

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

**PART I**

**ENTERED**

APR 12 2006

HOWARD G. HOGAN

**JAMES GRAY,**

**Chairman of the  
Democratic Party  
of Knox County, Tennessee,**

**Plaintiff,**

**VS.**

**No. 166649-1**

**TIMOTHY HUTCHISON and  
KNOX COUNTY ELECTION  
COMMISSION,**

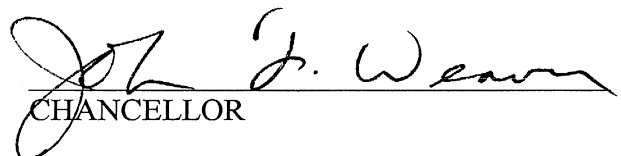
**Defendants.**

**ORDER**

On April 11, 2006, this Court filed a memorandum opinion and entered an order disposing of preliminary matters in the case. On April 12, 2006, this Court entered an order prepared and submitted by the plaintiff as a "FINAL JUDGMENT." However, the entry of the "FINAL JUDGMENT" has not become effective under Rule 58 of the Tennessee Rules of Civil Procedure in that the "FINAL JUDGMENT" has not been marked on its face by the clerk as filed for entry and does not contain the signatures or certificate required by Rule 58. The "FINAL JUDGMENT" recites that the plaintiff takes a voluntary non-suit as to "any remaining claims for declaratory judgment or other relief that remains pending after this Court's rulings on April 5, 2006 and April 11, 2006." In that the Court had not made any disposition as to anything but preliminary matters in the

case, and has made no final disposition of anything in the case, the Court understood that the plaintiff was taking a voluntary nonsuit of his case. The Court understood that the plaintiff was voluntarily discontinuing his case under Rule 41 of the Tenn. R. Civ. P. However, the plaintiff has filed a notice of appeal from his voluntary discontinuance of his case as if he did not voluntarily discontinue his case. It further appears that the plaintiff's counsel failed to comply with Rule 41 of the Tenn. R. Civ. P. by failing to serve a copy of the complaint on the defendants who have not been served with the summons and complaint. Therefore, to correct any mistake or misrepresentation as to the purpose of the "FINAL JUDGMENT" tendered to the Court by the Plaintiff's counsel, it is ORDERED, ADJUDGED, and DECREED, upon the Court's own motion as provided by Rule 60 of the Tennessee Rules of Civil Procedure, that the order entitled, "FINAL JUDGMENT," is set aside and vacated. It is further ORDERED, ADJUDGED and DECREED that any issue as to whether the plaintiff has voluntarily dismissed his entire case shall remain pending and set for a hearing.

Enter this 12<sup>th</sup> day of April, 2006.

  
CHANCELLOR

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was placed in the United States Mail, postage prepaid to:

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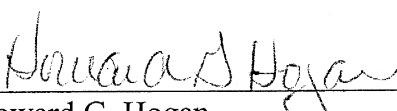
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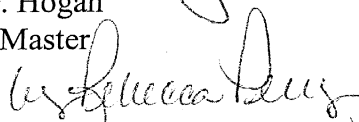
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This 13<sup>th</sup> day of April, 2006.

  
\_\_\_\_\_  
Howard G. Hogan  
Clerk and Master

  
Deputy Clerk