

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.E., by his next friend and parents,)
SHELLEY ESQUIVEL and)
MARIO ESQUIVEL,)
)
Plaintiff,)
)
v.)
)
BILL LEE, in his official capacity as)
Governor of Tennessee, et al.)
)
Defendants.)

No. 3:21-CV-00835

JOINT REPORT OF PARTIES REGARDING SETTLEMENT EFFORTS

Counsel for Plaintiff and Defendants have conferred on the possibility of settlement and whether the case should be referred for mediation. Specifically, Plaintiff’s counsel and counsel for Knox County Board of Education held a teleconference on May 10, 2022, and Plaintiff’s counsel and counsel for the State Defendants held a teleconference on May 11, 2022, and the parties discussed options for resolving the case, including an offer by Plaintiff and responses by Defendants.

The parties are in agreement in their belief that settlement is not possible in this case. Plaintiff brings constitutional and statutory claims challenging SB 228, a law passed by the Tennessee legislature in 2021.

Plaintiffs assert settlement is not possible on the following grounds: The law prevents Plaintiff from playing on his high school’s boys’ golf team, and there is little ground on which the parties can find compromise between SB 228’s prohibitions and allowing L.E. to play; he either is allowed to play on the boys’ team or he is not. Further, absent an act of the legislature,

Defendants do not have the authority to allow L.E. to play on the boys' team in contravention of the law, foreclosing the possibility of settlement.

State Defendants assert settlement is not possible on the grounds that Plaintiff does not have standing, the claims are not ripe for review, and that the challenged statute is constitutional.

County Defendants assert settlement is not possible as they do not have authority to allow L.E. to play on the boys' team in contravention of the law.

The parties have made a good faith effort to identify possible avenues for settlement and agree that it is not possible due to the unique nature of the case.

Respectfully submitted this 20th day of May 2022.

/s/ Stella Yarbrough
Stella Yarbrough (No. 33637)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF TENNESSEE
P.O. Box 120160
Nashville, TN 37212
Tel: (615) 320-7142
syarbrough@aclu-tn.org

***Attorney for Plaintiff L.E., by his next
friends and parents, Shelley Esquivel and
Mario Esquivel***

/s/ Stephanie Bergmeyer
Stephanie A. Bergmeyer, BPR # 27096
Senior Assistant Attorney General
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202
Stephanie.Bergmeyer@ag.tn.gov
(615) 741-6828

***Attorney for Governor Lee, Commissioner
Schwinn, Dr. Morrison, and the individual***

***members of the Tennessee State Board of
Education, in their official capacities, and
the Tennessee State Board of Education***

/s/ David Sanders

David M. Sanders (BPR # 016885)
Senior Deputy Law Director, Knox County
Suite 612, City-County Building
400 Main Street
Knoxville, TN 37902
David.Sanders@knoxcounty.org
(865) 215-2327

***Attorney for Knox County Board of
Education and Robert M. "Bob" Thomas***

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2022, a true and correct copy of the foregoing
Joint Report of Parties Regarding Settlement Efforts was served on counsel for all
Defendants via the Court's ECF/CM system.

Stephanie A. Bergmeyer
Senior Assistant Attorney General
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202
Stephanie.Bergmeyer@ag.tn.gov
(615) 741-6828

David M. Sanders
Senior Deputy Law Director, Knox County
Suite 612, City-County Building
400 Main Street
Knoxville, TN 37902
David.Sanders@knoxcounty.org
(865) 215-2327

/s/ Stella Yarbrough
Stella Yarbrough