

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

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DAV. CO. CHANCERY COURT

Civil Action No. 08-2535-I

ROSA A. QUINTEROS,)
)
 Plaintiff,)
)
 vs.)
)
 METROPOLITAN GOVERNMENT)
 OF NASHVILLE AND DAVIDSON)
 COUNTY and DAVIDSON COUNTY)
 ELECTION COMMISSION)
)
)
 Defendants.)

TEMPORARY RESTRAINING ORDER

Before the Court is Plaintiff's petition for a temporary restraining order, declaratory judgment and injunctive relief to enjoin the "English-Only" Metro-Nashville Davidson County charter amendment special election from occurring on January 22, 2009 (with early voting scheduled to begin January 2, 2009). The Plaintiff seeks to enjoin an election on this ballot measure from occurring on the grounds that the proposed charter amendment is beyond the powers of the Metropolitan Government of Nashville Davidson County and that the proposed charter amendment is facially unconstitutional.

The Court finds that Plaintiff has demonstrated that: (1) there is a substantial likelihood that the moving party eventually will prevail on the merits; (2) the moving party will suffer irreparable injury unless the injunction issues; (3) the threatened injury to the moving party outweighs whatever damage the proposed injunction may cause the opposing party; and (4) the injunction, if issued, would not be adverse to the public interest.

Accordingly, the Court hereby enjoins the Davidson County Election Commission from preparing for, organizing and holding a referendum election on the proposed "English-Only" Metro-Nashville Davidson County charter amendment. The Court further orders that a hearing for preliminary injunction be scheduled to occur on December __, 2008 at _____.

IT IS SO ORDERED.

CHANCELLOR CLAUDIA C. BONNYMAN

APPROVED FOR ENTRY:

LAW OFFICES OF DAVID RANDOLPH SMITH
& EDMUND J. SCHMIDT III

By:


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon the following on this 21st day of November, 2008, via hand delivery:

Sue B. Cain, Esq.
Metro Nashville Law Department
Metro Courthouse, Suite 108
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David Randolph Smith