

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

AT NASHVILLE

CITY OF LAKEWOOD,)
a Tennessee Municipal Corporation;)
AARON PRINCE, Individually and)
as Mayor; APRIL CONSULO,)
Individually and as Vice-Mayor;)
JAMES ALLEN, Individually and)
as Commissioner; CATHY MCKELLAR,)
Individually and as Commissioner;)
ALICIA PRINCE, Individually and)
as City Recorder; and)
"RESIDENTS OF LAKEWOOD",)

VS.)

NO. _____

THE DAVIDSON COUNTY ELECTION)
COMMISSION; LYNN GREER, Chairman;)
EDDIE BRYAN, Secretary; PATRICIA HEIM,)
Commissioner; A.J. STARLING, Commissioner)
STEVE ABERNATHY, Commissioner; and)
the METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON COUNTY.)

COMPLAINT

Come the Plaintiffs and show unto this Honorable Court as follows:

1. This Complaint is brought as an election contest in accordance with *Tennessee Code Annotated 2-17-101 et seq.*, and other statutes as may be applicable. Therefore, the Chancery Court of Davidson County, Tennessee has jurisdiction in this matter.

2. The Plaintiff, CITY OF LAKEWOOD, ("LAKEWOOD") is a Tennessee municipal corporation located in Davidson County and chartered under the provisions of the City Manager-Commission Charter which is a uniform general act charter codified in *Tennessee Code Annotated 6-18-101, et seq. to 6-22-130.*

3. The Plaintiff, AARON PRINCE, is the Mayor of Lakewood and brings this action in such official capacity as Mayor, and individually as a citizen, resident, and property owner, of Lakewood. He was in charge of a campaign and campaigned for the rejection of the Charter referendum question.

4. APRIL CONSULO is the Vice-Mayor of Lakewood and brings this action in such official capacity as Vice-Mayor, and individually as a citizen, resident, and property owner, of Lakewood. She campaigned for the rejection of the Charter referendum question.

5. JAMES ALLEN is a Commissioner of Lakewood and brings this action in such official capacity as Commissioner, and individually as a citizen, resident, and property owner, of Lakewood. He campaigned for the rejection of the Charter referendum question.

6. CATHY MCKELLAR is a Commissioner of Lakewood and brings this action in such official capacity as Commissioner, and individually as a citizen, resident, and property owner, of Lakewood. She campaigned for the rejection of the Charter referendum question.

7. The foregoing Plaintiffs, PRINCE, CONSULO, ALLEN and MCKELLAR, were each elected by the voters of Lakewood, each receive a salary for the performance of their duties as elected officials, and each took an oath or affirmation as required by law that each will support the Charter of Lakewood and will faithfully discharge the duties of the office in accordance with *T.C.A. 6-21-103*. Should the results of the Charter Referendum stand, each of them will be deprived of the remainder of their term, and the salary associated thereto, and their rightfully elected public office,

8. Plaintiff, ALICIA PRINCE, is a fulltime employee of Lakewood as City Recorder for which she receives an annual salary. Further, she is a citizen, resident and property owner of Lakewood. Should the wrongful results of the Charter Referendum be allowed to stand, she will be deprived of her employment, and the salary and other benefits she receives therefrom.

9. The Plaintiff, "RESIDENTS OF LAKEWOOD" is a single issue campaign committee which has charge of a campaign for the rejection of the question

submitted to surrender the Lakewood Municipal Charter, the Treasurer for the committee is Herman Maass. He is in charge, along with others, of the campaign committee.

10. The Defendant, DAVIDSON COUNTY ELECTION COMMISSION, (the "ELECTION COMMISSION") is the entity charged by law with the responsibility of conducting elections for public offices in Davidson County, Tennessee.

11. Defendants, LYNN GREER, EDDIE BRYAN, PATRICIA HEIM, A.J. STARLING, and STEVE ABERNATHY, are the duly appointed members of the Davidson County Election Commission, and they are sued in their official capacity.

12. The Defendant, the METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY ("METRO") is the local governmental entity which will have responsibility for the providing of municipal services to the Lakewood area should the City of Lakewood Municipal Charter be surrendered. METRO is added for the purpose of receiving notice regarding the request for temporary injunctive relief from the provisions of *T.C.A. 6-18-110*.

13. Lakewood was formed in 1959 as a general purpose municipality in Davidson County. Lakewood continued to function as a separate municipality after the formation of the Metropolitan Government of Nashville and Davidson County in 1963. Lakewood is governed by a five (5) member Board of Commissioners elected at large by the qualified voters. Lakewood has a separate municipal Police Department, a separate water system, planning and zoning authority, building codes, and other Ordinances and Codes. Lakewood has twelve (12) full-time salaried employees and two (2) part-time employees.

14. In 2010 a group, led in part by nonresident property owners, filed a Petition with the Davidson County Election Commission in accordance with *T.C.A. 6-18-108* calling for a Referendum seeking the surrender of the Lakewood Municipal Charter (the "REFERENDUM"). Over the objection of the Plaintiffs, the Davidson County Election Commission called for the Referendum to be conducted on August 5, 2010.

15. In accordance with their oath or affirmation to support the Charter of Lakewood, the Board of Commissioners of Lakewood authorized the expenditure of funds and other efforts to provide information for the benefit of citizens regarding the city

functions and the campaign effort to surrender the Charter, and expended the funds as a committee to provide information to the Lakewood citizens and voters.

16. Under the terms of the Charter of the Metropolitan Government of Nashville and Davidson County should the Charter of Lakewood be surrendered, Lakewood would cease to exist, and could not be re-incorporated under any conditions. All employees would be terminated from their jobs, the assets sold or otherwise disposed of, and the debts paid, by Lakewood property owners if necessary.

17. Upon the completion of the election process, including election day votes, absentee votes, and early votes, the total votes in the Referendum were 799, including the votes to surrender the Charter were 400 and the votes to retain the Charter were 399. The total difference was one (1) vote. The further breakdown of the votes is as follows:

CITY OF LAKEWOOD REFERENDUM

	Election Day	Absentee	Early	Total
YES (to surrender) Charter	251	9	140	400
NO (to retain) Charter	315	2	82	399
TOTALS VOTES	566	11	222	799

18. The Plaintiffs would further show unto the Court that under the Charter of Lakewood the qualifications of voters are established in accordance with *T.C.A. 6-20-106*, *T.C.A. 6-53-102*, and *T.C.A. 2-2-107*, and other statutes as may be applicable. All voters must be residents of Lakewood in order to be entitled to vote. The Charter of Lakewood has no provision for the voting by nonresident property owners in municipal elections.

19. In accordance with *T.C.A. 2-17-109*, the Plaintiffs request the Court receive as evidence from the election the poll books, voter signature lists and ballot applications. Further, it is requested the Court receive the Referendum Petition with signatures.

20. DAVID J. CARR voted in the Lakewood Referendum on August 5, 2010. Carr listed his residential address as 211 28th Street, Old Hickory, Tennessee 37138 which is within the corporate limits of Lakewood. The voting address listed contains only a metal storage structure with no living quarters or utility services. Carr stated to

Police Officer Jeremy Baker on September 23, 2009 that he used the address for mailing purposes only and did not live there. In a Lakewood Burn Permit Application dated August 10, 2009 Carr listed his home telephone number as 865-8883 which residence is listed to David J. Carr, 200 Nesbitt Lane, Madison, Tennessee 37115 which is not in the Lakewood corporate limits. Carr upon information and belief cast one illegal vote in the Referendum.

21. KAREN M. SMILEY and ROBERT SMILEY voted in the Lakewood Referendum on August 5, 2010. The Smileys listed their residential address as 315 Pitts Avenue, Old Hickory, Tennessee 37138 which is within the corporate boundaries of Lakewood. The two Smileys moved from the address listed on the application for ballot in February 2009, and no longer reside within the Lakewood corporate boundary. The Smileys now reside at 609 Valley Grove Court in Hermitage, Davidson County, Tennessee 37076. Based upon information and belief, the Smileys cast two illegal votes in the Referendum.

22. DONALD L. MATHIS and SANDRA ANN MATHIS voted in the Lakewood Referendum on August 5, 2010. The two Mathis listed their residential address as 117 Teresa Drive, Old Hickory, Tennessee 37138, which structure is outside the corporate boundaries of the City of Lakewood. The Mathis discontinued water service to that location on June 2, 2010 having previously vacated the property. The two Mathis live at 2301 Crescent Valley Place, Hermitage, Davidson County, Tennessee 37076 which they own and which is outside the corporate boundary of Lakewood. Based upon information and belief, the Mathis cast two illegal votes in the Referendum. The Mathis made statements and did other acts indicating they voted two "Yes" votes in the Referendum.

23. TYRONE B. GRAVES voted in the Lakewood Referendum on August 5, 2010. Graves listed his residential address as 2609 Elliott Drive, Old Hickory, Tennessee 37138 within the Lakewood corporate boundary. Graves terminated his utilities at the residence and is believed to have moved from the corporate boundaries of Lakewood on or before June 18, 2010. Based upon information and belief, Graves cast one illegal vote in the Referendum.

24. MELISSA D. MCINTURF voted in the Lakewood Referendum by early voting at the Metro office building precinct on July 16, 2010. Her husband, JAMES E. MCINTURF, JR., voted by early voting at the Hermitage early voting precinct on July 26, 2010. The McInturfs each listed their address of residence as 2001 Old Hickory Boulevard, Old Hickory, Tennessee 37138 which is within the Lakewood corporate boundary. The address listed by the McInturfs is a commercial building operated as a commercial business with no residential Use & Occupancy Permit being obtained. Based upon information and belief, the actual residential address of the McInturfs is 3960 Saundersville Ferry Road, Mt. Juliet, Wilson County, Tennessee 37122, which is a residential structure. Melissa McInturf stated publicly on February 4, 2010 and was quoted in the local News Herald periodical, "We don't feel like we are being heard or listened to simply because we don't sleep here at night". Further, Melissa McInturf was described in the March 11, 2010 of the News Herald by the statement: "McInturf has owned a business in Lakewood since 1984 and lived there full time until two years ago when she and her husband bought an investment property in Wilson County for her horses". Based upon information and belief, the McInturfs have cast two illegal votes in the Referendum. The McInturfs were leaders in the effort to terminate the Lakewood Charter and, based upon information and belief, they voted two "Yes" votes.

25. JOHN D. LOKEY, JR. voted in the Lakewood Referendum on August 5, 2010. Lokey listed his residential address as 159 Park Circle, Old Hickory, Tennessee 37138 which is within the Lakewood corporate boundaries. Lokey has moved from that address and is no longer a resident of Lakewood. Based upon information and belief, Lokey cast one illegal vote in the Referendum. Based upon written information from Lokey, he is believed to have voted one "Yes" vote.

26. HERMAN EUGENE BROWN, JR. voted in the Lakewood Referendum by early voting and listed his residential address as 2109 Lakeshore Drive, Slip C28, Old Hickory, Tennessee 37138 which is a boat dock slip at a commercial boat dock. This address is not Brown's permanent address and is prohibited by the federal rules and regulations of the U.S. Army Corp of Engineers, being CFR, Title 36, Part 327(f), which prohibits the use of moored vessels in commercial facilities as a place of habitation or

residence. Based upon information and belief, Brown cast one illegal vote in the Referendum.

27. STEVE A. PAPUCHIS voted in the Lakewood Referendum by early vote. Papuchis listed his residential address as 210 24th Street, Old Hickory, Tennessee 37138 which is within the corporate boundaries of the City of Lakewood, and of which Papuchis is a partial owner. Based upon information and belief, Papuchis resides at property owned by him and his wife located at 209 Rolling Mill Road, Old Hickory, Tennessee 37138 which is outside the corporate boundaries of Lakewood. Based upon information and belief, Papuchis cast one illegal vote in the Referendum.

28. CHI CHI DI SHANNI voted in the Lakewood Referendum on July 30, 2010 by early vote. Di Shanni listed her residential address as 107 Teresa Drive, Old Hickory, Tennessee 37138, which is within the Lakewood corporate boundaries. Based upon information and belief, Di Shanni has moved from that location and resides at 1400 Hadley Avenue, Old Hickory, Tennessee 37138 which is owned by the Chi Chi Di Shanni Trust and which is outside the corporate boundary of Lakewood. Based upon information and belief, Di Shanni cast one illegal vote in the Referendum.

29. KERMIT BOWLING voted in the Lakewood Referendum on August 5, 2010. Bowling listed his residential address as 3224 Lakeshore Drive, Old Hickory, Tennessee 37138 which is within the Lakewood corporate boundaries. Based on information and belief, as of the date of the Referendum, Bowling is a resident of 312 N. Manning Street, Stillwater, Oklahoma. Bowling was registered to vote in Stillwater, Oklahoma as of the date of the Lakewood Referendum. Based upon information and belief, Bowling voted in twelve elections or primaries in Stillwater, Oklahoma, the most recent being in person on July 27, 2010. As further indication of residency in Stillwater, Oklahoma, Bowling was the president of Stillwater, Oklahoma Habitat For Humanity in 2009. Based upon information and belief, Bowling signed a Request To Cancel Voter Registration in Payne County, Oklahoma on August 24, 2010 which is 19 days after the Lakewood referendum. Bowling is the father-in-law of a leader of a group supporting the surrender of the Lakewood Charter and, based upon information and belief, cast one illegal vote in the Referendum and voted "Yes".

30. There are other persons who are believed to have fraudulently or negligently illegally voted in the Lakewood Referendum who were not qualified voters due to lack of residency or other reasons. Such information regarding additional numbers based on that ground will be proffered to the court, and the Plaintiffs may seek leave of Court to amend the Complaint upon this basis if appropriate..

31. On August 5, 2010 during the regular election certain employees of the Election Commission refused to allow JAMIE HALL and JESSICA HALL the right to vote in the Lakewood Referendum. As of the date of the Referendum, the Halls are residents of 303 30th Street, Old Hickory, Tennessee 37138 which is within the Lakewood corporate boundaries. The Halls were previously registered in Davidson County at their former home address of 2569 Stinson Road, Nashville, Tennessee 37214 and should have been allowed to vote in the Lakewood Referendum on election day. The statement of refusal was made to Victor Consulo, the father of Jessica Hall, while Jamie Hall and Jessica Hall were on the premises of the voting precinct. The Halls would have provided two "No" votes which would be for the retaining of the Lakewood Charter. This is an irregularity in the voting process.

32. UNA M. JAKES, who resides at 3215 Lakeshore Drive, Old Hickory, Tennessee 37138, which is in the corporate boundaries of Lakewood, presented herself to vote in the election on August 5, 2010 at the Lakewood precinct. Mrs. Jakes voted in the primary and general election, and then pressed the vote button having not found the Lakewood Referendum ballot on the voting machine. Based on the Sample Ballot, Mrs. Jakes thought the Referendum ballot was separate. Mrs. Jakes immediately requested the election official to allow her to vote in the Lakewood Referendum, and was refused. Mrs. Jakes would have voted "No" in favor of retaining the Lakewood Charter. Mrs. Jakes is 83 years of age. This is an irregularity in the voting process.

33. BRUCE E. CARROLL, who resides at 813 Stone Hedge Court, Old Hickory, Tennessee 37138, early voted at the Hermitage precinct on July 29, 2010. When Mr. Carroll entered the voting machine to vote, he could not locate the Lakewood Referendum ballot on the machine. Prior to closing out the machine to vote, Mr. Carroll brought the matter to the attention of the attending election official. The election official acknowledged that the ballot was not on the voting machine being used by Mr. Carroll.

The voting machine was re-set and Mr. Carroll was allowed to re-vote. This was an irregularity in the voting process which Plaintiffs allege may have occurred to other voters, but has gone unreported.

34. MRS. FRED S. RAMSEY, who resides at 3209 Lakeshore Drive, Old Hickory, Tennessee 37138, which is in the corporate boundaries of Lakewood, presented herself to vote in the election on August 5, 2010 at the Lakewood precinct. Mrs. Ramsey requested the assistance of the election official to help her vote, and specifically requested assistance regarding the Lakewood Referendum ballot. In receiving the assistance from the election official, the ballot button was pushed incorrectly and the vote recorded as a "Yes" vote. Mrs. Ramsey had desired to vote "No", and to retain the Lakewood Charter but her vote was recorded incorrectly. Mrs. Ramsey immediately brought the error to the attention of the election official who told Mrs. Ramsey it was too late to correct the error. Mrs. Ramsey is 89 years of age. This is further proof of irregularity in the voting process.

35. Considering the six (6) illegal votes cast by persons presumed to have voted "Yes", along with other proof as may be presented, including those legal votes of those four (4) persons identified that were denied their lawful right to vote due to irregularity who would have voted "No", the effort to retain the Lakewood Charter, as supported by the Plaintiffs, should be declared the winner by nine (9) votes. When the illegal votes cast for the opponent are thrown out, the votes the Lakewood Charter received, plus the additional legal votes it was entitled to, would give the Lakewood Charter retention the majority.

36. In the alternative, the Court should declare the Referendum result void in that such fraud or illegality occurred and permeated the election as to render it incurably uncertain, even though it cannot be shown to a mathematical certainty the result might have been different. Secondly, the Court should find the ballots and votes enumerated herein, and others as may be presented to the Court, to be illegal, and the number of illegal votes cast is equal to, or exceeds the margin of one (1) vote by which the Referendum to surrender the Lakewood Charter won.

37. The Plaintiffs assert that the Referendum ballot question should not have been allowed to be placed on the ballot by the Election Commission. The ballot question placed on the Referendum question is as follows:

SHOULD the City of Lakewood be dissolved by voluntary surrender of its charter thereby allowing the area bound by the City of Lakewood to become governed by the Metropolitan Government of Nashville and Davidson County as part of the General Services District?

38. Plaintiffs assert that the ballot question is in error, in that the qualified voters of Lakewood do not have the legal right to determine which district (either Urban Services District or General Services District) the Lakewood property should be placed in should the Charter be surrendered after a Referendum. This question was confusing and misleading to the qualified Lakewood voters. The persons circulating the petition containing the aforementioned question had notice from the Metropolitan Nashville Department of Law that the district placement must be determined by the Metropolitan Nashville Council in accordance with the Metropolitan Charter Section 18.15 and could not be determined by referendum vote. The Election Commission was duly informed of this irregularity at its regular meeting on May 4, 2010, which was prior to the Referendum. The Election Commission declined to act on this irregularity, and allowed the question to be placed on the ballot.

39. In the alternative, the results of the Referendum should be set aside due to the aforementioned misleading question which was circulated to voters in Lakewood with the knowledge that it was incorrect and misleading. The Plaintiffs alleged then and allege now that the Referendum question was not lawfully worded or approved as required by state law to be placed on the ballot.

40. The Plaintiffs assert that the question submitted to the qualified voters in a Referendum should be in accordance with the provisions of *Tennessee Code Annotated 2-5-151* which requires approval of the question by the Election Commission prior to it being circulated on petitions. *T.C.A. 2-5-151* further requires the petition to contain certain specific elements including the full text of the question, the signature and address of the registered voter, the printed name of each signatory, and the date of the signature. Plaintiffs contend the provisions of *T.C.A. 2-5-151* were not complied

with. The Plaintiffs alleged then and allege now that the Referendum was not lawfully worded or approved as required by state law to be placed on the ballot.

41. Certain information was disseminated by Metro officials before the Referendum, including but limited to, George Rooker, Jr., Metro Assessor of Property, who indicated to a public meeting of citizens in Lakewood, and later widely disseminated by other persons in writing to Lakewood residents, that should the Charter be surrendered the citizens of Lakewood could not be separately taxed for the debts of Lakewood. Contrary to Mr. Rooker's statement, the provisions of *T.C.A. 6-18-113* provide in part:

"Should the property and funds be insufficient to meet all the city's current obligations, the county legislative body is hereby authorized to levy and collect taxes upon the property within the boundaries of the former city and to pay same over to the trustees for the purposes of meeting such current deficits."

The qualified voters of Lakewood were misled by such statements.

42. *Tennessee Code Annotated 6-18-110* applicable to the Lakewood Charter Referendum provides as follows in part:

"Termination of Charter - New charter – If a majority of the votes cast in the election provided for in this charter shall favor the termination of such form of government, the provisions of such charter shall terminate at one (1) minute past midnight (12:01) on the sixtieth day following the date of such election unless it falls upon a Sunday, in which case it shall terminate at one (1) minute past midnight (12:01) on the next day."

43. In accordance with the provisions of *T.C.A. 6-18-110*, the Charter of the City of Lakewood will terminate at 12:01 on October 4, 2010 absent the action by the Court in favorably ruling for the Plaintiffs in this election contest, or upon the granting of Injunctive Relief delaying the termination of the Charter pending a final resolution of the election contest. Unlike general law regarding non-metropolitan counties, once the Charter of Lakewood is finally surrendered the Lakewood area will become a part of Metro and cannot be re-incorporated as a separate municipality for any purpose.

44. In accordance with Rule 65.04, T.R.C.P., the Plaintiffs assert as follows:

(1) Plaintiffs will suffer Irreparable Harm that once the Charter is surrendered in accordance with *T.C.A. 6-18-110* in that it cannot be re-incorporated at any time for any purpose, the citizens will immediately

receive a reduced level of municipal services, including, but not limited to, a greatly reduced level of police presence and protection; and the full time and part time employees of Lakewood will be terminated with no salary or benefits and without recourse; and the citizens who voted to retain the Charter would be without recourse whatsoever in challenging the illegal termination of the Charter;

(2) No harm will be inflicted upon any of the Defendants by the granting of a temporary injunction in that the Defendant Metro is benefited by Lakewood retaining its Charter and performing such municipal services as are required by its citizens pending a final resolution;

(3) Based upon the extensive list of illegal votes cast, and the other irregularities cited in the Referendum, as compared to the one (1) vote margin of victory, the probability that Plaintiffs will succeed on the merits of this Election Contest is significant; and

(4) The public interest of the citizens of Lakewood is best served by having a free and fair election, without fear that the termination of the Charter was based upon the illegal votes of persons who were not residents of the City, and further based upon irregularities in the election process.

45. The Plaintiffs would pray that the Court conduct a hearing and grant a Temporary Injunction to retain the Charter of the City of Lakewood in place and fully functioning until the sixtieth day after final resolution of the election contest, or for such other time as the Court may direct, and that no bond be required of the Plaintiffs in that no party will suffer injury while Lakewood continues to perform its municipal functions.

PREMISES CONSIDERED, PLAINTIFFS PRAY:

1. That proper process be issued and served upon the Defendants, and they be required to answer in accordance with the law.

2. That the Court promptly consider this an Election Contest, and schedule this matter for trial not less than ten (10) days nor more than fifty (50) days after service of process on the Defendants.

3. That at a trial of this cause, the Court deduct the illegal "Yes" votes cast, add the "No" votes excluded due to irregularities, the Court declare the election valid, and the Charter of Lakewood be retained by the majority of votes being in favor of its retention.

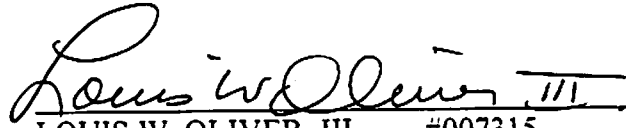
4. That in the alternative, the Court find that fraud or illegality so permeated the election as to render it incurably uncertain, or that the Court find the number of illegal ballots and the number of illegal votes cast is equal to, or exceeds the margin by which the certified question won, and the Court declare the election void , and that a new election be set for November 2, 2010 to coincide with the next scheduled general election in Davidson County or at such other time the Court should determine;

5. That a TEMPORARY INJUNCTION issue to prevent the termination of the Lakewood Charter until sixty (60) days after the final determination of the election contest, or for such other period of time the Court deems just and appropriate.

6. That the Plaintiffs be awarded such other general relief to which they may be entitled.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF IN THIS
CASE.

Respectfully submitted,

A handwritten signature in cursive script, reading "Louis W. Oliver, III", written over a horizontal line.

LOUIS W. OLIVER, III #007315

105 Hazel Path

Post Office Box 1616

Hendersonville, TN 37077

Telephone: (615)824-9131

Facsimile: (615)264-2628

A handwritten signature in cursive script, reading "Dan R. Alexander", written over a horizontal line.

DAN R. ALEXANDER #007065

2026 8th Avenue South

Nashville, TN 37204

Telephone: 297-0097

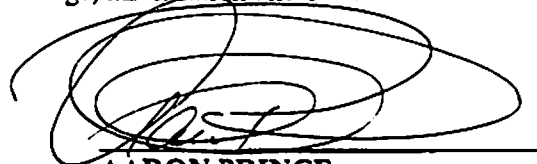
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ATTORNEYS FOR THE PLAINTIFFS

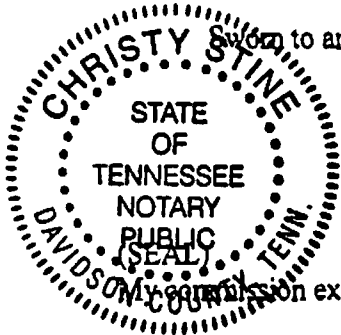
STATE OF TENNESSEE

COUNTY OF DAVIDSON

AARON PRINCE, first having been duly sworn, makes oath that he is a Plaintiff in the foregoing Complaint as Mayor of Lakewood and Individually, and the statements contained herein are true to the best of his knowledge, information and belief.



AARON PRINCE
Mayor and Individually



Sworn to and subscribed before me, this the 27th day of August, 2010.


NOTARY PUBLIC

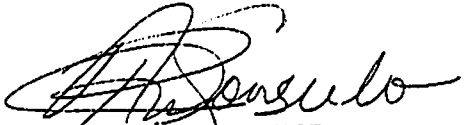
My commission expires 11/7/12.

My Commission Expires NOV. 7, 2012

STATE OF TENNESSEE


COUNTY OF DAVIDSON

APRIL CONSULO, first having been duly sworn, makes oath that she is a Plaintiff in the foregoing Complaint as Vice-Mayor and Individually, and the statements contained herein are true to the best of her knowledge, information and belief.

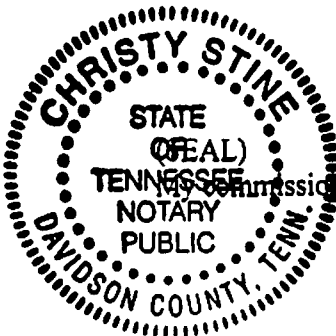


APRIL CONSULO
Vice-Mayor and Individually

Sworn to and subscribed before me, this the 27th day of August, 2010.



NOTARY PUBLIC




My commission expires 11/7/10.

My Commission Expires NOV. 7, 2012

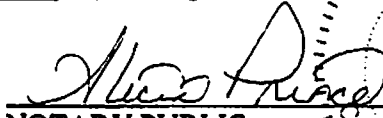
STATE OF TENNESSEE

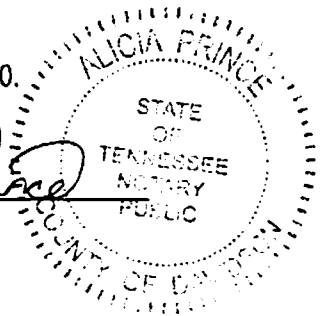
COUNTY OF DAVIDSON

JAMES ALLEN, first having been duly sworn, makes oath that he is a Plaintiff in the foregoing Complaint as Commissioner and Individually, and the statements contained herein are true to the best of his knowledge, information and belief.


JAMES ALLEN
Commissioner and Individually

Sworn to and subscribed before me, this the 27th day of August, 2010.


NOTARY PUBLIC



(SEAL)

My commission expires 11/07/12.

STATE OF TENNESSEE

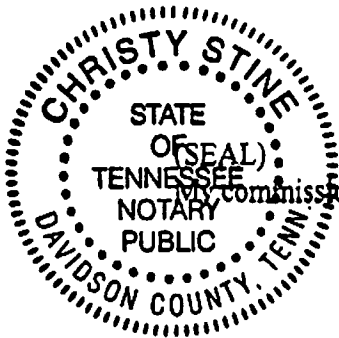
COUNTY OF DAVIDSON

CATHY MCKELLAR, first having been duly sworn, makes oath that she is a Plaintiff in the foregoing Complaint as Commissioner and Individually, and the statements contained herein are true to the best of her knowledge, information and belief.

Cathy McKellar
CATHY MCKELLAR
Commissioner and Individually

Sworn to and subscribed before me, this the 27th day of August, 2010.

Christy Stine
NOTARY PUBLIC



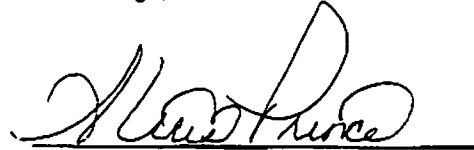
My commission expires 11/7/10.

My Commission Expires NOV. 7, 2012

STATE OF TENNESSEE

COUNTY OF DAVIDSON

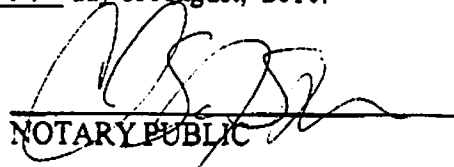
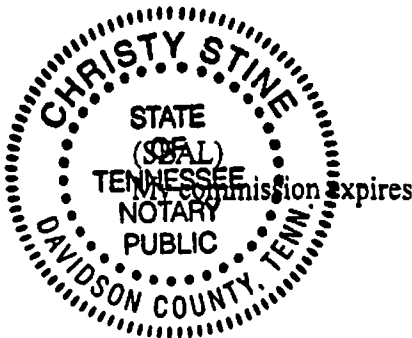
ALICIA PRINCE, first having been duly sworn, makes oath that she is a Plaintiff in the foregoing Complaint as City employee as City Recorder and Individually, and the statements contained herein are true to the best of her knowledge, information and belief.



ALICIA PRINCE

City Recorder and Individually

Sworn to and subscribed before me, this the 27th day of August, 2010.


NOTARY PUBLIC

My commission expires 11/7/10

My Commission Expires NOV. 7, 2012