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9/21/2023 4:45 PM
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IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, Plaintiff, v. BILL LEE, in his official capacity as Governor for the State of Tennessee, *et al.*, Defendants.	)	No. 23-0670-I Judge Jeffrey W. Parham Judge Deborah C. Stevens Chancellor Patricia Head Moskal

***Consolidated with**:*

COLBY SLEDGE, ROBERT J. MENDES, and SANDRA SEPULVEDA, Plaintiffs, v. BILL LEE, in his official capacity as Governor for the State of Tennessee, *et al.*, Defendants.	)	No. 23-0712-IV(I) Judge Jeffrey W. Parham Judge Deborah C. Stevens Chancellor Patricia Head Moskal

MEMORANDUM AND FINAL ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

These consolidated cases came before the three-judge panel for hearing on August 11, 2023, on cross-motions for summary judgment.[1] Participating in the hearing were Metropolitan Associate Director of Law Allison L. Bussell and Metropolitan Director of Law Wallace W. Dietz, representing Plaintiff Metropolitan Government of Nashville and Davidson County ("Metro");

[1] On the same date, the panel heard the State Defendants' motion to dismiss the complaint filed by the Individual Plaintiffs, Colby Sledge, Robert Mendes and Sandra Sepulveda, for lack of standing and the Individual Plaintiffs' motion to amend. Those motions are addressed by separate order. *See* Sept. 6, 2023 Order.

Attorneys Kevin Kline and Saul Solomon, representing Plaintiffs Colby Sledge, Robert Mendes, and Sandra Sepulveda (collectively, "Individual Plaintiffs," and together with Metro, "Plaintiffs"); Senior Assistant Attorney General Timothy R. Simonds and Deputy Attorney General James Urban, representing Defendants Governor Bill Lee, Lt. Governor Randy McNally, and Speaker Cameron Sexton (collectively, "State Defendants"); and Attorney Jamie Hollin, representing Intervenor Defendant Howard Tucker.

Based on the pleadings, motions for summary judgment, statements of undisputed material facts and responses thereto, memoranda, and arguments of counsel, the Court finds Metro's and the Individual Plaintiffs' motions for summary judgment should be granted, and the State Defendants' and Intervenor's motions for summary judgment should be denied for the reasons addressed below.

I. BACKGROUND AND STATEMENT OF CASE

These consolidated cases involve facial constitutional challenges brought by Metro and the Individual Plaintiffs regarding recent legislation passed by the Tennessee General Assembly and signed into law on May 5, 2023, which became effective immediately. 2023 Tenn. Pub. Acts ch. 364 (House Bill 864/Senate Bill 832) ("Chapter 364"). Section 1 of Chapter 364 amends Tennessee Code Annotated, Title 7, Chapter 1, the "Metropolitan Government Charter Act," by adding a new provision that voids a metropolitan government ordinance, resolution or charter provision that requires a supermajority vote of the local legislative body in order to improve, renovate, or demolish and replace existing facilities owned by the metropolitan government when the facilities are used for substantially the same purpose before and after any improvement, renovation, or demolition and replacement. Chapter 364 substitutes in place of the supermajority voting requirement the same voting requirement applicable to ordinances of the legislative body

generally. It does not contain a provision requiring local approval by the local legislative body or the voters of that metropolitan government.

Metro is a consolidated metropolitan city and county government authorized under the Tennessee Constitution and the Metropolitan Government Charter Act. Tenn. Code Ann. §§ 7-1-101, *et seq.* The voters of the City of Nashville and of Davidson County ratified the consolidation of those two entities into the Metropolitan Government of Nashville and Davidson County and approved Metro's first charter by a referendum vote on June 28, 1962. In 2011, Metro voters approved a revision to Metro Charter Section 11.602(d) by a two-to-one margin. The revised section reads:

> All activities being conducted on the premises of the Tennessee State [Nashville] Fairgrounds as of December 31, 2010, including, but not limited to, the Tennessee State Fair, Expo Center Events, Flea Markets, and Auto Racing, shall be continued on the same site. No demolition of the premises shall be allowed to occur without approval by ordinance receiving 27 votes by the Metropolitan Council or amendment to the Metropolitan Charter.

Under Section 11.602(d) of the Metro Charter, 27 of 40 Metro Councilmember votes, or 67.5%, (referred to as a "supermajority") are required for any demolition of the Fairgrounds premises, instead of a simple majority of 21 of 40 votes. The effect of Chapter 364 on Metro's Charter is to void the supermajority voting requirement of Section 11.602(d), and substitute in its place a simple majority requirement.

At the time of filing their complaint, the Individual Plaintiffs were current district and at-large councilmembers of the Metropolitan Council, Metro's legislative body. The State Defendants are the Governor, Lieutenant Governor, and Speaker of the House, acting in their official capacities. The Intervenor Defendant, Howard Tucker, is a race car driver who claims an interest in the issues raised by Chapter 364 and the proposal to improve, renovate, demolish and replace the Nashville Fairgrounds and Speedway.

Metro filed its complaint on May 24, 2023, alleging a claim for declaratory judgment challenging the constitutionality of Chapter 364 and seeking permanent injunctive relief enjoining its enforcement.[2] Specifically, Metro claims Chapter 364 violates the Local Legislation Clause of the Home Rule Amendment of the Tennessee Constitution, Article XI, § 9, para. 2 (the "Local Legislation Clause"), by imposing requirements that are local in effect and failing to include a provision requiring local approval.

The Individual Plaintiffs filed their complaint on May 31, 2023, alleging nearly identical claims as Metro challenging the constitutionality of Chapter 364.[3] The Individual Plaintiffs moved to consolidate their case with Metro's case. The Panel granted the motion to consolidate on July 3, 2023.

The State Defendants and the Intervenor Defendant, while not disputing many of the factual allegations of the complaints, deny that Chapter 364 violates the Local Legislation Clause of the Home Rule Amendment. All parties have filed motions for summary judgment.

II. SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Tenn. R. Civ. P. 56.04; *Rye v. Women's Care Ctr. of Memphis, MPLLC*, 477 S.W.3d 235, 250 (Tenn. 2015). In determining whether summary judgment is appropriate, courts must decide

[2] Metro filed a notice, pursuant to Tenn. Code Ann. § 20-18-101, that this civil action is required to be heard and decided by a three-judge panel. The presiding judge of the 20th Judicial District entered an order finding the statutory requirements for a three-judge panel case were satisfied and forwarded her order to the Tennessee Supreme Court. The Supreme Court entered an order on May 31, 2023, affirming the criteria for a three-judge panel case were satisfied and appointing the undersigned panel to hear and decide this case.

[3] Like Metro, the Individual Plaintiffs filed a notice, pursuant to Tenn. Code Ann. § 20-18-101, that their action met the requirements for a three-judge panel. The Supreme Court entered an order June 23, 2023, designating the same three-judge panel to hear and decide both cases.

"(1) whether a *factual* dispute exists; (2) whether the disputed fact is *material* to the outcome of the case; and (3) whether the disputed fact creates a *genuine* issue for trial." *Byrd v. Hall*, 847 S.W.2d 208, 214 (Tenn. 1993) (emphases in original). A "material fact" is one that "must be decided in order to resolve the substantive claim or defense at which the motion is directed." *Id.* at 215. Irrelevant or unnecessary facts are not material. *Rye*, 477 S.W.3d at 251. A "genuine issue" of fact exists when a reasonable jury could resolve that disputed fact in favor of either party. *Byrd*, 847 S.W.2d at 215. "In making this determination, the court is to view the evidence in a light favorable to the nonmoving party and allow all reasonable inferences in his favor." *Id.*. Further, the court must not weigh competing evidence, but must overrule a motion for summary judgment when there is a genuine dispute as to any material fact. *Id.* at 211.

When the party moving for summary judgment bears the burden of proof at trial, that party must produce evidence that, if uncontroverted at trial, would entitle it to a directed verdict. *See TWB Architects, Inc. v. The Braxton, LLC*, 578 S.W.3d 879, 888 (Tenn. 2019) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 331 (1986) (Brennan, J., dissenting)). When the movant does not bear the burden of proof at trial, the moving party must either (i) affirmatively negate an essential element of the non-moving party's claim, or (ii) show that the non-moving party's evidence at the summary judgment stage is insufficient to establish the non-moving party's claim. *Rye*, 477 S.W.3d at 264. In either event, where a summary judgment motion is properly supported, the burden shifts to the non-moving party to produce evidence to show there is a genuine issue for trial. *TWB Architects*, 578 S.W.3d at 888. If there is a genuine dispute regarding a material fact, summary judgment should be denied. Even where it appears the parties do not dispute the material facts, if they disagree about the inferences and conclusions to be drawn from those facts, summary judgment is precluded. *See CAO Holdings, Inc. v. Trost*, 333 S.W.3d 73, 83, 87 (Tenn. 2010); *Price v. Mercury Supply Co.*, 682 S.W.2d 924, 929 (Tenn. Ct. App. 1984).

Cross motions for summary judgment are simply claims by each side that he or she alone is entitled to summary judgment. *CAO Holdings,* 333 S.W.3d at 83. A court is required to rule on each party's motion "on an individual and separate basis," and the denial of one motion does not necessarily require the grant of the other. *Id.* (citations omitted).

III. UNDISPUTED MATERIAL FACTS

The Court finds the material facts are undisputed based on the record, as follows:

In 2011, Davidson County voters adopted a charter provision, Section 11.602(d) of the Metro Charter, requiring twenty-seven votes to proceed with demolition of the Tennessee State Fairgrounds. Voters adopted the provision by a two-to-one margin.

Governor Bill Lee signed Public Chapter 364 into law on May 5, 2023. The law took effect immediately.

Chapter 364 amends Title 7, Chapter 2 of the Tennessee Code Annotated, which is located within the Metropolitan Government Charter Act, by adding Section 7-2-109 as a new section.

Chapter 364 voids any "metropolitan government ordinance, resolution, or charter provision that requires a supermajority vote of the local legislative body in order to make improvements to, renovations to, or the demolition and replacement of existing facilities owned by the metropolitan government when such facilities are to be used for substantially the same use and purpose as the use prior to improvement, renovation, or demolition and replacement." 2023 Tenn. Pub. Acts ch. 364.

Chapter 364 replaces any supermajority vote requirement with "the same voting requirement applicable to ordinances of the legislative body in general."

Chapter 364 does not contain a provision requiring its local approval by the local legislative body or the voters of that metropolitan government.

There are presently only three metropolitan governments in the State of Tennessee: Metro, Lynchburg-Moore County, and Hartsville-Trousdale County.

The Metropolitan Government Charter Act, Tenn. Code Ann. § 7-1-101, *et seq.*, allows other counties to consolidate into metropolitan governments.

Only Metro's charter contains a provision that requires a supermajority vote to improve, renovate, or demolish existing facilities that the metropolitan government owns where the facilities will be used for substantially the same purpose as before the improvement, renovation, or demolition.

Chapter 364 voids the supermajority voting requirement of Metro Charter Section 11.602(d) and replaces it with a simple majority voting requirement. It does not presently change any ordinances, resolutions, or charter provisions of the Lynchburg-Moore County Metropolitan Government or the Hartsville-Trousdale County Metropolitan Government.

IV. ANALYSIS AND CONCLUSIONS OF LAW

The Local Legislation Clause of the Home Rule Amendment, Tenn. Const. art. XI, § 9, para. 2, provides, in pertinent part, as follows:

> The General Assembly shall have no power to pass a special, local or private act having the effect of removing the incumbent from any municipal or county office or abridging the term or altering the salary prior to the end of the term for which such public officer was selected, and any act of the General Assembly private or local in form or effect applicable to a particular county or municipality either in its governmental or its proprietary capacity shall be void and of no effect unless the act by its terms either requires the approval by a two-thirds vote of the local legislative body of the municipality or the county, or requires approval in an election by a majority of those voting in said election in the municipality or county affected.

Tenn. Const., Art. XI, § 9, para. 2.

Metro and the Individual Plaintiffs argue Chapter 364 violates the Local Legislation clause of the Tennessee Constitution and is void because it is an act that is "private or local in form or effect" and applies to a particular county or municipality either in its governmental or proprietary

capacity, but fails to include a provision requiring local approval. The Tennessee Supreme Court has held that the Local Legislation Clause has three requirements: "1) the statute in question must be local in form or effect; 2) it must be applicable to a particular county or municipality; and 3) it must be applicable to the particular county or municipality in either its governmental or proprietary capacity." *Metro. Gov't of Nashville & Davidson Cnty. v. Tenn. Dep't of Educ.*, 645 S.W.3d 141, 150 (Tenn. 2022).

In interpreting this provision, the Tennessee Supreme Court has held that the General Assembly's designation or description of an act as either "public" or "private" does not control whether the Home Rule Amendment applies. *Farris v. Blanton*, 528 S.W.2d 549, 551, 554 (Tenn. 1975). Instead, a court must determine "whether the legislative enactment, irrespective of its form, is local in effect and application." *Id.* at 551. The Court in *Farris* explained:

> The test is not the outward, visible or facial indices, nor the designation, description or nomenclature employed by the Legislature. Such a criterion would emasculate the purpose of the amendment. The whole purpose of the Home Rule Amendment was to vest control of local affairs in local governments, or in the people, to the maximum permissible extent. The sole constitutional test must be whether the legislative enactment, irrespective of its form, is local in effect and application.

Id. "[W]e must determine whether this legislation was designed to apply to any other county in Tennessee, for if it is potentially applicable throughout the state it is not local in effect even though at the time of its passage it might have applied to [one county] only." *Id.* at 552. A law's "potential applicability" however, does not include "theoretical, illusory or merely possible considerations." *Id.* Instead, the Court must be guided by "reasonable, rational and pragmatic rules" in making that determination. *Id.*

In determining a statute's constitutionality, courts are "charge[d] . . . to uphold the constitutionality of a statute wherever possible." *Waters v. Farr*, 291 S.W.3d 873, 882 (Tenn. 2009). When presented with a question of constitutionality, courts "begin with the presumption that an act of the General Assembly is constitutional" and "indulge every presumption and resolve

every doubt in favor of the statute's constitutionality." *State v. Pickett*, 211 S.W.3d 696, 700 (Tenn. 2007) (quoting *Gallaher v. Elam*, 104 S.W.3d 455, 569 (Tenn. 2003) and *State v. Taylor*, 70 S.W.3d 717, 721 (Tenn. 2002)). "This presumption places a heavy burden on the person challenging the statute." *Waters*, 291 S.W.3d at 917 (Koch, J., concurring in part and dissenting in part) (citing *Gallaher*, 104 S.W.3d at 459-60; *In re Adoption of E.N.R.*, 42 S.W.3d 26, 31 (Tenn. 2001); *State ex rel. Maner v. Leech*, 588 S.W.2d 534, 540 (Tenn. 1979)). However, this presumption "does not authorize the court to give to an act an interpretation merely to bring it within the constitutional limitation." *Exum v. Griffis Newbern Co.*, 230 S.W. 601, 603 (Tenn. 1921).

Section 1 of Chapter 364 provides as follows:

> The general assembly encourages the improvement of public property and facilities, which can include the use of public-private partnerships. Therefore, notwithstanding the provisions of another law to the contrary, a metropolitan government ordinance, resolution, or charter provision that requires a supermajority vote of the local legislative body in order to make improvements to, renovations to, or the demolition and replacement of existing facilities owned by the metropolitan government when such facilities are to be used for substantially the same use and purpose as the use prior to improvement, renovation, or demolition and replacement is declared to be contrary to public policy and is void. Rather, the voting requirement for improvements, renovations, or the demolition and replacement of existing facilities owned by the metropolitan government that are to be used for substantially the same use as the use prior to improvement, renovation, or demolition and replacement, including the lease of the property to a private entity for the purpose of making the improvement, renovation, or demolition and replacement, or operation of the facility, must be the same voting requirement applicable to ordinances of the legislative body in general.

2023 Tenn. Pub. Acts ch. 364, § 1.

Metro contends Chapter 364 is similar to the statute struck down by the Tennessee Supreme Court in *Farris v. Blanton*, concerning an act that provided for run-off elections in counties with a mayor as the head of their executive branch. 528 S.W.2d at 550. By its terms, the statute at issue in *Farris* only applied to Shelby County, and would only ever apply to other counties through

further legislative enactment. *Id.* at 552. The Supreme Court struck down the statute as unconstitutional under the Home Rule Amendment, refusing to "speculate upon the future action of the General Assembly." The Supreme Court explained that "conjecture about what the law may be in the future" was a bridge too far in considering whether the Home Rule Amendment was violated. *Id.* at 555.

Here, Metro points out that it is the only governing body in the state with a current charter provision affected by Chapter 364. Metro further argues that Chapter 364 cannot reasonably be said to be "potentially applicable" elsewhere because other localities, at some undetermined point in the future, would need to enact the specific supermajority provision proscribed if they already have a form of metropolitan government or, taking it one step further, first incorporate as a metropolitan form of government and then adopt precisely this kind of provision prohibited by Chapter 364. Metro submits that such speculative steps about future legislation are the kind of "theoretical, illusory or merely possible considerations" based on "conjecture about what the law may be in the future" rejected by the Supreme Court in *Farris*.

The Individual Plaintiffs make similar arguments, citing to a federal district court decision applying Tennessee law in *Board of Ed. of Shelby County v. Memphis City Bd. of Ed.*, 911 F. Supp. 2d 631 (W.D. Tenn. 2012). In that case, the legislature had passed legislation that applied only to school systems that had "a scholastic population within its boundaries that will assure an enrollment of at least 1,500 pupils in its public schools." *Id.* at 639-40. By its terms, the legislation could only ever apply to eight counties, including Shelby County. *See id.* at 656-57. However, the court heard expert testimony that the ability of any school district besides Shelby County to come within this statutory scheme was "so unlikely as to be virtually impossible." *See id.* at 650-51. The district court, analyzing Tennessee law, held that "using reasonable, rational, and pragmatic rules of construction," the legislation was, in fact, "so narrowly designed that only one

[locality] can reasonably, rationally, and pragmatically be expected to fall within that class." *Id.* at 656, 657 (citing *Farris*, 528 S.W.2d at 552). Thus, the district court concluded the legislation violated the Local Legislation Clause of the Home Rule Amendment.

The State Defendants and Defendant Tucker argue this case is less like the decisions in *Farris* or *Shelby County* and more like the decision in *Civil Service Merit Bd. of City of Knoxville v. Burson*, 816 S.W.2d 725 (Tenn. 1991). In *Burson*, the plaintiffs challenged legislation under the Home Rule Amendment that established uniform qualifications for civil service merit board members across the state. *Id.* at 727-28. Only Knox, Davidson, and Shelby Counties had civil service merit boards at that time and, of those three, only Knox County failed to comply with the new statute and was required to affirmatively change its policies. *See id.* at 728. Nevertheless, the Supreme Court held the other counties were "certainly affected by the statute" because they had to "maintain compliance with [the law] in the future." *Id.* at 730. Defendants contend the same reasoning should apply here. They claim the law is "potentially applicable" statewide because nothing prevents other municipalities from forming metropolitan governments in the future, and any other metropolitan government (either existing or formed in the future) must maintain compliance with Chapter 364 by not passing a charter provision, resolution, or ordinance in violation of Chapter 364.

The only requirement of the Local Legislation Clause contested by Defendants is whether Chapter 364 is local in form or effect. Defendants do not dispute that Chapter 364 is applicable to Metro in its governmental or proprietary capacity. Thus, under *Farris* and related case law, this case turns on whether Chapter 364 is "potentially applicable" to metropolitan governments other than Metro. In making that determination, "the fact that a statute affects only a single county at the time of enactment is not dispositive of its constitutionality." *Shelby Cnty. v. McWherter*, 936 S.W.2d 923, 935 (Tenn. Ct. App. 1996). A statute may be "potentially applicable" to future

metropolitan governments, "on the ground that enabling provisions for the creation of metropolitan government [a]re extant and potentially available to all counties statewide." *Burson*, 816 S.W.2d at 729. "But in determining potential applicability, courts are instructed to apply reasonable, rational and pragmatic rules as opposed to theoretical, illusory or merely possible considerations." *Farris*, 528 S.W.2d at 552. Indeed, if courts were to take the holding in *Burson* to its logical extreme, new legislation would never run afoul of the Local Legislation Clause so long as the statute could be read as applying to future metropolitan governments, no matter how speculative, unrealistic or unreasonable. It is for this reason that the Tennessee Supreme Court has held that courts must look beyond "the outward, visible or facial indices, []or the designation, description or nomenclature employed by the Legislature"—and failure to do so "would emasculate the purpose of the amendment." *Id.* at 551.

Applying the foregoing principles and examining Chapter 364 in a "reasonable, rational and pragmatic" way leads to the conclusion that Chapter 364 is local in form or effect and is not "potentially applicable" to other metropolitan governments. Chapter 364 contains a number of specific requirements that must be met in order for an ordinance, resolution, or charter vote provision of a metropolitan government regarding improvement, renovation, or demolition and replacement of existing facilities to be voided under Chapter 364. As outlined by the Individual Plaintiffs, those enumerated requirements are:

> By its plain language, Public Chapter 364 applies to [1] metropolitan governments [2] that have an ordinance, resolution, or charter provision [3] that requires a supermajority vote of the local legislative body [4] in order to make improvements to, renovations to, or the demolition and replacement [5] of existing facilities [6] owned by the metropolitan government [7] when such facilities are to be used for substantially the same use and purpose as the use prior to improvement, renovation, or demolition and replacement . . . .

Thus, in order to come within the Act's ambit, the two other existing metropolitan governments would need to enact specific ordinances, resolutions, or charter provisions that encompass every

element, and with full knowledge that such local legislation would be rendered void under Chapter 364 upon enactment. For all other counties in Tennessee that do not currently have a metropolitan form of government, they would have to first form a metropolitan government in compliance with all of the stringent requirements of the Metropolitan Government Charter Act, Tenn. Code Ann. §§ 7-1-101, *et seq.*, and then enact, through a charter provision, resolution or ordinance, a supermajority voting provision regarding the improvement, renovation, or demolition and replacement of existing facilities. While such enactments are theoretically possible, they are not reasonable, rational, or pragmatic, and fall short of rendering Chapter 364 "potentially applicable" for constitutional purposes under the Local Legislation Clause. The Court finds Chapter 364 is "so narrowly designed that only one [locality] can reasonably, rationally, and pragmatically be expected to fall within that class"—Metro—and Chapter 364 is not "designed to apply to any other [locality] in Tennessee." *Farris*, 528 S.W.2d at 552; *Bd. of Educ. of Shelby Cnty.*, 911 F. Supp. 2d at 656.

Clearly, the General Assembly may pass laws that are local in form and effect. But the Tennessee Constitution commands that if it does, the legislation must include a provision for local approval. Chapter 364 does not include a local approval provision. Therefore, the Court concludes Chapter 364 violates the Local Legislation clause of the Home Rule Amendment. Plaintiffs are entitled to summary judgment on their constitutional challenge to Chapter 364. For the same reasons, the Court concludes Defendants' summary judgment motions, which present the same question of law regarding the constitutionality of Chapter 364, should be denied.

IV. CONCLUSION

Based on the foregoing, the Court concludes Public Chapter 364 violates the Home Rule Amendment's Local Legislation Clause and is unconstitutional.

It is, accordingly, ORDERED, ADJUDGED and DECREED that:

A. Plaintiff Metropolitan Government of Nashville and Davidson County's *Motion for Summary Judgment* is hereby GRANTED.

B. Individual Plaintiffs Colby Sledge, Robert Mendes, and Sandra Sepulveda's *Motion for Summary Judgment* is hereby GRANTED.

C. State Defendants Governor Bill Lee, Lt. Governor Randy McNally, and Speaker Cameron Sexton's *Motion for Summary Judgment* is hereby DENIED.

D. Intervenor Howard Tucker's *Motion for Summary Judgment* is hereby DENIED.

It is further ORDERED, ADJUDGED and DECREED that Plaintiffs' request for a permanent injunction is hereby GRANTED and Defendants, and their respective officers, agents, and attorneys, are hereby ENJOINED from enforcing 2023 Tenn. Pub. Acts, ch. 364.

The Clerk and Master is directed to enter this order as a final judgment pursuant to Rule 58 of the Tennessee Rules of Civil Procedure.

s/Jeffrey W. Parham
JUDGE JEFFREY W. PARHAM

s/Deborah C. Stevens
JUDGE DEBORAH C. STEVENS

s/ Patricia Head Moskal
CHANCELLOR PATRICIA HEAD MOSKAL
CHIEF JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing is being forwarded via electronic service or U.S. Mail first-class, postage prepaid, to the following:

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9/21/23
Date