

IN THE CHANCERY COURT FOR THE TWENTIETH JUDICIAL DISTRICT,
DAVIDSON COUNTY, TENNESSEE

THE METROPOLITAN GOVERNMENT)	
OF NASHVILLE AND DAVIDSON)	
COUNTY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	
TENNESSEE DEPARTMENT OF)	
EDUCATION, <i>et al.</i> ,)	Case No. 20-0143-II
)	
Defendants,)	
)	
and)	
)	
NATU BAH, <i>et al.</i> ,)	
)	
Intervenor-Defendants.)	

ORDER

On May 4, 2020, the Court granted the motion for summary judgment filed by Plaintiffs Metropolitan Government of Nashville and Davidson County and Shelby County Government, declared the Tennessee Education Savings Account Pilot Program, codified at Tenn. Code Ann. §§ 49-6-2601, *et seq.*, unconstitutional, and enjoined its implementation and enforcement. This matter is now before the Court on a joint motion to stay the injunction pending appeal filed by Defendants Tennessee Department of Education (“TDOE”), Education Commissioner Penny Schwinn, and Governor Bill Lee (collectively, “State Defendants”) and Intervenor-Defendants Natu Bah, Builguissa Diallo, Bria Davis, Star Brumfield, Greater Praise Christian Academy, Sensational Enlightenment Academy Independent School, Ciera Calhoun, Alexandria Medlin, and David Wilson, Sr. (“Intervenor-Defendants”). The Court held oral argument on the motion to stay the injunction on May 7, 2020.

Upon consideration of the parties' positions, the Court hereby orders as follows:

1. The motion to stay the injunction as requested under Tennessee Rule of Civil Procedure 62.03 is **DENIED**.

2. State Defendants are permitted to receive applications to the ESA Program through May 7, 2020.

3. State Defendants remain otherwise enjoined from using State resources to process applications, engage with parents and schools, or remit any funds in support of the program.

4. State Defendants are ordered to post on the ESA website a notice to the public that the program is currently enjoined, the result is being appealed, the State hopes to be successful on appeal and put the program in effect for the upcoming school year, but that it remains uncertain at this time and families should have a backup plan for this coming school year. State Defendants are further ordered to file a notice with the Court regarding their compliance with this requirement. Other public communications by the State regarding the ESA program shall be consistent with the requirements of this paragraph.

It is so **ORDERED**.

Entered this 13th day of May, 2020.



CHANCELLOR ANNE C. MARTIN

APPROVED FOR ENTRY:

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY

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