back out to all of you on site.
 Thanks
 Russ
 Russ lives my life

Page 1-2 of 2

7:31 AM 11/13/2019

Attachment 2



Complaint Inspection Report 2023.11

50 - Lawrence

20053

Complaints (Misc.)

Complaint Report

11/21/2023

McKamey Manor Complaint



Daniel Garrett

Complaint Number: 20230536

Complaint Type: Joint Electrical Section

POCA Due Date: 12/5/2023



Email Distribution:

musicalexcitementwithruss@yahoo.com
Christopher.Bainbridge@tn.gov
George.D.Smith@tn.gov
Russell.Schwahn@tn.gov



Division of Fire Prevention
 Codes Enforcement Section
 500 James Robertson Pkwy
 Nashville, TN 37241-1162

Inspection Date: **Tuesday, November 21, 2023**
 Inspector: **Daniel Garrett**
 County: **50 - Lawrence**
 Inspection Type: **Complaints (Misc.)**
 TFM Number: **20053**
 Document Type: **Complaint Report**
 Status: **Open - Awaiting POCA**
Initial Inspection

POCA Due Date: 12/5/2023

Codes Only Joint Electrical Section Joint Modular/Man. Housing

Building/Project Name: **McKamey Manor Complaint**

Complaint Number: 20230536

Street Address: **12 Stephenson Road**

City: **Summertown**

ZIP: **38483**

Contact Name: **Russ McKamey**

Additional Contact: **Christopher Bainbridge**

Email: **Christopher.Bainbridge@tn.gov**

Street Address: **12 Stephenson Road**

Additional Contact: **George Smith**

City: **Summertown**

Email: **George.D.Smith@tn.gov**

ZIP: **38483**

Additional Contact: **Russell Schwahn**

Phone: **858-335-9670**

Email: **Russell.Schwahn@tn.gov**

Email: **musicalexcitementwithruss@yahoo.com**

Additional Contact:

Email:

Additional Contact:

Email:

Additional Contact:

Email:

IBC Occupancy Type: **B**

NFPA Occupancy Type: **Business**

Deficiencies found. Items below must be corrected.

Item Number	Deficiency	Code Reference	Found Date	Correction Date
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Item Number	Deficiency	Code Reference	Found Date	Correction Date
1.	<p>A automatic fire detection system has not been installed in the barn and CONNEX in accordance with Section 907 of the IBC.</p> <p>The barn and adjacent CONEX box meet the definition of a special amusement building under the business occupancy.</p> <p>The barn and CONNEX box will be required to have an automatic fire detection system installed by a TN licensed fire alarm company.</p> <p>Fire detection devices installed within the barn and CONNEX box shall adhere to the following code requirements:</p> <p>411.5 Alarm. Actuation of a single <i>smoke detector</i>, or other automatic fire detection device shall immediately sound an alarm at the building at a <i>constantly attended location</i> from which emergency action can be initiated including the capability of manual initiation of requirements in Section 907.2.12.2.</p> <p>907.2.12.2 The activation of two or more smoke detectors, a single smoke detector equipped with an alarm verification feature, the automatic sprinkler system or other approved fire detection device shall automatically:</p> <ol style="list-style-type: none"> 1. Cause illumination of the means of egress with light of not less than 1 footcandle (11 lux) at the walking surface level; 2. Stop any conflicting or confusing sounds and visual distractions; 3. Activate an approved directional exit marking that will become apparent in an emergency; and 4. Activate a prerecorded message, audible throughout the special amusement building instructing patrons to proceed to the nearest exit. Alarm signals used in conjunction with the prerecorded message shall produce a sound which is distinctive from other sounds used during normal operation. 	<p>2012 IBC 411.3 & 411.5 IFC 907.2.12 & 907.2.12.1</p>	<p>11/21/2023</p>	
2.	<p>Exit signs have not been installed at required exits in the barn and CONNEX box.</p> <p>Exit signs shall be installed at the required exit or exit access doorways of amusement buildings in accordance with 2012 IBC Sections 411 and 1011.</p> <p>Approved directional exit markings shall also be provided. Where mirrors, mazes or other designs are utilized that disguise the path of egress travel such that they are not apparent, approved and listed low-level exit signs that comply with Section 1011.5, and directional path markings listed in accordance with UL 1994, shall be provided and located not more than 8 inches (203 mm) above the walking surface and on or near the path of egress travel. Such markings shall become visible in an emergency.</p>	<p>2012 IBC 411.7 & Section 907.2.12.2.</p>	<p>11/21/2023</p>	
3.	<p>Emergency voice/alarm communications system has not been provided in the barn or CONNEX box.</p> <p>An emergency voice/alarm communication system shall be provided in accordance with sections 907.2.12 and 907.5.2.2, which is also permitted to serve as a public address system and shall be audible throughout the entire special amusement building.</p>	<p>2012 IBC 411.6</p>	<p>11/21/2023</p>	

Item Number	Deficiency	Code Reference	Found Date	Correction Date
4.	A portable fire extinguisher has not been provided.	2012 IFC 906.1	11/21/2023	

This inspection addresses only the items in the complaint and any fire/safety deficiencies in plain view. This inspection report does not constitute an approval of the entire structure including items or installations not visible or listed in the complaint.

Notes:

On November 21, 2023 our office conducted a site visit at McKamey Manor located at 12 Stephenson Road, Summertown TN 38483 (Lawrence County). Regional Supervisor Russell Schwahn, Electrical Inspector Marcus Frey, and I met with owner Russ McKamey.

The complaint stated the location had blocked or obstructed egress and that the barn was being utilized as a special amusement facility. Upon meeting with the owner we were shown the entire property which included several outside props and equipment, 3 metal CONEX boxes, a wooden barn, and a small structure with corrugated metal siding. The CONEX boxes are approximately 40 foot long by 8 feet wide. The wooden barn structure is approximately 31 foot long by 30 foot wide with double swinging doors in the front and rear. None of the structures have any electrical power to them. There is no exit/emergency lighting in any of the structures.

Note: The barn and individual CONEXs are each under 1000 square feet and therefore does not meet the requirement to have an automatic sprinkler system installed. All other deficiencies noted above will need to be corrected and approved before the barn can be used for entertainment purposes described by Mr. McKamey. All fire alarm system and components must be installed by a licensed TN fire alarm company along with all electrical work must be done by a licensed electrician.

Mr. McKamey stated to us during our walk through that at no time is any door on any of the buildings ever closed and locked. No locks were readily apparent. Mr. McKamey stated that only 3 participants have been in the barn within the last three years and the structure is used for storage of props. He also stated that he is there with the participants at all times and if any issue ever comes up the participation can stop and anyone can exit the structures. He stated that only one of the CONEX boxes has been used by participants for a single table prop. Mr. McKamey stated that he would remove the prop table from the CONEX boxes and no longer allow participants inside if it is required to come up to code.

According to the 2012 IBC the barn located on Mr. McKamey's property due to its size and use falls under the special amusement building designation and with an occupant load of less than 50 falls under the Business designation.

Mr. McKamey will have 7 days from the date of this inspection report to submit a Plan Of Corrective Action on how he plans to correct the found code deficiencies. Once the POCA is received back by our office it will be determined if his POCA will be accepted. **POCA RESPONSE IS NEEDED BY December 5th, 2023 due to a delay in sending out the report.**

Mr. McKamey had stated he was willing to provide a letter documenting that he will cease to use any of the property for special amusement purposes and participants will not be allowed to enter the structures.

If this box is checked, a Plan of Corrective Action must be submitted. See the attached form, read the directions, fill out the form and return it to the inspector by email (address below).

Inspector Email: **daniel.g.garrett@tn.gov**

Daniel Garrett Digitally signed by Daniel Garrett
Date: 2023.11.28 08:49:42 -06'00'

Inspector:

Plan of Corrective Action (POCA)

WARNING: Converting this file to MS Word format will corrupt the file. Only use Adobe Reader to fill the form and digitally sign it.

IMPORTANT: This form must be signed by a person that has executive authority to ensure the corrections are made such as the principal.

In the table below, provide a plan identifying the deficient item number, the corrective action that will be taken and the anticipated completion date.

To assist our office utilize paperless processes, please digitally sign this form after it has been completed. Ensure you have the latest version of Adobe Reader installed on your computer. Instructions for using signatures can be found in the help menu of Adobe Reader. Once signed, email the file to the inspector at the email address at the bottom of the report.

If you choose not to utilize digital signatures. Fill out this form, print it, sign it, scan it and email it to the inspector at

Your POCA must be received by: 12/5/2023

Item Number	Corrective Action	Completion Date
1,2,3,4	Will not use barn for anything besides personal storage.	12/01/2023

Add Another Corrective Action
Remove Last Corrective Item

Russ McKamey

Title of Person Signing Form: _____

Date: 12/01/2023

Signature: Russ McKamey

Office Use Only

Approved
 Not Approved
Reason:

Attachment(s): No



Fwd: McKamey Manor Plan of Corrective Action Affidavit

2 messages

[Redacted]

[Redacted]

Begin forwarded message:

From: Christopher Bainbridge <Christopher.Bainbridge@tn.gov>
Date: December 15, 2023 at 9:05:37 AM CST
To: musicaexcitementwithruss@yahoo.com
Cc: "George D. Smith" <George.D.Smith@tn.gov>, Russell Schwahn <Russell.Schwahn@tn.gov>, "Daniel G. Garrett" <Daniel.G.Garrett@tn.gov>
Subject: McKamey Manor Plan of Corrective Action Affidavit

Mr. McKamey,

I'm the Director of the Codes Enforcement Section of the State Fire Marshal's Office. We adopt and enforce minimum building and fire codes for the state. I have attached a letter and an affidavit for you to review and complete. Once completed and sent back to me, we will approved your Plan of Corrective Action. Please let me know if you have any questions.

Chris Bainbridge | Director of Codes Enforcement
 Department of Commerce and Insurance
 Fire Prevention Division – TN State Fire Marshal's Office
 Codes Enforcement and Plans Review Section
 Davy Crockett Tower, 10th Floor
 500 James Robertson Parkway
 Nashville, TN 37243-0565
 p. 615-741-7190 d. 615-741-6246
christopher.bainbridge@tn.gov | www.tn.gov/fire

Help us serve you better. Please take a few moments to let us know how we are doing and what we can do better by filling out the following survey https://www.research.net/r/SFMO_CodesEnforcement



2 attachments



State Fire Marshal's Office

image001.png
5K



McKamey Manor -- Affidavit.docx
36K



McKamey Manor POCA

Ben Conrady <Ben.Conrady@tn.gov>
To: Davis Griffin <davis@mockingbirdlaw.com>
Cc: Elizabeth Lefler Schulenberg <Elizabeth.LeflerSchulenberg@tn.gov>

Fri, Feb 2, 2024 at 1:11 PM

Mr. Griffin:

I serve as legal counsel for the State Fire Marshal's Office ("SFMO"). I am contacting you in response to the email below.

Pursuant to Tenn. Code Ann. § 68-102-116, "[t]he commissioner, or the commissioner's deputies or assistants, shall, subject to availability and efficient utilization of time, personnel and resources, inspect buildings or premises within their jurisdiction upon the written complaint of any citizen, or whenever the commissioner, or the commissioner's deputies or assistants, deem it necessary."

Additionally, pursuant to Tenn. Code Ann. § 68-102-130, "[t]he commissioner, the commissioner's deputies or any of the commissioner's assistants may at all hours enter any building or premises for the purpose of making an inspection or investigation that under this chapter, the person may deem necessary to be made."

As you have previously acknowledged, the SFMO has authority over this matter. As you are aware, Mr. McKamey's property was initially inspected in 2019 in response to a complaint received by the SFMO. Mr. McKamey was requested to provide a Plan of Corrective Action ("POCA"). Additional inspections occurred until an acceptable POCA was received by the SFMO. Part of Mr. McKamey's POCA, which was approved by the SFMO, required that props at the barn be removed and no future shows take place within the structure. Additionally, Mr. McKamey expressed his understanding that the barn could not, and would not, be used for any purpose beyond storage. As a result, the complaint was closed.

As you are aware, on November 21, 2023, the SFMO again conducted an inspection at the property in response to a complaint received by the SFMO. Upon inspection, it was discovered that Mr. McKamey was utilizing the barn as a special amusement facility, in conflict with state law and Mr. McKamey's previously submitted POCA. As a result, Mr. McKamey was requested to provide a POCA to address outstanding code deficiencies at the property, including the continued use of the barn.

As you are aware, on or about December 1, 2023, Mr. McKamey submitted a POCA which stated "[w]ill not use the barn for anything besides personal storage." Because of Mr. McKamey's previous actions, wherein he violated a substantially similar POCA and utilized the barn for purposes beyond storage, this statement alone was not deemed sufficient and the POCA was rejected.

Mr. McKamey is not required to bring the barn into compliance with adopted codes and standards so long as he does not use the facility for anything beyond storage. As you are aware, the SFMO suggested that Mr. McKamey complete an affidavit stating that the barn and CONEX boxes would only be used for storage. Such action would constitute an acceptable POCA and the complaint would be closed.

Currently, the complaint against Mr. McKamey's property remains open. At the direction of Assistant Commissioner Gary Farley, continued inspections will occur until an acceptable POCA is received, or the facility is brought into compliance with adopted codes and standards and inspected by the SFMO.

I have informed our staff of your request to be included on future inspection reports.

Respectfully,

Ben Conrady

**Ben Conrady** | Chief Counsel for Fire Prevention

Office of Legal Counsel

Davy Crockett Tower, 12th Floor

500 James Robertson Parkway, Nashville, Tennessee 37243

615-253-7271

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