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IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
20th JUDICIAL DISTRICT, DAVIDSON COUNTY

TENNESSEE DEMOCRATIC PARTY

Petitioner

v.

HAMILTON COUNTY ELECTION  
COMMISSION,

Respondent.

Case No:

18-130-I

TENNESSEE DEMOCRATIC PARTY

Plaintiff,

v.

HAMILTON COUNTY ELECTION  
COMMISSION,

Defendant.

FILED  
2018 JUL -2 PM 4:32  
CLERA AND HASTER  
DAVIDSON CO. CHANCERY CT.  
DC&M

MOTION FOR EXPEDITED HEARING, PRELIMINARY INJUNCTION, AND  
PETITION FOR EXTRAORDINARY RELIEF

Pursuant to Local Rule 26.07, Tenn. R. Civ. P. 65.04, and Tenn. Code Ann. § 29-25-101, *et. seq.*, the Tennessee Democratic Party (the "TNDP") respectfully moves this Court to enter an Order:

1. Declaring that Gerald McCormick's withdrawal from running for House District 26 did

not trigger any of the enumerated reasons in Tenn. Code Ann. § 2-5-101(g)(1);

2. Declaring that Hamilton County Election Commission's (the "HCEC") decision to reopen the Republican Ballot and permit Robin Smith to appear as potential Republican candidates for House District 26 is null and void;
3. Issuing of Writ of Certiorari setting aside the HCEC's decision finding that Gerald McCormick's withdrawal from running for House District 26 satisfied Tenn. Code Ann. § 2-5-101(g)(1)(D) and permitting Robin Smith to appear on the August 2, 2018 Republican primary ballot for House District 26;
4. Enjoining the HCEC from printing or displaying any ballot containing the name of any person as the Republican Party candidate for House District 26.

To the extent that the Court believes a further factual record is warranted to review the issues presented by this Motion, the TNDP respectfully requests that the Court:

5. Setting this case for expedited hearing by no later than July 11, 2018;
6. Requiring Representative McCormick and his employer to sit for a deposition prior to that date.

In support of this Motion, TNDP relies upon the contemporaneously filed:

1. Verified Complaint and Petition for Writ of Certiorari;
2. Brief in support thereof;
3. And all pleadings filed to date.

Consistent with Local Rule 26.07, a proposed order to set this Motion on an expedited basis is attached hereto.

Dated: July 2, 2018

Respectfully submitted,

By: 

J. Gerard Stranch, IV (BPR#023045)

Benjamin A. Gastel (BPR#028699)

Seamus T. Kelly (BPR#032202)

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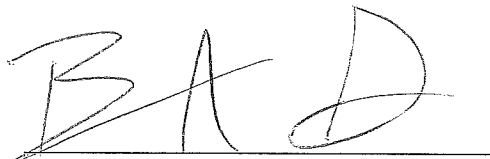
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 2, 2018, the foregoing document was served via electronic mail upon:

Kerry Steelman  
Administrator of Elections, Hamilton County  
700 River Terminal Rd.,  
Chattanooga, TN 37406  
[vote@hamiltonTN.gov](mailto:vote@hamiltonTN.gov)  
[brendah@hamiltontn.gov](mailto:brendah@hamiltontn.gov)

A handwritten signature in black ink, appearing to read "BAG", is written over a horizontal line.

Benjamin A. Gastel

RECEIVED

JUL - 2 2018

Davidson Co. Chancery Court

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
20th JUDICIAL DISTRICT, DAVIDSON COUNTY

TENNESSEE DEMOCRATIC PARTY )

Petitioner )

v. )

HAMILTON COUNTY ELECTION )  
COMMISSION, )

Respondent. )

Case No: 18-730-I

TENNESSEE DEMOCRATIC PARTY )

Plaintiff, )

v. )

HAMILTON COUNTY ELECTION )  
COMMISSION, )

Defendant. )

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PROPOSED ORDER

For good cause shown and pursuant to Local Rule 26.07 the Court sets a special, expedited hearing on Plaintiff/Petitioner's Motion for Expedited Hearing, Preliminary Injunction and Petition for Extraordinary Relief Restraining on July \_\_, 2018 at \_\_\_\_\_. Such hearing to be held at the Davidson County Chancery Court at the Davidson County Metro Courthouse.

**IT IS HEREBY ORDERED.**

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Chancellor