

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

THE METROPOLITAN GOVERNMENT )  
OF NASHVILLE AND DAVIDSON )  
COUNTY, et al., )

Plaintiffs, )

vs. )

TENNESSEE DEPARTMENT OF )  
EDUCATION, et al., )

Defendants, )

and )

NATU BAH, et al., )

Intervenor-Defendants. )

Case No. 20-0143-II  
Chancellor Anne C. Martin, Chief Judge  
Judge Tammy M. Harrington  
Judge Valerie L. Smith

**CONSOLIDATED**

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ROXANNE McEWEN, et al., )

Plaintiffs, )

vs. )

BILL LEE, in his official capacity as )  
Governor of the State of Tennessee, et al., )

Defendants, )

and )

NATU BAH, et al., )

Intervenor-Defendants. )

Case No. 20-0242-II  
Chancellor Anne C. Martin, Chief Judge  
Judge Tammy M. Harrington  
Judge Valerie L. Smith

## SCHEDULING ORDER FOR TEMPORARY INJUNCTION MOTIONS

On July 22, 2022, the Metro/Shelby Plaintiffs and the McEwan Plaintiffs each filed a Motion for a Temporary Injunction to enjoin the Defendants, Tennessee Department of Education (“TDOE”), Education Commissioner Penny Schwinn, and Governor Bill Lee (“State Defendants”), from implementing the “Tennessee Education Savings Account Pilot Program,” Tenn. Code Ann. §§ 49-6-2601, *et seq.* (“ESA Act”), for the 2022-2023 school year pending the Court’s decision on the merits of Plaintiffs’ claims. Defendants and Intervenors object to the requested schedule and move for a consolidated briefing and argument schedule with their pending Rule 12 motions.

The Court had decided upon the schedule included in its July 20, 2022 Order prior to the filing of the injunction motions and did not consider those motions in setting that schedule. The Court finds that the injunction requests should be heard on a more expedited basis than the pending Rule 12 motions given Defendants’ decision to expedite implementation of the ESA Program for the 2022-2023 school year. The Court appreciates the importance of hearing the motions prior to the August 8, 2022 start of school in Davidson and Shelby Counties. The Court has determined the following schedule is appropriate for the resolution of the two temporary injunction motions:

- Defendants and Intervenors shall have until August 1, 2022 at 4:30 p.m. CST to file their responses;
- Plaintiffs shall have until August 3, 2022 at 12:00 p.m. CST to file replies; and
- The Court will hold a **Zoom hearing on Friday, August 5, 2022, at 11:00 AM CST.** Although the Court has previously indicated that substantive proceedings in this case would be held in-person, in order to accommodate Plaintiffs’ request for an expedited hearing, these proceedings will be held via Zoom. The Zoom access information is attached as Exhibit A and

will only to be used by parties and their counsel at the hearing. Public access to the hearing will be established via a livestream link that will be posted on the Davidson County Clerk & Master's website prior to the hearing. This link will be exclusive to this hearing only and not future proceedings in this or other cases.

IT IS SO ORDERED.

*s/Anne C. Martin*  
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CHANCELLOR ANNE C. MARTIN, CHIEF JUDGE

*s/ Tammy M. Harrington*  
\_\_\_\_\_  
JUDGE TAMMY M. HARRINGTON

*s/ Valerie L. Smith*  
\_\_\_\_\_  
JUDGE VALERIE L. SMITH

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Topic: Temporary Injunction Hearing for three-judge panel case: Metro. Gov't v. Tenn. Dep't of Educ. and McEwen v. Lee

Time: Aug 5, 2022 11:00 AM Central Time (US and Canada)

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