

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

FREE SPEECH COALITION, INC.,)	
DEEP CONNECTION TECHNOLOGIES, INC.,)	
JFF PUBLICATIONS, LLC,)	
PHE, INC., and MELROSE MICHAELS,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:24-cv-02933
)	Chief Judge Lipman
JONATHAN SKRMETTI, in his official capacity as)	Magistrate Judge Pham
THE ATTORNEY GENERAL OF TENNESSEE,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO DISMISS

Defendant, Tennessee Attorney General Jonathan Skrmetti, moves to dismiss Plaintiffs’ Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and Local Rule 12.1 because this Court lacks subject matter jurisdiction and because the Complaint fails to state a claim upon which relief can be granted. (*See* Complaint, D.E. 1.) Plaintiffs challenge the constitutionality of the Protect Tennessee Minors Act, 2024 Tenn. Pub. Acts, ch. 1021 (“PTMA”), which protects minors from the harmful effects of online pornography by requiring websites that display a “substantial amount” of content that is obscene for minors to implement tools to verify the age of the website’s users. Plaintiffs allege that the PTMA violates the First Amendment, violates due process, and that it is preempted by 47 U.S.C. § 230. But Plaintiffs lack standing, and Defendant Skrmetti is entitled to sovereign immunity; Plaintiffs also failed to plead sufficient facts to state a plausible claim for relief. All of Plaintiffs’ claims should be dismissed.

In support of his motion to dismiss, Defendant Skrmetti relies on the accompanying memorandum of law, which is incorporated herein by reference.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Zachary L. Barker
ZACHARY L. BARKER
Senior Assistant Attorney General
General Litigation Division
B.P.R. No. 035933
P.O. Box 20207
Nashville, Tennessee 37202
(615) 532-4098
Zachary.Barker@ag.tn.gov

CERTIFICATE OF SERVICE

I certify that the foregoing Motion was filed electronically on December 23, 2024. A true and correct copy of that filing was forwarded on the same day via the Court's CM/ECF system upon the following:

D. Gill Sperlein
THE LAW OFFICE OF D. GILL SPERLEIN
345 Grove Street
San Francisco, CA 94102
gill@sperleinlaw.com

Gary E. Veazey
JOHNSON GRUSIN KEE & SURPRISE
780 Ridge Lake Boulevard, Ste. 202
Memphis, TN 38119
gveazey@jglawfirm.com

James M. Allen
ALLEN LAW FIRM PLLC
780 Ridge Lake Boulevard, Ste. 202
Memphis, TN 38120-9426
jim@jmallenlaw.com

Edward M. Bearman
780 Ridge Lake Boulevard, Ste. 202
Memphis, TN 38120
ebearman@jglawfirm.com

/s/ Zachary L. Barker
ZACHARY L. BARKER
Senior Assistant Attorney General