

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

JANE DOE; CHRISSY MILLER;

Plaintiffs,

v.

TENNESSEE DEPARTMENT OF
SAFETY AND HOMELAND
SECURITY; JEFF LONG, in his official
capacity as the Commissioner of
Tennessee's Department of Safety and
Homeland Security; and MICHAEL
HOGAN, in his official capacity as the
Assistant Commissioner of the Driver
Services Division for Tennessee's
Department of Safety and Homeland
Security,

Defendants.

Case No. 24-0503-III
Chancellor Myles

AGREED ORDER GRANTING LEAVE TO AMEND COMPLAINT

This matter came before the Court on Plaintiffs' Motion for Leave to Amend Complaint. On April 23, 2024, Plaintiff Doe, alone, filed the first complaint. The following week, Plaintiff Miller joined Plaintiff Doe in filing a second complaint, which was an amended complaint as to Plaintiff Doe and the first complaint for Plaintiff Miller. Now, Plaintiffs seek leave to file their Second Amended Verified Complaint.

Plaintiffs submitted a "redlined" version of their proposed complaint as an exhibit to their motion. The proposed complaint maintains the two claims under the Uniform Administrative Procedures Act contained in the current operative complaint. The purposes of amendment are only

to (1) add a claim for the common law writ of certiorari and (2) to add new allegations supporting Plaintiffs' claims.

A party may amend a pleading "once as a matter of course" before a responsive pleading is served or, where no responsive pleading is required, within 15 days after the pleading is served. Tenn. R. Civ. P. 15.01. "Otherwise a party may amend the party's pleadings only by written consent of the adverse party or by leave of court; and leave shall be freely given when justice so requires." *Id.*

Defendants maintain that amendment will be futile and has only served to delay these proceedings. To avoid further delay, Defendants state that they do not oppose the motion for leave so long as the Court will consider their pending motion to dismiss as applicable to the continuing claims in the proposed complaint while granting Defendants the opportunity to file a supplemental motion to dismiss to address the new claims and allegations.

In light of Plaintiffs' Motion and the parties' agreement, the Court hereby ORDERS:

1. Plaintiffs' Motion for Leave to Amend is granted. Plaintiffs shall file a clean copy of their proposed Second Amended Verified Complaint no later than August 14, 2024.
2. Defendants' pending motion to dismiss is considered live as to the Second Amended Verified Complaint.
3. If Defendants wish to file a supplement to their motion to dismiss, they shall do so no later than 15 days after Plaintiffs serve the Second Amended Verified Complaint, as required by Tenn. R. Civ. P. 15.01.
4. Defendants shall notice a hearing on their motion to dismiss, including any supplement, in accordance with Local Rule 26.03.

Entered this 13th day of August, ²⁰²⁴~~2023~~. *ALM*

s/I'Ashea L. Myles
HON. I'ASHEA L. MYLES
CHANCELLOR, PART III

AGREED FOR ENTRY:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order has been filed and served upon the following by operation of the court's electronic filing system, with courtesy copies provided by email, on this the 12th day of August, 2024:

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/s/ *Cody N. Brandon*

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