

IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE

James Gray,  
Chairman of the  
Democratic Party  
of Knox County Tennessee

Plaintiffs

v.

Timothy Hutchison and  
Knox County Election  
Commission

Defendants

FILED APR 21 12 30 PM '06

No. 166649-1

**MOTION**

Pursuant to T.R.Civ.P. 6.04, if applicable, Plaintiff moves to shorten any time that may be required to hear Plaintiff's application for temporary injunction from five (5) days to the time prior to Monday, April 3, 2006 at 1:30 p.m. and that this matter be heard on April 3, 2006 at 1:30 p.m.

1. The attorney for the Knox County Election Commission and the Tennessee Coordinator of Elections had requested that Plaintiff's application be heard on Monday April 3, 2006 at either 10:00 a.m. or at 1:30 p.m.

2. The Knox County Law Director and the attorney appointed by the Law Director and being paid by Knox County to represent Timothy Hutchison were served and present on March 31, 2006.

3. Plaintiff relies on the averments of the application for temporary injunction as grounds to shorten any five (5) day time period required for notice for a temporary injunction on notice pursuant to T.R.Civ.P. 65.04.

4. The Tennessee Supreme Court decided the case of *Bailey v. Shelby County* in seven calendar days.

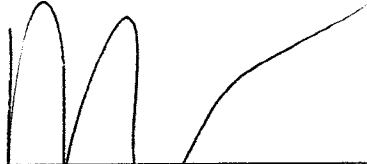
5. The case of *DeSelm v. Hutchison* presenting the same issue has been before this Court since July 26, 2005.

6. 9. T.R.Civ.P. 65.04(2) provides that a temporary injunction is authorized during this pending action.

7. T.R.Civ.P. 6.04 provides this Court authority to shorten any period required to hear a motion that, if applicable to a temporary injunction in a pending action, provides this Court authority to shorten the time for notice for the supplemental temporary injunction sought in this action.

8. T.R.Civ.P. 1 requires this Court construe T.R.Civ.P. 6 and 65 to secure the just, speedy and inexpensive determination of this action.

WHEREFORE, if the Court is of the opinion that T.R.Civ.P. 6 requires a particular period for notice for an application for temporary injunction, Plaintiff moves the Court shorten that period to the period prior to April 3, 2006 at 1:30 p.m. and this Court hear the application for temporary injunction on April 3, 2006 at 1:30 p.m.



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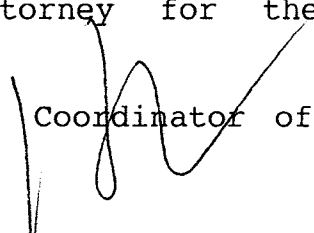
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BPR # 1910

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served upon the following:

1. The Knox County Law Director;
2. Robert H. Watson, Jr., Attorney for Timothy Hutchison;
3. Jerold Becker, attorney for Michael E. Moyers;
4. James Murphy, attorney for the Knox County Election Commission;
5. Brook K. Thompson, Coordinator of Elections for the State of Tennessee.

  
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HERBERT S. MONCIER