

**IN THE CHANCERY COURT FOR LEWIS COUNTY  
AT HOHENWALD, TENNESSEE**

IN RE:

SENTINEL TRUST COMPANY

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NO. 4781

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**ACTING COMMISSIONER-IN-POSSESSION'S AND RECEIVER'S MOTION  
TO ESTABLISH DIFFERENT PROCEDURE CONCERNING PRESENTING  
AND RESPONDING TO NON-DISPOSITIVE MOTIONS**

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By previous Order of Court entered on August 4, 2005, non-dispositive motions filed in this matter were to be filed and served at least two (2) weeks before the hearing of the motion, and written responses in opposition were to be filed and served within one (1) week before the hearing of the non-dispositive motion. See Court's August 4, 2005 Order attached as **Exhibit 1**. This Order of Court was entered at a time when there were civil motion days set on the Court's calendar approximately twice a month, so it was a simple matter to measure back two weeks from those civil motion days to determine when a motion should be filed in order to allow time for response and to be heard on a certain day.

The recusal of all of this district's judges in late 2005 and the appointment of Hon. J. Steven Stafford, from Dyer County, Tennessee, to preside over this matter, has meant that motions in this matter cannot be set on the normally established civil motion days for the Lewis County Chancery Court. The Acting Commissioner-in-Possession ("Commissioner") and the Sentinel Trust Receiver ("Receiver") anticipate the filing of motions in this matter going forward, some of which may be objected to, but many of which will likely be unopposed.<sup>1</sup> While Chancellor Stafford has demonstrated flexibility in having several motion hearings since

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<sup>1</sup> For example, filed herewith is the Motion for Approval of Receiver, Outside Counsel and Third Party Contractors Fees.

his appointment and has expressed willingness to set hearings in the future, there are no fixed motion days in this matter so as to establish filing deadlines for motions (i.e., two weeks prior to the particular motion day) and filing deadlines for responses in opposition (i.e., one week prior to the particular motion day). Therefore, the Commissioner and Receiver request that a different system of filing and responding to non-dispositive motions be established -- one that keys off the filing of the non-dispositive motion, rather than one that keys off of measuring back at least two weeks from motion hearing dates. To that end, the Commissioner and Receiver request that the Court consider and order as follows:

- 1) Non-dispositive motions may be filed at any time in these proceedings;
- 2) All responses in opposition to any non-dispositive motion are to be filed and served within eleven (11) calendar days of the filing date of the motion;
- 3) If there are no timely-filed responses in opposition, the Court will, through order, grant the motion, absent the Court having reservations concerning the granting of the particular motion;
- 4) If there are timely-filed responses in opposition and/or if the Court has reservations concerning the granting of the particular motion, the Court will then establish a date upon which the motion will be heard. The Court, in its discretion, may conduct hearings on disputed motions through telephone conference calls as between the Court, the movant and the objecting party. Reply and sur-reply filings will be accepted if submitted within a reasonable time prior to any established hearing date;
- 5) Service of filings as between counsel for the Commissioner-in-Possession and Receiver and counsel for Danny N. Bates shall be via facsimile transmission or overnight express delivery or, if agreed to by counsel, via email transmission. Counsel for the movant is responsible for determining whether others have a sufficient interest in the particular motion so that they should be served in this expedited fashion. Otherwise, counsel listed on the Certificate of Service and others, if applicable, may be served via First Class U.S. Mail, postage prepaid; and
- 6) All filings will occur with the Clerk & Master's Office in Hohenwald, Lewis County, Tennessee, and a copy of any filing is to be sent to

