

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

DO NO HARM,)	
)	
Plaintiff-Appellant,)	
)	
v.)	No. 24-5937
)	
WILLIAM LEE,)	
)	
Defendant-Appellee)	
)	

UNOPPOSED MOTION TO STAY BRIEFING SCHEDULE

Defendant-Appellee, William Lee, in his official capacity as Governor of the State of Tennessee, moves this Court to stay the briefing schedule to allow the parties to continue settlement negotiations. Defendant’s appellee brief is currently due on January 27, 2025. The undersigned has conferred with counsel for Plaintiff-Appellant, who does not oppose this motion.

SUPPORT FOR THE MOTION

This case involves Plaintiff’s challenge to the constitutionality of Tenn. Code Ann. §§ 8-1-111 and 63-3-103(b), under which the Governor must “strive to ensure” that at least one person appointed to serve on the Tennessee Board of Podiatric Medical Examiners “is a member of a racial minority.” The district court dismissed

Plaintiff's action for lack of standing on August 8, 2024, and Plaintiff appealed to this Court.

Meanwhile, Plaintiff filed a similar action challenging the constitutionality of Tenn. Code Ann. §§ 8-1-111, 63-4-102(c) and 63-6-102(c), under which the Governor must “strive to ensure” that at least one person appointed to serve on the Tennessee Board of Chiropractic Examiners “is a member of a racial minority” and that one person appointed to serve on the Tennessee Board of Medical Examiners “is an African-American.” The Tennessee Attorney General subsequently certified, in accordance with Tennessee law,¹ his inability to defend those statutes in that case, and on December 20, 2024, the district court “stayed and administratively closed” the case “pending further order of the Court.” Order, *Do No Harm v. Lee*, No 3:24-cv-01334 (M.D. Tenn. Dec. 20, 2024).

Since that time, counsel for the parties have been engaged in settlement discussions with the intent to fully resolve *both cases together*, and Defendant-Appellee has a reasonable expectation that a settlement agreement will soon be reached. In that event, the parties would file a stipulation of dismissal for this appeal under Fed. R. App. P. 42(b)(1).

For these reasons, Defendant-Appellee submits that a stay of the briefing schedule pending further settlement discussions, with a view toward a voluntary

¹ See Tenn. Code Ann. § 8-6-109(b)(9).

dismissal of this appeal, is warranted and appropriate. Again, Plaintiff-Appellant does not oppose such a stay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Unopposed Motion to Stay Briefing Schedule*, was filed and served by operation of the Court's ECF/PACER system on this 21st day of January 2025, upon:

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