

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

Bee DeSelm, James Gray)
and John Schmid)
Appellants)

2006 APR 13 AM 9:18
APPELLATE CLERK
KNOXVILLE

v.)

CA 2006-00681-CV

Timothy Hutchison,)
Knox County Tennessee,)
Knox County Election Commission)
Michael E. Moyers, and)
Randal E. Nichols)

**T.R.A.P. 39 MOTION TO REHEAR;
T.R.A.P. 2 MOTION TO SUSPEND RULES; AND
T.R.A.P. 16 MOTION TO JOIN AND CONSOLIDATE APPEALS**

1. Pursuant to T.R.A.P. 39 Appellants move to rehear this Court's T.R.A.P. 39 Order denying Appellants T.R.A.P. 10 Extraordinary Appeal; consolidate three (3) other appeals with common issues and questions of law; and create one record in this appeal for the related appeals.^{1 2}

¹ By granting rehearing in this T.R.A.P. 10 appeal in conjunction with T.R.A.P. 16 joinder and consolidation of the three other appeals with this appeal, the record already filed in this appeal that has been served on all opposing counsel, will not need to be reproduced and the appeals can proceed under the supplemental provisions of T.R.A.P. 10(d) as the Court may schedule and direct.

² Respectfully, pursuant to T.R.A.P. 39(a), on April 4, 2006 during pressing proceedings, this Court may have overlooked the significance of the Chancellor's multiple disqualifying interest and/or that the Chancellor was violating T.R.Civ.P. 1 by refused to consider Appellant Gray's amendment as of right so as to create delay. These T.R.A.P. 10 criteria are now apparent by the Chancellor's April 11th ruling that "its [now] too late" to adjust the date of the May 2, 2006 primary election.