

IN THE CHANCERY COURT FOR HAMILTON COUNTY, TENNESSEE

THE ROMAN CATHOLIC DIOCESE OF
KNOXVILLE,

Petitioner,

v.

HAMILTON COUNTY, TENNESSEE
DEPARTMENT OF HEALTH,

Respondent.

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Case No. 18-0704

Part 2

MOTION FOR JUDGMENT ON THE PLEADINGS

Now comes the Petitioner, The Roman Catholic Diocese of Knoxville, by and through counsel, who files this, its Motion for Judgment on the pleadings pursuant to Tennessee Rule of Civil Procedure 12.03, and in furtherance thereof, it states as follows:

1. This matter is a petition for an order instructing the Hamilton County, Tennessee Department of Health to issue a permit to exhume the physical remains of Rev. Patrick Ryan.
2. The Petitioner's Petition to Exhume and Reinter Human Remains was filed on November 9, 2018.
3. On December 20, 2018, the Hamilton County Department of Health ("HCDH") filed its Response to Petition.
4. In that Response, the HCDH either admitted all allegations in the Petition or stated that it does not have any reason to dispute the statements contained therein.
5. Pursuant to Tennessee Rule of Civil Procedure 8.04, when an averment in a pleading to which a response is required is not denied, such pleadings are admitted.

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HAMILTON COUNTY CLERK & MASTER

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6. Pursuant to Tennessee Rule of Civil Procedure 12.03, any party may move for judgment on the pleadings.
7. Given that Petitioner has requested relief pursuant to this Court's authority under T.C.A. § 68-3-508, under Tennessee Rule 1200-07-01.08(2), and under this Court's general equitable jurisdiction, and given that the relief is not objected to by the HCDH, this Court should issue a final order on the pleadings in favor of the Petitioner.

WHEREFORE, the Petitioner respectfully requests that this Court grant its motion for judgment on the pleadings and enter a final order granting the relief it requested in its Petition.

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NOTICE OF HEARING

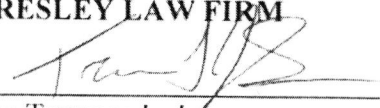
Notice is hereby given that this matter will be called before Part II of the Chancery Court for Hamilton County, Tennessee for hearing on this motion at 1:30 PM on Monday, January 14, 2019.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate photocopy of the foregoing pleading has been forwarded to Counsel of Record for the Respondent at the address listed below by USPS First class mail with sufficient postage affixed thereon to ensure prompt delivery thereof.

HAMILTON COUNTY ATTORNEY'S OFFICE
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By: Terrance L. Jones.