

Rule 24 also provides for permissive intervention . . . “ when an applicant’s claim or defense and the main action have a question of law and fact in common.” **Rule 24.02(2) Tenn. R. Civ. P..**

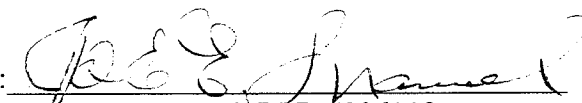
The Movant would show unto the Court that the Hamilton County Election Commission issued the Recall Petition for Mayor Littlefield to him. Furthermore, he and other like-minded individuals who have joined with him in this effort have expended substantial time, effort and sweat in this effort to secure the recall of Mayor Littlefield pursuant to the statutory recall process. Although the Election Commission contends that it has acted in accordance with state and municipal law, its interest and that of the Movant are not identical.

The Movant would show unto the Court that the Court's decision in this cause will, as a practical matter, be determinative of these Petitioners' efforts to obtain the certification of the Recall Petition and Recall of Mayor Littlefield. In this instance, it is the desire of approximately nine thousand (9,000) citizens whose will would be thwarted by a decision to block the Recall Election. Therefore, the Movant (Petitioner) is the “real party in interest” and is a necessary party to this cause in order for the Court to fully adjudicate this matter. **TCA 29-14-107**. As previously noted, the Declaratory Judgment statute requires . . . “all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of any persons not parties to the proceedings”. **TCA 29-14-107 (a)**. And, your Movant is entitled as a matter of right to have an opportunity to be heard upon the issue of the Recall Petition.

Movant would show unto the Court that his presence as an intervening party will not delay or prejudice the adjudication of the rights of the original parties. Indeed, the Movant represents that he and counsel will cooperate fully with scheduling the anticipated expedited hearing on this matter.

The Court should grant Movant's Motion, allow intervention and align the parties such that Movant is deemed to be the Intervening Defendant.

Respectfully submitted:

By: 
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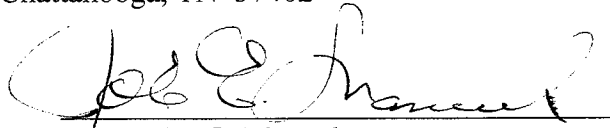
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this pleading has been served upon the parties listed below this 1st day of September, 2010.

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