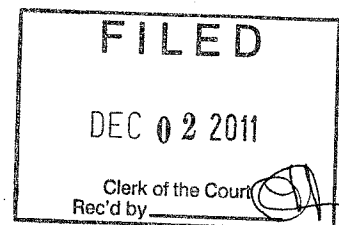


IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

RON LITTLEFIELD v. HAMILTON COUNTY ELECTION  
COMMISSION, ET AL.

Circuit Court for Hamilton County  
No. 10-C-1078

No. E2010-02410-COA-R3-CV



ORDER

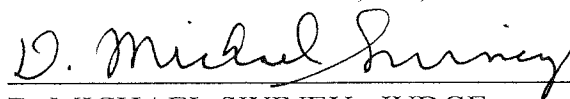
Appellee, Ron Littlefield ("Mayor"), pursuant to Tenn. R. App. P. 39(a), has petitioned this court for a rehearing of the opinion entered on November 3, 2011. Mayor argues that the opinion misapprehends a material fact or proposition of law and is in conflict with other principles of law allowing the issuance of a declaratory judgment, even if an injunction does not issue.

We have carefully reviewed the petition. It is axiomatic that a court cannot act without jurisdiction, and consent cannot confer jurisdiction that is otherwise lacking. The trial court was without jurisdiction to preempt the Election Commission from making final decisions to certify the recall petition. *See* Tenn. Code Ann. § 27-9-101 ("Anyone who may be aggrieved by any *final* order or judgment of any board or commission . . . may have the order or judgment reviewed by the courts . . . ." *Emphasis added*)). The case cited by Mayor is not on point. Accordingly, the petition to rehear is denied. Costs are taxed to the appellee, Ron Littlefield, and his surety, if any.

IT IS SO ORDERED.

  
JOHN W. McCLARTY, JUDGE

  
CHARLES D. SUSANO, JR., JUDGE

  
D. MICHAEL SWINEY, JUDGE