

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**PHILLIP LAWSON, et al.,**

**Plaintiffs,**

**v.**

**TRE HARGETT, et al.,**

**Defendants.**

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**Case No. 3:24-cv-00538**

**Judge William L. Campbell, Jr.**

**Magistrate Judge Alistair Newbern**

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**NOTICE OF SUPPLEMENTAL AUTHORITY**

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Defendants hereby give Notice of supplemental authority in support of their Response to the Motion for Preliminary Injunction and in support of their Motion to Dismiss. The Sixth Circuit issued an opinion on July 18, 2024, in *Friends of George's, Inc. v. Mulroy*, No. 23-5611, 2024 WL 3451870 (6th Cir. July 18, 2024), a copy of which is attached. In that case, plaintiff challenged the constitutionality of the newly enacted Adult Entertainment Act which made it a criminal offense to perform adult cabaret entertainment on public property or in a venue at which a minor might be present. The Sixth Circuit found that the plaintiff had failed to demonstrate standing because "mere allegations of a subjective chill" are insufficient to establish an injury-in-fact; there must be a "certainly impending threat of prosecution." (See pg. 10). The Sixth Circuit dismissed the claim, finding that allegations that "legislators may have emboldened prosecutors" and that the district attorney general failed to disavow enforcement of the statute were insufficient to confer standing. The Plaintiff did not address the other *McKay* factors. (See pgs. 11-12). The Sixth Circuit remanded with instructions to dismiss the District Attorney General who was the defendant in that case.

Respectfully submitted,

JONATHAN SKRMETTI  
Attorney General and Reporter

/s/ Dawn Jordan  
DAWN JORDAN, BPR # 020383  
Special Counsel

ZACHARY L. BARKER, BPR # 035933  
Senior Assistant Attorney General

Office of Tennessee Attorney General  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-6440  
[Dawn.Jordan@ag.tn.gov](mailto:Dawn.Jordan@ag.tn.gov)  
[Zachary.Barker@ag.tn.gov](mailto:Zachary.Barker@ag.tn.gov)

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been filed electronically on July 19, 2024. Parties may access this filing through the Court's electronic filing system.

R. Culver Schmid, BPR No.  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
265 Brookview Centre Way, Suite 600  
Knoxville, TN 37919

Gary Shockley  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
1600 West End Avenue, Suite 2000  
Nashville, TN 37203

Eric G. Osborne, BPR No. 029719  
Christopher C. Sabis, BPR No. 030032  
William L. Harbison, BPR No. 007012  
Micah N. Bradley, BPR No. 038402  
Frances W. Perkins, BPR No. 040534  
Brettson J. Bauer, BPR No. 039289  
Sherrard Roe Voigt & Harbison, PLC  
150 3rd Avenue South, Suite 1100  
Nashville, TN 37201  
*Counsel for Plaintiffs Victor Ashe, Phil Lawson, Gabe Hart, and James R. Palmer*

John E. Haubenreich, BPR No. 029202  
The Protect Democracy Project  
2020 Pennsylvania Avenue NW, #163  
Washington, DC 20006

Orion Danjuma  
The Protect Democracy Project  
82 Nassau St. #601  
New York, NY 10038

Collin P. Wedel  
Arsham Ali Askari  
Christine T. Karaoglanian  
Sidley Austin LLP  
350 South Grand Avenue  
Los Angeles, CA 90071

Rebecca B. Shafer  
Sidley Austin LLP  
One South Dearborn  
Chicago, IL 60603

Jillian Sheridan Stonecipher  
Sidley Austin LLP  
1501 K Street NW  
Washington, D.C. 20005

*Counsel for Plaintiff League of Women Voters of  
Tennessee*

/s/ Dawn Jordan  
DAWN JORDAN  
Special Counsel

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