

**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>)	
)	

**PLAINTIFFS’ MOTION TO VOLUNTARILY DISMISS THEIR CLAIMS WITHOUT
PREJUDICE**

Pursuant to Federal Rules of Civil Procedure 41(a)(2), the Plaintiffs request an order from this Court voluntarily dismissing Tennessee State Conference of the NAACP, League of Women Voters of Tennessee, African American Clergy Collective of Tennessee, Judy Cummings, Brenda Gilmore, Ophelia Doe, Freda Player, and Ruby Powell-Dennis (collectively, “Plaintiffs”) from this action. As grounds for this motion, the Plaintiffs state as follows:

1. Plaintiffs filed their complaint (ECF No. 1) on August 9, 2023.
2. Defendants moved to dismiss the complaint (ECF No. 42) on October 10, 2023. That motion was fully briefed on November 21, 2023, heard for argument on May 24, 2024.
3. On November 9, 2023, this Court entered its Initial Case Management Order (ECF No. 47) setting forth deadlines governing discovery, dispositive motions, pretrial motions, and a proposed trial date.
4. On August 21, 2024, the Court issued an order denying in part and granting in part Defendants’ motion to dismiss (ECF No. 75). The Court denied motion to dismiss the Complaint

on laches ground. The Court granted the motion to dismiss Governor Lee on sovereign-immunity grounds. Finally, the Court granted the motion to dismiss the Complaint for failing to state plausible claims of racial gerrymandering and vote dilution without prejudice and provided Plaintiffs 30 days (September 20, 2024) to file an amended complaint if they should so choose.

5. Plaintiffs did not file an amended complaint. 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.”

6. Here, the interest of justice supports dismissal of this action.

7. Defendants do not oppose Plaintiffs’ voluntary dismissal of their claims without prejudice.

WHEREFORE, the Parties respectfully request an order dismissing their claims under Federal Rule of Civil Procedure 41(a)(2) without prejudice, with each party bearing its own costs and fees.

Dated: September 25, 2024

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Respectfully Submitted,

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 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)

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)	
<i>Defendants.</i>)	
)	

**PROPOSED ORDER GRANTING THE DISMISSAL OF PLAINTIFFS' MOTION TO
VOLUNTARILY DISMISS THEIR CLAIMS WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the court GRANTS Plaintiffs' Motion to Voluntarily Dismiss Their Claims Without Prejudice and DISMISSES their claims without prejudice, with each party bearing their own costs and fees. The Clerk is instructed to mark this docket closed.

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

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

UNITED STATES CIRCUIT JUDGE