

**IN THE CHANCERY COURT OF TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT**

TELISE TURNER, GARY WYGANT, and FRANCIE
HUNT

Plaintiffs,

v.

CASE NO. 22-0287-IV
Chancellor Perkins
Chancellor Maroney
Judge Sharp

WILLIAM LEE, as Governor of Tennessee, in his
official capacity; TRE HARGETT, as Tennessee
Secretary of State, in his official capacity; and MARK
GOINS, as Tennessee Coordinator of Elections, in his
official capacity,

Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants William Lee, Tre Hargett, and Mark Goins, in their official capacities only, move for summary judgment pursuant to Tenn. R. Civ. P. 56.04 as to Counts I and II of Plaintiffs' Third Amended Complaint. Summary judgment is appropriate as the undisputed material facts demonstrate that, as a matter of law, Plaintiffs cannot meet their burden at trial.

In Count I, Plaintiffs allege that the House Map splits too many counties in violation of Article II, Section 5 of the Tennessee Constitution. But the House Map redistricting process clearly considered and attempted to comport with the constitutional guidelines regarding county splitting. No other map presented to the General Assembly was even arguably constitutional—apart from the one ultimately enacted. And the result still complied with the “upper limit” of thirty county splits articulated by the Tennessee Supreme Court. *See State ex rel. Lockert v. Crowell*, 656 S.W.2d 836, 844 (Tenn. 1983); *see also Moore v. State*, 436 S.W.3d 775, 785 (Tenn. Ct. App. 2014).

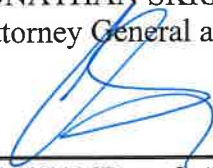
With regard to Count II, Plaintiffs claim the Senate Map is unconstitutional because the districts in Davidson County are not consecutively numbered. Only one Plaintiff lives in a county with nonconsecutively numbered districts. But that Plaintiff, Francie Hunt, cannot articulate how the nonconsecutive numbering harms her, other than it violates the Tennessee Constitution. Nonconsecutive numbering does not impact her right to vote, nor does it create the risk that all senators from Davidson County could be subject to turnover in the same election cycle. Injuries in law are not injuries in fact, and the Tennessee Constitution requires an injury in fact to bring suit. *See City of Memphis v. Hargett*, 414 S.W.3d 88, 98 (Tenn. 2013); *American Civil Liberties Union of Tenn. v. Darnell*, 195 S.W.3d 612, 620 (Tenn. 2006).

Because Plaintiffs cannot demonstrate an injury in fact sufficient to convey standing to challenge the Senate Map, and because Plaintiffs cannot demonstrate that the General Assembly acted in bad faith or with improper motive when enacting the House Map, Defendants are entitled to summary judgment pursuant to Tenn. R. Civ. P. 56.04, and Plaintiffs' Third Amended Complaint should be dismissed in its entirety with prejudice.

In support of this motion, Defendants rely upon a contemporaneously filed memorandum of law, statement of undisputed material facts, affidavits, expert reports, and other exhibits and attachments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed and served electronically upon the following on this 20th day of January, 2022:

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