

IN THE CHANCERY COURT FOR HAMILTON COUNTY, TENNESSEE

THE ROMAN CATHLIC DIOCESE OF
KNOXVILLE,

Petitioner,

v.

HAMILTON COUNTY, TENNESSEE
DEPARTMENT OF HEALTH,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

Case No. 18-0704

Part 2

FINAL ORDER

This matter came before the Court on the Petitioner's motion for Judgment on the Pleadings pursuant to Tennessee Rule of Civil Procedure 12.03 on Monday January 14, 2019. On a Motion for Judgment on the Pleadings under Rule 12.03 the Court must treat as true "all well-pleaded allegations contained in the pleadings" of the non-moving party "and all reasonable inferences drawn therefrom." *McClenahan v. Cooley*, 806 S.W.2d 767, 769 (Tenn. 1991). All allegations of the moving party *which the non-moving party denies* will be treated as false. *See also, Satterfield v. Breeding Insulation Company, Inc.*, No. E3006-00903-COA-R3-CV, (Tenn. Ct. App., Apr. 19, 2007).

Having reviewed the Petition of the Plaintiff, and the Answer of the Hamilton County Department of Health, it appears that the Respondent, Hamilton County Tennessee Department of Health, has not denied any allegations of the Petition. Accordingly, the Court is permitted to treat the pleadings of the Petition, including the Affidavit that was attached to the Petition, as true.

2019 JAN 14 PM 2: 11

FILED
HAMILTON CO. CLERK & MASTER

CS

2E.19.01 0162

The Court finds that it has the jurisdiction and the authority to enter the requested order under Tennessee Code Ann. § 68-3-508, under Tennessee Rule 1200-07-01-.08(2)(a) and under its general equitable powers granted pursuant to Tennessee Code Ann. §§ 16-11-101 *et seq.*

Having found that it has the authority to grant the relief requested in the petition, the Court hereby Grants the Petition and

ORDERS the Hamilton County Department of Health to Issue a Permit to Exhume the physical remains of Patrick Ryan when it is presented with a copy of this Order, and the Court further

ORDERS that all costs in this matter be taxed to the Petitioner by agreement of the parties.

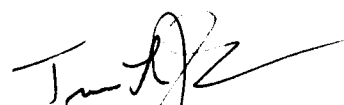
Enter this the 14th of January, 2019.



Chancellor, Hamilton County Chancery Court

Order Prepared By:

PRESLEY LAW FIRM



Buddy B. Presley, Jr., BPR 013921
bpresley@presleylawfirm.com
Terrance L. Jones, BPR 034823
tjones@presleylawfirm.com
13 East 7th Street
Chattanooga, TN 37402
(423) 826-1800 (office)
(423) 826-1837 (Fax)
Counsel for the Petitioner

On this 14th day of January,
2019, I certify that a copy of this order was
mailed to the parties or their counsel.

ROBIN L. MILLER, CLERK & MASTER

By:  IN DC&M