

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

DO NO HARM, a nonprofit corporation
incorporated in the State of Virginia,

Plaintiff,

v.

WILLIAM LEE, in his official capacity as
Governor of the State of Tennessee,

Defendant.

No. 3:23-cv-01175

**JUDGE CAMPBELL
MAGISTRATE JUDGE HOLMES**

JOINT CASE RESOLUTION STATUS REPORT

Pursuant to the January 11, 2024, Initial Case Management Order, ECF. No. 22, the parties, by counsel, submit the following Joint Case Resolution Status Report and state as follows:

1. On November 8, 2023, Plaintiff filed its initial complaint. ECF No. 1.
2. On December 14, 2023, Defendant contacted Plaintiff regarding the Governor's appointments to two vacancies on the Board of Podiatric Examiners. The parties then conferred via telephone and email but could not resolve the case because they disagreed on Article III standing and liability.
3. On January 8, 2024, Defendant moved to dismiss Plaintiff's initial complaint. ECF No. 20.
4. On January 19, 2024, Plaintiff filed its First Amended Complaint. ECF No. 23. On February 2, 2024, Defendant moved to dismiss Plaintiff's Amended Complaint. ECF. No. 25. Subsequently, Plaintiff filed its opposition to Defendant's Motion to Dismiss on February 16, 2024, ECF. No. 26, and Defendant filed his reply on March 1, 2024. ECF No. 30. This motion remains pending before the Court.

5. No written discovery has yet been served in the case, as the parties have chosen to postpone discovery pending the resolution of the motion to dismiss. The standing questions raised in Defendants' motion to dismiss are based in law and not in disputed facts, and therefore discovery would not aid in their resolution.

6. On June 26, 2024, the counsel for the parties again conferred via phone to discuss resolution of this case. The parties discussed the current posture of the case and whether there were any new considerations that would have altered the parties' previously stated positions on Article III standing and liability—none exist at this time. The parties continue to disagree on these issues and were unable to reach a settlement.

DATED: June 28, 2024.

Respectfully submitted,

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**Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, the forgoing document was served upon counsel for the defendant via CM/ECF service.

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