

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

AMBER SHERMAN, RACHAEL)
SPRIGGS, KERMIT MOORE, BLACK)
CLERGY COLLABORATIVE OF MEM-)
PHIS, MEMPHIS A. PHILIP RAN-)
DOLPH INSTITUTE, EQUITY ALLI-)
ANCE,)

Plaintiffs,)

v.)

TRE HARGETT, in his official capacity as)
Secretary of State of Tennessee, MARK)
GOINS, in his official capacity as Coordi-)
nator of Elections for Tennessee, STATE)
ELECTION COMMISSION, and)
DONNA BARRETT, JUDY BLACK-)
BURN, JIMMY ELDRIDGE, MIKE)
MCDONALD, SECONDR A MEAD-)
OWS, VANECIA BELSER KIMBROW,)
and KENT YOUNCE, in their official ca-)
pacities as members of the State Election)
Commission,)

Defendants.)

No. 3:26-cv-00616
THREE-JUDGE COURT

RESPONSE TO PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs submitted a Notice of Supplemental Authority regarding a preliminary injunction entered in ongoing congressional redistricting litigation in Alabama. *See* Dkt. 41. Plaintiffs invited this Court to take the same approach. *Id.* at 3 (arguing the same “principles are applicable here” and the Alabama “decision also informs how this Court

should assess the remaining preliminary injunction factors”). That was an invitation to err.

The Supreme Court has since stayed that preliminary injunction. *See Milligan v. Allen*, No. 25A1315, 608 U.S. ____ (2026) (per curiam) (attached as Ex. 1). The Supreme Court faulted the three-judge court for failing “to heed the presumption of legislative good faith” and all too quickly presuming “discriminatory animus.” *Id.* (slip op. 3). The Supreme Court further faulted that court for “interpos[ing] itself into Alabama’s ongoing efforts to conduct its imminent 2026 congressional elections under maps that its elected representatives selected.” *Id.* (slip op. 4). It is those same principles—from the Supreme Court, not the stayed district court order—that apply here too. There is no basis for interrupting Tennessee’s ongoing election preparations. Such an extraordinary order would speciously presume *bad faith*: that Tennessee’s politically driven process was just a disguise for a racially driven one. *But see id.*; *Abbott v. League of United Latin American Citizens*, 146 S. Ct. 418 (2025).

Dated: June 3, 2026

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

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