

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

DR. MARIE N. FEAGINS

Plaintiff,

Case No. CT-0453-25
Part III

v.

SHELBYCOUNTY BOARD OF
EDUCATION,

and

AMBER HUETT-GARCIA,
JOYCE DORSE-COLEMAN,
MICHELLE MCKISSACK,
NATALIE MCKINNEY,
TOWANNA MURPHY,
KEITH WILLIAMS,
STEPHANIE LOVE,
TAMARQUES PORTER and
SABLE OTEY

Defendants.

MOTION FOR PRELIMINARY INJUNCTION

COMES NOW Plaintiff, Dr. Marie N. Feagins, by and through undersigned counsel, and respectfully moves this Honorable Court, pursuant to Tenn. R. Civ. P. 65.04 and Tenn. Code Ann. § 8-44-106, for a Preliminary Injunction against Defendant Shelby County Board of Education ("School Board"). This Motion is based on Defendant's violations of the Tennessee Open Meetings Act ("Act") and Tenn. Code Ann. § 8-44-101 *et seq.*, as set forth in detail in Plaintiff's Complaint, First Amended Complaint and the Affidavit of Dr. Feagins submitted herewith. This

motion is supported by the Affidavit of Dr. Marie Feagins, attached hereto as Exhibit A.

In particular, Defendant conducted multiple non-public deliberations and meetings concerning Dr. Feagins' employment including, but not limited to, secret gatherings, electronic communications, and other informal assemblages in direct violation of the Act's requirements that public business be decided openly. These actions culminated in the School Board's vote on January 21, 2025 to terminate Dr. Feagins' Employment Contract. Under the Act, any action taken in violation of the Act is void *ab initio*. Accordingly, through this Motion for Preliminary Injunction, Dr. Feagins seeks to void the School Board's January 21, 2025 termination decision, reinstate her to her position as Superintendent of the Defendant and to enjoin Defendant from any further decisions or deliberations in contravention of Act, pending a final hearing on the merits.

As grounds for this relief, Plaintiff shows that she satisfies the four-factor test for injunctive relief under Tenn. R. Civ. P. 65.04¹. Specifically, Tennessee courts consider the following factors in determining whether to grant a preliminary injunction: 1. Likelihood of success on the merits of the underlying claim;

2. Immediate and irreparable harm to the movant absent the injunction;

¹ Pursuant to Tenn. R. Civ. P. 65.04(2), a preliminary injunction may be issued when (1) the movant's rights are being or will be violated by an adverse party, (2) the movant will suffer immediate and irreparable injury, loss, or damage pending a final judgment in the action, and (3) the motion is supported by verified complaint, affidavit, or other admissible evidence.

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DISTRICT AT MEMPHIS

3. Balance of hardships between the parties—the harm to the movant if relief is denied versus the harm to the defendant if granted; and

4. Whether granting the injunction is in the public interest. *See State ex rel. Agee v. Chapman*, 922 S.W.2d 516, 519 (Tenn. Ct. App. 1995); *Moody v. Hutchinson*, 247 S.W.3d 187, 199 (Tenn. Ct. App. 2007); *Vintage Health Resources, Inc. v. Guiangan*, 309 S.W.3d 448, 467 (Tenn. Ct. App. 2009).

First, Dr. Feagins is likely to succeed on the merits of her Open Meetings Act claim because the abundant evidence demonstrates clear, repeated violations of the Act by the School Board. Second, she has endured immediate and irreparable harm including loss of her employment position and income, damage to her professional reputation, and deprivation of her statutory rights and the public's rights – if relief is not granted. Third, the balance of hardships strongly favors Plaintiff, as the requested injunction will merely hold the School Board to the requirements of law and preserve the status quo, while denial of relief would cause severe and immediate irreparable injury to Dr. Feagins and her reputation. Finally, an injunction will serve the public interest by upholding Tennessee's strong policy favoring open government and maintaining public confidence in the integrity of School Board decisions. These matters are more fully explained in the accompanying Memorandum of Law.

In support of this Motion, Dr. Feagins relies upon the pleadings and papers on file in this action, including Dr. Feagins' Complaint, First Amended Complaint, the exhibits to the Complaint and Amended Complaint and the Affidavit of Dr. Marie N. Feagins filed contemporaneously herewith, which sets forth specific facts evidencing Defendant's Act violations and the immediate, ongoing and irreparable

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harm suffered by Dr. Feagins as a result. Dr. Feagins also submits her Memorandum of Law discussing the legal grounds for the requested injunction and the supporting authorities. Dr. Feagins respectfully requests that the Court consider the pleadings and Affidavit as evidence and take up this Motion at the earliest practicable time. Dr. Feagins' counsel is also prepared to call and provide witness testimony in support of her Motion.

WHEREFORE, Dr. Feagins prays that the Court grant a Preliminary Injunction as follows:

1. Pursuant to Tenn. Code Ann. § 8-44-106(b), enter a preliminary injunction enjoining Defendant from engaging in further violations of the Act including, but not limited to, conducting informal meetings, electronic communications, or private gatherings to deliberate, decide, or take action on public business outside of duly noticed public meetings, the actions of the Defendant in conducting numerous violations of the Act have caused irreparable harm to citizens interested in such meetings necessitating an injunction in due course, and ordering Defendant to comply fully with all requirements of Tenn. Code Ann. §§ 8-44-101 through 8-44-201 *et seq.* pending the final adjudication of this matter.
2. Pursuant to Tenn. Code § 8-44-105, the termination vote, termination resolution and any related action taken on January 21, 2025 shall be deemed void *ab initio*;
3. Pursuant to Tenn. Code § 8-44-106(c), enter a permanent injunction enjoining Defendant from any future violations of the Act including, but not limited to, the use of texts, email and private meetings to circumvent the Act by deliberating, deciding and voting on public business outside of a properly-noticed meeting in a public

forum;

4. Pursuant to Tenn. Code § 8-44-106(d), retain jurisdiction over the Defendant and subject matter for a period of one year from the date of entry of its final judgment, and order Defendant to report in writing semi-annually to the Circuit Court on compliance with the Act;

5. Defendant be taxed with the cost of this civil action, including discretionary costs, and attorney fees due to Defendant's willful and intentional violations of the Act pursuant to Tenn. Code Ann. § 8-44-106(e);

6.. Order Defendant to reinstate Dr. Feagins to the position of Superintendent and to pay all back pay and restore all benefits from January 21, 2025 to the date of reinstatement, expunge or retract any record of termination for cause and provide publication of a corrective statement regarding Dr. Feagins' record and Defendant's wrongful termination.

7. Pursuant to the Court's equitable powers and in light of the Defendant's action herein, enter a preliminary and permanent injunction ordering the immediate reinstatement of Dr. Feagins to the position of Superintendent of Defendant for the remainder of her contractual term and ordering the Defendant to comply fully with Dr. Feagins' Employment Contract's terms and to refrain from further retaliation, interference, or adverse employment actions against Dr. Feagins pending final adjudication of this matter.

8. Granting such other and further relief as the Court deems just and appropriate.

Dr. Feagins further requests that the Court waive or set a minimal bond pursuant to Tenn. R. Civ. P. 65.05, as the relief sought enjoins public officials from