IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

Elijah Shaw & Patricia Raynor,)	
Plaintiffs,)	
v.)	No. 17-1299-II
Metropolitan Government)	
of Nashville and Davidson County,)	
Defendant.)	

METROPOLITAN GOVERNMENT'S RESPONSE TO PLAINTIFFS' STATEMENT OF UNDISPUTED MATERIAL FACTS

Plaintiffs submitted two-hundred ninety-five statements of undisputed material fact with their motion for summary judgment. Most of these facts are immaterial to the issues at hand, namely whether the client prohibition violates substantive due process or equal protection.

For these claims, the particular facts of this case are largely irrelevant because whether there is a rational basis for an ordinance is a legal one, not a factual one (see Response to Plaintiffs' Motion for Summary Judgment). For instance, Plaintiffs' reasons for wanting clients to visit their home business (even if they are very reasonable ones) are not relevant to whether the Court can conceive of any rational basis for the law.

Having said that, the Metropolitan Government does not dispute the facts recited in the Plaintiffs' Statement of Undisputed Material Facts for the purposes of ruling on the motion for summary judgment only, with the exception of numbers 293 and 295, which disputed on the grounds that they are speculative.

Respectfully submitted,

DEPARTMENT OF LAW OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY JON COOPER, #023571 Director of Law

<u>/s/ Lora Fox</u> Lora Barkenbus Fox, #17243

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been emailed by agreement to Braden Boucek, Beacon Center of Tennessee, P.O. Box 198646, Nashville, TN 37219 and Keith E. Diggs & Paul V. Avelar, Institute for Justice, 398 South Mill Avenue, Suite 301, Tempe, AZ 85281 on August 2, 2019.

/s/Lora Fox
Lora Barkenbus Fox

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