

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

MEMPHIS A. PHILLIP RANDOLPH)
INSTITUTE, THE EQUITY ALLIANCE,)
FREE HEARTS, THE MEMPHIS AND)
WEST TENNESSEE AFL-CIO)
CENTRAL LABOR COUNCIL, THE)
TENNESSEE STATE CONFERENCE)
OF THE NAACP, SEKOU)
FRANKLIN, and KENDRA LEE,)
Plaintiffs,)

v.)

TRE HARGETT, in his official capacity)
as Secretary of State of the State of)
Tennessee, MARK GOINS, in his)
Official capacity as Coordinator of)
Elections for the State of Tennessee,)
and AMY WEIRICH, in her official)
capacity as the District Attorney General)
for Shelby County, Tennessee,)
Defendants.)

Case No. 3:20-cv-00374
Judge Richardson
Magistrate Judge Frensey

**DEFENDANTS’ MOTION TO STAY PRELIMINARY INJUNCTION
PENDING RESOLUTION OF MOTION TO DISMISS**

The Attorney General, on behalf of the Defendants, moves this Court to stay enforcement of the Preliminary Injunction (DE 80) issued by the Court on September 9, 2020, pending resolution of Defendants’ Motion to Dismiss (DE 61). As discussed in more detail in the accompanying Memorandum of Law, Defendants submit that—at the time it issued the Preliminary Injunction—briefing on the Motion to Dismiss was not closed, and Defendants did not have an opportunity to address the Sweet Declaration (DE 78-8) until their submission of their Reply brief (DE 82). If the Motion to Dismiss (which now has been fully briefed) is granted in

Defendants' favor, the Preliminary Injunction will be a nullity. Accordingly, Defendants request the Court to stay the Preliminary Injunction until it has ruled on the Motion to Dismiss.¹

Respectfully submitted,

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¹ Pursuant to Local Rule 7.01(a)(1), undersigned counsel has conferred with counsel for Plaintiffs and has been advised that Plaintiffs will oppose this Motion.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing documents have been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

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