

**IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE**

Bee DeSelm, et al.	)	
	)	
Appellants	)	
	)	
	)	SC: E2006-00689-SC-RDM-CV
v.	)	E2006-00681-SC-S10-CV
	)	
	)	
Timothy Hutchison, et al.	)	
	)	
Appellees	)	

**T.R.A.P. 16(b) Motion To Consolidate Appellants' T.C.A. § 16-3-201(d) Motion and Plaintiff's T.R.A.P. 10(b) Application**

On April 3, 2006 Appellants filed a T.R.A.P. 10 Extraordinary Appeal in the Court of Appeals from the rulings of the Knox County Chancery Court earlier on April 3, 2006. That appeal was assigned Court of Appeals E2006-00681-COA-R10-CV.

On April 4, 2006 Appellants filed a T.C.A. § 16-3-201(d) motion with this Court to assume jurisdiction over the pending T.R.A.P. 10 Extraordinary Appeal in the Court of Appeals. That motion was assigned Supreme Court number E2006-00689-SC-RDM-CV.

Later on April 4, 2006 the Court of Appeals denied T.R.A.P. 10 Extraordinary Appeal in E206=00681-COA-R10-CV.

Appellants filed a T.R.A.P. 10(b) appeal to this Court from the denial of the T.R.A.P. 10 Extraordinary Appeal by the

Court of Appeals. That appeal was assigned Supreme Court number E2006-99681-SC-S10-CV.

Appellants T.C.A. § 16-3-201(d) motion and the T.R.A.P. 10(b) appeal contain common questions of law and common facts.

Appellants T.C.A. § 16-3-201(d) motion and T.R.A.P. 10(b) appeal contain different averments because of the different appellate jurisdiction standards applicable.

The two appellate pleadings are supplemental to one another because of the urgency asserted for appellate review to resolve issues that pertain to the rights of voters in Knox County to a constitutionally pure ballot and to free and equal elections and to the rights of persons to hold or retain public office in Knox County on a primary election being conducted pursuant to Knox County Charter § 7.01 on May 2, 2006.

If the T.C.A. § 16-3-201(d) motion is construed to be an appeal, T.R.A.P. 16(b) provides for the authority of the appellate court to consolidate appeals involving a common question of law or common facts. If the T.C.A. § 16-3-201(d) motion is not construed to be an appeal, T.R.A.P. permits this Court to suspend the appellate rules to consider the common questions of law or common facts in the T.C.A. § 16-3-201(d) motion with the T.R.A.P. 10(b) appeal.

WHEREFORE, Appellants move this Court consolidate Appellants' pending T.C.A. § 16-3-201(d) motion and their pending T.R.A.P. 10(b) appeal.



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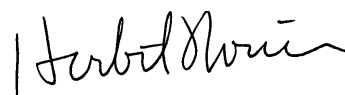
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**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served on:

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;
6. The Knox County District Attorney General.



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HERBERT S. MONCIER