

IN THE CHANCERY COURT FOR PUTNAM COUNTY, TENNESSEE

PATRICIA MARENE HALL COOMER,)
)
 Plaintiff,)
)
 vs.)
)
 LEWIS FAY COOMER,)
)
 Defendant.)

No. 2000-269

FILED 01-26 20 01
TIME 10:35am
LINDA REEDEN CLERK & MASTER
BY JAMES NEBILON
CLERK & MASTER

MOTION TO COMPEL

Now comes the Plaintiff, Patricia Marene Hall Coomer, by and through counsel, and, pursuant to Rule 37 of the Tennessee Rules of Civil Procedure, moves the Court for its Motion compelling Defendant to respond to discovery and, in support thereof, would show to the Court as follows:


1. On August 23, 2000, the Plaintiff filed a Complaint for Divorce and accompanied it with Interrogatories and a Request for Production of Documents to be answered by the Defendant. The Interrogatories were to be answered within forty-five (45) days after service of the Summons and Complaint on the Defendant as provided in Rule 33.01 of the Tennessee Rules of Civil Procedure, and the Request for Production of Documents was to be responded to within forty-five (45) days after service of the Summons and Complaint on the Defendant as provided in Rule 34.02 of the Tennessee Rules of Civil Procedure.
2. On October 18, 2000, Plaintiff's counsel wrote to Defendant's counsel asking for a response to these discovery requests. A copy of that letter is attached to this Motion as Exhibit A.
3. On December 1, 2000, Plaintiff's counsel wrote to Defendant's counsel asking for a response to these discovery requests. A copy of that letter is attached to this Motion as Exhibit B.
4. On December 7, 2000, Plaintiff's counsel wrote to Defendant's counsel asking for a response to these discovery requests. A copy of that letter is attached to this Motion as Exhibit C.
5. On January 5, 2001, Plaintiff's counsel wrote to Defendant's counsel asking for a response to these discovery requests. A copy of that letter is attached to this Motion as Exhibit D.
6. As of the date of filing of this Motion to Compel, the Defendant has not responded to Plaintiff's Interrogatories nor Plaintiff's Request for Production of Documents.

7. In order to prepare for trial, which is currently set for April 25, 2001, Plaintiff must have the cooperation of the Defendant as discovery is pursued. That cooperation should at least include following the mandates of the Tennessee Rules of Civil Procedure.

Wherefore, as Plaintiff has filed Interrogatories and a Request for Production of Documents, both directed to the Defendant, which have not been answered in over five months, and, pursuant to Rule 37.01 of the Tennessee Rules of Civil Procedure, Plaintiff requests this Court to enter an Order giving the Defendant no more than ten (10) days to file complete responses to Plaintiff's Interrogatories and Request for Production of Documents and award Plaintiff reasonable expenses incurred in obtaining this Order, including attorney fees.

Respectfully submitted.

KENNERLY, MONTGOMERY & FINLEY, P. C.

By 

Robert H. Green, *BPR# 1428*
Attorney for Plaintiff
P. O. Box 442
Knoxville, TN 37901
865-546-7311

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on William A. Cameron, Esq., Cameron & Chaffin, 100 South Jefferson Avenue, Cookeville, Tennessee 38501 by depositing the same in the U. S. Mail with sufficient postage thereon to carry the same to its destination or by hand delivery this the 24 day of January, 2001.

KENNERLY, MONTGOMERY & FINLEY, P. C.

By 
Robert H. Green

KENNERLY, MONTGOMERY & FINLEY, P.C.

ATTORNEYS AT LAW

P. O. BOX 442

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FOURTH FLOOR

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STEVEN E. SCHMIDT
BRIAN H. TRAMMELL
C. COULTER GILBERT
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JAMES A. HOLIFIELD, JR.
JAMES H. PRICE
KRISTI D. MCKINNEY
CHRISTINA J. THORNTON
ROB QUILLIN

SPECIAL COUNSEL: CRAIG J. DONALDSON

FILE

October 18, 2000

William A. Cameron, Esq.
Cameron and Chaffin
100 South Jefferson Avenue
Cookeville, TN 38501

Re: Patricia Marene Hall Coomer vs. Lewis Fay Coomer
Putnam County Chancery Court No. 2000-269

Dear Bill:


More than forty-five days has elapsed since Mr. Coomer was served with the Complaint, Interrogatories, and Request for Production of Documents. We have not yet received a response to the Complaint nor Mr. Coomer's response to our discovery requests.

Please advise when we may expect these responses. As you know, full and complete responses will be instrumental in you and I helping these parties move toward a resolution of their differences.

I look for your reply.

Sincerely,

KENNERLY, MONTGOMERY & FINLEY, P. C.

By 
Robert H. Green

RHG/ar

cc: Ms. Patricia M. Coomer

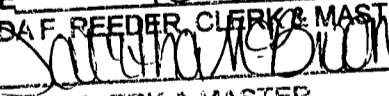
FILED 01-26 20 01
TIME 10:35 AM
LINDA F. REEDER, CLERK & MASTER
BY 
DEPUTY CLERK & MASTER

EXHIBIT A

KENNERLY, MONTGOMERY & FINLEY, P.C.

ALEXANDER M. TAYLOR
JACK M. TALLENT, II
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KNOXVILLE, TENNESSEE 37902

FAX: (865) 524-1773

SPECIAL COUNSEL: CRAIG J. DONALDSON

December 1, 2000

FILED
DEC 1 2000

William A. Cameron, Esq.
Cameron and Chaffin
100 South Jefferson Avenue
Cookeville, TN 38501

Re: Patricia Marene Hall Coomer vs. Lewis Fay Coomer
Putnam County Chancery Court No. 2000-269

Dear Bill:

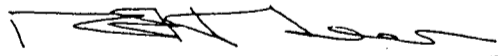
Please find enclosed Plaintiff's Response to Defendant's First Set of Interrogatories and Request for Production of Documents. Because of logistics (me being in Knoxville and my client in Cookeville), your copy of the Response does not contain an acknowledged signature of the plaintiff; however, the original of this Response is being executed by Ms. Coomer and filed with the Clerk and Master in Putnam County. Further note that I have not included the documents in the Response filed with the Clerk and Master. If you believe these documents should be so filed, please advise.

More than three months has elapsed since Mr. Coomer was served with Plaintiff's Interrogatories and Request for Production of Documents. As you know, we have not yet received a response to these discovery requests and have previously written to you asking when those responses might be forthcoming. Please advise. If Mr. Coomer does not intend to respond, we would like to know so that we can file a Motion to compel discovery.

Thank you for your attention to this matter.

Sincerely,

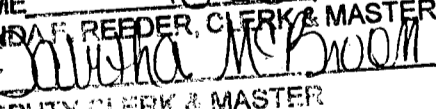
KENNERLY, MONTGOMERY & FINLEY, P. C.

By 
Robert H. Green

RHG/ar

Enclosure

cc: Ms. Patricia M. Coomer (w/o encl) **EXHIBIT B**

FILED 01-26 20 01
TIME 10:35am
LINDA F. REEDER, CLERK & MASTER
BY 
DEPUTY CLERK & MASTER

KENNERLY, MONTGOMERY & FINLEY, P.C.

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FAX: (865) 524-1773

December 7, 2000

SPECIAL COUNSEL: CRAIG J. DONALDSON

William A. Cameron, Esq.
Cameron and Chaffin
100 South Jefferson Avenue
Cookeville, TN 38501

Re: Patricia Marene Hall Coomer vs. Lewis Fay Coomer
Putnam County Chancery Court No. 2000-269

Dear Bill:

This will confirm our telephone conversation of Thursday, December 7th. We agreed to set the depositions of Mr. and Mrs. Coomer for Tuesday, February 20, 2001, beginning at 9:00 a.m. your time in your offices there in Cookeville. You have also agreed to obtain the services of a court reporter for those depositions.

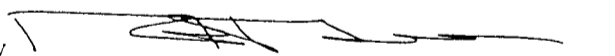
As we discussed on behalf of Ms. Coomer we would require a complete response to plaintiff's first set of Interrogatories and Requests for Production of Documents prior to the deposition and would like that response as soon as possible.

Further you and I discussed setting this matter for trial and I agreed to take the responsibility of talking with Chancellor Corlew's secretary to find out dates that he might have available for a trial of this matter in April or May of 2001. I will let you know as soon as I have those dates.

As always, if you have any questions please give me a call.

Sincerely,


KENNERLY, MONTGOMERY & FINLEY, P.C.

By 
Robert H. Green

RHG/vm

cc: Ms. Patricia Marene Hall Coomer

EXHIBIT C

01-26 20 01
10:35am
LINDA REEDER, CLERK & MASTER
BY 
LINDA REEDER, CLERK & MASTER

KENNERLY, MONTGOMERY & FINLEY, P.C.

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SPECIAL COUNSEL: CRAIG J. DONALDSON

January 5, 2001

William A. Cameron, Esq.
Cameron and Chaffin
100 South Jefferson Avenue
Cookeville, TN 38501

Re: Patricia Marene Hall Coomer vs. Lewis Fay Coomer
Putnam County Chancery Court No. 2000-269

Dear Bill:

Under cover of my letter dated December 8, 2000, I forwarded an Order to you setting the Coomer divorce for final hearing on Wednesday, April 25, 2001. As you know, Chancellor Corlew's secretary asked that we forward an Order for his signature confirming our agreed trial date. Please advise if you have signed that Order on behalf of Mr. Coomer and forwarded it to Chancellor Corlew for his signature and entry.

In your letter dated September 5, 2000, you indicated that you were reviewing the documents served on Mr. Coomer which included Interrogatories and a Request for Production of Documents. In my letter to you dated October 18, 2000, I indicated that more than forty five days had elapsed since Mr. Coomer was served with these written discovery requests and asked you for a response to the same. In your letter to me dated October 25, 2000, you indicated that Mr. Coomer was in the process of answering his Interrogatories, and you would get those to me as soon as possible.

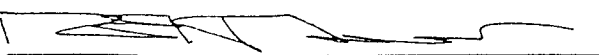
On December 1, 2000, I wrote you a letter indicating that more than three months had elapsed since Mr. Coomer was served with written discovery requests, that we did not have a response, and asking you to please have Mr. Coomer provide this information as required by the Tennessee Rules of Civil Procedure.

On December 7, 2000, I wrote you a letter and, in paragraph two, again requested that Mr. Coomer respond to the written discovery request served on him months earlier.

It has now been over four months since Mr. Coomer was served with the documents request and Interrogatories. If we do not have a response to these discovery requests within the next two weeks, we will be filing a Motion to Compel. Please advise Mr. Coomer's intentions.

Sincerely,

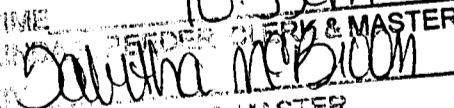
KENNERLY, MONTGOMERY & FINLEY, P. C.

By 
Robert H. Green

RHG/ar

cc: Ms. Patricia M. Coomer

EXHIBIT D

01-26 2001
10:35am
RECEIVED CLERK & MASTER

CLERK & MASTER