

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

TENNESSEE STATE CONFERENCE OF  
THE NAACP, et al.,

Plaintiffs,

v.

WILLIAM B. LEE, in his official capacity as  
Governor of the State of Tennessee, et al.,

Defendants.

Case No. 3:23-cv-00832

Judge Eric Murphy

Judge Eli Richardson

Judge Benita Pearson

**JOINT MOTION TO DISMISS THE COMPLAINT**

Defendants William B. Lee, in his official capacity as Governor of the State of Tennessee, 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, the State Election Commission, and Donna Barrett, Judy Blackburn, Jimmy Eldridge, Mike McDonald, Secondra Meadows, Bennie Smith and Kent Younce, in their official capacities as members of the State Election Commission, move to dismiss the Complaint under Federal Rule of Civil Procedure 12(b).

This action should be dismissed for several reasons.

*First*, the Panel should dismiss the Complaint based on the equitable doctrine of laches. That doctrine can be applied in the redistricting context. And it should be applied here because Plaintiffs inexplicably delayed bringing their claims for over eighteen months—an unreasonable delay when seeking to remedy redistricting decisions. That delay caused the State to suffer evidentiary and expectations-based prejudice, core considerations that support applying laches to these claims.

*Second*, the Panel should dismiss the Complaint because it fails to state a claim. None of the racial gerrymandering claims are plausibly alleged because Plaintiffs do not even *try* to show how race predominated over the obvious partisan motivations for the district lines. Similarly, the purposeful discrimination claims are not plausible because Plaintiffs' allegations lack sufficient facts to overcome the presumption of good faith and establish racial animus and discriminatory effect.

*Finally*, at minimum, Governor Lee should be dismissed from this action. He is immune from suit under the Eleventh Amendment. Plaintiffs also lack standing to seek relief against him because he neither caused nor has the power to redress their injuries.

In support of this Motion, Defendants rely on the contemporaneously filed Memorandum of Law in Support of the Motion and the exhibit attached to the Memorandum.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2023, the undersigned filed the foregoing document via this Court's electronic filing system, which sent notice of such filing to the following counsel of record:

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