

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TIGER LILY, LLC;
HUNTER OAKS APARTMENTS UTAH, LLC;
NORTH 22ND FLAT, LLC;
CHERRY HILL GARDENS, LLC;
CHURCHILL TOWNHOMES, LLC;
BRITTANY RAILEY; and
APPLEWOOD PROPERTY MANAGEMENT, LLC,

Plaintiffs,

v.

No: 2:20-cv-02692-MSN-atc

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT and BENJAMIN S. CARSON, M.D.,
in his official capacity as United States Secretary of Housing
and Urban Development;
UNITED STATES DEPARTMENT OF JUSTICE and WILLIAM
P. BARR, in his official capacity as United States Attorney General;
UNITED STATES CENTER FOR DISEASE CONTROL AND
PREVENTION and NINA B. WITKOVSKY, in her official capacity
as Acting Chief of Staff of the Center for Disease Control and Prevention;
UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES
and ALEX AZAR, in his official capacity as United States Secretary of
Health and Human Services;
VICE ADMIRAL JEROME M. ADAMS, M.D., in his official capacity as
United States Surgeon General; and
D. MICHAEL DUNAVANT, in his official capacity as United States Attorney General for the
Western District of Tennessee,

Defendants.

JUDGMENT

JUDGMENT BY COURT. This action came before the Court on Plaintiff's Complaint (ECF

No. 1), filed September 16, 2020,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that, in accordance with the Order Granting Plaintiffs’ Motion for Judgment on the Administrative Record and Order Denying Defendants’ Motion for Judgment on the Pleadings (ECF No. 103), entered March 15, 2021, Plaintiff’s Motion for Judgment on the Administrative Record is **GRANTED**. The Court hereby **DECLARES** that the nationwide eviction moratorium promulgated by the CDC in orders dated September 4, 2020 and January 29, 2021, and referred to by this Court as the “Halt Order,” exceeds the statutory authority of the Public Health Act, 42 U.S.C. § 264; is *ultra vires*; and is unenforceable in the Western District of Tennessee.

APPROVED:

s/ Mark S. Norris

MARK S. NORRIS
UNITED STATES DISTRICT JUDGE

March 16, 2021

Date