

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

FILED

2006 APR -6 AM 8:01

APPELLATE COURT CLERK  
KNOXVILLE

**BEE DESELM, ET AL. v. TIMOTHY HUTCHISON, ET AL.**

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No. E2006-00681-SC-S10-CV

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**ORDER**

On April 5, 2006, the plaintiffs filed in this Court an application for extraordinary appeal pursuant to Tennessee Rule of Appellate Procedure 10. In this application, the plaintiffs asked this Court to suspend the appellate rules and to consider in support of the application the documents the plaintiffs had attached to their previously filed motion which asked this Court to assume jurisdiction pursuant to Tennessee Code Annotated section 16-3-201(d).

The plaintiffs' motion to suspend the rules is well-taken and is hereby GRANTED. This Court has considered the plaintiffs' Rule 10 application and the documents filed in support of the reach-down motion and has concluded that the plaintiffs' Rule 10 application is not well-taken. The plaintiffs have failed to establish that the Chancellor's decisions on certain procedural issues constitute a departure "from the accepted and usual course of judicial proceedings as to require immediate review." Therefore, the plaintiffs' Rule 10 application is hereby DENIED. Costs shall be taxed to the plaintiffs, for which execution may issue if necessary.

IT IS SO ORDERED.

PER CURIAM

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**BEE DESELM, ET AL. v. TIMOTHY HUTCHISON, ET AL.**

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**No. E2006-00689-SC-RDM-CV**

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**ORDER**

On April 4, 2006, plaintiffs filed a motion pursuant to Tennessee Code Annotated section 16-3-201(d)(1) asking this Court to exercise its statutory reach-down jurisdiction and assume jurisdiction over the Rule 10 application for extraordinary appeal the plaintiffs had filed in the Court of Appeals. Shortly after the plaintiffs filed their motion in this Court, the Court of Appeals entered an Order denying their Rule 10 application.

Tennessee Code Annotated section 16-3-201(d)(1) provides that, upon the motion of any party, this Court may “assume jurisdiction over an undecided case in which a notice of appeal or an application for interlocutory or extraordinary appeal is filed before any intermediate state appellate court.” (Emphasis added.) The Court of Appeals has now decided this case by denying the plaintiffs’ Rule 10 application. Accordingly, the plaintiffs’ motion requesting reach-down review pursuant to section 16-3-201(d)(1) is not well-taken and is hereby **DISMISSED**.

On April 5, 2006, the plaintiffs filed a Rule 10 application in this Court and also a motion seeking to consolidate the motion they filed under section 16-3-201 with their Rule 10 application. Having concluded that the plaintiffs’ reach-down motion should be dismissed, the plaintiffs’ motion to consolidate is moot and therefore also is **DISMISSED**.

Costs associated with these motions shall be taxed to the plaintiffs, for which execution may issue if necessary.

**IT IS SO ORDERED.**

**PER CURIAM**