RULES OF THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE THIRTIETH JUDICIAL DISTRICT

EFFECTIVE JULY 1, 2001
(Revised June 25, 2012)

Table of Rules

Rule

1. Session and Courtroom Procedure
2. Attorneys
3. Order of Business
4. Forms of Pleadings
5. Pleading to be Filed
6. Thirty (30) Day Extension to Plead
7. Assignment of Causes
8. Process
9. Appointment of Guardian Ad Litem
10. Motion Day and Motions
11. Temporary Injunction Hearings and Motions to Modify or Dissolve Injunctions
12. Reference to the Master or the Divorce Referee
13. Setting Cases by Way of the Attorneys' Trial Docket (AKA the "Ten-Day Rule Docket")
14. Divorce or Separate Maintenance Trials
15. Hearings on Petitions for Adoption
16. Arguments and Briefs
17. Orders and Decrees
18. Electronic Filing of Pleadings and Other Papers
19. Motions for New Trial
20. Jury Trials
21. Record on Appeal
22. Dismissal for Lack of Prosecution
23. Investing Funds Per Court Order
24. Procedure Used When Chancellor Should Consider Disqualifying Himself
25. Continuances
26. Discovery

Appendix 1. Shelby County Chancery Court Electronic Filing Rules (E-Filing Rules)

Appendix 2. Agreement Relative to Child Support Enforcement Between the Judges and Chancellors of the 30th Judicial District and the Judge of the Juvenile Court of Memphis and Shelby County, Tennessee

RULES OF THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE THIRTIETH JUDICIAL DISTRICT

INTRODUCTORY STATEMENT

By virtue of the authority vested in the Chancellors of the Chancery Court of Shelby County, for the Thirtieth Judicial District of Tennessee, and for the purpose of providing uniformity of procedure in the Court in conformity with Supreme Court Rule 18 and the Tennessee Rules of Civil Procedure ("TRCP"), the following rules are hereby adopted and promulgated. The Chancellors may deviate from these rules to whatever extent they deem appropriate in order to meet the ends of justice.

RULE 1. SESSIONS AND COURTROOM PROCEDURE

(a) Court sessions may be held Monday through Fridays inclusive. The Court may convene at such times as may be necessary for the hearing of causes specially set.

(b) The Chancellors shall wear judicial robes at all sessions of the Court, except the requirement may be waived by the Chancellor at any informal hearing.

(c) All persons in the Courtroom shall stand at the opening and closing of Court and while Court is being adjourned or recessed.

(d) All papers shall be handed to the Chancellor by the Sheriff, and no attorney or litigant shall approach the bench or witness stand from the bar except when directed by the Chancellor.

(e) There shall be no smoking in the Courtroom, nor shall food or drink be brought into the Courtroom. All electronic devices, including cellular telephones, pagers, and wrist watch alarms must be turned off before entering the Courtroom. No cameras, video or audio recording equipment will be allowed in the courtroom without Court approval. Electronic devices required to participate in the Court's electronic filing (E-Filing) will be permitted by leave of Court.

(f) All attorneys and Court attendants shall be appropriately dressed during court sessions; male attorneys shall wear coats and ties.

(g) All litigants, witnesses, and jurors are expected to conduct themselves with reserve and courtesy, and when appearing in Court, to dress appropriately in a clean and neat appearance so as to preserve the dignity of the Court.

(h) Upon the Chancellor entering the Courtroom preparatory to the formal opening of Court, the Sheriff shall call the Courtroom to order, directing all in attendance in Court to stand, and upon being so instructed by the Court, shall open Court in substantially the following manner:

"Hear Ye! Hear Ye! This Honorable Chancery Court of Tennessee is now open for the transaction of business pursuant to adjournment; all persons having business with the Court draw near and you shall be heard. The Honorable _____, Chancellor presiding. God Preserve these United States and this Honorable Court. Be seated, please."

Thereupon the Chancellor and those in the Courtroom shall be seated.

(i) All attorneys shall conduct themselves in accordance with the Memphis Bar Association Guidelines for Professional Courtesy and Conduct which shall be made a part of these Local Rules as if set out verbatim herein. These Guidelines can be viewed at www.memphisbar.org. Attorneys and persons attending court shall be treated with courtesy and shall be addressed by their courtesy title (as "Mr.", "Ms.", "Mrs.", "Dr.", etc.) and not by their first names.

(j) Counsel or pro se litigants shall rise and remain standing while making an objection, argument or statement to the Court, including such time as the Court may be interrogating or making observations to counsel or pro se litigants. Counsel may either stand or sit while interrogating witnesses. Whenever the Chancellor is ruling, all persons in the Courtroom shall remain seated and, if entering the Courtroom, shall be seated until the Chancellor has finished ruling.

(k) While Court is in session no one may film, photograph, or electronically record any of the proceedings without approval of the Court.

(l) Upon the Chancellor instructing the Sheriff to adjourn Court for the day, the Sheriff shall direct all in attendance in Court to stand and shall adjourn Court in the following manner:
"This Court now stands adjourned."

(m) In order to insure and maintain proper security for the protection of government property and the safety of the Courts, court personnel, attorneys and all persons in attendance thereof, whether as a plaintiff, defendant, witness, or spectator, the Sheriff of Shelby County is authorized and directed to employ all lawful and constitutional means necessary to insure the security of the courtrooms and all passages, corridors, rooms, and points of ingress and egress thereto. The Sheriff may, circumstances requiring

in his discretion, establish and promulgate reasonable regulations not inconsistent with this rule for purposes of carrying out his directive including, but not limited to, the search of all persons seeking to enter the Courthouse or the various courtrooms of Shelby County Chancery Court. Anyone seeking to enter said courtrooms not consenting to a search of their person when requested by one lawfully authorized to conduct said search, shall not be admitted therein. Strip body searches are not authorized. Only authorized personnel serving the Court shall wear side-arms in the courtroom while Court is in session. In the discretion of the Chancellor of each part of this Court, all persons who are legally authorized to carry a firearm because of their status as law enforcement officials may wear said firearms or must check their firearms with the Court Bailiff while they are in the courtroom, or with the nearest office of the Sheriff.

RULE 2. ATTORNEYS

(a) Attorneys desiring to be sworn in to practice in the Chancery Court shall be introduced in open Court by an attorney of this Bar who vouches for their character and qualifications as an attorney licensed to practice in Tennessee.

(b) Only attorneys at law (or law students certified by the Supreme Court of the State of Tennessee and the Chancellor before whom they appear), and litigants who are representing themselves, will be allowed to appear in matters coming before the Court.

(c) Non-resident attorneys shall be entitled to practice in a particular case upon compliance with Tennessee Supreme Court Rules 19 and 20.

(d) No attorney shall be allowed to withdraw from a case except for good cause shown upon written motion after notice to all parties and attorneys and by order of the Court.

RULE 3. ORDER OF BUSINESS

At the opening of Court, orders or announcements may be presented; then the Calendar for the day shall be called.

RULE 4. FORMS OF PLEADINGS

(a) All pleadings shall contain a caption and designation as provided by TRCP Rule 10.01 and in addition all complaints, petitions and motions shall, in the designation thereof, contain a short statement of the relief sought, or the nature of the matter contained therein. The Chancellor or Clerk may refuse to accept a pleading not so styled.

(b) All pleadings, addressed to the Court, shall be in the following form to wit: "To the Chancellors of the Chancery Court for the Thirtieth Judicial District."

(c) All pleadings shall conform to the requirements of TRCP Rules 7, 8, 9, 10 and 11, and any pleading not so conforming may, upon motion of attorney, or by the Court sua sponte, be stricken from the docket.

(d) All pleadings and documents bearing the name of a law firm shall also be signed individually by the member of the firm to whom the case is assigned and shall contain the address, phone number and the Supreme Court Disciplinary Number of the attorney filing it or the state of license and state license number if filing pro hac vice.

RULE 5. PLEADING TO BE FILED

(a) Unless retained by the Sender in accordance with TRCP Rule 5A or by the E-Filer under Appendix 1 of these Local Rules, an original of every pleading, including copies of any exhibits attached to the complaint shall be filed in all causes. The originals of such pleadings shall be retained in the Clerk's office, except when in use in the Courtroom or by one of the Chancellors.

(b) Originals of pleadings and other Court records may not be removed except upon an Order of Court, which Order shall specify the time within which the same shall be returned.

(c) Only the Clerk can put files back in the filing cabinet.

RULE 6. THIRTY (30) DAY EXTENSION TO PLEAD

Any party may by written stipulation signed by the opposing attorney extend the time for pleading not to exceed thirty (30) days in addition to the period provided by the TRCP, and provided further, that only one such extension shall be granted. Any additional extension not agreed to by stipulation or an additional extension must be granted by the Chancellor.

RULE 7. ASSIGNMENT OF CAUSES

(a) The Clerk shall assign each new case to a particular Part of the Court under a random selection procedure approved by the Chancellors. The procedure shall provide for an equal random distribution of the cases filed between the Three Parts.

(b) The Chancellors may, however, by orders, transfer causes from one Part of the Court to another in order to equalize the work of the Parts

of the Court, or for their mutual accommodation and convenience.

(c) The Chancellors may enter consent orders for each other by interchange, without formal transfer.

(d) Whenever any case has been dismissed on some ground not going to the merits (e.g., non-suit, mistrial, reversal, setting aside a verdict, etc.), if the case is refiled, it shall be assigned for any subsequent trial to the part of court in which the case was assigned when it was initially filed.

RULE 8. PROCESS

The issuance, service and return of process shall be as required by TRCP Rules 4 and 5.

RULE 9. APPOINTMENT OF GUARDIAN AD LITEM

Whenever it is made known to the Court, by a pleading or motion that justice requires the representation of a party by a Guardian Ad Litem, the attorney shall submit an order of appointment in compliance with Supreme Court Rule 40A, leaving blank the name of the person or persons to be appointed.

RULE 10. MOTION DAYS AND MOTIONS

(a) All motions, except those made in the course of a hearing or a trial, or for a Final Decree of Adoption, shall be in writing and conform to the requirements of TRCP Rule 7.02. Non-dispositive motions shall be heard on Friday of each week, unless otherwise noted by the Clerk on the Motion Docket. Dispositive motions may be specially set at the discretion of the Chancellor.

(b) Attorneys desiring to dispose of non-dispositive motions shall note on the Motion Docket the style and rule docket number of the cause, the attorney for and against the motion, the date of entry in the motion docket and the nature of relief sought.

(c) Separate Motion Dockets shall be kept for each Part of the Court and entries shall be submitted and/or rescheduled on the Shelby County Chancery Court website in the Motion Docket of the Part of the Court to which the cause has been assigned.

(d) Notice of motions shall be in compliance with TRCP Rules 6.04 and 6.05, and entered on the Motion Docket on or before Friday to be heard on the ensuing Friday unless objection is made for lack of notice required by TRCP Rules 6.04 and 6.05. If objection on such grounds is well taken, the motion shall be passed to the next Motion Day or stricken.

(e) Counsel must file all memorandum briefs and supporting documents with the Clerk. Counsel for the proponent of the motion must deliver a copy of all briefs and memoranda to the Chancellor or the courtroom clerk at least five (5) days before the motion is argued, and counsel for the responding party or parties must deliver a copy of all responsive briefs and memoranda to the Chancellor or the courtroom clerk at least two (2) days before the motion is argued, to give the Chancellor a reasonable opportunity to read the briefs before the hearing. Failure to follow the above requirements may result in the motion not being heard.

(f) On all motions, the movant must certify that all counsel have conferred in an attempt to resolve the matters at issue in the motion before filing the motion.

(g) Motions for allowance of temporary alimony or child support, or both, will be referred to the Divorce Referee as provided in Rule 12. Motions for modification of awards previously made may be referred to the Divorce Referee, or heard by the Court in its discretion.

(1) When a motion is stricken, it must be rescheduled in accordance with Rule 10(c); however, upon application, motions may be reset for a date not later than the Thursday of the succeeding week.

(2) According to Chapter 161, Private Acts of 1973 (and any acts amendatory and supplemental thereto), all matters, including but not limited to, proctoring complaints for divorce and orders of reference, properly brought before the Divorce Referee may be heard by the Divorce Referee Monday through Thursday at morning and afternoon sessions. The Divorce Referee shall have a publicly available calendar for attorneys and *pro se* litigants to schedule hearings in one-hour intervals from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m. at the discretion of the Divorce Referee. These hearings shall be held by the Divorce Referee except for a summer vacation period and State and Federal holidays. Fridays shall be reserved for administrative duties.

(3) The Divorce Referee is primary Proctor and Referee and is assisted by those part-time Deputy Divorce Referees appointed and authorized by Chapter 161, Private Acts of 1973 (and any Acts amendatory and supplemental thereto). Two such Deputy Referees shall preside Tuesday, Wednesday, and Thursday of alternate weeks, convening at 1:00 p.m.

(h) At the discretion of the Court, all motions requiring the introduction of proof may be deferred until disposition of motions consisting only of argument of attorneys or may be specially set by the Court.

(i) All motions for summary judgment and to dismiss shall be filed at least thirty (30) days before hearing of same. Attorneys for the proponent of the motion shall deliver copies of memorandum briefs to the Court (with a copy of affidavits and supporting documents), and shall file with the Clerk all affidavits and supporting documents at least thirty (30) days prior to the hearing of the motion. Attorneys for the respondent shall deliver copies of memorandum briefs to the Court (with a copy of affidavits and supporting documents), and shall file with the Clerk all affidavits and supporting documents at least (10) days prior to the hearing of the motion. No motions shall be heard unless there is compliance with this rule.

(j) The Court may in its discretion, hear motions based on the parties' submissions and not grant oral argument.

RULE 11. TEMPORARY INJUNCTION HEARINGS AND MOTIONS TO MODIFY OR DISSOLVE INJUNCTIONS

(a) Unless the Court, in its discretion decides otherwise, a hearing for temporary injunctions shall be on sworn pleadings, affidavits, counter-affidavits, depositions and/or testimony, which shall be limited to the sole questions of whether or not the temporary injunction is justified, and to dispute material issues of fact.

(b) Motions to modify or dissolve injunctions may be heard upon one day's notice or less, if so ordered by the Chancellor.

RULE 12. REFERENCE TO THE MASTER OR TO THE DIVORCE REFEREE

(a) At the hearing of a cause, or upon motion, a matter may be referred to the Master in accordance with the provisions of TRCP Rule 53, or to a Divorce Referee in accordance with Section 9, Chapter 161, Private Acts of 1973.

(b) The Court may appoint a Special Master and refer specific issues of law or fact, including discovery disputes. A Special Master shall receive such compensation as may be fixed by the Court to be taxed as part of the Court costs.

(c) Reports of the Master, except Reports of Sale, shall be made in conformity with TRCP Rule 53.04, which Rule shall also be applicable to reports of the Divorce Referee. All reports of the Master, other than Reports of Sale, not excepted to within ten (10) days as required by Rule 53.04(2) will be subject to confirmation by the Court. All exceptions or objections to the report of the Master will be heard pursuant to motion. Exceptions will be heard based upon the record of proceedings before the Master. There shall be no additional proof introduced unless directed by the Court.

(d) Appeals from a Divorce Referee's ruling shall be made by written motion within ten (10) days of the referee's oral or written ruling, and shall be placed on the Motion Docket of the Court to which the case is assigned or specially set by fiat. The motion shall specifically set forth what the movant seeks and where the Divorce Referee was in error. The referee's oral or written ruling on the pendente lite award shall be in effect and enforceable pending the appeal. Appeals shall be heard based on the record of the proceedings before the Divorce Referee. There will be no additional proof introduced unless directed by the Court.

(e) The Master's Report of Sale will be confirmed in accordance with TRCP Rule 53.04 subject to the right of an advance on the bid provided by T.C.A. 66-8-107.

RULE 13. SETTING CASES BY WAY OF THE ATTORNEYS' TRIAL DOCKET (AKA THE "TEN DAY RULE" DOCKET)

(a) When a case is ready for hearing, the Attorney for either party may set it for trial by putting the case on the Attorneys' Trial Docket (AKA the "Ten Day-Rule" Docket). After the case is placed on the Attorneys' Trial Docket, the attorney shall immediately notify the opposing attorney in writing.

(b) The procedure shall be as follows: The attorneys desiring to set the case for trial shall enter on the Attorneys' Trial Docket a note showing the style, docket number of the case, the estimated trial time, the nature of the case, the attorneys for the respective parties and the date of entering such note. Thereafter, the Clerk shall set the case for hearing except as provided herein.

At least ten days before the date of the hearing, the Clerk shall send a notice to the attorneys for all parties of the date of the hearing. The setting of hearings of uncontested adoptions is provided for in Local Rule 15.

When a case is set for hearing, the Clerk shall post the trial date on the Attorney Trial Docket.

(c) The Clerk shall keep a separate Attorneys' Trial Docket (AKA "Ten-Day Rule" Docket) for each part of the Court.

(d) When a jury case is placed on the Attorneys' Trial Docket for hearing, the Attorney shall place a notation "Jury Trial" on the Attorneys' Trial Docket so that the Clerk and Court may be advised of the fact that a Jury has been demanded.

RULE 14. DIVORCE OR SEPARATE MAINTENANCE TRIALS

(a) In suits for divorce or separate maintenance where there is a property settlement or marital dissolution agreement, said agreement should be filed in the case at the time the case is entered on the Attorneys' Trial Docket or prior thereto.

(b) If there is no property settlement or marital dissolution agreement, any party seeking alimony or child support shall file a sworn statement, not less than thirty (30) days before the hearing date, setting forth the applicant's income, needs and expenses showing the purpose and amount and, if known, the income of the respondent. Not less than twenty (20) days before the hearing date, the Respondent shall file a like sworn statement showing income, needs and obligations.

(c) In contested divorces, at least fifteen (15) days prior to the hearing, attorneys shall exchange settlement offers or inform opposing attorney why they have not done so. A copy of such offers shall not be furnished to the Court.

(d) In contested divorces, where the division, description or value of marital assets is in dispute, at least fifteen (15) days before the hearing, the attorneys shall exchange their list of marital assets with a value placed on each asset; these lists of assets shall be filed with the Court at the time of exchange.

(e) See Rule 12(d) regarding appeals from Divorce Referee's rulings.

(f) If the parties have children, a separate permanent parenting plan with a child support worksheet attached must also be presented to the Court at the time of the hearing. The final decree must state that the permanent parenting plan makes adequate and sufficient provision for the custody and maintenance of any children of the marriage. If Juvenile Court has assumed jurisdiction over child support, the parties must attach to the permanent parenting plan a copy of the Juvenile Court order setting child support. Appendix 2 provides the Agreement relative to child support enforcement between the Judges and Chancellors of the 30th Judicial District and the Judge of the Juvenile Court of Memphis and Shelby County, Tennessee.

RULE 15. HEARING ON PETITIONS FOR ADOPTION

Where there is to be a hearing on a non-contested Petition for Final Decree of Adoption, the attorney shall place a notation to this effect on the Attorneys' Trial Docket (AKA the Ten Day Rule Docket). If the notation is entered on, or before Monday, it will automatically be set for hearing on the following Monday unless otherwise noted by the clerk on the Attorneys' Trial Docket.

RULE 16. ARGUMENTS AND BRIEFS

(a) The Court may, in its discretion, limit or direct argument and, in non-jury cases, may choose not to hear closing argument.

(b) Briefs should be prepared in advance of the hearing and the Court encourages the submission of briefs of law in advance of the hearing of a case. Except as otherwise provided in these Local Rules or by the Court, in all matters or hearings of any type, if briefs are to be submitted, they must be delivered to the Court not less than three (3) working court days before the hearing. The Court may call for additional briefs.

(c) See Rule 10(i) regarding time requirements to submit briefs in motions for summary judgments and motions to dismiss.

RULE 17. ORDERS AND DECREES

(a) Orders and decrees shall be headed by a title indicating the nature thereof. Unless otherwise permitted by the Court, Orders and Decrees shall be presented to the Court within seven (7) days after the decision is rendered.

(b) Orders and Decrees should be presented when called for immediately after the opening of the Court, or at such other times which do not interfere with the orderly transaction of business. Consent Orders may be signed by Interchange as provided in Rule 7(c).

(c) Orders and Decrees shall be prepared by the attorney for the prevailing parties and submitted to attorneys for other parties for approval. All Orders and Decrees shall bear the original signatures of all parties or their attorneys, or a certificate of the attorney or the Clerk that copies have been served on all parties or attorneys of record as required by TRCP Rule 58(2). With permission, attorneys may sign the opposing counsel's name to Orders and Decrees. Facsimile copies of Orders, Decrees and/or signatures are not permitted.

(d) In the event of a disagreement regarding the proper wording of an Order or Decree, the attorneys shall submit to the Court their version of what they think is the appropriate Order or Decree for the Court's determination. They shall also submit one extra copy with the disputed portions clearly marked.

(e) Orders or Decrees approved by all attorneys of record may be left for the Chancellor's signature with the courtroom clerk of that Part of the Court.

(f) If Orders or Decrees, as presented, are deemed to contain unnecessary or incorrect wording, the Chancellor may revise or have the attorney re-draft the Order or Decree.

(g) Orders or Decrees shall take effect and speak as of the date of entry on the minutes; provided, that the Court may, in its discretion, (nunc pro tunc) permit Orders or Decrees to become effective and speak as of the time of the decision of the case or as of any date between that time and the date of entry on the minutes.

(h) Whenever a report of the Master or of a receiver or Commissioner or other like document is to be recorded on the minutes, the same need not be copied into the body of the decree presented to the Court, but may be incorporated by reference.

(i) The Clerk's office must be assured that all costs have been or will be paid prior to an entry being made on the rule docket that a judgment has been satisfied.

(j) All final orders shall provide for taxing of Court costs and a cost bill information sheet shall be completed for the party against whom costs are assessed.

RULE 18. ELECTRONIC FILING OF PLEADINGS AND OTHER PAPERS

Pursuant to Rule 5B of the Tennessee Rules of Civil Procedure, courts may, by local rule, adopt electronic systems and allow papers to be filed or verified by electronic means that comply with technological standards promulgated by the Supreme Court. In accordance with Rule 5B, the Chancery Court of Tennessee for the Thirtieth Judicial District at Memphis adopts electronic filing. Pleadings and other papers filed electronically in the Chancery Court shall be considered the same as written papers. Counsel and pro se litigants filing by electronic means are required to agree to the terms and conditions set forth in the Terms of Use found at https://efile.shelbycountytn.gov and are subject to E-Filing Rules set forth in Appendix 1. For the convenience of E-Filers, an E-File User's Guide is also available on the same website.

RULE 19. MOTIONS FOR NEW TRIAL

(a) Motions for new trial shall be filed and disposed of as provided by TRCP Rule 59.

(b) Motions for new trial shall be in writing, shall be entered on the Motion Docket, and filed with the Clerk within thirty (30) days after rendition of a jury verdict or the entry of any decree or judgment to which exception is taken. Such motions shall be presented to the Court and disposed of on the next motion docket occurring but not less than five (5) days after the motion has been filed. Additional time may be granted by order of Court.

(c) All motions for new trial shall conform to the following requirements, viz:

(1) If a new trial is sought on the ground of error in the charge of the Court, the particular language of the charge of which complaint is made shall be quoted. No general reference to charge as erroneous as a whole shall be regarded as sufficient, but the particular part or parts of the charge complained of must be pointed out and quoted in the written motion for new trial, followed by a statement explaining why it is contended that the same is erroneous.

(2) It shall not be sufficient to state in general terms that the Court erred in the rejection or admission of evidence, but the party seeking a new trial shall, in the motion for a new trial, point out the testimony which it is contended was erroneously admitted or excluded, either quoting same literally, giving substance of it, or otherwise referring to it in such a manner that the exact part of the evidence so admitted or excluded can be identified specifically at the hearing of the motion for new trial.

RULE 20. JURY TRIALS

(a) Whenever a complaint or other pleading in which a jury is demanded is presented for filing, the attorney shall endorse on the face thereof the words "Jury Demanded", and such fact shall be called to the attention of the Clerk who shall note the same on the Rule Docket.

(b) The party seeking a jury trial shall, not more than twenty (20) days after the case be at issue, file such issues of fact as deemed pertinent. Within fifteen (15) days thereafter the adversary party shall file such additional issues as deemed pertinent. A case is considered at issue when answers have been filed to the complaint and to any cross complaints, counter complaints or third-party complaints. Any party may object to any issues submitted by the opposing parties. These objections should be disposed of by motion at least three (3) days before the trial. The Court in its discretion may draft, re-draft, or re-cast any issues at any time before submitting them to a jury; and any party may, at the hearing, submit additional issues.

(c) When the Jury case is ready for trial, the case may be put on the Attorneys' Trial Docket (AKA Ten Day Rule Docket) as provided by Rule 13 with the notation "Jury Trial".

(d) The Court, in its discretion, may require the attorneys in jury cases to submit to the Court issues of law and disputed issues of fact

three (3) days prior to the commencement of the trial.

The Court may require the attorneys to pre-mark the exhibits at least the day before the trial begins. The Court may allow jurors to have note pads and pencils during the trial. The attorneys are to have enough copies of the exhibits for the Court and each juror.

(e) If a party has special jury instructions which they wish the Court to consider, these jury instructions shall be submitted to the Court at least fifteen (15) days before the trial.

RULE 21. RECORD ON APPEAL

Transcripts of evidence and all exhibits to be forwarded to the Appellate Court shall be submitted in accordance with the Tennessee Rules of Appellate Procedure.

RULE 22. DISMISSAL FOR LACK OF PROSECUTION

Whenever a cause has remained on the Rule Docket for twelve (12) months or more without steps being taken by the Plaintiff to prosecute the case, the Clerk and Master or opposing parties shall be entitled, on motion, to request the Court for a dismissal of the cause without prejudice at Plaintiff's costs.

RULE 23. INVESTING FUNDS PER COURT ORDER

The Clerk and Master's Office shall invest litigant's funds paid into Court only if there is a Court Order directing the Clerk and Master to do so. The Order should state the name of the financial institution in which the funds are to be invested and the specific type of account to be utilized.

At the time of payment of the funds or when the Order is entered, if later, it shall be the DUTY OF THE ATTORNEY seeking investment of funds to specifically notify the Clerk receiving payment that the funds are to be invested and to provide an IRS form W-9 to the Clerk and Master's Bookkeeping Department for the Party responsible for the tax liability.

If no instructions are provided as to investment within 30 days of payment of funds, said funds shall be invested at the sole discretion of the Clerk and Master in conformity with statutory limitations.

RULE 24. PROCEDURE USED WHEN CHANCELLOR SHOULD CONSIDER DISQUALIFYING HIMSELF

Requests to the Court to consider disqualification may be made by motion or in conference and shall be considered on a case by case basis in accordance with Supreme Court Rule 10 (the Code of Judicial Conduct).

RULE 25. CONTINUANCES

(a) Cases shall not be continued by agreement, but shall be continued only by leave of Court. Cases shall not be continued except for good cause which shall be brought to the attention of the Court as soon as practicable before the date of the trial.

(b) Normally, the absence of a witness will be grounds for a continuance where the subpoena for a local witness was issued five (5) days or more before the date of trial, and seven (7) days where the witness is out of the county; however, each application for a continuance is subject to the discretion of the Court.

(c) Failure to have completed discovery, inability to take depositions, or failure to have completed any other trial preparations shall not be legal grounds for a continuance, but shall be subject to the discretion of the Court.

(d) If a case is continued, a new trial date may be assigned at the time of continuance, or the case may be placed on the Attorneys' Trial Docket (AKA Ten Day Rule Docket) for future setting.

RULE 26. DISCOVERY

Unless ordered otherwise, all discovery requests and responses must be filed with the Clerk. Documents or things produced for inspection pursuant to TRCP Rule 34, are not to be filed with the Clerk whether in paper or electronic form. Responses to Interrogatories, Request for Admissions, and Request for Production of Documents shall be numbered and shall set forth, immediately preceding the response, the question or request made in the same numerical sequence.

No party shall serve on any other party more than thirty (30) interrogatories without leave of Court. For purposes of this Rule a sub-part of an interrogatory shall count as an additional interrogatory. Any motion seeking permission to serve more than thirty interrogatories shall set out the additional interrogatories the party wishes to serve, together with the reasons establishing good cause for the service of additional interrogatories. If a party is served with more than thirty interrogatories, without order of the Court, the party shall respond only to the first thirty.

These rules are effective as of June 25, 2012 and shall apply to all cases pending in Court on said date without reference to the date of institution of suit.

The foregoing Rules of the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis are hereby adopted by the undersigned Chancellors on this the 25th day of June, 2012 and submitted to the Administrative Director of the Courts.

Walter L. Evans

Chancellor Walter L. Evans

Chancellor Arnold B. Goldin

Chancellor Kenny W. Armstrong

Appendix 1

Shelby County Chancery Court Electronic Filing Rules (E-Filing Rules)

Part

1. General Provisions and Authority
2. Short Title
3. E-Filing Definitions
4. Effect on Existing Local Rules
5. Electronic Filing Encouraged Unless Ordered by Court
6. Scope of Rules
7. Electronic Case File
8. Registration Requirements
9. Time and Effect of E-Filing
10. Form of Documents Electronically Filed
11. Payment of Filing Fees
12. Signatures
13. Privacy Issues
14. System or User Filing Errors
15. Effective Date

Part 1 - General Provisions and Authority

The E-Filing Rules set forth in this Appendix govern the electronic filing of pleadings and other papers in the Chancery Court of Tennessee for the Thirtieth Judicial District. Courts may, by local rule, adopt electronic systems and allow papers to be filed or verified by electronic means that comply with technological standards promulgated by the Tennessee Supreme Court. In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, the Chancery Court of Tennessee for the Thirtieth Judicial District adopts electronic filing. Pleadings and other papers filed electronically in the Chancery Court shall be considered the same as written papers.

Part 2 - Short Title

These rules may be cited as "Shelby County Chancery Court E-Filing Rules".

Part 3 - E-Filing Definitions

The following terms in these E-Filing Rules shall be defined as follows:

"**Authorized Users**" means the following persons who, upon completion of the registration requirements, may E-File Documents:

a. Attorneys licensed to practice law in Tennessee;
b. Pro hac vice attorneys;
c. All court judges and their staff; and
d. The Clerk and all deputy clerks of the Clerk's Office;

"**Clerk**" means the Clerk & Master of the Shelby County Chancery Court.

"**Clerk's Office**" means the office of the Clerk in the Shelby County Courthouse building in Memphis as designated by the Clerk.

"**Convenience Fee**" is a fee charged in connection with electronic filing that is in addition to regular filing fees. A Convenience Fee will be considered a court cost.

"**Court**" means the Shelby County Chancery Court and all Chancellors thereof.

"**Document**" means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the TRCP and the Local Rules.

"**Document Management System**" or "**DMS**" means a computer system owned and in the custody of the Clerk's Office which maintains all electronic and scanned paper-documents filed in the Court in electronic form.

"**E-File**" or "**E-Filing**" means the electronic transmission of original Documents to the Court, and from the Court, for the purposes of E-Filing. For purposes of these rules, the process does not include the filing of faxed documents.

"**E-Filer**" is an attorney or pro se litigant who has a court-issued login and password allowing E-Filing of documents into the DMS.

"**E-Filing Rules**" means the Shelby County Chancery Court E-Filing Rules.

"**E-Filing Website**" means a website maintained by the Clerk for the purpose of providing a means for E-Filers to access the DMS and file Documents with the Clerk and Court.

"**Local Rules**" mean the Rules of the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District.

"**Party**" or "**Parties**" means any person, including an individual, executor, administrator or other personal representative, or a corporation, partnership, association or any other legal, governmental or commercial entity, whether or not a citizen or domiciliary of this state and whether or not organized under the laws of this state who is a party in a case pending in the Court and is represented by an attorney or acting pro se.

"**PDF**" or "**Portable Document Format**" means a computer file format developed by Adobe Systems for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents. To be filed electronically, a Document must be converted to a PDF. Converted Documents must contain the ".pdf" file extension.

"**Public Access Terminal**" means a publicly accessible computer provided by the Clerk for the purposes of allowing E-Filing and viewing of public electronic court records. The public access terminal shall be located in the Clerk's Office and made available during normal business hours. The Clerk's Office may also offer printed copies of the electronic court records and apply relevant copying fees as permitted by relevant statutory and court rules.

"**System Administrator**" means the Shelby County employee designated by the Clerk to administer the DMS and the registration of Authorized Users.

"**Terms of Use Agreement**" means that agreement established by the Clerk that sets forth the parameters for use of the E-Filing Website by all Authorized Users.

"**Traditional Filing**" is a process by which a Party files a paper document with the Clerk.

"**Transaction Receipt**" means an e-mail confirmation that is transmitted to an E-Filer after an E-Filer has submitted a Document to the Clerk to be filed through the E-Filing Website. The Transaction Receipt displays the date and time the Document was submitted by the E-Filer. The Transaction Receipt may serve as the E-Filer's proof of filing.

"**TRCP**" means the Tennessee Rules of Civil Procedure.

"**User Guide**" means the Court's user guide. All E-Filers should periodically check the Chancery Court website (http://chancerycourt.shelbycountytn.gov/) for updates to the User Guide.

Part 4 - Effect on Existing Local Rules

These E-Filing Rules are adopted as an Appendix to the Local Rules of the Court and do not supersede or replace any other Local Rules of the Court.

Part 5 - Electronic Filing Encouraged Unless Ordered by Court.

(a) E-Filing of Documents is strongly encouraged by this Court. Except as provided by subsection (b) below, a Document that can be Traditionally Filed with the Court may be E-Filed.

(b) The Court or the Clerk may exclude Documents and/or certain types of cases from E-Filing. Notice of these excluded Documents and/or cases will be provided on the Court's E-Filing Website.

Part 6 - Scope of Rules

(a) Except as expressly provided herein, for all new cases filed on or after the effective date of these E-Filing Rules, the Court shall accept as validly filed all Documents that are filed through E-Filing.

(b) The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these E-Filing Rules.

(c) E-Filers may obtain access to the E-Filing Website either through an internet access point or by using the Clerk's Public Access Terminal located in the Clerk's Office.

Part 7 - Electronic Case File

The Clerk shall maintain the original and official case file in electronic format for those cases filed on or after the effective date.

Part 8 - Registration Requirements

(a) Persons who are Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the E-Filing website. Upon receipt of a properly executed Terms of Use Agreement, the System Administrator shall assign to the Authorized User a confidential login and password to the E-Filing Website. Additional E-Filers may be added at any time.

(b) E-Filers shall change their E-Filing profile immediately upon any change in firm name, delivery address, phone number, fax number or e-mail address.

(c) The Clerk will provide all Authorized Users with access to a User Guide to assist them in E-Filing.

Part 9 - Time and Effect of E-Filing

Any E-Filed Document shall be considered as filed with the Clerk when the transmission of the entire Document is received by the Clerk. Any Document received by the Clerk before midnight local time of the Clerk's Office shall be deemed filed on that date if such Document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon receipt by the Clerk of an E-Filed Document, the Clerk shall electronically transmit a Transaction Receipt indicating that the E-Filing has been received. The Transaction Receipt shall serve as proof of filing. In the event the Clerk rejects the submitted Document following review, the rejected Document shall not become part of the official Court record and the E-Filer will receive notification of the rejection. E-Filers may be required to re-file the Document to meet necessary filing requirements.

Part 10 - Form of Documents Electronically Filed

(a) Each E-Filed Document shall be uploaded in a PDF. The Document should be formatted in accordance with the applicable Terms of Use Agreement as well as the TRCP and Local Rules governing formatting of paper documents, and in such other and further format as the Court may require from time to time.

(b) In addition to the information required by TRCP Rule 11 and any other Local Rule, the Party or attorney signing a Document that is being E-Filed shall also include an e-mail address, unless the Party or attorney does not maintain an e-mail address and relies on the Public Access Terminal.

Part 11 - Payment of Filing Fees

(a) All E-Filed Documents subject to statutory filing fees shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees must be paid with a credit card at the time of E-Filing. Use of the E-Filing Website constitutes E-Filer's consent to process or charge the credit card supplied.

(b) The Clerk may charge E-Filers a Convenience Fee to E-File Documents. This Convenience Fee will be in addition to regular filing fees or other fees.

(c) Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. Refunds will not be made in cash.

Part 12 - Signatures

A Document that is required to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be E-Filed only as a scanned image. The original Document shall be maintained by the Party or the attorney E-Filing the Document and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk or the Court.

Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

Part 13 - Privacy Issues

E-Filers must be sensitive to confidential and personal information filed publicly, not under seal. E-Filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the Clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court:

(a) **Social Security Numbers**. If a social security number must be included in a document, only the last four digits of that number must be used.

(b) **Dates of Birth**. If an individual's date of birth must be included in a document, only the year must be used.

(c) **Financial account numbers**. If financial account numbers are relevant, only the last four digits of these numbers must be used.

In addition, exercise caution when filing documents that contain the following:

(1) Personal identifying number, such as a driver's license number
(2) Medical Records, treatment and diagnosis
(3) Employment History
(4) Individual Financial Information
(5) Proprietary or Trade Secret Information

It is the sole responsibility of E-Filers to be sure that all Documents comply with the rules of this Court requiring redaction of personal identifiers. The Clerk will not review each Document for redaction.

Part 14 - System or User Filing Errors

If the E-Filing does not occur because of: (1) an error in the transmission of the Document to the Clerk which was unknown to the sending party, (2) a failure to process the electronic Document when received by the Clerk, (3) rejection by the Court or Clerk, or (4) other technical problems experienced by the E-Filer or the Clerk, the Court may, upon satisfactory proof, enter an order permitting the Document to be filed nunc pro tunc to the date the Document was first attempted to be filed electronically and may also extend the date for any response or the period within which any right, duty or other act must be performed.

Part 15 - Effective Date

These rules shall become effective on the 25th day of June, 2012

ADOPTION OF ELECTRONIC FILING RULES

The foregoing Shelby County Chancery Court E-Filing Rules concerning the Electronic Filing of Documents are hereby adopted by the undersigned Chancellors on this the 25th day of June, 2012 and submitted to the Administrative Director of the Courts.

Walter L. Evans

Chancellor Walter L. Evans

Chancellor Arnold B. Goldin

Chancellor Kenny W. Armstrong

APPENDIX 2. Agreement Relative to Child Support Enforcement Between the Judges and Chancellors of the 30th Judicial District and the Judge of the Juvenile Court of Memphis and Shelby County, Tennessee

The Judges and Chancellors of the Circuit and Chancery Courts of the 30th Judicial District and Tenth Chancery Division of the State of Tennessee, and the Judge of the Juvenile Court of Memphis and Shelby County entered into an Agreement dated October 1, 1985, pursuant to Title IV-D of the Social Security Act to set, enforce, and modify child support orders. Said courts find it necessary to enter into a new agreement. The Judges and Chancellors hereby agree and enter this agreement as follows, TO WIT:

1. The Judges and Chancellors of the Circuit and Chancery Courts of the 30th Judicial District may enter into an agreement with Juvenile Court to set, enforce, and modify child support orders and that, as contemplated in Tennessee Code Annotated § 36-5-401 et seq., the Juvenile Court of Memphis and Shelby County has jurisdiction to provide child support enforcement in the 30th Judicial District, consisting of Shelby County, Tennessee, pursuant to Title IV-D of the Social Security Act.
2. Referees of the Circuit and Chancery Courts in Shelby County have the authority to conduct hearings pursuant to the setting of support as prescribed in Tennessee Code Annotated § 36-5-405, subject to review by a judge. Juvenile Magistrates of the Juvenile Court have, subject to confirmation by the Juvenile Court Judge, all of the

powers of trial judges in conducting child support and other proceedings. Child Support Magistrates of the Juvenile Court have, subject to confirmation by the Juvenile Court Judge, all powers of trial judges in conducting child support proceedings.

3. To fully satisfy the requirements of State and Federal law relative to child support enforcement, there should be an agreement, as prescribed in Tennessee Code Annotated § 36-5-402 (b) (2), between judges having child support jurisdiction in Shelby County, Tennessee whereby the juvenile court shall have jurisdiction in said county over all child support actions pursuant to Title IV-D of the Social Security Act.

WHEREFORE, it is hereby agreed that the judges of the Circuit and Chancery Courts and the judge of the Juvenile Court of the 30th Judicial District, which consists entirely of Shelby County, Tennessee, having concurrent jurisdiction in child support matters as provided by law, shall exercise such jurisdiction in their respective courts in furtherance of the purpose and intent of the Child Support Enforcement Act of 1985 in accordance with the terms and conditions agreed upon, which are as follows:

1. The Juvenile Court shall exercise jurisdiction in all cases pursuant to Title IV-D of the Social Security Act cases.
2. The Juvenile Court shall also exercise child support jurisdiction in which the Circuit or Chancery Court had prior jurisdiction, and one of the parties makes application for Title IV-D services.

3. Upon evidence being presented to the Circuit or Chancery Court that an order of support has been entered in Juvenile Court, or that an application for child support assistance has been made to Juvenile Court, such Circuit Judge or Chancellor will leave such cause for purposes of support in the Juvenile Court. The Circuit and Chancery Courts shall not act upon any original petition for support in a matter in which Juvenile Court has assumed jurisdiction pursuant to this agreement. The Circuit and Chancery Courts shall require parties petitioning for child support to include in said petition or by affidavit whether application for assistance with child support enforcement has been made pursuant to Title IV-D Services Act prior to entering an order of child support.

4. In any child support case in which the Circuit or Chancery Court has exercised prior jurisdiction and one of the parties executes an assignment for Title IV-D services, the IV-D agency shall file the Notice to Redirect Payments required by Tennessee Code Annotated § 36-5-803, and a notice to transfer the case to the Juvenile Court. The notice shall be filed with the Clerk of the Circuit or Chancery Court, and an original copy shall be stamped "FILED" by the respective clerk.

The Title IV-D agency shall file the original stamped copy with

the Juvenile Court Clerk. Such notice shall contain the names of the parties, TCSES Number, the docket number and the address of record of the parties.

5. It is the intent and purpose of this agreement that all child support matters in which the custodian of a child makes application for assistance in obtaining child support pursuant to Title IV-D of the Social Security Act, and those cases in which support rights have been assigned to the State by recipients of public assistance be dealt with in Juvenile Court, and that as to all other matters pertaining to child support, jurisdiction shall continue to be exercised by the Circuit or Chancery Court that had original jurisdiction.

6. In the event that the Circuit or Chancery Court modifies parenting time or primary residential parent status, the Circuit or Chancery Court will notify the Juvenile Court of the modification by sending a copy of the order to the Juvenile Court Clerk. Such order shall contain the names of the parties, the Circuit or Chancery Court docket number and the TCSES number, if available.

7. A case that has been transferred to the Juvenile Court shall remain in the court to be heard as a Title IV-D case for so long as it shall remain a Title IV-D case. In the event Title IV-D services are discontinued, the Juvenile Court, at its

discretion, may retain jurisdiction or the court may direct the Title IV-D agency to file notice in the appropriate court to return the case to said court.

8. The Chancery and Circuit Courts and Juvenile Court shall adopt such rules of court as they deem necessary to assure compliance with the terms of this agreement.

This agreement may be modified in writing at any time.

DATED: December 4, 2009

WITNESS our hands below:

Judge Curtis S. Person, Jr.

Chancellor Walter L. Evans

Chancellor Arnold B. Goldin

Chancellor Kenny W. Armstrong

Judge John R. McCarroll, Jr.

Judge James F. Russell

Judge Karen R. Williams

Judge Lorrie K. Ridder

Judge Kay Spalding Robillo

Judge Jerry Stokes

Judge Donna M. Fields

Judge Charles O. McPherson

Judge Robert L. Childers