

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
06/04/2020
Clerk of the
Appellate Courts

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON
COUNTY ET AL. v. TENNESSEE DEPARTMENT OF EDUCATION, ET
AL.**

**Chancery Court for Davidson County
No. 20-0143-II**

No. M2020-00683-SC-RDM-CV

ORDER

On May 20, 2020, Intervening Defendants Ciera Calhoun, Greater Praise Christian Academy, Alexandria Medlin, Sensational Enlightenment Academy Independent School, and David Wilson, Sr. filed in this Court a motion to assume jurisdiction pursuant to Rule 48 of the Rules of the Tennessee Supreme Court and Tennessee Code Annotated section 16-3-201(d). On that same date, Intervening Defendants Natu Bah, Star Brumfield, Bria Davis, and Builiguissa Diallo filed a motion to assume jurisdiction. On May 21, 2020, Defendants the Tennessee Department of Education, Commissioner Penny Schwinn, in her official capacity as Education Commissioner, and Governor Bill Lee, in his official capacity, filed a motion to assume jurisdiction. On May 21, 2020, Defendants the Tennessee Department of Education, Commissioner Penny Schwinn, in her official capacity as Education Commissioner, and Governor Bill Lee, in his official capacity also filed a motion for review of orders denying a stay of injunction pursuant to Rule 7(a) of the Tennessee Rules of Appellate Procedure and Rule 62.08 of the Tennessee Rules of Civil Procedure. On May 29, 2020, Roxanne McEwen, David P. Bichell, Terry Jo Bichell, Lisa Mingrone, Claudia Russell, Inez Williams, Sheron Davenport, Heather Kenney, Elise McIntosh, Tracy O'Connor, and Apryle Young (collectively the "McEwen Plaintiffs") filed a motion for leave to file an amicus brief and tendered their brief pursuant to Rule 31 of the Tennessee Rules of Appellate Procedure.

The McEwen Plaintiffs' motion for leave to file an amicus brief is GRANTED, and the brief lodged by them shall be accepted as filed as of the date of this order.

The Court has carefully considered each of the motions to assume jurisdiction, the motion for review of orders denying a stay of injunction, Plaintiffs' responses in opposition to those motions, and the brief of the amicus. Based upon the current totality of the circumstances, including the relevant timeline and the procedural posture of this case, the Court concludes that

this case does not warrant the extraordinary action of the exercise of the Court's authority to assume jurisdiction. As a result, the motions to assume jurisdiction must be DENIED. For similar reasons, the Court further concludes that the motion for review of orders denying a stay of injunction is DENIED.

PER CURIAM