

**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.

Case No. 3:24-cv-01334

CHIEF JUDGE CAMPBELL

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Do No Harm hereby gives notice that this action is voluntarily dismissed given the following events:

1. Do No Harm brought this lawsuit on November 7, 2024, to challenge the requirements that the Governor of Tennessee consider the race of candidates for seats on the Tennessee Board of Chiropractic Examiners and Board of Medical Examiners. ECF No. 1. *See also* Tenn. Code Ann. §§ 63-4-102(c); 63-6-102(c); 8-1-111.

2. Do No Harm alleged that the race-based preferences within all three statutes violate the Fourteenth Amendment. ECF No. 1 ¶¶ 45–77. It sought a declaration to that effect, as well as a permanent injunction against continued enforcement of those preferences. *Id.* at 13 (Req. for Relief) ¶ 1. Shortly thereafter, Do No Harm sought preliminary relief from enforcement of the preferences. ECF No. 12.

3. On December 18, 2024, and pursuant to Tenn. Code Ann. § 8-6-109(b)(9), Attorney General Jonathan Skrmetti certified to the Speakers of the House of Representatives and the Senate that the State could not defend the constitutionality of Tenn. Code Ann. §§ 8-1-111, 63-4-102(c), and 63-6-102(c) under the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023). *See* ECF No. 19. This case was subsequently stayed. ECF No. 21.

4. On February 11, 2025, the Legislature informed the Attorney General's Office in writing that it will not retain independent counsel to defend the law. *See* ECF No. 23. *See also* Tenn. Code Ann. § 8-6-109(c).

5. On April 16, 2025, the Legislature enacted and sent to Governor Lee HB 1237, repealing the race-based preferences in Tenn. Code Ann. §§ 63-4-102(c), 63-6-102(c). Governor Lee signed the legislation into law on April 24, 2025.

6. On May 1, 2025, the Legislature enacted and sent to Governor Lee SB 1084, repealing the race-based preferences in Tenn. Code Ann. § 8-1-111. Governor Lee signed the legislation into law on May 9, 2025.

7. As the challenged language in Tenn. Code Ann. §§ 8-1-111, 63-4-102(c), and 63-6-102(c) creating race-based preferences has now been repealed, dismissal of this case is appropriate.

8. Defendant has not served an answer or motion for summary judgment in this action.

ACCORDINGLY, Plaintiff voluntarily dismisses this action without prejudice.

See Fed. R. Civ. P. 41(a)(1)(B).

DATED: May 29, 2025.

Respectfully submitted,

/s/ Caleb R. Trotter

Caleb R. Trotter, Cal. Bar No. 305195*
PACIFIC LEGAL FOUNDATION
555 Capitol Mall, Suite 1290
Sacramento, CA 95814
Telephone: (916) 419-7111
CTrotter@pacificlegal.org

David J. Hoffa, Ariz. Bar No. 038052*
PACIFIC LEGAL FOUNDATION
3241 E. Shea Blvd., Suite 108
Phoenix, AZ 85028
Telephone: (916) 419-7111
DHoffa@pacificlegal.org

/s/ Daniel J. Turklay

Daniel J. Turklay (#034600)
TURKLAY LAW
11205 Lebanon Rd #51
Mt. Juliet, TN 37122
Telephone: (615) 838-5903
Fax: (888) 868-0014
daniel@turklaylaw.com

**Pro Hac Vice*

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notice of such filing to counsel of record who are registered with CM/ECF. I also certify that I sent the foregoing document via email to Kevin M. Kreutz, additional counsel for Defendant identified in the parties' meet-and-confer conference.

DATED: May 29, 2025.

/s/ Caleb R. Trotter
Caleb R. Trotter