

IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE

Bee DeSelm,)
on relationship of)
the State of Tennessee)
and)
Bee DeSelm,)
individually)
Plaintiffs)
v.) No. 164615-1
Timothy Hutchison and)
Knox County Tennessee)
Defendants)

**PLAINTIFF'S MOTION TO AMEND THIS COURT'S
ORDER OF FEBRUARY 28, 2006 DENYING
PLAINTIFF'S MOTION TO AMEND TO REINSTATE
PLAINTIFF'S *QUO WARRANTO* ACTION**

1. On February 28, 2006 this Court entered an order denying Plaintiff's motion to amend to reinstate claims pertaining to *quo warranto* actions against Defendant Hutchison.

2. This Court denied Plaintiff's motion to amend relying on the Court of Appeals decision in *Bailey v. Shelby County*.

3. On March 29, 2006 the Tennessee Supreme Court overruled the Court of Appeals decision in *Bailey v. Shelby County* (copy attached) and held that term limits by home rule counties are constitutional.

4. T.R.Civ.P. 52.02 provides this Court authority to amend its Order of February 28, 2006 denying Plaintiff's motion to amend.

5. Plaintiff has standing as a public minded citizen to right the wrong of Knox County not enforcing its Charter Two-Term Limit on Timothy Hutchison pursuant to an *in limine* determination by the Court that the claims asserted herein have *prima facia* merit. *see Bennett v. Stutts*, 521 S.W.2d 575 (Tenn. 1975).

WHEREFORE, Plaintiff moves this Court amend its Order of February 28, 2006 denying Plaintiff's motion to amend and permit the amendment and set this case for an immediate hearing.

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served upon the Knox County Law Director and Robert H. Watson, Jr., by hand delivery of the same to the offices of said counsel or parties' counsel this the ___ day of November, 2005.

HERBERT S. MONCIER

