

In the Chancery Court of Hamilton County, Tennessee

State of Tennessee, ex rel. David Jonathan Tulis)	
)	
V.)	
)	Case No. 20-0685
Bill Lee)	
Governor, State of Tennessee)	
In his personal capacity)	
In his official capacity)	<u>Expedited</u>
)	
Rebekah Barnes)	
Administrator, Hamilton County Health Department)	
In her personal capacity)	
In her official capacity)	

Motion for expedited decree pro confesso and for summary adjudication from the record

The interest of the state demands that there be an end to litigation, and to give the speediest trial consistent with the highest justice.

1. The state of Tennessee on relation of David Jonathan Tulis moves this court for an expedited decree in the nature of pro confesso, for summary adjudication from the record of the petition for writ of mandamus and affidavit, exhibits, etc., hereinafter, Petition, incorporated herein by this reference, proof through **verified petition and notarized affidavit, Exhibit 101**; and **summons, Exhibit 102**; **proof of service of petition and summons, Exhibit 103**; and this **motion, Exhibit 104**; and **certificate of service, Exhibit 105**; **decree pro confesso, Exhibit 106**; or record evidence, for respondent's corroborating record admissions constituting confession of violating Tenn. Code Ann. § Title 68-5-104 and other provisions of the law, consequently causing an extraordinary disaster of extraordinary irreparable harm and oppression to the people of Tennessee, not limited to fundamental rights infringements, such a life, liberty, and property or as further expressed in the affidavits, for which there can be no excuse and no reason for delaying

obedience thereto; in that, the respondents provide no evidence of compliance, such as identifying the infectious agent “source or cause” for the COVID-19 disease, but resort to obfuscation, or statements demonstrably, or constructively, fraudulent as the Petition explains.

2. The respondents’ agent, Dr. Paul Hendricks, admits failing to identify an actual source where stating SARS-COV-2, “would be considered the contagious principle.” This fraudulent obfuscation is confirmed in the corroborating admission relying on the meaningless, inapplicable Polymerase Chain Reaction, PCR, research technique, again, fraudulently represented as a test for “the virus,” for which, in any regard, there is no isolate of any 2019-nCov/SARS-COV-2, further corroborated by the FDA and CDC approved Diagnostic Panel, despite being, and only, presumed associated and then by mere implication to COVID-19, symptoms, flulike. The “COVID-19 pandemic” nor implied presumptive cause is the determined, proven infectious or transmissible agent required in law to entitle the respondents to prerogative action despite all promotion and pretext to the contrary, more fraud, and despite respondents’ exceedances even if the awesome prerogative were properly invoked. The respondents never denounce any failure to comply with the law, instead doubled-down, continuing against the law, requiring this extraordinary relief. The respondents allow repeated breaches to open records and honest government. Together these admissions constitute the confession that the duty to identify the actual source or infectious agent has not, and most importantly, cannot be done as Tenn. Code Ann. § Title 68-5-104 requires. Moreover, by the admitted failures and reliance on no other method of identification than the PCR technique, respondents admit to no capacity to identify source or cause, either at the time of the original orders or today, and confirming why the letter and orders are also absent evidence of compliance with every other duty imposed by Tenn. Code Ann. § Title 68-5-104, or with an intention to constitutional securities, notwithstanding respondents’ repeated fraudulent pretense to the contrary, the fraudulent pretext called COVID-19.
3. These failures are replicated and corroborated by the same lack of lawful evidence or silence as to the fulfillment of Tenn. Code Ann. § Title 68-5-104 in the Governor’s orders, omissions, providing no evidence of compliance nor of any actual emergency or disaster. Both documents rely only upon foreign entities’ non-binding, it turns out dubious, recommendations, suggestions, tests, facilities, or guidances made outside of the state or territorial authority of respondents, contrary to Tenn. Code Ann. § Title 68-5-104, which further evidence shows such “appropriate medical experts” opinions are not trustworthy in many instances, such as affirmatively certifying to the infectious agent, source or contagion or the moving goal-posts called Case Numbers; these

“cases” were recently found to be comorbidities attributed to the pretext called COVID-19, not an infectious agent or contagion, through the fraudulently used PCR technique, though not disclosed in respondents’ orders or other communications.

4. Part of the foundation of the fraud is respondents’ knowing reliance on the unsuitable and inaccurate PCR technique, misrepresented as a test to an unidentified cause, to support claims to fraudulently cover for the failure to actually identify an infectious agent or source of contagion for the disease now called COVID-19, then acting upon those premeditated failures to harm the relator and the people of Tennessee. Nothing more has been provided by respondents in lawful support of their, otherwise, baseless unwarranted assertions under color of lawful authority.
5. A valid state statute and constitution constitutes an existing claim and prior notice upon the respondent that is already acknowledged and undertaken by oath of office, or lesser acceptance, such as employment or contract. The relator gave a second notice in the demand for evidence not appearing in the public record, **Petition Exhibit 3**. The consequence is, respondents’ admitting to and doing wrong under color of right is omission to do the right thing and confession thereby of the wrongs.
6. That there is irreparable harm in this matter also evidences lawlessness, however it would be proven, under color of lawful authority. There is no evidence the respondents had or have any intention to comply with the will of the legislature or Tennessee constitution in fulfilling their obligations and duties to the people of Tennessee.
7. In summary, the Petition alleges facts to justify a final decree, relator reasonably believes the court may find respondents’ corroborating admissions constitute confessions, and that no sufficient answer is expected and therefore relator and this court may disregard the answer of respondents for and by decree pro confesso without prejudice to the respondents, their dereliction of duty to the legislative will causing liability in the first instance and to immediately stop the extraordinary irreparable harm caused thereby.
8. If not of record, the relator, additionally, makes an offer of proof, with the Petition, a notarized affidavit of firsthand knowledge, preliminary fact, with exhibits, and summons, and proofs of service, incorporated herein, and this motion, and requires these be admitted into, and designated a part of, the record, so justice may be done.

9. Relator affirms this motion and Petition is the first application for such process pursuant to Tenn. Code Ann. § 29-1-107, a cause the value of which exceeds minimum to establish jurisdiction, no discovery sought, and demands, being beyond a week of the service of summons and sufficient time for respondents to bring their proof of compliance upon such an extraordinary disaster, together with the foregoing, that the court decree pro confesso, attached, issue, being the evidence taken together confesses a dereliction of duty, confirming evidence of compliance with the statutory duty does not exist, the respondent(s) cannot make any objection that the proof in evidence does not sustain the petition, incorporated herein prior; that there is no evidence the respondent(s) can produce of compliance with Tenn. Code Ann. § Title 68-5-104 and other provisions of the law to excuse the extraordinary injustice or oppression they cause, while any further time without relief is an unjust, undue advantage to the respondent(s) of further and compounding irreparable harm to relator, and the people of Tennessee, relator demands judgment from the record immediately.
10. The Petition and summons were duly served upon each respondent, **Exhibit 103, proof of service**, and with this motion, **Exhibit 105, certificate of service**.
11. The respondents are not known to be of an excepted class for purposes of the action.
12. Finding favorably for the relator will not prejudice the respondents, whom nevertheless may, for good cause shown, move to set side the pro confesso decree.
13. This motion not intended to hinder, delay, other wrong, or defeat a faithful compliance, but to do justice.
14. Relator demands a peremptory and emergency ruling against respondents, and a summary judgment in favor of immediate obedience to Tennessee law in the public interest.

Respectfully submitted, state of Tennessee, ex rel. David Jonathan Tulis

CERTIFICATE OF SERVICE

This motion and proposed decree are being served on two parties.

I hereby certify that this motion and proposed decree were served this _____ day of _____ 2020 by first-class U.S. mail to:

Gov. Bill Lee
State Capitol, 1st Floor
600 Dr. Martin L. King, Jr. Blvd.
Nashville, TN 37243

David Jonathan Tulis

I hereby certify that this motion and proposed decree were served this _____ day of _____ 2020 by first-class U.S. mail to:

Rebekah Barnes, Administrator
Chattanooga-Hamilton County Health Department
921 E. 3rd St.
Chattanooga, TN 37403

David Jonathan Tulis