

5. On July 1, 2024, the Parties jointly moved for an extension of the discovery deadlines (ECF No. 70) explaining their respective positions regarding the need for an extension and providing good cause for the request. Defendants noted at that time as a basis for their request a “shift[] in the standard governing organizational standing” and the potential need for “additional discovery on [that] front.” The Court granted the extension on July 8, 2024 (ECF. No. 71).

6. The Parties have continued to engage in discovery since the issuance of the Court’s July 8 Order extending discovery and have conferred in good faith on the issue of certain Plaintiffs’ standing in an effort to resolve by agreement discovery issues related thereto and otherwise preserve the Court’s and the parties’ resources and promote judicial economy.

7. Through those discussions, the Parties are in agreement that Plaintiffs Memphis A. Philip Randolph Institute and The Equity Alliance will voluntarily dismiss their claims, that all other Plaintiffs will remain in the litigation and continue to pursue their claims as detailed in the Complaint, and that each Party will bear its own costs, fees and expenses related to the dismissed parties and claims.

8. Rule 41(a)(1)(A)(i) states that a “plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Rule 41(a)(2) provides that “[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Rule 21 provides that “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.”

9. “The Sixth Circuit has indicated that dismissal of a party or certain claims, rather than of an entire action, is more proper pursuant to Fed. R. Civ. P. 21.” *Aqeel v. Liberty Ins. Corp.*, No. 3:21-cv-00181, 2021 U.S. Dist. LEXIS 129185, at *2 (M.D. Tenn. July 12, 2021) (construing

Dismissing Plaintiffs' [Rule 41] Notice . . . as a motion under Rule 21 to drop certain Plaintiffs' claims) (Richardson, J.) (citing *AmSouth v. Dale*, 386 F.3d 763, 778 (6th Cir. 2004)); *but see Wilkerson v. Brakebill*, No. 3:15-CV-435-TAV-CCS, 2017 U.S. Dist. LEXIS 12305, at *7-8 (E.D. Tenn. Jan. 30, 2017) (“When evaluating a motion for dismissal under Rule 21 [], courts should nevertheless consider Rule 41 standards as guidance in evaluating potential prejudice to the non-movant.”).

10. Here, the interest of justice support dismissing Plaintiffs Memphis A. Philip Randolph Institute and The Equity Alliance because: (i) the dismissal will occur prior to the filing of an answer or motion for summary judgment; (ii) the dismissal will increase judicial efficiency in resolving the remaining dispute; and (iii) because Defendants do not object to the voluntary dismissal. *See Aqeel*, 2021 U.S. Dist. LEXIS 129185, at *3.

WHEREFORE, the Parties respectfully request an order dismissing Plaintiff Memphis A. Philip Randolph Institute and The Equity Alliance's claims under Federal Rule of Civil Procedure 21 without prejudice, with each party bearing its own costs and fees.

Dated: August 6, 2024

JEFFREY LOPERFIDO*
MITCHELL D. BROWN*
ADRIANNE SPOTO*
Southern Coalition for Social Justice
5517 Durham-Chapel Hill Blvd.
Durham, NC 27707
Tel.: 919-323-3380
jeffloperfido@scsj.org
mitchellbrown@scsj.org
adrienne@scsj.org

GEORGE E. MASTORIS*
MICHELLE D. TUMA*
Winston & Strawn LLP
200 Park Avenue
New York, NY 10166
Tel.: 212-294-6700
gmastoris@winston.com
mtuma@winston.com

Respectfully Submitted,

/s/ Phillip F. Cramer
PHILLIP F. CRAMER
Sperling & Slater
1221 Broadway, Suite 2140
Nashville, TN 37203
Tel: 312-224-1512
pcramer@sperling-law.com

EZRA D. ROSENBERG+
POOJA CHAUDHURI+
ALEXANDER S. DAVIS*
Lawyers' Committee for Civil Rights Under Law
1500 K Street NW, Suite 900
Washington, DC 20005
Tel.: 202-662-8600
erosenberg@lawyerscommittee.org
pchaudhuri@lawyerscommittee.org
adavis@lawyerscommittee.org

Counsel for Plaintiffs

+Admitted to the Bar of the Middle District of Tennessee

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2024, the undersigned filed the foregoing document via this Court’s electronic filing system, which sent notice of such filing to the following counsel of record:

COUNSEL OF RECORD	PARTY REPRESENTED
<p>ADAM K. MORTARA (BPR# 40089) Lawfair LLC 40 Burton Hills Blvd., Suite 200 Nashville, TN 37215 (773) 750-7154 mortara@lawfairllc.com</p> <p>RYAN NICOLE HENRY (BPR# 40028) Assistant Attorney General</p> <p>WHITNEY HERMANDORFER (BPR# 041054) Assistant Solicitor General</p> <p>MIRANDA H. JONES (BPR# 036070) Senior Assistant Attorney General</p> <p>PHILIP HAMMERSLEY Assistant Solicitor General Office of the Tennessee Attorney General P.O. Box 20207 Nashville, Tennessee 37202 (615) 532-2935 ryan.henry@ag.tn.gov whitney.hermendorfer@ag.tn.gov miranda.jones@ag.tn.gov</p>	<p>Defendants William B. Lee, Tre Hargett, Mark Goins, State Election Commission, Donna Barrett, Judy Blackburn, Greg Duckett, Jimmy Eldridge, Mike McDonald, Tom Wheeler, Kent Younce</p>

/s/ Phillip F. Cramer
PHILLIP F. CRAMER

Exhibit A (Proposed Order)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE STATE CONFERENCE OF)	
THE NAACP et al.,)	
)	
<i>Plaintiffs,</i>)	No. 3:23-cv-00832
)	
v.)	JUDGE ELI RICHARDSON
)	JUDGE ERIC E. MURPHY
WILLIAM B. LEE, et al.,)	JUDGE BENITA Y. PEARSON
)	
<i>Defendants.</i>)	
)	

**PROPOSED ORDER GRANTING THE DISMISSAL OF PLAINTIFFS MEMPHIS A.
PHILIP RANDOLPH INSTITUTE AND THE EQUITY ALLIANCE**

Pursuant to Federal Rule of Civil Procedure 21, the court GRANTS the “Consent Motion to Voluntarily Dismiss Plaintiffs Memphis A. Philip Randolph Institute and the Equity Alliance” and DISMISSES their claims without prejudice, with each party bearing their own costs and fees. The remaining Plaintiffs’ claims will proceed.

SO ORDERED and SIGNED this ____ day of _____, 2024.

UNITED STATES DISTRICT JUDGE