

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

2008 NOV 25 PM 4: 55

ROSA A. QUINTEROS,

Plaintiff,

vs.

METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON
COUNTY and DAVIDSON COUNTY
ELECTION COMMISSION,

Defendants.

CLEW & HASTER
DAVIDSON CO. CHANCERY CT.

0014

Case No. 08-2535-I

ORDER SETTING MOTION HEARING

The Court convened a telephone conference between the parties on November 24, 2008, in the afternoon. The lawyers for the Plaintiff Ms. Rosa Quinteros and lawyers for the Defendant Metropolitan Government of Nashville and Davidson County (hereafter Metro) participated in the conference. The Court reserved a ruling on Metro's Motion to Join Eric Crafton as an Indispensable Party, until the Court rules upon subject matter jurisdiction. Metro asserts in its answer, that this Court does not have subject matter jurisdiction because (a) the matter is not ripe for adjudication, (b) the Plaintiff does not have standing, and (c) the Court does not have subject matter jurisdiction for other reasons. Metro will file its motion for lack of subject matter jurisdiction, and the motion will be heard on December 3, 2008, at 2:00 p.m., a date chosen by the parties. The issue of the constitutionality of the referendum content can be heard soon thereafter.

Pursuant to Rule 65.03(1) of the Tennessee Rules of Civil Procedure, the Court denied the Plaintiff's Motion for a Temporary Restraining Order because the Plaintiff will not suffer immediate and irreparable injury, loss or damage before a hearing can take place. Lawyers should bring their calendars to the December 3rd hearing on Metro's motion so that, if proper, the preliminary injunction hearing can be scheduled.


CLAUDIA C. BONNYMAN, CHANCELLOR
CHANCERY COURT, PART I

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