

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**MOMS FOR LIBERTY – WILSON)
COUNTY, TN; ROBIN LEMONS; and)
AMANDA DUNAGAN-PRICE,)**

PLAINTIFFS

V.

No. 23-CV-00211

**Wilson County Board of Education,)
also known as Wilson County Schools;)
Jamie Farough, individually and in her)
official capacity as a member of the)
Wilson County Board of Education;)
Kimberly McGee, in her official capacity)
as a member and Vice Chairman of the)
Wilson County Board of Education;)
Melissa Lynn, in her official capacity)
as a member of the Wilson County)
Board of Education; Beth Meyers, in her)
official capacity as a member of the)
Wilson County Board of Education;)
Joseph Padilla, in his official capacity)
as a member of the Wilson County)
Board of Education; Carrie Pfeiffer, in)
her official capacity as a member of the)
Wilson County Board of Education;)
and, Larry Tomlinson, in his official)
capacity as a member of the)
Wilson County Board of Education)**

DEFENDANTS.

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION FOR A PRELIMINARY
INJUNCTION**

Now come the Defendants, Wilson County Board of Education, also known as Wilson County Schools; Jamie Farough, individually and in her official capacity as a member of the

Wilson County Board of Education; Kimberly McGee, in her official capacity as a member and Vice Chairman of the Wilson County Board of Education; Melissa Lynn, in her official capacity as a member of the Wilson County Board of Education; Beth Meyers, in her official capacity as a member of the Wilson County Board of Education; Joseph Padilla, in his official capacity as a member of the Wilson County Board of Education; Carrie Pfeiffer, in her official capacity as a member of the Wilson County Board of Education; and, Larry Tomlinson, in his official capacity as a member of the Wilson County Board of Education, by and through their undersigned counsel, and respond to the Plaintiffs' Motion for a Preliminary Injunction as follows:

I. FACTS

On March 9, 2023, the Plaintiffs filed a lawsuit against the Defendants, alleging violations of the Plaintiffs' First and Fourteenth Amendment Rights. (Document 1, Page ID 1-56). The Plaintiff alleged several facial challenges, including challenges to: (1) The Board's practice requiring citizens to verbally disclose their address before speaking at Board meetings; (2) The Board's practice regarding "abusive" comments during Board meetings; and (3) The Board's policy requiring that comments during Board meetings must be in "the public interest." (Document 1, Page ID 1-56). The Plaintiff also alleged as-applied challenges to the Board's enforcement of the address disclosure requirement against Plaintiff Lemons at the Board's regularly-scheduled meeting on October 3, 2022. (Document 1, Page ID 1-56). On March 21, 2023, the Plaintiffs filed a Motion for a Preliminary Injunction, seeking to prohibit the Defendants from enforcing the Wilson County Board of Education's practices and policies: (1) requiring that individuals speaking at Board meetings verbally disclose their address at the beginning of their remarks; (2) prohibiting speakers from making allegedly "abusive" comments;

and (3) requiring that individuals prove that their comments are in the “public interest” before speaking. (Document 16, Page ID 78-80).

II. ARGUMENT

i. Standard for Injunctive Relief

Rule 65 of the Federal Rules of Civil Procedure permits a party to seek injunctive relief if he believes he will suffer irreparable harm or injury during the pendency of the action. Fed.R.Civ.P. 65. In determining whether to issue a preliminary injunction, the Court must examine four factors: (1) whether the movant has shown a strong likelihood of success on the merits; (2) whether the movant will suffer irreparable harm if the injunction is not issued; (3) whether the issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuing the injunction. *Overstreet v. Lexington-Fayette Urban County Gov't*, 305 F.3d 566 (6th Cir. 2002). A preliminary injunction is an extraordinary remedy which should be granted only if the movant carries his or her burden of proving that the circumstances clearly demand it. *Overstreet*, 305 F.3d at 573.

ii. The Plaintiffs have not shown a strong likelihood of success on the merits.

a. The Plaintiffs’ arguments regarding the address-disclosure requirement and restriction against abusive comments are moot.

In this case, the Plaintiffs challenge the Board’s practice of requiring individuals appearing before the Board to announce their address before speaking. (Document 17, Page ID 97-101). In addition, the Plaintiffs challenge the Board’s practice of prohibiting individuals appearing before the Board from engaging in “abusive” or “disruptive” language. (Document 17, Page ID 101-104). The Defendants have changed their practices with regard to both the address-

disclosure requirement and the restriction against “abusive” or “disruptive” language. As a result, the Plaintiffs’ challenges to these requirements are moot.

Article III of the Constitution limits the “judicial power” of the United States to the resolution of “cases” and “controversies.” *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464 (1982). A case becomes moot “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *United States Parole Comm’n v. Geraghty*, 445 U.S. 388 (1980). Here, the issues presented by the Plaintiffs regarding the address disclosure requirement and the restriction against “abusive” or “disruptive” language are no longer “live.”

Prior to the filing of the Plaintiffs’ lawsuit, the “address disclosure” and “abusive language” practices complained of by Plaintiffs existed in three different sources employed by the Defendants. First, the Defendants utilized a script, which the Chairman read aloud before the public comment portion of the Board meetings. (Please see script attached hereto as Exhibit A). The script requests that any individuals appearing before the board state their address. (Please see script attached hereto as Exhibit A). In addition, it states that the Board reserves “the right to terminate remarks at any time that you fail to adhere to the guidelines or that your comments become abusive to an individual Board Member, the Board as a whole, the Director of Schools or any employee of the school system.” (Please see script attached hereto as Exhibit A).

The Defendants have created a new script, removing the address disclosure requirement and the restriction against “abusive” language. (Please see script attached hereto as Exhibit B). Going forward, the Defendants will read aloud the new script before the public comment portion of any Board meetings. (Please see script attached hereto as Exhibit B). The Defendants have already implemented this change in their practices. At the regularly held Board meeting on April

3, 2023, the Defendants utilized the new script, which does not contain the address disclosure requirement or the restriction against “abusive” language. (Please see video of April 3, 2023 Board meeting 49:50-50:45 <https://wilsoncountyschoolstn.new.swagit.com/videos/223218>). The Defendants will use this new script at all Board meetings going forward.

The second source that housed these two practices prior to the filing of this instant action was on a form that individuals wishing to be added to the agenda for a Board’s meeting for the purpose of publically addressing the Board were required to complete and submit to the Board prior to being added to the agenda. (Please see original Agenda Request Form attached hereto as Exhibit C). Pursuant to that original form, “[e]ach person speaking shall state his name, address, and subject of presentation. The Chairman shall have the authority to terminate the remarks of any individual who is disruptive or does not adhere to Board rules.” (Please see original Agenda Request Form attached hereto as Exhibit C). As it did with the script referenced *supra*, the Board also amended the Agenda Request Form to remove references to the address disclosure requirement and restriction against “disruptive” language. That newly revised Agenda Request Form was implemented for the April 3, 2023 Board meeting. (Please see revised Agenda Request Form attached hereto as Exhibit D). Going forward, the Defendants will only employ this revised Agenda Request Form.

The third, and last source, housing these two practices prior to the filing of this instant action is Wilson County Board of Education Policy. Specifically, Board Policy 1.404 requires that “each person speaking [before the Board] shall state his name, address, and subject of presentation. The Chairman shall have the authority to terminate the remarks of any individual who is disruptive...” (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>) Since the Board cannot modify Board

policy without going through the proper notice procedure, the Board did not amend this Board Policy 1.404 at its April 3, 2023 meeting.¹ However, the Board did take action to place Policy 1.404 on the agenda for the next regularly scheduled Board meeting on May 1, 2023. (Please see video of April 3, 2023 Board meeting 1:24:00-1:24:25 <https://wilsoncountyschoolstn.new.swagit.com/videos/223218>). It is anticipated that at this Board meeting, the Board will review Policy 1.404 in light of the concerns raised by this instant matter and take action on that policy consistent with its revisions to the script and Agenda Request Form discussed *supra*.

In summation, the Defendants have changed their practice of requiring individuals appearing before the Board to disclose their address. (Please see script attached hereto as Exhibit B) (Please see video of April 3, 2023 Board meeting 49:50-50:45 <https://wilsoncountyschoolstn.new.swagit.com/videos/223218>) (Please also see revised Agenda Request Form attached hereto as Exhibit D). The Defendants have further changed their practice on the restriction of “abusive” or “disruptive” language. (Please see script attached hereto as Exhibit B) (Please see video of April 3, 2023 Board meeting 49:50-50:45 <https://wilsoncountyschoolstn.new.swagit.com/videos/223218>) (Please also see revised Agenda Request Form attached hereto as Exhibit D). Additionally, it is anticipated that the Defendants will take action to revise the public address announcement requirement as well as the prohibition on “disruptive” remarks contained within Board Policy 1.404 at the Board’s next regularly scheduled Meeting on May 2, 2023. Therefore, the Plaintiffs’ challenges to the address-disclosure requirement and the restriction on “abusive” or “disruptive” language are moot. As a

¹ Wilson County Board of Education Policy 1.403 states that “[t]he Board, however, shall not revise Board policies or adopt new ones, unless such action has been scheduled.” (Wilson County Board of Education Policy 1.403).

result, the Plaintiffs do not demonstrate a strong likelihood of success on the merits, and their Motion for Preliminary Injunction should be denied.

b. The public-interest requirement does not discriminate against speech based on viewpoint.

1. The public-interest requirement is viewpoint neutral and reasonable in light of the purpose served by the forum.

In addition to the challenges discussed *supra*, the Plaintiffs take issue with the portion of Wilson County Board of Education Policy 1.404, which states that “The Chairman or individual Board Member may recognize individuals not on the agenda for remarks to the Board if he/she determines that such is in the public interest.” (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>). The Plaintiffs argue that this portion of the policy violates the First Amendment, because the public-interest requirement “discriminates against speech based on viewpoint.” (Document 17, Page ID #104). However, a requirement that an individual’s remarks be in the public interest does not constitute viewpoint discrimination. Rather, it allows individuals that did not use the process described in the policy to appear on the agenda or specifically address an agenda item to still offer public comment while preserving the Board’s interest in conducting its business in an orderly manner. Therefore, the public interest requirement in Wilson County Board of Education Policy 1.404 does not constitute viewpoint discrimination.

A school board meeting, when opened to the public, is a limited public forum for discussion of subjects relating to the operation of the schools. *City of Madison Joint Sch. Dist. No. 8 v. Mis. Employment Relations Comm'n*, 429 U.S. 167, 175-76 (1978); *Lowery v. Jefferson County Bd. of Educ.*, 522 F.Supp.2d 983 (E.D. Tenn. 2007). In a limited public forum, the

government “is not required to and does not allow persons to engage in every type of speech.” *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106, 121 S.Ct. 2093, 150 L.Ed.2d 151 (2001). The government may restrict speech so long as the restrictions are viewpoint neutral and “reasonable in light of the purpose served by the forum.” *Good News Club*, 533 U.S. at 106-07. A public body does not violate the First Amendment when it limits speech to a certain topic in a public meeting. *Shields v. Charter Tp. of Comstock*, 617 F.Supp.2d 606 (W.D. Mich. 2009).

It is the Board’s policy that individuals not on the agenda may appear before Board to discuss a topic not on the agenda if the Chairman or a Board member determines that it is in the public interest. (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>). This policy is viewpoint neutral. Viewpoint discrimination occurs when speech is restricted because of the speaker's viewpoint on a topic, meaning but for the perspective of the speaker, the speech would normally be permissible. *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993); *Davis v. Colerain Twp.*, 551 F.Supp.3d 812 (S.D. Ohio 2021). Here, the Board’s policy requiring that speech be in the “public interest” is not dependent on the perspective or viewpoint of the speaker. It is only required that the individual’s speech be relevant to the general public since the individual will be addressing a public body in a public meeting on a topic that isn’t on the meeting’s agenda. As such, the public interest requirement permits all viewpoints as long as the topic is something that the general public has an interest in. Therefore, this requirement is viewpoint neutral.

This requirement is also “reasonable in light of the purpose served by the forum.” *Good News Club*, 533 U.S. at 106-07. The Wilson County Board of Education is a legal policy-making body created by the State of Tennessee to operate the local public schools. (Wilson County

Board of Education Policy 1.100, 1.101). The Board conducts official meetings, which are held monthly. (Wilson County Board of Education Policy 1.400). The purpose of these meetings is to transact the Board's business, including policy oversight, educational planning, provision of finances, and maintaining a relationship with the public. (Wilson County Board of Education Policy 1.101). The Board's requirement that speech be in the public interest is reasonable in light of this purpose. In the interest of conducting its Board meetings in an orderly and efficient manner, it is reasonable for the Board to require that any comments made about items not on the agenda be in the public interest. Otherwise, members of the public could speak on any imaginable topic at a Board meeting, regardless of the topic's relevance to matters involving the school system. Unstructured, chaotic school board meetings not only would be inefficient but also could deny other citizens the chance to make their voices heard. *Lowery v. Jefferson County Bd. of Educ.*, 586 F.3d 427 (6th Cir. 2009). That is why "public bodies may confine their meetings to specified subject matter." *Lowery*, 586 F.3d at 433. The Board's requirement that any comments made about items not on the agenda be in the public interest reasonably allows public comment while preserving the Board's interest in conducting its business in an orderly manner.

Because the Board's public interest requirement is both viewpoint neutral and "reasonable in light of the purpose served by the forum," the public interest requirement does not constitute viewpoint discrimination in violation of the First Amendment. *Id.* As a result, the Plaintiffs do not demonstrate a strong likelihood of success on the merits, and their Motion for Preliminary Injunction should be denied.

2. The public-interest requirement is an appropriate time, place, and manner restriction.

The Board has three methods by which members of the public may appear at a Board meeting. (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>). First, an individual can be placed on the agenda by submitting a written request with descriptive materials to the office of the Director of Schools ten (10) working days before the scheduled regular Board meeting. (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>). Second, if an individual wishes to address the Board on an item on the agenda, they may sign up on the form provided or make a request to any Board member before the beginning of the Board meeting. (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>). Third, the Chairman or individual Board Member may recognize individuals not on the agenda for remarks to the Board if he/she determines that such is in the public interest. (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>).

The third method is a reasonable time, place, and manner restriction. In the interest of conducting orderly and efficient meetings, school boards and other similar public bodies are permitted to adopt time, place, and manner rules or regulations. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983). The government may regulate the time, place and manner of speech so long as the regulation is (1) content-neutral, (2) narrowly tailored to serve a significant governmental interest and (3) leaves open ample alternative channels for communication of the information. *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293, 295, 104 S.Ct. 3065, 82 L.Ed.2d 221 (1984).

The third method contained in Board Policy 1.404 constitutes a reasonable time, place, and manner restriction. First, it is content-neutral. The third method allows all speech, regardless

of content, as long as it is relevant to the general public. Second, it serves a significant governmental interest. There is a significant governmental interest in maintaining structured, orderly school board meetings. (“Unstructured, chaotic school board meetings not only would be inefficient but also could deny other citizens the chance to make their voices heard...That is why ‘public bodies may confine their meetings to specified subject matter.’”) *Lowery v. Jefferson County Bd. of Educ.*, 586 F.3d 427 (6th Cir. 2009). The public interest requirement allows the Board to maintain structured, orderly Board meetings by ensuring that individuals do not appear before the Board to speak about solely personal or irrelevant topics since individuals using this method of addressing the Board are not constrained to speak regarding items on the Board agenda for that specific meeting. Third, the third method narrowly advances these interests. The school board’s policy is narrowly tailored, because it only prohibits speech that is not in the public interest. Therefore, the policy allows all speech except when it is not relevant to the public at large. Fourth, the policy allows ample alternative channels of communication. As outlined above, the policy contains two other methods of speaking before the Board. Further, Tennessee law allows citizens to contact members of public bodies like the school board. *Lowery*, 586 F.3d at 434. Therefore, there are at least three (3) alternative channels of communication. Taking all of this into consideration, the public interest requirement in Policy 1.404 constitutes a reasonable time, place, and manner restriction. As a result, the Plaintiffs do not demonstrate a strong likelihood of success on the merits, and their Motion for Preliminary Injunction should be denied.

c. The public-interest requirement does not constitute an impermissible prior restraint.

1. The public-interest requirement is viewpoint neutral and reasonable in light of the purpose served by the forum.

The Plaintiffs also challenge the “public interest” language contained within Wilson County Board of Education Policy 1.404 by arguing that this “public interest” requirement violates the First Amendment because it imposes “an impermissible prior restraint.” (Wilson County Board of Education Policy 1.404 <https://go.boarddocs.com/tn/wcschools/Board.nsf/Public#>). (Document 17, Page ID #105). However, Wilson County Board of Education Policy 1.404 does not constitute a prior restraint. As addressed at length hereinabove, Board meetings are limited public forums. In a limited public forum, the government may restrict speech so long as the restrictions are viewpoint neutral and “reasonable in light of the purpose served by the forum.” *Good News Club*, 533 U.S. at 106-07. The public-interest requirement, as discussed *supra*, is both viewpoint neutral and reasonable in light of the purpose served by the forum. As a result, the Plaintiffs do not demonstrate a strong likelihood of success on the merits, and their Motion for Preliminary Injunction should be denied.

2. The public-interest requirement is an appropriate time, place, and manner restriction.

- d. As noted above, the Plaintiffs argue that the “public interest” requirement contained in Wilson County Board of Education Policy 1.404 violates the First Amendment because it imposes “an impermissible prior restraint.” (Document 17, Page ID #105). However, the public-interest requirement in Wilson County Board of Education Policy 1.404 does not constitute a prior restraint. The public-interest requirement is a reasonable time, place, and

manner restriction. In the interest of conducting orderly and efficient meetings, school boards and other similar public bodies are permitted to adopt time, place, and manner rules or regulations. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983). The government may regulate the time, place and manner of speech so long as the regulation is (1) content-neutral, (2) narrowly tailored to serve a significant governmental interest and (3) leaves open ample alternative channels for communication of the information. *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293, 295, 104 S.Ct. 3065, 82 L.Ed.2d 221 (1984). The public-interest requirement, as discussed *supra*, meets all three requirements, and, therefore, constitutes an appropriate time, place, and manner restriction. As a result, the Plaintiffs do not demonstrate a strong likelihood of success on the merits, and their Motion for Preliminary Injunction should be denied. **The policies do not violate the Plaintiffs' right to petition.**

In this case, the Plaintiffs argue that the address-disclosure requirement, the restriction on “abusive” language, and the public interest requirement violate the Plaintiffs’ right to petition the government for a redress of grievances. As noted above, the Defendants have changed their practices with regard to the address-disclosure requirement and the restriction on “abusive” or “disruptive” language. Therefore, these policies do not violate the Plaintiffs’ right to petition. Further, the public interest requirement does not violate the Plaintiffs’ right to petition.

The Petition Clause of the First Amendment bars government from “abridging . . . the right of the people . . . to petition the government for a redress of grievances.” *Gable v. Lewis*, 201 F.3d 769 (6th Cir. 1999). A cause of action for violation of the Petition Clause is subject to the

same analysis applied to a claim arising under the Speech Clause. *Valot v. Southeast Local School Dist. Bd. of Educ.*, 107 F.3d 1220 (6th Cir. 1997). The right to petition is limited to matters of public concern. *Valot*, 107 F.3d at 1226. A particular expression addresses a matter of public concern where it can be fairly considered as relating to any matter of political, social, or other concern to the community. *Id.*

Here, the public interest requirement does not violate the Plaintiffs' right to petition. In order to appear before the Board to speak regarding a matter not on the Board's meeting agenda, the individual's comments must be in the public interest, or in other words, must be relevant to the general population. The First Amendment right to petition is limited to matters of public concern. *Id.* Public interest is synonymous with public concern. Therefore, the Defendants' requirement that the speaker's topic must be in the public interest does not violate the right to petition under the First Amendment. As a result, the Plaintiffs do not demonstrate a strong likelihood of success on the merits, and their Motion for Preliminary Injunction should be denied.

iii. The movants will not suffer irreparable harm if the injunction is not issued.

The Plaintiffs will not suffer irreparable harm if the injunction is not issued. First, the Defendants have changed their practices with regard to both the address-disclosure requirement and the restriction against "abusive" or "disruptive" language and are in the process of the amending their Board policy regarding same. As a result, those issues are moot and the Plaintiffs are not in danger of suffering irreparable harm. Second, the Plaintiffs will not suffer irreparable harm as a result of the public interest requirement. As noted above, the public interest requirement is an appropriate time, place, and manner restriction. The Plaintiffs will not suffer

irreparable harm as a result of the Board imposing an appropriate time, place, and manner restriction.

iv. Issuance of the injunction would cause substantial harm to others and the public interest would not be served by issuing the injunction.

Issuance of the injunction would cause substantial harm to others, and the public interest would not be served by issuing the injunction. As noted above, the Defendants have changed their practices with regard to both the address-disclosure requirement and the restriction against “abusive” or “disruptive” language and is in the process of amending its policy as to same. Therefore, those issues are moot. With respect to the public interest requirement, there is a significant governmental interest in maintaining structured, orderly school board meetings. (“Unstructured, chaotic school board meetings not only would be inefficient but also could deny other citizens the chance to make their voices heard...That is why ‘public bodies may confine their meetings to specified subject matter.’”) *Lowery v. Jefferson County Bd. of Educ.*, 586 F.3d 427 (6th Cir. 2009). Issuance of the injunction would result in unstructured, disorderly school board meetings, because individuals would be permitted to speak about topics that are not relevant to the general public. Without the public interest requirement, individuals could appear before the Board and speak about any topic – regardless of its relevance to the public or the purpose of the forum. Therefore, issuance of the injunction would cause substantial harm to others, and the public interest would not be served by issuing the injunction.

v. The Court should not waive Rule 65(c)’s bond requirement.

In this case, the Plaintiffs argue that the Court should waive Rule 65(c)’s bond requirement. Federal Rule of Civil Procedure 65(c) provides, “The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that

the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” The district court possesses discretion over whether to require the posting of security. *Moltan Co. v. EaglePicher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995). When determining whether to require the party seeking an injunction to give security, courts have considered factors such as the strength of the movant's case and whether a strong public interest is present. *Moltan*, 55 F.3d at 1176. Here, the Plaintiffs should be required to post a security bond. As noted above, the Plaintiffs do not have a strong likelihood of success on the merits. Further, there is a strong public interest in maintaining structured, orderly school board meetings, which would be impeded if the injunction is issued. *Lowery v. Jefferson County Bd. of Educ.*, 586 F.3d 427 (6th Cir. 2009). Based on the strength of the Plaintiffs’ case and on the fact that the public interest would not be served by issuance of the injunction, the Plaintiffs should be required to post a security bond pursuant to Rule 65(c).

III. CONCLUSION

Based on the foregoing, the Defendants, Wilson County Board of Education, also known as Wilson County Schools; Jamie Farough, individually and in her official capacity as a member of the Wilson County Board of Education; Kimberly McGee, in her official capacity as a member and Vice Chairman of the Wilson County Board of Education; Melissa Lynn, in her official capacity as a member of the Wilson County Board of Education; Beth Meyers, in her official capacity as a member of the Wilson County Board of Education; Joseph Padilla, in his official capacity as a member of the Wilson County Board of Education; Carrie Pfeiffer, in her official capacity as a member of the Wilson County Board of Education; and, Larry Tomlinson, in his official capacity as a member of the Wilson County Board of Education, respectfully request that the Court deny the Plaintiffs’ Motion for Preliminary Injunction.

This the 11th day of April, 2023.

Respectfully submitted,

SELLERS, CRAIG & HAYDEN, INC.

By: s/Christopher C. Hayden
Christopher C. Hayden (028220)
Attorneys for Defendants
P.O. Box 10547
Jackson, Tennessee 38308
(731) 300-0737
chris@schofcounsel.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded by electronic means via the Court's electronic filing system.

s/Christopher C. Hayden
SELLERS, CRAIG & HAYDEN, INC.

Date: April 11, 2023

PERSONS SERVED:

Brent Nolan
Institute for Free Speech
1150 Connecticut Avenue, NW, Suite 801
Washington, DC 20036
bnolan@ifs.org

John I. Harris, III (12099)
Schulman, Leroy & Bennett, PC
3310 West Avenue, Suite 460
Nashville, TN 37203
jharris@slblawfirm.com