

IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE

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

v.)

No. 166649-1

Timothy Hutchison,)
Knox County Tennessee and)
Knox County Election)
Commission)
Defendants)

In re:

Motion to Interplead of John Schmid.

**MOTION TO INTERPLEAD AND SHORTEN TIME FOR
NOTICE BY JOHN SCHMID**

John Schmid, Knox County Commissioner, pursuant to T.R.Civ.P. 24.01, moves to interplead as of right his attached claims for his interest as a Knox County Commissioner and the interest of his constituents relating to the subject of this action which may, as a practical matter impair or impede his ability to protect the interest of his constituents unless heard in this action.

Notice has been provided as stated in the certificate of service by both fax and email on April 1, 2006 and hand delivery on April 3, 2006.

Motion To Shorten Time

Movant moves the period of any required notice that may be provided by T.R.Civ.P. 6 be shortened whereby this petition can be heard by the Court on April 3, 2006 at 10:00 a.m.

1. Attorneys for Knox County, Timothy Hutchison, the Knox County Election Commission and the Tennessee Coordinator of Elections will be present to be heard on the application in this case on Monday April 3, 2006 at 10:00 a.m.

2. Movant has received information that persons who oppose resolution of the chaos and uncertainty created in Knox County since the Supreme Court's opinion in *Bailey v. Shelby County* are mounting an effort to delay a ruling in this case until after available deadlines to take corrective actions by mounting a challenge to standing of Jim Gray as Chairman of the Knox County Democratic Party and standing of former Knox County Commissioner Bee Deselm whose seat Movant sought after Commissioner DeSelm obeyed Knox County's Term Limit provision and did not run for re-election in 1998.

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

4. Intervening Plaintiff relies on the averments of his attached Intervening Complaint 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.

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

6. The issue presented by movant is the same issue and has been before this Court and the Knox County Law Director who was attorney for the Knox County Election Commission since this case was filed July 26, 2005.

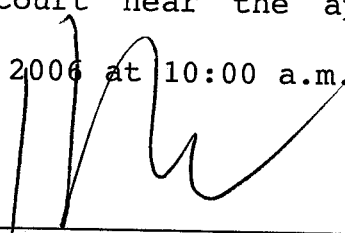
7. The changes since July 26, 2005 have been the Supreme Court's decision in *Bailey v. Shelby County* and Timothy Hutchison qualifying to stand for re-election for a fourth term and having his name on a ballot that must be printed by April 6, 2006.

8. If this Court were to require five (5) calendar days notice from March 30, 2006 pursuant that would mean that a hearing could not be conducted until at the earliest April 6, 2007, the day the ballots are to be closed.

9. 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.

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

WHEREFORE, Intervener moves the Court shorten any period for notice of this motion to the period prior to April 3, 2006 at 10:00 a.m. and this Court hear the application for temporary injunction on April 3, 2006 at 10:00 a.m.

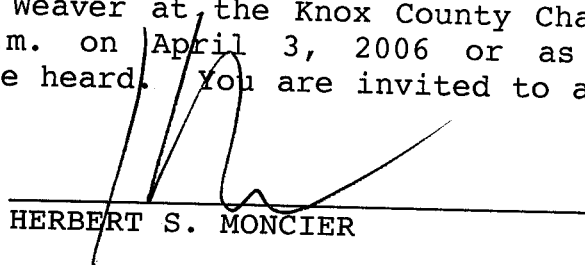


HERBERT S. MONCIER
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NOTICE OF HEARING

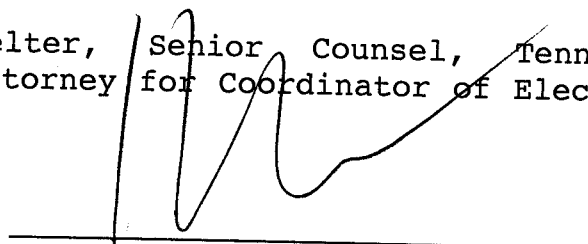
Plaintiff gives notice that the foregoing will be presented to Chancellor John Weaver at the Knox County Chancery Court, Part I, at 10:00 a.m. on April 3, 2006 or as soon thereafter as Plaintiff can be heard. You are invited to attend and be heard.


HERBERT S. MONCIER

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. Janet Kleinfelter, Senior Counsel, Tennessee Attorney General's Office, Attorney for Coordinator of Elections for the State of Tennessee.


HERBERT S. MONCIER