

**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

**M2023-01686-SC-R3-CV**

**GARY WYGANT**  
**Appellant-Plaintiff**

**and**

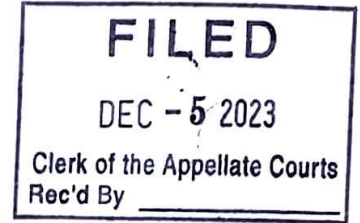
**FRANCIE HUNT,**  
**Appellee-Plaintiff,**

**On Appeal from the Three-Judge  
Panel, Chancery Court of Davidson  
County, Case Number 22-0287-IV**

**v.**

**BILL LEE, Governor,  
TRE HARGETT, Secretary of  
State, and MARK GOINS,  
Coordinator of Elections  
In Their Official Capacities Only,**

**Appellees / Appellants-Defendants,**



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**APPELLEE-PLAINTIFF HUNT'S  
MOTION FOR EXPEDITED APPEAL**

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The Trial Court enjoined the Enacted Senate Map because it violates the Tennessee Constitution and provided the General Assembly until January 31, 2024, to enact a constitutional alternative. At trial, the State Appellants only challenged Appellee Francie Hunt's standing. Appellee Hunt now moves this Court to expedite the State Appellants' appeal because if this Court completes its review of the Trial

Court's standing ruling by January 2024, the constitutionality of the Enacted Senate Map will be fully adjudicated weeks before the date when the General Assembly and Governor enacted the challenged Senate Map in 2022 (February 6) and months prior to the statutory qualifying deadline for Senate candidates (April 4, 2024). If, instead, this appeal proceeds on a standard schedule, the voters of the State of Tennessee will once again vote in 2024 in senatorial districts that the Trial Court has now twice determined violate the Tennessee Constitution. The State Appellants have notified undersigned counsel that they oppose expediting the appeals in this matter.

Appellee Hunt's co-plaintiff at trial, Gary Wygant, filed a Notice of Appeal on November 29, 2023, and moved for an expedited appeal on December 1, 2023. The State Appellants have also filed a Notice of Appeal challenging the Trial Court's decision on Appellee Hunt's standing to challenge to the Enacted Senate Map. Although cross appeals are typically heard together on the same schedule, Appellee Hunt files her own Motion for Expedited Appeal now to urge that if this Court determines Appellant Wygant's appeal of his challenge to the Enacted House Map does not justify expedited treatment, the Court should bifurcate the appeal and resolve the State Appellants' challenge to the Trial Court's ruling on Appellee Hunt's standing on an expedited basis to avoid subjecting the voters of Tennessee to a second election in senatorial districts that the Trial Court has now determined violate the Tennessee Constitution based on a full trial record.

The following facts support proceeding on an expedited basis with the State Appellants’ appeal of the Trial Court’s decision concerning Appellee Hunt’s standing. Governor Lee signed the legislation enacting the Senate Map that Appellee Hunt challenges on February 6, 2022, approximately two months prior to the April 7, 2022, deadline for Senate candidates to file their candidate qualifying petitions. (Memorandum of Chancellor Perkins dated November 22, 2023, at p. 9.) On April 6, 2022, the Trial Court enjoined the Enacted Senate Map; extended the candidate qualifying deadline to May 5, 2022; and provided the General Assembly with 15 days to enact a remedial Senate map. (Trial Court Order dated April 6, 2022.) The State Appellants sought an extraordinary appeal the next day. That same day, Lieutenant Governor McNally’s spokesperson noted as follows: “While Lt. Governor McNally remains confident the appeal will be successful, the Senate will start work on an alternative map so that it can be passed in the allotted timeframe, if it becomes necessary.”<sup>1</sup> A year later, at trial, the uncontested expert testimony demonstrated that the constitutional defects of the Enacted Senate Map can be cured by altering the boundaries of fewer than five current senatorial districts. (Trial Transcript, Vol. I, filed in the Trial Court on May 16, 2023, at 220-223.)

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<sup>1</sup> See <https://www.newschannel5.com/news/republicans-tennessee-attorney-general-plan-to-appeal-decision-on-tennessee-senate-maps> (last visited December 5, 2023).

Based on these facts, the Court can complete an expedited review of the Trial Court's decision on Appellee Hunt's standing with ample time thereafter for the General Assembly to enact a new Senate map on the same or similar schedule as it enacted the challenged Senate Map in 2022. This is particularly true because the General Assembly can spend the months of December and January working on the limited changes needed to complete a remedial map so that it can be enacted by early February if this Court upholds the Trial Court's decision in mid-January.<sup>2</sup>

Appellant Wygant's Motion for Expedited Appeal proposed that primary appellate briefs be due on December 8, 2023; that response briefs be due on December 22, 2023; that reply briefs be due on January 8, 2024; and that a hearing take place on the week of January 8, 2024. Given that this motion is being filed on December 5, 2023, Appellee Hunt respectfully requests the following modified schedule, or whatever schedule the Court deems appropriate:

**Primary Appellate Briefs:** December 15, 2023;

**Response Briefs:** December 29, 2023;

**Reply Briefs:** January 8, 2024;

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<sup>2</sup> The State Appellants have informed undersigned counsel that they intend to seek a stay of the Trial Court's injunction. The timeline set forth herein augers against a stay, as the General Assembly can, and presumably will, work on a remedial map during the course of the appeal if the injunction is not stayed.

**Hearing:** Week of January 8, 2024.<sup>3</sup>

Dated: December 5, 2023

Respectfully Submitted,

/s/ Scott P. Tift

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<sup>3</sup> The Parties jointly filed the trial transcript in the trial court on May 16, 2023. Plaintiff Wygant proposes that the trial court clerk should be ordered to prepare and submit the trial record on or before December 12, 2023.

**CERTIFICATE OF SERVICE**

Pursuant to Rules 5 and 20 of the Tennessee Rules of Appellate Procedure, I hereby certify that a true and accurate copy of the foregoing *Appellee-Plaintiff Hunt's Motion for Expedited Appeal* has been served on the following individuals by placing the same, postage prepaid in the United States Mail on this the 5th day of December, 2023 and by sending the same to the following individuals by electronic mail.

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