

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

CLAY CAPP, *in his individual capacity as a Metropolitan Nashville City Councilmember*;
BRENDA GADD, *in her individual capacity as a Metropolitan City Councilmember*;
DELISHIA PORTERFIELD, *in her individual capacity as a Metropolitan City Councilmember*; SANDRA SEPULVEDA, *in her individual capacity as a Metropolitan City Councilmember*; ZULFAT SUARA, *in her individual capacity as a Metropolitan City Councilmember*; TERRY VO, *in her individual capacity as a Metropolitan City Councilmember*; GINNY WELSCH, *in her individual capacity as a Metropolitan City Councilmember*.

Plaintiffs,

v.

GLENN FUNK, *in his official capacity as the District Attorney for the Twentieth Judicial District*; JONATHAN SKRMETTI, *in his official capacity as the Attorney General and Reporter for the State of Tennessee*,

Defendants.

Case No. 25-0880-IV

[PROPOSED] AGREED ORDER

The Parties, having reached agreement, state the following background facts in support of this Agreed Order:

1. On June 24, 2025, Plaintiffs filed their Complaint for Declaratory Relief challenging the constitutionality of Sections 7 and 8 of Senate Bill No. 6002 (the "Act"), which amended Tenn. Code Ann. §§ 7-68-103 and 7-68-104, respectively.
2. Section 7 of the Act, codified at Tenn. Code Ann. § 7-68-103(b), makes it a Class E felony for local government officials to "vote in the affirmative" for policies deemed to be "sanctuary policies" as defined by state law.
3. Section 8 of the Act, codified at Tenn. Code Ann. § 7-68-104(e), requires the Attorney General to initiate removal proceedings against local officials who fail to comply with a court order under subsection (d) and are subsequently convicted under § 7-68-103(b).
4. Plaintiffs challenged these provisions as violations of the First Amendment to the United States Constitution; Article I, Section 19 of the Tennessee Constitution; principles of legislative immunity and independence; and the Due Process Clauses of the Fourteenth Amendment and Article I, Section 8 of the Tennessee Constitution.
5. Defendant Jonathan Skrmetti, in his capacity as Attorney General and Reporter for the State of Tennessee, has certified to the Tennessee General Assembly, in accordance with Tenn. Code Ann. § 8-6-109(b)(9), that he can advance no argument in support of the constitutionality of the challenged statutes.
6. The Tennessee General Assembly has been notified of the Attorney General's position and has informed the Attorney General that it will not retain outside counsel to defend the constitutionality of the challenged statutes.
7. Defendants acknowledge that Sections 7 and 8 of the Act, as codified at Tenn. Code Ann. §§7-68-103(b) and 7-68-104(e), unconstitutionally infringe on principles of legislative

immunity and independence and have agreed not to enforce them against Plaintiffs or any other local government official.

8. The Parties agree that Plaintiffs are proceeding in their individual capacities in this action, and not in their official capacities as Metropolitan Nashville Councilmembers.
9. The Parties have reached an agreement to resolve this matter consistent with Plaintiffs' requested relief, as memorialized in this Agreed Order.

THEREFORE, THE PARTIES AGREE, AND THE COURT ORDERS, AS FOLLOWS:

1. **Declaration of Unconstitutionality:** Sections 7 and 8 of the Act, as codified at Tenn. Code Ann. §§ 7-68-103(b) and 7-68-104(e), unconstitutionally infringe on principles of legislative immunity and independence.
2. **Notice:** Defendant Skrmetti, in his official capacity as Attorney General and Reporter for the State of Tennessee, shall provide a copy of this Agreed Order to:
 1. The Tennessee District Attorneys General Conference;
 2. The Tennessee Sheriffs' Association; and
 3. The Tennessee Association of Chiefs of Police.
3. **No Criminal Prosecutions:** Defendant Funk, his successors, and his officers, agents, employees and all others acting under his direction and control, shall not initiate, pursue, or support any criminal prosecutions under Section 7 of Senate Bill 6002 (as codified at Tenn. Code Ann. § 7-68-103(b)) against Plaintiffs or any local government officials.
4. **No Removal Proceedings:** Defendant Skrmetti, his successors, and his officers, agents, employees and all others acting under his direction and control, shall not initiate any removal proceedings under Section 8 of Senate Bill 6002 (as codified at Tenn. Code Ann.

§ 7-68-104(e)) against Plaintiffs or any local government officials based on violations of Sections 7 of Senate Bill No. 6002 (as codified at Tenn. Code Ann. § 7-68-103(b)).

5. **Fees and Cost:** Defendants agree to pay Plaintiffs an amount of \$59,733.00 in attorneys' fees and \$1,490.51 in costs, for a total of \$61,223.51. Defendants will bear their own fees and costs.
6. **Final Resolution:** This constitutes a final and conclusive resolution of the above-captioned case, with the exception of any matter involving enforcement of this Agreed Order. Upon entry of this Order, all unadjudicated damages, injuries, claims, demands, or causes of action—known or unknown—arising from, related to, or in any way connected to this lawsuit, that have accrued through the date of this Agreed Order and that were or could have been brought by these Parties, their privies, or their agents, whether current or former, in their official and individual capacities, against one another, shall be deemed released, waived, dismissed, withdrawn, and/or denied as moot, except as may be necessary to enforce the terms of this Agreed Order.
7. **Entry of Judgment:** The Clerk shall enter judgment in accordance with Tennessee Rule of Civil Procedure 58.

IT IS SO ORDERED on this _____ day of _____, 2026.

RUSSELL T. PERKINS
Chief Judge

WILLIAM E. PHILLIPS, II
Judge

JAMES R. NEWSOM
Chancellor

APPROVED FOR ENTRY:

Dated: February 25, 2026

/s/ Lucas Cameron-Vaughn
Lucas Cameron-Vaughn, BPR No. 36284
Zee Scout, BPR No. 042637
ACLU FOUNDATION OF TENNESSEE
P.O. Box 120160
Nashville, TN 37212
Telephone: (615) 320-7142
lucas@aclu-tn.org
zscout@aclu-tn.org

/s/ Stella Yarbrough
Stella Yarbrough, BPR No. 033637
Jeff Preptit, BPR. No. 038451
Ben Gastel, BPR. No. 028699
Herzfeld, Suetholz, Gastel, Leniski, and
Wall PLLC
1920 Adelia Street, Suite 300
Nashville, TN 37212
Office: 615.800.6225
stella@hsglawgroup.com
jeff@hsglawgroup.com
ben@hsglawgroup.com

Counsel for Plaintiffs

JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER

/s/ Jacob Durst
JACOB DURST (BPR #042032)
Assistant Attorney General
Strategic Litigation Unit
ANDREW DENNING (BPR #042208)
Assistant Attorney General
Constitutional Defense Division
Office of the Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202
Phone: (615) 741-3491
Jacob.Durst@ag.tn.gov
Andrew.Denning@ag.tn.gov

Counsel for Defendants