

IN THE CHANCERY COURT FOR KNOX COUNTY TENNESSEE

John Schmid,)
)
 Plaintiff)
)
 v.) No. 166706-1
)
 Knox County Election)
 Commission and)
 Brook Thompson in)
 his Capacity as)
 Coordinator of)
 Elections for Tennessee)
)
 Defendants)

Bee DeSelm,)
)
 Plaintiff)
)
 v.) No. 164615-1
)
)
 Knox County Tennessee, et al)
)
 Defendant)

James Gray,)
)
 Plaintiff)
)
 v.) No. 1666706-1
)
)
 Knox County Tennessee, et al)
)
 Defendant)

T.R.CIV.P. 24.04 NOTICE OF STATUTES BEING IN QUESTION

TO THE TENNESSEE ATTORNEY GENERAL:

Pursuant to T.R.Civ.P. 24.04 you are hereby placed on notice that John Schmid, Bee DeSelm, James Gray as Plaintiffs or intervening Plaintiffs in the above cases, have raised the validity of Tennessee Election Statutes, T.C.A. § 2-1-101 et seq., into question in the above actions as said statutes may pertain to a Knox County Charter § 7.01 Primary Election and Primary Election Ballot being presented to the voters of Knox County Tennessee on May 2, 2006 pursuant to Knox County's Home Rule Charter as being in violation of the Tennessee Constitution; the purposes specified in T.C.A. § 2-1-102 of the General Assembly; and the Knox County Charter.

Specifically questions are presented as to the validity of T.C.A. § 2-4-101(g); T.C.A. § 2-5-101 et. seq. and related statutes that may, as same may apply to the Knox County Charter § 7.01 qualifying period of November 16, 2005 and February 16, 2006 and the May 2, 2006 ballot and primary election or the timing of said election events that may conflict with the Constitution election or the mandatory provisions of Article VI, § 7.01 that Knox County Charter political party nominees for offices in Knox County Tennessee be elected at a Primary Election..

A hearing is set for April 10, 2006 at 9:30 a.m. to consider these cases.

Your presence is requested.

HERBERT S. MONCIER
Attorney for John Schmid;
Bee DeSelm and James Gray

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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. 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.

HERBERT S. MONCIER