

IN THE CIRCUIT COURT FOR SUMNER COUNTY, TENNESSEE
AT GALLATIN

JUSTIN OLSEN)	
<i>Petitioner,</i>)	
)	
v.)	No. B3CC1-2020-CV-645
Sumner County Mayor, Anthony Holt)	
Sumner County Board of Education)	
City of Gallatin Government,)	
<i>Respondents.</i>)	

ORDER FOR TEMPORARY RESTRAINING ORDER

On the 22nd day of July 2020, petitioner, Mr. Justin Olsen, visited the Sumner County Circuit Court and filed an amended petition for Immediate Injunctive Relief & Restraining Order pursuant to Rule 65.03 Civil Procedure. The Amended Petition was a correction to previously filed Petition for Injunctive Relief, filed in error because the plaintiff's original intention was to prevent the respondents from further infringing upon his constitutional rights which cause irreparable damage to the plaintiff and citizens of the county until a hearing is set.

On the 24th day of July 2020, The Honorable Judge Joe H. Thompson denied the request for immediate relieve based on procedural grounds pursuant to Tenn. R. Civ. P. 65.02. Mr. Olsen acknowledges this error, and now submits this order for temporary restraining order to be issued until a hearing is scheduled for the Injunctive Relief petition filed on July 22, 2020.

This order shall restrain Sumner County Mayor, Anthony Holt, The Sumner County School Board, and the City of Gallatin from violating Mr. Olsen's rights and the rights of citizens by mandating masks to be work in public or in the schools; as well as restrain from conducting health screenings at the doors of government buildings such as administrative buildings, courts, and schools. These actions constitution irreparable harm to the plaintiff and citizens of this county by violating their fundamental liberties as guaranteed by the Tennessee Constitution and United States Constitution. Articles II & III of the Tennessee Constitution plainly state that the Governor does not have the constitutional authority to delegate powers to other departments of government. This includes delegating powers to the mayors of this state and of this county, Sumner County.

Tennessee Constitution – Article II. Distribution of Powers. The Tennessee Constitution is very clear: No department of the Tennessee government may delegate any of its authority to another department of government:

Section 1. The powers of the government shall be divided into **three distinct departments:** legislative, executive, and judicial.

Section 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted. [Emphasis added.] [Note: There is nothing else in the *Tennessee Constitution* which allows for emergency powers. In fact, the words *emergency*, *sudden*, *exigency*, or other similar words are not to be found in the *Tennessee Constitution*.]

Therefore, the General Assembly cannot delegate rule-making authority or law-making authority to the governor, nor can the governor delegate law-making authority to the Sumner County Mayor, Anthony Holt. Furthermore, the Sumner County School board cannot mandate mask wearing or health screenings without the consent of parents.

The Tennessee Supreme Court has ruled “that parental rights constitute a fundamental liberty interest under Article I, Section 8 of the Tennessee Constitution.” 855 S.W.2d at 579. *See Hawk v. Hawk*, 855 S.W.2d 573 (Tenn. 1993); *see also Sundquist*, 38 S.W. at 10. Also see *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

Based upon these findings, the Sumner County Mayor, Anthony Holt, does not have the constitutional authority to mandate face coverings in public, and therefore should be restrained from making such mandates. Likewise, the Sumner County School Board does not have the constitutional authority to mandate mask wearing for children or health screenings without parental consent; thus the Sumner County Board of Education should be restrained from infringing upon the rights of parents by issuing of such rules that violate the basic rights that are protected by the Tennessee Constitution and United States Constitution.

Based upon the findings of the Honorable Judge, the petition for Temporary Restraining Order shall be ordered until an official hearing is held. The Judge may also provide his own provisions if necessary.

1. IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the Sumner County Mayor Anthony Holt, Sumner County Board of Education, and City of Gallatin are immediately restrained from issuing mask mandates and health screenings in the general public, within government buildings and schools, and without parental consent until a formal hearing is scheduled.

IT IS SO ORDERED

ENTERED THIS THE _____ DAY OF _____, 2020.

HONORABLE JUDGE JOE H. THOMPSON