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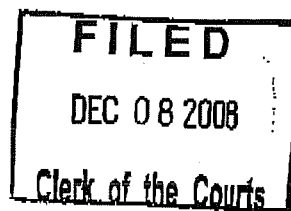
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**ROSA A. QUINTEROS v. METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE and DAVIDSON
COUNTY ELECTION COMMISSION**

No. M2008-02674-SC-RDM-CV - Filed: December 8, 2008

ORDER

On December 4, 2008, the Plaintiff, Rosa A. Quinteros, submitted to this Court a document titled Notice of Appeal to the Supreme Court, which had previously been filed in the Davidson County Chancery Court on that same date. Pursuant to Tennessee Rule of Appellate Procedure 17, the notice of appeal is hereby transferred to the Court of Appeals. The Plaintiff's motion asking this Court to assume jurisdiction and to render an expedited decision pursuant to Tennessee Code Annotated section 16-3-201 remains pending before this Court.

It is so ORDERED.

PER CURIAM

FILED

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Clerk of the Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLEROSA A. QUINTEROS v. METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE and DAVIDSON
COUNTY ELECTION COMMISSION

No. M2008-02674-SC-RDM-CV

ORDER

On November 17, 2008, the Davidson County Election Commission voted to call a special referendum election for January 22, 2009, concerning two proposed petition-initiated amendments of the Charter of the Metropolitan Government of Nashville and Davidson County. On November 19, 2008, the Plaintiff, Rosa A. Quinteros, filed a complaint seeking a declaratory judgment and injunctive relief to enjoin the January 22, 2009, special election as to one of the proposed amendments, the so-called "English-Only" measure.¹ The Metropolitan Government of Nashville

¹The challenged proposed amendment, if approved, will add the following section to Article 1 of the Metropolitan Charter:

English is the official language of the Metropolitan Government of Nashville and Davidson County, Tennessee. Official actions which bind or commit the government shall be taken only in the English language, and all official government communications and publications shall be in English. No person shall have a right to government services in any other language. All meetings of the Metro Council, Boards, and Commissions of the Metropolitan Government shall be conducted in English. The Metro Council may make specific exceptions to protect public health and safety. Nothing in this measure shall be interpreted to conflict with federal or state law.

The second proposed amendment, which has not been challenged in this action, if approved, will amend Article 19.01 of the Metropolitan Charter as follows:

Paragraph 1 shall be amended by replacing "ten (10) percent of the registered voters of Nashville-Davidson County voting in the preceding general election" with "1% of the total registered voters in Nashville-Davidson County."

Paragraph 4 shall be amended by replacing "nor shall any such amendment or amendments be submitted by petition more often than once in each two years" with "The people may submit amendments to the voters at any regularly scheduled general election, and by special election once per calendar year ending December 31st."

A New Paragraph shall be added to the end of Section 19.01 stating: "An amendment approved by the people may not be amended by a Metropolitan

(continued...)

and Davidson County and the Davidson County Election Commission filed an answer alleging, among other defenses, that the case was not ripe for consideration under this Court's decision in City of Memphis v. Shelby County Election Comm'n, 146 S.W.3d 531 (Tenn. 2004). The Defendants also asked the trial court to allow the proponents of the proposed "English-Only" amendment, Metro Councilman Eric Crafton and a group known as "Nashville English First, Inc.," to intervene in the proceeding. After the trial court allowed these parties to intervene, the Defendants filed a motion to dismiss on procedural grounds, including the issue of ripeness. The Intervenor also filed a motion to dismiss, raising the issue of subject matter jurisdiction. The Plaintiff filed memoranda of law in support of her request for a temporary restraining order and in opposition to the motions to dismiss.

On December 3, 2008, after conducting a hearing on the motions to dismiss, the trial court dismissed the Plaintiff's lawsuit "because there is no subject-matter jurisdiction given that the case is not ripe." On December 4, 2008, the Plaintiff filed a motion pursuant to Tennessee Code Annotated section 16-3-201 (2008 Supp.), asking this Court to assume jurisdiction of this appeal and to render an expedited decision. On December 8, 2008, the Intervenor filed a response in opposition to the motion.

Upon due consideration of the motion, the response, and all other papers filed in support thereof, the motion filed by the Plaintiff, Rosa A. Quinteros, is hereby DENIED. We note that expediting this appeal would not prevent the expenditure of public funds because the Plaintiff has not sought to enjoin the January 22, 2009, special election as to the second proposed Charter amendment. Our denial of this motion is neither a ruling on the merits of the constitutional claims raised by the Plaintiff in this lawsuit nor an interpretation of City of Memphis v. Shelby County Election Comm'n, 146 S.W.3d 531 (Tenn. 2004), discussing the types of pre-election challenges that courts may consider in appropriate circumstances.

It is so ORDERED.

PER CURIAM

¹(...continued)

Council-proposed resolution within four (4) years of its approval by the voters."