

**IN THE CHANCERY COURT FOR THE TWENTY-FIRST JUDICIAL DISTRICT
OF TENNESSEE
AT FRANKLIN**

**PARENTS' CHOICE TENNESSEE,)
PATRICIA J. LUCENTE and JAMES)
LUCENTE,)**

Plaintiffs,)

-vs-)

Case No. 22cv-51642 B

**JASON GOLDEN, in his official)
capacity as SUPERINTENDENT OF)
WILLIAMSON COUNTY SCHOOLS;)
DAVE ALLEN, in his official capacity as)
ASSISTANT SUPERINTENDENT OF)
TEACHING ASSESSMENT; PENNY)
SCHWINN, in her official capacity as)
COMMISSIONER OF EDUCATION;)
and the WILLIAMSON COUNTY)
BOARD OF EDUCATION;)**

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Defendants.)

PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

COME NOW THE PLAINTIFFS, PARENTS' CHOICE TENNESSEE, PATRICIA J. LUCENTE and JAMES LUCENTE, by and through undersigned counsel, and pursuant to Rule 65.04 Tenn.R.Civ.P., respectfully move this Honorable Court for a temporary injunction restraining and enjoining the Defendants, JASON GOLDEN, in his capacity as Superintendent of Williamson County Schools; DAVE ALLEN, in his capacity as Assistant Superintendent of Teaching, Learning and Assessment; PENNY SCHWINN, in her capacity as Commissioner of Education; and the WILLIAMSON COUNTY BOARD OF EDUCATION, its agents, employees and all those acting in concert with the Board, from further approval, implementation, training,

classroom use or instruction of children using curricular materials published by Great Minds and known as Wit & Wisdom pending the further orders of this Court.

As grounds for this motion, the Plaintiffs would state as follows:

1. The Wit & Wisdom curricular materials are replete with materials that violate Tenn. Code Ann. § 49-6-1019, which imposes statutory restrictions on course instruction that includes or promotes certain concepts related to race or sex.¹
2. The curricular materials being used by the Defendant, Williamson County Board of Education, in the Wit & Wisdom curriculum, and which are being enforced and/or implemented by Defendants Jason Golden and Dave Allen, consist of age-inappropriate content for grades 1-5, and include or promote the concept that one race is inherently superior to another race or that an individual, by virtue of the race is inherently privileged, racist, or oppressive, whether consciously or subconsciously;
3. The curricular materials being used by the Defendants are unlawful because they promote Critical Race Theory;
4. The Defendants Williamson County Board of Education, Jason Golden, Dave Allen, Penny Schwinn's adoption, implementation, enforcement and inculcation of the critical race theory and age-inappropriate materials in the Wit & Wisdom curriculum impermissibly interferes with the constitutional rights of Patricia Lucente, James Lucente and the parent members of Parents' Choice who have children enrolled in the

¹ A complete copy of Tenn. Code Ann. § 49-6-1019 is attached hereto as Exhibit A, and is incorporated herein by reference.

Williamson County elementary schools to direct and control the upbringing and education of their children.

5. The Wit & Wisdom Curriculum violates T.C.A. § 49-6-2202(b)(5), as it is created to align exclusively with the Common Core State Standards, is expressly marketed as such, and identifies as Common Core materials, which are unlawful under Tennessee statute, specifically Tenn. Code Ann. § 49-6-2202(b)(5).²
6. The individual Plaintiffs, Patricia Lucente and James Lucente, and the parent members of Parents' Choice who are parents of children enrolled in Williamson County public elementary schools will suffer irreparable harm and injury to their constitutional and statutory rights if their children are exposed to, indoctrinated by or taught from the unlawful Wit & Wisdom curricular materials.
7. As evidenced by the Affidavits of Patricia Lucente, James Lindsay and Jennifer McWilliams, the Wit & Wisdom materials used by the Defendant Williamson County Board of Education are replete with racially discriminatory, age-inappropriate material that causes children guilt, anguish and other forms of psychological harm, discusses the United States as an irredeemably racist country, and is overall hyper-focused on racial indoctrination.

In further support of their Motion for Temporary Injunction, the Plaintiffs rely on the following:

² A complete copy of Tenn. Code Ann. § 49-6-2202(b)(5) is attached hereto as Exhibit B, and is incorporated herein by reference, with the relevant section in bold.

1. Affidavit of James Lindsay;
2. Affidavit of Jennifer McWilliams;
3. Affidavit of Patricia Lucente;

WHEREFORE, the Plaintiffs respectfully request that this Court enter an Order granting the requested relief.

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NOTICE OF HEARING

PLEASE TAKE NOTICE THAT THIS MOTION IS EXPECTED TO BE HEARD ON THE 15th DAY OF SEPTEMBER, 2022, AT 9:00 A.M., IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE. FAILURE TO FILE A TIMELY RESPONSE MAY RESULT IN THE RELIEF SOUGHT BEING GRANTED.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the following individuals listed below on this the 8th day of July, 2022.

Jason Golden
1320 West Main Street
Franklin, TN 37064

Williamson County Board of Education
c/o Jason Golden
1320 West Main Street
Franklin, TN 37064

Dave Allen
1320 West Main Street
Franklin, TN 37064

Penny Schwinn
Tennessee Department of Education
710 James Robertson Pkwy
Nashville, TN 37243

Courtesy Copy To: Lisa M. Carson, Esq.
 306 Public Square
 Franklin, TN 37064

By the method(s) identified as follows:

- U.S. Mail, Postage Prepaid
- Hand Delivery
- Overnight Delivery Service
- Email
- Facsimile

/s/ Larry L. Crain
Larry L. Crain