

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

ALLISON POLIDOR,
ERICA BOWTON,
and MARYAM ABOLFAZLI,

Plaintiffs,

v.

CAMERON SEXTON, in his official
capacity as the Speaker of the
Tennessee House of Representatives;
TAMMY LETZLER, in her official
capacity as the Chief Clerk of the
House of Representatives;
BOBBY TROTTER, in his official capacity
as the Sergeant-At-Arms; MATT PERRY,
in his official capacity as the Colonel of the
Tennessee Highway Patrol,

Defendants.

Case No. 23-1132-II

ORDER

This matter came before the Court upon Defendants' motions to dissolve or stay temporary restraining order and for an expedited hearing of same. The motions were filed on August 24, 2023 between 4:01 and 4:12 p.m.

This matter originated with Plaintiffs' filing of a Verified Complaint and emergency motion for a temporary restraining order and proposed order on August 23, 2023 at 8:42 a.m. After reviewing the complaint, emergency motion, the accompanying declarations and three exhibits, and based upon those submissions, at 9:50 a.m., the Court entered a temporary restraining order barring Defendants from enforcing Rule 4 of the Special Session Rules of Order of the Tennessee House of Representatives that provides "No...signs...shall be permitted in the galleries of the House of Representatives" (the "TRO"). The Court found Plaintiffs' complaint and motion properly

submitted in compliance with the Tennessee Rules of Civil Procedure and the Davidson County Local Rules of Practice. The complaint was accompanied by declarations with facts that compelled immediate relief before a hearing with the other side could be convened.¹ It was supported by five sworn statements and a thumb drive including two videos of the incident that precipitated the filing and evidenced an enforcement of the policy that was the subject of the action. The proposed order was precise and specific to the relief requested. As is provided in the Rules, the Court considered the complaint *ex parte* upon those materials without Defendants having an opportunity to respond. The Court also complied with the Rules by acting swiftly, issuing a narrowly tailored order, and limiting the duration of the TRO to fifteen (15) days by setting the hearing to dissolve the TRO or convert it to a temporary injunction on September 5, 2023.

The Court stands by its decision that the issuance of the TRO was proper and consistent with its obligations under Tennessee law. The Court notes that the swiftness with which it acted is expected when such extraordinary relief is requested. Moreover, its ability to do so reflects on the Court's availability to consider the matter almost immediately upon filing, the submitted materials' compliance with applicable requirements, the lack of complexity to the relevant facts and the discrete nature of the legal issues for consideration. Indeed, in many circumstances requests for emergency relief involve private parties and their complex business dealings with lengthy materials unfamiliar to the Court and potentially unusual or novel legal issues. Parties also often request broad relief that is not limited to what is appropriate for an *ex parte* restraining order and the Court must spend time modifying it or crafting its own order. That is not the case

¹ Rule 65.03(1) of the Tennessee Rules of Civil Procedure provides that “[t]he court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party can be heard in opposition; and (B) the applicant’s attorney...certifies in writing efforts made to give notice and the reasons why it should not be required.” Rule 72 of the Tennessee Rules of Civil Procedure provides that “[w]herever these rules require or permit an affidavit or sworn declaration, an unsworn declaration made under penalty of perjury may be filed in lieu of an affidavit or sworn declaration.”

before the Court and the Court was able to, and indeed compelled by law, to act swiftly, which it did.

Regardless, the Court grants Defendants' request for an expedited hearing and advances on its calendar review of the TRO and consideration of converting it to a temporary injunction. The Court's calendar has opened with the last-minute resolution of a two-day trial previously set Monday and Tuesday of next week. The Court therefore GRANTS Defendants' motion for an expedited proceeding, MODIFIES the TRO only as to the previous setting of the temporary injunction hearing, and SETS this matter for hearing on Monday, August 28, 2023 at 11:00 a.m. The hearing will be conducted pursuant to Davidson County Local Rule of Practice 19.04 without live testimony. Any materials either party wishes the Court to consider at the hearing must be filed and served on or before August 28, 2023 at 9:00 a.m. The remainder of the TRO remains in effect at this time and until the Court rules otherwise.

It is so ORDERED.

s/ Anne C. Martin

ANNE C. MARTIN
CHANCELLOR, PART II

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