

**IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE**

John Schmid, )  
 )  
 Plaintiff )  
 )  
 v. ) No. \_\_\_\_\_ )  
 )  
 Knox County Election )  
 Commission and )  
 Brook Thompson in )  
 his Capacity as )  
 Coordinator of )  
 Elections for Tennessee )  
 )  
 Defendants )

In re:

Motion to Interplead of James Gray.

**MOTION TO INTERPLEAD AND SHORTEN TIME FOR  
NOTICE BY JAMES GRAY**

James Gray, Plaintiff in *Gray v. Hutchison*, Knox County Chancery 166649-1, pursuant to T.R.Civ.P. 24.01, moves to interplead as of right because her interest relating to the subject of this action may, as a practical matter impair or impede her ability to protect those interest unless heard in this action.

Notice has been provided as stated in the certificate of service by both fax, email and overnight mail on April 6, 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 10, 2006 at 9:30 a.m. at the same time that hearings will be held on related cases seeking similar relief.

1. Attorneys for the Knox County Election Commission and the Tennessee Coordinator of Elections will be present to be heard on similar issues to be presented by this case on Monday April 11, 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 on the May 2, 2006 Knox County Charter § 7.01 Primary Election until after available deadlines to take corrective actions.

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 will be present on April 11, 2006 at 9:30 a.m.

4. Intervening Plaintiff relies on the averments of her Complaints as amended and the pleadings of James Gray and John Schmid as grounds to shorten any five (5) day time period

required for notice for a temporary injunction or writ of mandamus 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 that 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 12, 2005.

7. The changes since July 12, 2005 have been the Supreme Court's decision in *Bailey v. Shelby County* are affecting the validity of the November 16, 2005 and February 16, 2006 qualifying process in Knox County and the resulting May 2, 2006 ballot.

8. If this Court were to require five (5) calendar days notice from April 6, 2006 that would mean that a hearing could not be conducted until at the earliest April 13, 2006 after the day for qualifying for a write-in 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 or writ of mandamus in this 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 *ex parte* 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.

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HERBERT S. MONCIER  
Attorney for Bee DeSelm

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BPR # 1910

**NOTICE OF HEARING**

Plaintiff gives notice that the foregoing, if not granted *ex parte* by the Court earlier, will be presented to Chancellor John Weaver at the Knox County Chancery Court, Part I, at 9:30 a.m. on April 10, 2006 or as soon thereafter as Plaintiff can be heard. You are invited to attend and be heard.

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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. James Murphy, attorney for the Knox County Election Commission;
3. Janet Kleinfelter, Senior Counsel, Tennessee Attorney General's Office, Attorney for Coordinator of Elections for the State of Tennessee;
4. Randall E. Nichols, Knox County District Attorney General.
5. Paul G. Summers, Tennessee Attorney General.

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HERBERT S. MONCIER