

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 to object to the proposed December 2, 2020, hearing orders

Relator objects to orders drafted by respondent Barnes’ attorney Millings on grounds that they constitute an infringement of the respondent in the action by state of Tennessee on relation, and a fraudulent misrepresentation advanced in the styling of the case and its misrepresentation of the state’s case and claims on relation and being a fraudulent inducement.

Facts regarding proposed orders

1. The court dismissed in its Dec. 2 hearing two motions by relator — one for pro confesso, multiple filings for default for both respondents.
2. Respondent Barnes drafted an order for “order denying motions of petitioner for expedited decree *pro confesso* and for default judgment” and a second styled “order granting motion of Rebekah Barnes for extension of time to file response.”
3. Respondent Barnes and Respondent Lee sent emails to relator Tuesday and Wednesday asking for his consent and agreement to the orders.

Objection to orders, falsifying nature of case

4. Relator objects to trespass and seizure of his case against outlaw officeholders by their attempting to convert his person into a chimera or fiction, rather than to accept his status, un rebutted, in the affidavit of complaint, that is David Jonathan Tulis, described in his natural person, a man, sui juris, “operating on the land and in equity.”

(A) The court is to “deal with [relator] as one of the people of Tennessee, not as a [legal] person”, or as styled for federal bankruptcy court in all caps naming a debtor, “but a private man claiming all of his rights, whether antecedent or pursuant to the Tennessee constitution and its bill of rights, and all unenumerated rights, as well as those recognized implicitly in that document” and that he is “without any corporate capacity.” His filing states he “denies any and all presumptions against himself as in any other character, declaring he is one of ‘the free people’ in the state of Tennessee and a citizen of this state.” And no body has answered, let alone offered evidence to the contrary, nor can any body.

B. Respondents — and the court — rename relator in violence to un rebutted facts, without lawful warrant in right, or title, pretendedly overturned apart from any explicit claim or evidence. Respondents and the court unite in fraudulently characterizing him a fiction, DAVID JONATHAN TULIS.

C. This identification of relator pretends he is operating in a fictive legal capacity, subject to the officials.

D. However, relator is *sui juris*.

E. “*Pro se*” is a fiction he does not admit, and objects to it being imposed upon him as if one David Jonathan Tulis speaks for another David Jonathan Tulis.

F. Respondents trespass the case of the State on relation fraudulently inventing parties, status, and cause refusing to name the parties properly as relator and respondent. They call relator “petitioner,” naming respondent Barnes as Ms. Barnes or Rebekah Barnes. Respondent Lee is called “defendant” or given no reference at all in the heading on Page 1 of respondent Lee’s motion to dismiss

and brief, responding to an action at law not the cause petitioned on relation in equity.

5. Given the above abuses — and objecting to them in defense of the affidavit of complaint because of the respondent's unwarrantable and unsupportable proposed orders in challenge, by direction of the court also ignoring the fraudulent filings at hearing — relator asserts the respondents have not ever plead or moved the court in the State's case on relation of David Jonathan Tulis. The respondent's improper fraudulent fascimiles are attempting to pass as responsive to relator's petition and as fraudulent inducement. To that end, relator offers the **Exhibit State of Tennessee Certificate of Live Birth for David Jonathan Tulis, a living man, not a non-living debtor legal person identified DAVID JONATHAN TULIS.**
6. To refer to him as any other than the evidence shows him to be is a defamation, an unwarranted character assassination for fraudulent valuable advantage or unjust enrichment, a fraudulent attempt to negative the character of the relator, his cause, status, rights, and remedy, etc., an abuse of the equity principle.
7. Violations of a like order, now called to the attention of relator, are carried out similarly in respondent Lee's brief and motion to dismiss. He falsely reframes the Petition in equity and for writ of mandamus filed Oct. 2 as a case at law rather than a case in equity.
8. Respondent Lee did mislead, defraud and seduce the court by misrepresenting the case as a case at law, accepted by the court for hearing, so he can accuse relator of seeking damages, instead of the demanded equitable compensation for irreparable harm which it is to the court to deem proper to impress the conscience of a wrongdoing man or woman in the office of the sovereign people, the State on relation. More particularly:

A. Respondent Lee pretends relator is asking for damages so he can falsely argue relator is seeking access to the state's treasury, in violation of Tenn. Code Ann. § 20-13-102, which states,

No court in the state shall have any power, jurisdiction or authority to entertain any suit against the state, or against any officer of the state acting by authority of the state, *with a view to reach the state, its treasury, funds or property*, and all such suits shall be dismissed as to the

state or such officers, on motion, plea or demurrer of the law officer of the state, or counsel employed for the state. [emphasis added]

Which treasury, funds or property relator is not seeking to attach in any way, and not by any implication. Such implication is laid out by respondent Lee in bad faith.

B. The defamation by respondent Lee is that relator's cause is in a law court, and that he is seeking damages at law. Respondent Lee pretends that relator is seeking damages when he does no such thing in paragraphs 209 and 210 of the petition that run as follows:

209. Order equitable compensation, to the extent available to chancery, to persuade and impress the conscience of each respondent from repeating wrongs cited in this complaint, sending a message to others so inclined;

210. Make other redress within the power of this court to the ends justice requires, not limited to, further compensation, reimbursement, indemnification or reparation for benefits derived from, or for loss or injury caused to the relator, fellow Tennesseans or the state of Tennessee.

Objection as to respondent Lee

9. Even aside from the fraudulent fascimile trespassing upon this case, no pleading was accompanied by answer to the fraud and notice evidenced in the petition which equity *requires*; the matter of the failure of compliance with equity of which was not heard. It was not heard because the timely filed motion to strike the motion to dismiss was not heard, depriving the state on relation due process. This could only happen in a case at law, because equity would not tolerate such abuse.
10. The unsupported motion to dismiss was not an enlargement of time nor one which the relator was given any opportunity to respond to, as previously denied, the same deprivation as to respondent Barnes, continuing the same abuse and deprivation of due process against the state on relation.
11. The order is offered in bad faith, merely under color of a lawful proceeding, knowing no valid foundation exists nor which is stated in the order for the reason of the continuing fraud and notice

which is not for the court to respond to but the burden of the respondent, whether or not in default.

12. This proposed order appears to be an attempt to cover and continue the fraud being perpetrated by the defendants evidenced in the petition, take for true, without remedy, additionally giving unwarranted license, for want of reason or authority, or good cause, what an apparently complicit judiciary would commit in allowing such an order, causing fraud on the court, trespass on the case, acting upon a matter not before the court upon relator's petition but upon a fictitious matter, fraud, deprivation of due process, despite record default, or as to dissimilarly situated respondents, repeated lack of foundation, or as relator will rely on the record additionally to these, and that these petition-predictive injustices would occur, as admitted, or for purpose of appeal or other collateral remedy, or as this surprise prejudicial summary provision for immediate objection to a coerced order limits.
13. All the while, the court and respondents are callously indifferent to equity, acting under color of justice without the substance, and to the ongoing irreparable harm to the State on relation without remedy, whose simple answer, if good faith and justice were intended, would be to produce evidence of compliance with the legislative enactment regarding communicable disease, not connive to make more delay in the absence of such evidence, or conspire to fabricate an action at law, which was not the intention nor deed of the relator in equity.

Objection as to respondent Barnes

14. Even aside from the fraudulent fascimile trespassing upon this case, the inclusion of the clause "and for other good cause" is offered in bad faith; respondent Barnes knows no such foundation exists nor is any particularly stated in the order — to continue the fraud being perpetrated by the respondents evidenced in the petition, taken for true, without remedy. Additionally, this would be to give unwarranted license, for want of reason or authority, or good cause, what an apparently complicit judiciary would commit in allowing such an order, causing fraud on the court, trespass on the case, upon a matter not before the court upon relator's petition, but a fictitious matter, fraud, deprivation of due process, despite record default, or as to dissimilarly situated respondents, repeated lack of foundation, or as relator will rely on the record additionally to these, and that these petition-predictive injustices would occur, as admitted, or for purpose of appeal or

other collateral remedy, or as this surprise prejudicial summary provision for immediate objection to a coerced order limits.

15. All the while the court and respondents are callously indifferent to equity, under color of justice, and to the ongoing irreparable harm to the State on relation without remedy, whose simple answer, if good faith and justice were intended, would be to produce *compliance* with the legislative enactment regarding communicable disease at Tenn. Code Ann. § Title 68-5-104, not connive to make more delay in the absence of such evidence, or conspire to fabricate an action at law, which was not the intention nor deed of the relator in equity.
16. In light of the foregoing: Relator demands an order of ouster from the case in equity of the respondents and the officers of the court, fraudulently proceeding at law in this court, evidencing their contempt for the state on relation, which they took oaths to serve, one of whom the defame, the relator, properly respectfully known, David Jonathan Tulis.
17. That the court provide a particularized foundation for any dismissal of his motion pro confesso given the respondents have not answered to the case of the relator in equity but fraudulently to one of their own fraudulent fabrication at law, and without payment of fee. Further, that the required foundation enumerate defects in relator's complaint enough to warrant dismissal, state of Tennessee on relation has a right to know the legal basis and for the intended purpose of amending the petition as a matter of right, that substantial justice be done, as he is in the interest of state of Tennessee and its people, prosecuting lawbreakers using the offices of the people as cover, in the interest of equity and justice in defense of the free people of Tennessee under an oppression caused by respondents, to their material and permanent injury and harm.
18. Relator demands an order accounting for these facts in the record or will deem any failure by the court as aiding and abetting the ongoing fraud on the court in the matter for collateral remedy.
19. Relator demand justice be done, that default enter for the reasons herein stated, not limited to, fraud, fraud upon the court, trespass on the case, etc., to stop the irreparable harm to the state on relation, the relator, and bring the matter to the demands of law, the respondents, not in the least prejudiced, that they may move to set aside the default, **IF** they can produce evidence of compliance with the legislative branch enactments, as should have been done since before March 2020.

Respectfully submitted,

David Jonathan Tulis

CERTIFICATE OF SERVICE

This motion is being served on two parties.

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

Mrs. Sharon McMullan Milling
Attorney for respondent
Ham. Co. Atty's Ofc.
625 Georgia Ave. Ste. 204
Chattanooga, TN 37402

David Jonathan Tulis