

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, COLUMBIA DIVISION

Russ McKamey v. Justin Yerace

McKamey v. Yerace, Case No. 1:24-cv-000037 (M.D. Tenn. Jan. 15, 2026) · No. 1:24-cv-000037 · Decided
January 15, 2026

SUMMARY

The memorandum addresses plaintiff Russ McKamey’s motion for partial summary judgment against Justin Yerace concerning alleged unauthorized access to McKamey’s email account and publication of private emails. The court grants summary judgment on liability under the Stored Communications Act and for invasion of privacy based on unreasonable publicity, while denying it on claims under the Computer Fraud and Abuse Act, the Tennessee Personal and Commercial Computer Act, and intentional infliction of emotional distress. The opinion also discusses the evidentiary effect of Yerace’s repeated invocation of the Fifth Amendment in the civil proceeding.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Columbia Division
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee, Columbia Division
DECIDED	January 15, 2026
DOCKET	1:24-cv-000037
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for partial summary judgment on liability, but not damages, on his claims under the Computer Fraud and Abuse Act, Stored Communications Act, Tennessee Personal and Commercial Computer Act, Tennessee common-law invasion of privacy based on publicity to private life, and intentional infliction of emotional distress.
STANDARD OF REVIEW	Summary judgment is proper under Federal Rule of Civil Procedure 56(a) when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. A plaintiff moving on claims for which he bears the trial burden faces a substantially higher burden and must show that the evidence satisfies the burden of persuasion so conclusively that no reasonable jury could disbelieve it.

PRECEDENTIAL VALUE	unpublished
PARTIES	Russ McKamey v. Justin Yerace

TOPICS

summary judgment civil procedure invasion of privacy intentional infliction of emotional distress
commercial litigation

PRACTICE AREAS

civil procedure computer law privacy law torts remedies

QUESTIONS PRESENTED

1. Whether McKamey established as a matter of law that Yerace intentionally accessed McKamey's email account without authorization for purposes of the CFAA.
2. Whether McKamey established the CFAA's required economic loss of at least \$5,000.
3. Whether McKamey established Yerace's liability under the Stored Communications Act based on unauthorized intentional access to the Yahoo email account.
4. Whether a factual dispute remained concerning actionable damages under the Tennessee Personal and Commercial Computer Act.
5. Whether McKamey established liability for invasion of privacy based on unreasonable publicity to private life.
6. Whether McKamey established liability for intentional infliction of emotional distress.

HOLDINGS

1. For purposes of the partial-summary-judgment motion, the evidence, including Yerace's repeated statements and his invocation of the Fifth Amendment in response to questions about those statements, established that he knowingly accessed McKamey's email account without authorization.
2. McKamey was not entitled to summary judgment on his CFAA claim because he failed to present evidence establishing the required economic loss of at least \$5,000.
3. McKamey was entitled to summary judgment on Yerace's liability under the Stored Communications Act because the undisputed evidence established that Yerace intentionally accessed McKamey's Yahoo email account without authorization and obtained emails in electronic storage.
4. McKamey was not entitled to summary judgment on the TPCCA claim because a genuine factual dispute remained as to whether he sustained actionable damages.
5. McKamey was entitled to summary judgment on Yerace's liability for public disclosure of private facts because posting the private emails was highly offensive to a reasonable person and the publicity element was undisputed.

6. McKamey was not entitled to summary judgment on his IIED claim because a reasonable jury could disagree both as to whether Yerace's conduct was sufficiently outrageous and whether McKamey's emotional distress was sufficiently severe.

KEY QUOTATIONS

“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” (Section I)

“In other words, any reasonable jury would find that the plaintiff has established by a preponderance of the evidence that Yerace, or Yerace in conjunction with others, knowingly accessed the plaintiff’s email account without authorization.” (Section III.A.2.a)

“The court finds the reposting of private emails expressly for the purpose of causing the plaintiff distress is highly offensive, per se” (Section III.D)

“but not sufficient to require—a reasonable jury to find the defendant’s conduct to be so outrageous as “to be regarded as atrocious and utterly intolerable in a civilized community”” (Section III.E)

FACTUAL BACKGROUND

McKamey operated the McKamey Manor haunted-house experience in Tennessee. Yerace participated in a Hulu documentary about McKamey Manor and repeatedly stated in the documentary, on social media, and in a podcast that he had accessed McKamey's Yahoo email account, changed its password, locked McKamey out, and obtained and posted more than sixty private emails. During discovery, Yerace repeatedly invoked the Fifth Amendment when questioned about whether he accessed the account without authorization, while McKamey submitted evidence that he lost access to the account for weeks and suffered emotional distress after the emails were publicized.

PROCEDURAL HISTORY

McKamey filed suit against multiple defendants in April 2024. All defendants except Yerace were later dismissed by stipulation. The court previously granted McKamey judgment on the pleadings as to liability on Count Four, an intrusion-upon-seclusion claim, and the parties later stipulated to dismissal of Counts Three and Ten. The court considered McKamey's motion for partial summary judgment on the remaining claims and granted it as to liability on the SCA and publicity-based invasion-of-privacy claims, while denying it as to the CFAA, TPCCA, and IIED claims.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247–48 (1986)
- O'Donnell v. City of Cleveland, 838 F.3d 718, 725 (6th Cir. 2016)
- Peeples v. City of Detroit, 891 F.3d 622, 630 (6th Cir. 2018)

- *Laster v. City of Kalamazoo*, 746 F.3d 714, 726 (6th Cir. 2014)
- *Arnett v. Myers*, 281 F.3d 552, 561 (6th Cir. 2002)
- *Cockrel v. Shelby Cnty. Sch. Dist.*, 270 F.3d 1036, 1056 (6th Cir. 2001)
- *Surles v. Andison*, 678 F.3d 452, 455–56 (6th Cir. 2012)
- *Wilson v. City of Zanesville*, 954 F.2d 349, 351 (6th Cir. 1992)
- *Hunt v. Cromartie*, 526 U.S. 541, 553 (1999)
- *Yoder & Frey Auctioneers, Inc. v. EquipmentFacts, LLC*, 774 F.3d 1065, 1073 (6th Cir. 2014)
- *Royal Truck & Trailer Sales & Serv., Inc. v. Kraft*, 974 F.3d 756, 759 (6th Cir. 2020)
- *Pulte Homes, Inc. v. Laborers' Int'l Union*, 648 F.3d 295, 301, 304 (6th Cir. 2011)
- *Davis v. Mut. Life Ins. Co.*, 6 F.3d 367, 384 (6th Cir. 1993)
- *Hoxie v. Drug Enf't Admin.*, 419 F.3d 477, 483 (6th Cir. 2005)
- *Baxter v. Palmigiano*, 425 U.S. 308, 318–19 (1976)
- *United States v. Hale*, 422 U.S. 171, 176 (1975)
- *Lawrence v. Madison Cnty.*, 176 F. Supp. 3d 650, 663 (E.D. Ky. 2016)
- *Doe ex rel. Rudy-Glanzer v. Glanzer*, 232 F.3d 1258, 1264 (9th Cir. 2000)
- *In re Classicstar Mare Lease Litig.*, 823 F. Supp. 2d 599 (E.D. Ky. 2011)
- *Abu v. Dickson*, 107 F.4th 508, 520 (6th Cir. 2024)
- *Hately v. Watts*, 917 F.3d 770, 785–90 (4th Cir. 2019)
- *Mitchell, Lewis & Staver, Co. v. Valley Farms Supply, LLC*, No. 1:21-CV-555, 2025 WL 703778, at *3 (W.D. Mich. Mar. 5, 2025)
- *Hoffman v. GC Servs. Ltd. P'ship*, No. 3:08-CV-255, 2010 WL 9113645, at *20 (E.D. Tenn. Mar. 3, 2010)
- *Lineberry v. Locke*, No. M1999-02169-COA-R3-CV, 2000 WL 1050627, at *2 (Tenn. Ct. App. July 31, 2000)
- *Parr v. Middle Tenn. State Univ.*, No. M1999-01442-COA-R3-CV, 1999 WL 1086451, at *2–3 (Tenn. Ct. App. Dec. 3, 1999)
- *Finley v. Kelly*, 384 F. Supp. 3d 898, 909 (M.D. Tenn. 2019)
- *Lemon v. Williamson Cnty. Schs.*, 618 S.W.3d 1, 21 (Tenn. 2021)
- *Rogers v. Louisville Land Co.*, 367 S.W.3d 196, 205 (Tenn. 2012)
- *Brown v. Mapco Exp., Inc.*, 393 S.W.3d 696, 704 (Tenn. Ct. App. 2012)