

IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE  
DIVISION I

FILED  
HAMMOND  
2022 SEP 16 AM 9:37  
KNOX COUNTY CRIMINAL COURT  
KNOXVILLE, TN

STATE OF TENNESSEE, ex rel.  
CHARME P. ALLEN  
DISTRICT ATTORNEY GENERAL,  
Petitioner,

VS.

NO. 121629

THE BALL  
3005 ALCOA HIGHWAY  
KNOXVILLE, TENNESSEE 37920,

JOLLY'S SPORTS BAR  
3025 ALCOA HIGHWAY  
KNOXVILLE, TENNESSEE 37920,

JOHN R. NICHOLS  
3005 ALCOA HIGHWAY  
KNOXVILLE, TENNESSEE 37920,

AND

BATES NICHOLS GENERAL PARTNERSHIP  
3005 ALCOA HIGHWAY  
KNOXVILLE, TENNESSEE 37920,  
Respondents.

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**AGREED ORDER OF PERMANENT INJUNCTION**

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It appearing to this Court that clear and convincing evidence exists that the above-referenced property is a public nuisance, the parties in the above-entitled action have reached an agreement, pursuant to TN R. Evid. 408, regarding this case and a PERMANENT INJUNCTION SHALL ENTER. The parties stipulate to the averments of the Verified Petition and that 3005 Alcoa Highway also known as 3011 Lakemore View Road, and 3025 Alcoa Highway, Knoxville, Knox County, Tennessee, (hereinafter known

as “the nuisance property”) which while operating as a strip club and sports bar named The Ball Gentleman’s Club and Jolly’s Sports Bar (hereafter known as “The Ball”) is a public nuisance pursuant to the provisions of Tenn. Code Ann. § 29-3-101, et seq. A permanent injunction shall enter immediately barring Respondent John R. Nichols from operating a business at the nuisance property. However, notwithstanding the parties’ stipulation, described above, the Court has not adjudicated any of the facts set forth in the Verified Petition, and the Court expressly finds that nothing in this Agreed Order constitutes a finding by the Court, to the end that it is the express intent of the parties and the Court that this Agree Order contains no findings that could ever constitute a basis for collateral estoppel and/or otherwise create any fact or issue preclusion in any other action as to averment which may be contained within the Verified Petition.

Respondent Nichols agrees to surrender any beer permit issued by the City of Knoxville Beer Board in accordance with Knoxville City Code Section 4-71 within five (5) days of the effective date of this Order. Respondent Nichols agrees not to seek another beer permit for any business operated at the nuisance property. Respondent Nichols agrees not to own, operate, or have a silent interest in a sexually oriented business at this location.

Respondent property owner and/or their agent(s) agrees to allow the Knoxville Police Department and/or the Knox County District Attorney General’s Office to run criminal background checks, at no cost, on all potential tenants before a lease agreement is signed. Any future lease agreement must include the following provisions with which any business operating at the nuisance property must agree to comply:

1. The tenant business must close at 3:00 AM.


2. The tenant business must comply with all zoning regulations and city ordinances; including but not limited to noise ordinances.
3. If the tenant business employs any security personnel, those individuals must be licensed in accordance with the regulations of the Tennessee Department of Commerce.
4. The tenant business agrees to allow law enforcement to inspect the nuisance property in order to ensure compliance with this Court order.

The Respondents agree to indemnify and hold harmless the Knoxville Police Department, the State of Tennessee, the County of Knox, the City of Knoxville, and the Knox County District Attorney General's Office and their agents for any and all damages or causes of action resulting from the issuance and service of the nuisance injunction.

Any person violating the provisions of this Order shall be subject to punishment for Contempt of this Court to include imprisonment in the county jail or workhouse for a period of not more than thirty (30) days and a fine not to exceed fifty dollars (\$50) pursuant to the provisions of Tenn. Code Ann. § 29-3-111 for each violation.

Therefore, it is decreed that the agreement set forth hereinabove is hereby adopted, ratified, and confirmed as the ORDER of this Court.

Entered this the 16<sup>th</sup> day of Sept, 2022.

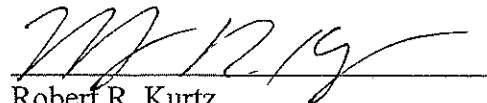
  
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Judge Steve Sword  
Knox County Criminal Court  
Division I

APPROVED:

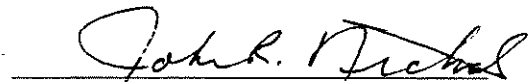
Charne P. Allen  
District Attorney General



By: Sean F. McDermott  
Assistant District Attorney General



Robert R. Kurtz  
Attorney for Respondents



John R. Nichols  
Respondent