

VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY

RYAN T. MCDOUGLE, Virginia State Senator and
Legislative Commissioner for the Virginia
Redistricting Commission, et al.,

Plaintiffs,

v.

G. PAUL NARDO, in his official capacity as
Clerk of the Virginia House of Delegates, et al.,

Defendants,

and

DON SCOTT, in his official capacity as Speaker
of the Virginia House of Delegates,

Intervenor-Defendant.

Civil Action No. CL25-1582

**ORDER DENYING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER**

Having considered the Plaintiffs' Emergency Motion for Temporary Restraining Order and the briefing, record, and pertinent authorities, as well as the Clerk Defendants' Plea of Immunity, the Court finds that Plaintiffs are not entitled to a Temporary Restraining Order pending a hearing on Plaintiffs' Motion for Preliminary Injunction. The Court finds that the current case poses an analogous situation to *Chase v. Senate of Va.*, 539 F. Supp. 3d 562 (E.D. Va. 2021), where the Court therein reasoned that,

"Here, the Court, persuaded by the reasoning in Rangel and Harwood, concludes that legislative immunity extends to Schaar. First, as in Rangel, the Virginia Constitution requires both houses of the General Assembly to maintain a journal of proceedings. Second, as in both Rangel and Harwood, there is no allegation that [*572] Schaar committed any wrongdoing. Rather, her job is to act as the agent of the senators in complying with a facially neutral constitutional provision. *Cf. Harwood*, 69 F.3d at 631. On these facts, Schaar is entitled to partake of the legislative immunity that would have been afforded to the state senators."

Likewise, this Court cannot find that any of these three Clerks have committed, or will commit, any wrongdoing by carrying out their respective duties as Clerks and agents of their employer legislators.

The Court therefore **DENIES** Plaintiffs' Emergency Motion for Temporary Restraining Order.

Plaintiffs' Motion at its core, requests the Court to invade the province of the Legislature prior to the final actions of the Legislature. For well over a century, the courts of the Commonwealth have recognized a bedrock principle that amending the Constitution is a process left exclusively to the sound judgment of the Legislature that proposes amendments and the citizens that ratify or reject them. See *Scott v. James*, 114 Va. 297 (1912). While that process is ongoing, "the courts cannot interfere to stop any of the proceedings." See *id.* at 304. In the Separation of Power doctrine established by the U.S. Constitution as well as the Constitution of Virginia, the Court's role in these situations is limited to scrutinizing the Constitutionality of any action of the Legislature is at the conclusion of the act, not in the process thereof.

For the foregoing reasons, the Motion for Temporary Restraining Order must be DENIED.

Pursuant to Rule 1:13, the Court dispenses with the parties' endorsement of this Order.

The Clerk is directed to forward a certified copy of this Order to the parties.

IT IS SO ORDERED.

ENTERED this 13th day of January, 2026.


Judge