

IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE

Bee DeSelm, )  
on relationship of )  
the State of Tennessee )  
and )  
Bee DeSelm, )  
individually )  
Plaintiffs )

APR 2 2006

v. )  
Timothy Hutchison; )  
Knox County Tennessee; and )  
Michael E. Moyers )  
Defendants )

No. 164615-1

**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 supplemental 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 to be heard on Plaintiff's application 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 issue presented 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.

6. 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.

7. 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.

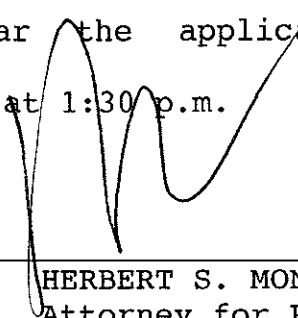
8. T.R.Civ.P. 65.04 provides this Court jurisdiction to proceed on a petition for temporary injunction upon notice which was given in this case to all interested parties.

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

10. 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.

11. 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.

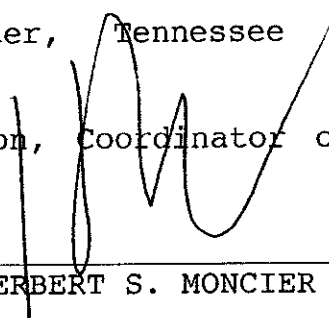
  
HERBERT S. MONCIER  
Attorney for Plaintiff

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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;
4. James Murphy, attorney for the Knox County Election Commission;
5. Janet Kleinfelter, Tennessee State Attorney General's office.
6. Brook K. Thompson, Coordinator of Elections for the State of Tennessee.



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HERBERT S. MONCIER