

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
28<sup>th</sup> JUDICIAL DISTRICT, GIBSON COUNTY**

**STEPHEN L. HUGHES,** )  
**DUNCAN O'MARA, ELAINE KEHEL,** )  
**GUN OWNERS OF AMERICA, INC.,** )  
**and GUN OWNERS FOUNDATION,** )

**Plaintiffs,** )

**v.** )

**BILL LEE, in his official capacity as the** )  
**Governor for the State of Tennessee,** )  
**JONATHAN SKRMETTI, in his official** )  
**capacity as the Attorney General for the** )  
**State of Tennessee,** )  
**JEFF LONG, in his official capacity as** )  
**the Commissioner of the Tennessee** )  
**Department of Safety and Homeland** )  
**Security,** )  
**DAVID SALYERS, in his official capacity** )  
**as the Commissioner of the Tennessee** )  
**Department of Environment and** )  
**Conservation,** )  
**PAUL THOMAS, in his official capacity** )  
**as the Sheriff of Gibson County,** )  
**Tennessee,** )  
**FREDERICK AGEE, in his official** )  
**capacity as the District Attorney General** )  
**for Crockett, Gibson and Haywood** )  
**counties, and** )  
**the STATE OF TENNESSEE,** )

**Defendants.** )

**No. 24475**

**Chancellor Mansfield, Chief Judge**  
**Judge Burk**  
**Judge Rice**

---

**ANSWER OF GOVERNOR BILL LEE TO  
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

---

Defendant Bill Lee, in his official capacity as the Governor of Tennessee, responds as follows to Plaintiffs' First Amended Complaint. Defendant denies all allegations, including those

contained in headings and subheadings, unless expressly admitted below.

### **INTRODUCTION**

Defendant construes Plaintiffs' introductory statement as a summary that does not include allegations to which an answer is required. To the extent Plaintiffs do intend to rely on this unnumbered paragraph to support their claims, Defendant admits to the first sentence of the first unnumbered "Introduction" paragraph that Plaintiffs bring this suit pursuant to Tenn. Code Ann. § 29-14-102 and Tenn. Code Ann. § 1-3-121. Defendant lacks knowledge or information sufficient to form a belief as to the truth of whether Plaintiffs bring this suit under "any other applicable provision or doctrine of law." Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of the first unnumbered "Introduction" paragraph. Defendant admits the statements in the third sentence of the first unnumbered "Introduction" paragraph to the extent that they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant admits that Plaintiffs contend that the allegations in the fourth sentence of the first unnumbered "Introduction" paragraph are true, but Defendant denies the substance of the allegations. Defendant denies the allegations of the fifth sentence of the first unnumbered "Introduction" paragraph. Defendant admits that Plaintiffs seek injunctive relief but denies that Plaintiffs are entitled to relief.

Defendant admits the statement in the second unnumbered "Introduction" paragraph.

### **THE PARTIES**

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.
8. Defendant admits that he is the Governor of Tennessee and has been sued in his official capacity. Defendant denies that he is “the official representative of the State of Tennessee.” Defendant denies that he is a proper party to this action. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
9. Defendant admits that Defendant Jonathan Skrmetti is the Attorney General of Tennessee and has been sued in his official capacity. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second and fifth sentences regarding whether General Skrmetti is a proper party to this action or any declaratory judgment action. Defendant admits the statements of law in this paragraph—including the statements of law in the third, fourth, and sixth, and sentences and footnote one—to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant admits that the Attorney General has previously

rendered an opinion interpreting Tenn. Code Ann. § 39-17-1311(a) but lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the seventh sentence of this paragraph.

10. Defendant admits that Jeff Long is the Commissioner of the Tennessee Department of Safety and Homeland Security and is sued in his official capacity. Defendant lacks knowledge or information sufficient to form a belief as to the truth of remaining allegations of this paragraph.

11. Defendant admits that Defendant David Salyers is the Commissioner of the Tennessee Department of Environment and Conservation and is sued in his official capacity. Defendant admits the remaining statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

12. Defendant admits that Defendant Paul Thomas is the Sheriff of Gibson County, Tennessee and is sued in his official capacity. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

13. Defendant admits that Defendant Frederick Agee is the District Attorney for the 28th Judicial District of Tennessee, which includes Crockett, Gibson and Haywood counties, and is sued in his official capacity. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

14. Defendant admits that Tennessee is a sovereign state but lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

#### **JURISDICTION AND VENUE**

15. Defendant denies that this Court has jurisdiction over Plaintiffs' claims for injunctive relief.

Defendant admits that this Court has jurisdiction over Plaintiffs' claim for declaratory relief against Defendant but denies that Plaintiffs have standing against Defendant. Defendant admits the remaining statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

16. Defendant admits that venue lies in this Court. Defendant denies that Tenn. Code Ann. § 20-4-104 controls the venue of this action.

### **STATEMENT OF FACTS**

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of this paragraph but admits that Plaintiffs have filed affidavits expressing a desire to carry a firearm in a public park or other area enumerated in Tenn. Code Ann. § 39-17-1311(a). Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence. Defendant admits the remaining statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of this paragraph. Defendant admits the remaining statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of this paragraph. Defendant denies the remaining allegations set forth in this paragraph.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in this paragraph.

21. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
22. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
23. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
24. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
25. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
26. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant denies that the cited law is confusing.
27. Defendant denies that Tenn. Code Ann. § 39-17-1311 is vague and ambiguous. Defendant admits the remaining statements in this paragraph to the extent they are accurate characterizations of the Attorney General's opinion and denies any statements that inaccurately describe the Attorney General's opinion.
28. Defendant admits the statements in this paragraph to the extent they are accurate characterizations of the Attorney General's opinion and denies any statements that inaccurately describe the Attorney General's opinion.

29. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
30. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
31. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
32. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
33. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
34. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
35. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
36. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.  
Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations.
37. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
38. Defendant admits the statements of law in the first sentence of this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as

to the truth of the allegations set forth in the second sentence of this paragraph.

39. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

40. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

41. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

42. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

43. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

44. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

45. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

46. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.



47. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding what an average person might believe.
48. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
49. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
50. Defendant admits the statements of law in the first sentence of this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first sentence of this paragraph. Defendant denies the allegation in the second sentence of this paragraph.
51. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
52. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
53. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
54. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiffs' purpose for bringing claims solely under state law.

55. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
56. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
57. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
58. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
59. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
60. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
61. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
62. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
63. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
64. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
65. Defendant admits the statements of law in this paragraph to the extent they are accurate

characterizations of the law and denies any statements that inaccurately describe the law.

66. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

67. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

68. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

69. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

70. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

71. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

72. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

73. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

74. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

75. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.

76. Defendant denies the allegations in this paragraph.
77. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
78. Defendant admits the statements of law in the first sentence of this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant denies the allegation in the second sentence of this paragraph.
79. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
80. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
81. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
82. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of this paragraph. Defendant denies the allegations set forth in the second sentence of this paragraph. Defendant admits the statements of law in the remaining allegations of this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
83. Defendant denies that Tenn. Code Ann. § 39-17-1311(a) applies to “entirely ordinary and nonsensitive public locations.” Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation that these locations “merely happen to be owned or managed - on behalf of the public - by the government.” Defendant admits the remaining statements of law to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant lacks knowledge or information

sufficient to form a belief as to the truth of the allegation that Plaintiffs do not qualify under any exceptions to the statute.

84. Defendant denies the allegations in the first sentence of this paragraph that Tenn. Code Ann. § 39-17-1311(a) applies to non-sensitive places and violates the *Bruen* test. Defendant admits the remaining statements of law in this sentence to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant denies the allegations in the second sentence of this paragraph.
85. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the factual allegations of this paragraph. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
86. Defendant denies the allegations in the first sentence of this paragraph. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
87. Defendant denies the allegations in this paragraph.
88. Defendant admits the statements of law in this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law.
89. Defendant admits the statements of law in the first, second, third, and fourth sentences of this paragraph to the extent they are accurate characterizations of the law and denies any statements that inaccurately describe the law. Defendant admits that the Attorney General has previously issued an opinion interpreting Tenn. Code Ann. § 39-17-1311(a).
90. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

91. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

92. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

93. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

94. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

### **PLAINTIFFS' PRAYER FOR RELIEF**

Defendant admits Plaintiffs request judgment entered in their favor against Defendants but denies they are entitled to this judgment:

1. Defendant denies the Plaintiffs are entitled to the requested relief.
2. Defendant denies the Plaintiffs are entitled to the requested relief.
3. Defendant denies the Plaintiffs are entitled to the requested relief.
4. Defendant denies the Plaintiffs are entitled to the requested relief.
5. Defendant denies the Plaintiffs are entitled to the requested relief.
6. Defendant denies the Plaintiffs are entitled to the requested relief.
7. Defendant denies the Plaintiffs are entitled to the requested relief.
8. Defendant denies the Plaintiffs are entitled to the requested relief.

### **AFFIRMATIVE DEFENSES**

1. Plaintiffs lack standing against Defendant.
2. This Court lacks jurisdiction to grant injunctive relief against Defendant with respect to the

challenged statutes.

3. Plaintiffs fail to state a claim upon which relief can be granted.

Respectfully Submitted,

JONATHAN SKRMETTI  
Attorney General and Reporter

/s/ Cody N. Brandon

CODY N. BRANDON (BPR # 037504)  
Assistant Attorney General  
Office of the Attorney General and Reporter  
Law Enforcement and Special Prosecutions  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
Phone: (615) 532-7400  
Fax: (615) 532-4892  
Cody.Brandon@ag.tn.gov

*Counsel for Defendant Lee*

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed and served by mail with a courtesy copy sent by email, on this the 21st day of September 2023, upon:

John I. Harris  
Schulman, LeRoy & Bennett PC  
3310 West End Avenue, Suite 460  
Nashville, Tennessee 37203  
[jharris@slblawfirm.com](mailto:jharris@slblawfirm.com)

I further certify that, pursuant to the Court's order, courtesy copies of the foregoing were served by mail to:

Hon. Michael Mansfield  
204 North Court Square  
Trenton, TN 38382

Hon. M. Wyatt Burk  
200 Dover Street, Suite 123  
P.O. Box 146 (Zipcode 37162)  
Shelbyville, TN 37160

Hon. Lisa Nidiffer Rice  
300 Broad Street, Suite 307  
Elizabethton, TN 37643

Danielle Lane  
Three-Judge Panel Coordinator  
511 Union Street, Suite 600  
Nashville, TN 37219

/s/ Cody N. Brandon  
CODY N. BRANDON