

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

FILED

03/02/2022

Clerk of the
Appellate Courts

**LYNNE S. CHERRY ET AL. v. DEL FRISCO'S GRILLE OF TENNESSEE,
LLC ET AL.**

**Circuit Court for Williamson County
No. 2019-361**

No. M2022-00218-COA-R10-CV

ORDER

This matter is before the court upon the Tennessee Rule of Appellate Procedure 10 application for an extraordinary appeal filed by Del Frisco's Grille of Tennessee, LLC and Del Frisco's Restaurant Group, Inc., the petition for writ of certiorari filed by Mary Grace Anderson, and the answer filed by Brenton A. Cherry and Lynne S. Cherry. Having reviewed all of the filings, the court concludes that the trial court's February 19, 2022 Mandatory Injunction and Temporary Restraining Order so far departs from the accepted and usual course of judicial proceedings as to require immediate review. Thus, we grant the application for an extraordinary appeal and reverse trial court's order.¹

It is, therefore, ordered that the application for an extraordinary appeal is granted. The February 19, 2022 Mandatory Injunction and Temporary Restraining Order is reversed, and the matter is remanded to the trial court with instructions to 1) enter an order denying in its entirety Plaintiffs' Ex Parte Emergency Rule 65 Motion for Mandatory Injunctive Relief and Temporary Restraining Order and 2) cancel any further hearings on the motion including but not limited to the March 3, 2022 hearing. The requests for attorney's fees and to reassign the case to a different trial judge are denied. Brenton A. Cherry and Lynne S. Cherry are taxed with the costs for which execution may issue.

PER CURIAM

¹ Pursuant to Tennessee Rule of Appellate Procedure 2, we waive the filing of a record and find further briefing and oral argument to be unnecessary.