

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

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| FILED 08/13/2018 Clerk of the Appellate Courts |
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ABU-ALI ABDUR'RAHMAN, ET AL. v. TONY PARKER, ET AL.

**Chancery Court for Davidson County
No. 18-183-III**

No. M2018-01385-SC-RDO-CV

ORDER

On February 20, 2018, the plaintiffs¹ – thirty-three death row inmates – filed a declaratory judgment action in the Davidson County Chancery Court challenging the constitutionality of the State’s newly adopted three-drug lethal injection protocol. The trial court dismissed the plaintiffs’ complaint on July 26, 2018, after a trial on the merits. On July 30, 2018, the plaintiffs² filed a notice of appeal in the Tennessee Court of Appeals.

Tennessee Code Annotated section 16-3-201(d)(3) states that this Court “may, upon its own motion, when there is a compelling public interest, assume jurisdiction over an undecided case in which a notice of appeal is filed with an intermediate state appellate court.” Because of the compelling interests involved in this constitutional challenge to the State’s lethal injection protocol, this Court shall hereby assume jurisdiction over this matter. Accordingly, this appeal is transferred from the Court of Appeals to the Supreme Court. The record in this matter shall be filed no later than August 22, 2018. The plaintiffs shall file their initial brief on or before September 6, 2018. The defendants shall file their responsive brief on or before September 21, 2018. The plaintiffs shall file their reply brief, if any, on or before September 28, 2018. As part of the expedited procedure in this appeal, the parties shall additionally file an electronic copy of their respective briefs by email to the Appellate Court Clerk (email address: Jim.Hivner@tncourts.gov) and shall simultaneously serve their briefs via email to counsel for the other parties. Oral

¹ Plaintiff-appellant Billy Ray Irick was executed on August 9, 2018.

² All of the original plaintiffs except Larry McKay, David Earl Miller, Nicholas Todd Sutton, and Stephen Michael West participated in the notice of appeal filed in the Court of Appeals on July 30, 2018.

argument is hereby scheduled for Wednesday, October 3, 2018, at 3 p.m. at the Supreme Court Building in Nashville.

PER CURIAM

LEE, SHARON G., J., DISSENTING.