

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

DANIEL A. HORWITZ,)	
)	
Plaintiff)	
)	
v.)	Case No.: 3:24-cv-1180
)	JUDGE GIBBONS
U.S. DISTRICT COURT)	
FOR THE MIDDLE DISTRICT)	
OF TENNESSEE, ET AL.)	
)	
Defendants)	

MEMORANDUM IN SUPPORT OF MOTION TO STAY PROCEEDINGS

The United States District Court for the Middle District of Tennessee, and Chief District Judge William L. Campbell, District Judge Aleta A. Trauger, District Judge Waverly D. Crenshaw, Jr., and District Judge Eli Richardson, in their official capacities (collectively “Defendants”), by and through counsel, respectfully submit this memorandum of law in support of their Motion to Stay Proceedings.

INTRODUCTION

In July 2024, the Court determined it was time to, once again, undergo a comprehensive review of its Local Rules. The last time it did so was in August 2018. As a result, the Court’s Local Rules Committee is scheduled to meet on January 7, 2025, to begin the review process, which will necessarily include a review of Local Rule 83.04. Because Local Rule 83.04 is subject to this statutory review process and any revision may moot Plaintiff’s claims, Defendants respectfully request the Court to exercise its

inherent authority to stay these proceedings until March 15, 2025, or upon completion of the review process by the Court's Local Rules Committee and public comment period.

I. Promulgation of Local Rules

Federal courts are authorized to prescribe local rules of practice by both statute and the Federal Rules of Practice and Procedure. *See* 28 U.S.C. §§ 2071(a)-(b); Fed. R. App. P. 47; Fed. R. Bankr. P. 9029; Fed. R. Civ. P. 83; Fed. R. Crim. P. 57. To assist and advise courts regarding the promulgation of such rules, courts appoint advisory committees (a/k/a "local rules committees") to review and make recommendations. 28 U.S.C. §2077(b). Any rule prescribed by a court, however, "shall be prescribed only after giving appropriate public notice and an opportunity to comment." 28 U.S.C. §2071(b).

The Middle District of Tennessee, likewise, calls upon members of the bar to fulfill this important advisory role of periodically reviewing and making recommendations for amendments to the Court's Local Rules. The Court's last comprehensive amendments to the Local Rules, also made with the assistance of a Local Rules Committee, were approved August 14, 2018. Minor amendments were subsequently made on January 24, 2020, resulting in the current version of the Local Rules.

In July 2024, the Court determined that it was once again time to engage in a comprehensive review of its Local Rules. To that end, the Local Rules Committee is scheduled to meet on January 7, 2025, to begin the review process. All of the Court's Local Rules ultimately will be reviewed by the Committee to solicit the members'

recommendations for preservation or amendment. At the January meeting, however, the Committee will focus on eight to ten rules, including LR 83.04, which require more prompt consideration and possible revision. Once recommendations are made, the Clerk's Office will issue a public notice and provide the statutorily required opportunity for public comment. The Court anticipates that process will be complete by March 15, 2025. If, for any reason, the process is not complete by that time, Defendants will file a status report providing a revised timeline.

II. Court's Inherent Authority to Stay Proceedings.

"The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes in its docket with economy of time and effort for itself, for counsel and for litigants, and the entry of such an order ordinarily rests with the sound discretion of the District Court." *Ohio Envtl. Council v. U.S. Dist. Court, S. Dist. of Ohio, E. Div.*, 565 F.2d 393, 396 (6th Cir. 1977) (citation and internal quotation marks omitted); *see also Clinton v. Jones*, 520 U.S. 681, 706 (1997) ("[T]he District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."); *F.T.C. v. E.M.A. Nationwide, Inc.*, 767 F.3d 611, 626-27 (6th Cir. 2014).

Defendants respectfully submit that exercising this inherent authority to stay this action will also preserve judicial resources and further the goal of achieving a "just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P.

1.

CONCLUSION

Plaintiff's suit against Defendants seeks an extraordinary remedy (i.e., a temporary restraining order and then a preliminary injunction) to dismantle Local Rule 83.04, at least in part. Yet, such extraordinary efforts are not required. All of the Court's Local Rules are currently subject to a comprehensive review via the procedural mechanism provided by Congress and the Federal Rules of Practice and Procedure. And Plaintiff, like all members of the public, will have an opportunity to submit comments regarding any proposed recommendations for preservation or change. As a result, Defendants respectfully request that the Court stay these proceedings to allow the local rule review process to proceed.

Respectfully submitted,

MICHAEL A. BENNETT
United States Attorney

/s/ Timothy D. Thompson

Timothy D. Thompson

Jason Snyder

Assistant United States Attorneys

Western District of Kentucky

717 W. Broadway

Louisville, KY 40202

Phone: (502) 582-6238

timothy.thompson@usdoj.gov

jason.snyder@usdoj.gov

Special Assistant United States Attorneys

Middle District of Tennessee

CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2024, I filed this document via CM/ECF,
which automatically provides service to all counsel of record:

Jared McClain
Benjamin A. Field
INSTITUTE FOR JUSTICE
901 N. Glebe Rd., Ste. 900
Arlington, VA 22203
Phone: (703) 682-9320
jmcclain@ij.org
bfield@ij.org

Braden H. Boucek
SOUTHEASTERN LEGAL FOUNDATION
560 W. Crossville Road, Ste. 104
Roswell, GA 30075
Phone: (770) 977-2131
bboucek@southeasternlegal.org

/s/ Timothy D. Thompson
Timothy D. Thompson
Assistant United States Attorney