

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

JANE DOE; CHRISSY MILLER,)	
)	
Plaintiffs/Petitioners,)	
)	
vs.)	No. 24-0503-III
)	CHANCELLOR MYLES
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/Respondents.)	

NOTICE OF FILING OF SUPPLEMENTAL EXHIBIT IN
SUPPORT OF MOTION FOR STAY OF AGENCY DECISION

Petitioners Jane Doe and Chrissy Miller, by and through counsel, hereby submit this
Notice of Filing of Supplemental Exhibit in Support of Motion for Stay of Agency Decision.

Petitioners submit the attached "Order Denying Motion to Stay Proceedings" as "Exhibit
C" in support of their Motion. This document, which was not available at the time the Motion was
filed, was recently received by counsel for Petitioners and issued on Friday May 16, 2025.

This document further supports the relief requested in the Motion, as the Tennessee
Department of Safety and Homeland Security denied Petitioners' Petition for Stay of Declaratory
Order.

Dated: May 19, 2025

Respectfully submitted,

/s/ Lucas Cameron-Vaughn

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been sent by U.S. Mail, postage pre-paid, or via electronic mail to the following:

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DATE: May 19, 2025

/s/ Lucas Cameron-Vaughn
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EXHIBIT C

AGENCY ORDER DENYINNG MOTION TO STAY PROCEEDINGS

BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF SAFETY

IN THE MATTER OF:

IN RE: PETITION FOR
DECLARATORY ORDER
BY JANE DOE AND CHRISSY
MILLER

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TDOSHS CASE No. 2024-02

ORDER DENYING MOTION TO STAY PROCEEDINGS

This is a declaratory order proceeding relating to a Petition for Declaratory Order filed by Petitioners on September 20, 2024. The Petitioners were represented by attorneys Lucas Cameron-Vaughn, Stella Yarbrough, and Maureen T. Holland. The Department was represented by attorneys Lizabeth Hale, Elizabeth Stroecker, and Karen Litwin.

On March 14, 2025, a Declaratory Order was issued determining: (1) the Department is legally bound to define “sex” pursuant to Tenn. Code Ann. § 1-3-105(c); (2) The enactment of Tenn. Code Ann. § 1-3-105(c) nullified Department rule 1340-01-13-.12(6); (3) DLP-302(E)(3) is a policy pursuant to Tenn. Code Ann. § 4-5-102(2) and does not need to be promulgated as a rule; and (4) the Department possesses the legal authority to deny the Petitioners’ requested sex designator changes and to require the surrender of issued licenses that contain errors or defects.

On March 24, 2025, Petitioners filed a Petition for Stay of Declaratory Order and Memorandum in Support. The Department filed a Response to Petitioners’ Motion for Stay on April 1, 2025.

This matter was originally brought in the Davidson County Chancery Court on April 23, 2024. On June 24, 2024, the Chancellor issued an Order Granting in Part and Denying in Part Plaintiff’s Motion for Temporary Injunction. On September 17, 2024, the Chancellor stayed the case to allow Petitioners the opportunity to file a Petition for Declaratory Order.

As grounds for the Petition for Stay, Petitioners argue a stay of the Declaratory Order is warranted because (1) Petitioners are likely to prevail on the merits at judicial review, (2) Petitioners will be irreparably harmed absent a stay, (3) no others will be harmed if the Department grants the stay, and (4) it is in the public interest to grant the stay.

I. Whether Petitioners are Likely to Prevail on the Merits at Judicial Review

Tennessee law requires the Department of Safety to issue driver licenses bearing a sex designation that corresponds to a person's immutable biological sex as determined by anatomy and genetics at birth. On July 1, 2024, Tenn. Code Ann. § 1-3-105(c) went into effect stating, "as used in this code, unless the context otherwise requires, 'sex' means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. As used in this subsection (c), evidence of a person's biological sex includes, but is not limited to, a government issued identification document that accurately reflects a person's sex listed on the person's original birth certificate."

On July 3, 2023, the Department issued a document to employees titled "Guidelines to Proof of Identity" (DLP-302(E)(3)). This document advised employees that "Pursuant to Public Chapter 486 as used in this code, unless the context otherwise requires, 'sex' means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. As used in this subsection (c), Evidence of a person's biological sex includes but is not limited to, a government issued identification document that accurately reflects a person's sex listed on the person's original birth certificate."

The plain language contained in Tenn. Code Ann. § 1-3-105(c) is unambiguous. The General Assembly defined "sex" to apply to the entire Tennessee Code. The Department, to comply with the definition of "sex", issued DLP-302(E)(3) just two days after Tenn. Code Ann. § 1-3-105(c)

went into effect. DLP-302(E)(3) does not create a new rule, rather, it is merely a recitation of Tenn. Code Ann. 1-3-105(c). Petitioners have failed to establish they are likely to prevail on the merits at judicial review.

II. Whether Petitioners will be Irreparably Harmed Absent a Stay

Petitioners have failed to demonstrate irreparable harm sufficient to warrant a stay of the Declaratory Order. Chancellor Myles June 24, 2024 injunction barring the Department from requiring Petitioner Miller to surrender Petitioner Miller’s current driver license or suspend Petitioner Miller’s driving privileges for failure to surrender her current driver license because the sex listed is “female.” Chancellor Myles also found that Petitioner Doe failed to demonstrate that irreparable injury would result if injunctive relief is not awarded as Petitioner Doe does not currently have a driver license that lists the sex as “female.” The March 14, 2025 Declaratory Order does not overrule the June 24, 2024 injunction issued by Chancellor Myles.

Petitioners have failed to establish certain and immediate harm, not hypothetical or possible. *See, D.T. v. Sumner Cnty. Sch.*, 942 F.3d 324, 327 (6th Cir. 2019) (citation omitted). The issuance of the March 14, 2025 Declaratory Order does not change the status quo for Petitioners Miller or Doe.

III. Whether No others will be harmed if the Department Grants a Stay

“Any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Maryland v. King*, 567 U.S. 1301, 1303 (2012). The Department is legally bound to define sex pursuant to Tenn. Code Ann. § 1-3-105(c); therefore, a stay prevents the Department from comporting its actions with Tennessee law.

In addition to being legally bound by Tenn. Code Ann. § 1-3-105(c), it is fathomable that during the duration of the stay, there could be an influx of people requesting to change the sex marker on their driver license. If the Declaratory Order is upheld there could be a number of people who will be required to change the sex marker on their driver license back or result in the cancellation of the license. This will have a harmful impact on those individuals as well as the Department. Petitioners have failed to establish that no others will be harmed by a stay.

IV. Whether It is in the Public Interest to Grant a Stay

The General Assembly, elected by the public, made clear that “sex” is defined in the Tennessee Code as the “immutable biological sex as determined by anatomy and genetics existing at time of birth.” While some may disagree with that definition, the 6th Circuit held, “Tennessee may decide how to use the word ‘sex’ in government documents and it may decide what facts to record in a government-owned record – ‘to say what it wishes’ in its records.” Gore v. Lee, 107 F.4th 548, 557 (6th Cir. 2024).

Petitioners’ “public policy” argument focuses on their assertion that DLP-302(E)(3) is a rule and was improperly promulgated. It has been determined in the Declaratory Order that DLP-302(E)(3) is not a rule, rather, a recitation of Tenn. Code Ann. 1-3-105(c), which is state law. Tenn. Code Ann. § 1-3-105(c) is unambiguous in its’ definition of “sex” and scop of the term “sex.” The Department has a duty to follow the statutory mandate; therefore, Petitioners have failed to establish that it is in the public interest to grant a stay.

Accordingly, the Petitioners’ Motion for Stay of the Declaratory order is **DENIED**.

It so **ORDERED**: May 16, 2025



Dustin Brandon, Commissioner’s Designee
State of Tennessee Dept. of Safety and
Homeland Security

CERTIFICATE OF SERVICE

Comes now the Commissioner's Designee of the Tennessee Department of Safety, by and through the undersigned, and certifies that a true and correct copy of the above Declaratory Order has been sent to all known interested parties.

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On this the 16th day of May, 2025.



Dustin Brandon
Commissioner's Designee
State of Tennessee Dept. of Safety
And Homeland Security