

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

JANE DOE; and)	
CHRISSY MILLER)	
)	
Plaintiff/Petitioner,)	24-0503-III
)	Chancellor Myles
vs.)	
)	
TENNESSEE DEPARTMENT OF)	
SAFETY AND HOMELAND)	
SECURITY; <i>et al.</i> ,)	
)	
Defendants/Respondents.)	

MOTION FOR TEMPORARY INJUNCTION

Pursuant to Tennessee Rule of Civil Procedure 65.04, Plaintiffs Jane Doe (“Ms. Doe”) and Chrissy Miller (“Ms. Miller”) move the Court for issuance of a temporary injunction that restrains Defendants and any successors to Defendants from enforcing their regulation, DLP-302(E)(3) (“Redefinition of Sex Rule”), against Ms. Doe or Ms. Miller during the pendency of this litigation.

In support of this motion, Ms. Doe states as follows:

1. Ms. Doe and Ms. Miller are likely to succeed on the merits of their claims that Defendants ignored required statutory procedures to promulgate rules under the Tennessee Uniform Administrative Procedures Act when issuing the Redefinition of Sex Rule which renders it void under Tennessee law.

2. Further, Defendants’ denial of Ms. Doe’s and Ms. Miller’s requests to change the sex designator on their driver license is an arbitrary and capricious decision in violation of the Tennessee Uniform Administrative Procedures Act because it is based on no course of individualized reasoning.

3. Ms. Doe and Ms. Miller are suffering irreparable harm every day that the Redefinition of Sex Rule remains in force.

4. Tennessee trial courts consider four factors in determining whether to issue a temporary injunction: (1) the threat of irreparable harm to the plaintiff if the injunction is not granted; (2) the balance between this harm and the injury that granting the injunction would inflict on defendant; (3) the probability that plaintiff will succeed on the merits; and (4) the public interest. *Fisher v. Hargett*, 604 S.W.3d 381, 394 (Tenn. 2020).

5. For reasons set out in the attached memorandum of law, Ms. Doe and Ms. Miller are likely to succeed on the merits of their Tennessee Uniform Administrative Procedures Act claims, and are suffering irreparable harm every day that Defendants' Redefinition of Sex Rule remains in force. The balance of the equities strongly favors an injunction, and an injunction is in the public interest. Accordingly, Plaintiff Ms. Doe and Ms. Miller respectfully request that the Court issue a temporary injunction barring Defendants and those under their supervision from enforcing the Redefinition of Sex Rule against Ms. Doe or Ms. Miller while this action is pending.

6. Ms. Doe respectfully requests the Court waive any bond requirement in this case because Defendants are unlikely to sustain any costs or damages as the result of a temporary injunction.

7. In support of this motion, Plaintiffs are contemporaneously filing a memorandum of law and the Declaration of Jane Doe.

For the reasons set forth above and in the accompanying filings, Plaintiffs move the Court for issuance of a temporary injunction barring Defendants and those under their supervision from enforcing the Redefinition of Sex Rule against Ms. Doe or Ms. Miller while this action is pending.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing has been forwarded via electronic mail to the following this 13th day May of 2024:

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