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Clerk of the Appellate Courts
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10520 Brickhill Lane
Soddy-Daisy, TN 37379
Dec. 22, 2020
davidtuliseditor@gmail.com

RE: The letter petition for ministerial or other relief relative to in re State of Tennessee ex rel David Jonathan Tulis v. Bill Lee, governor, et al, No. E2020-01493-SC-WRM-CV

Dear Honorable Justices,

I require the court reconsider its treatment of my Nov. 2, 2020, letter petition, incorporated herein by reference to the record in the court, intended to seek redress under the inherent power of the supreme court over matters of the administration of justice, for consideration pursuant to the demands of equity, that equity be done, that the court understand that petition to have been one not seeking judicial review (of a non-existent order), but a demand for immediate administrative relief for the proper administration of justice; Not about reviewing one order for errors, but to correcting the maladministration of the Tennessee chancery courts relative to properly adjudicated equity principles.

The underlying example referenced mandamus, attached, is required to stop irreparable harm without adequate remedy at law, to have the chancery court require that relevant public officials obey the legislature's enactments the breach of which is causing that irreparable harm. That this matter wasn't disposed of in five to 10 days means the administration of justice is broken.

The letter petition requires the court to make corrections for the proper administration of justice, equity and its principles, specifically stated today if not in the letter petition, as to the court's obligations pursuant to Rule 11, supervision of the judicial system, effective on Dec. 9, 1996, enabling to operate, such that, "all courts shall be open" and that "right and justice [shall be] administered without sale, denial or delay," Tennessee constitution, Article 1, section 17. Rule 11 is recited for reference, in part, to wit:

> I. General.
>
> This Rule is promulgated pursuant to the *inherent power* of this Court and particularly the following subsections of Tenn. Code Ann. § 16-3-502(3), providing that *the Supreme Court shall have the power:*

(3) *To take affirmative and appropriate action to correct or alleviate any condition or situation adversely affecting the administration of justice within the state.*

c. *To promote the orderly and efficient administration of justice* within the State.

VII. Courts to be Open; Substitute Judges.

a. Pursuant to the inherent powers of the Supreme Court (see Art. I, § 1, Tennessee Constitution, Tenn. Code Ann. § 16-3-503, Tenn. Code Ann. § 16-3-504) and in discharge of the Court's responsibility to ensure the harmonious, efficient and uniform operation of the judicial system (see Tenn. Code Ann. § 16-3-501), this rule is adopted for the purpose of implementing the provisions of Tenn. Code Ann. § 16-2-509; § 16-3-502(2) and (3); § 17-2-118 and Tenn. Code Ann. § 17-2-201 et seq. and § 17-2-304 *so as to accomplish the mandate of Art. I, § 17 of the Tennessee Constitution.* [fn]1

[fn] 1 This rule is promulgated pursuant to the Court's rule making power. *It is not an adjudication* of the validity or meaning of any of these statutes, and it does not address the meaning, validity, or constitutionality of the statute here pertinent.

b. Courts to Be Open. Art. I, § 17 of the Tennessee Constitution provides *that "[a]ll courts shall be open; and every man for an injury . shall have remedy by due course of law, and right and justice administered without sale,* ***denial, or delay.*** *"* In furtherance of *this constitutional mandate*, it is the policy of the Tennessee Judicial Department *that all courts* of this state *shall be open and available for the transaction of business . . ."*

e. This rule shall become effective on December 9, 1996. [Emphasis added]

The supreme court clerk accepted relator's letter petition together with the object of the judicial maladministration, the original petition for action for writ of mandamus knowing, after proper inquiry, that *no order* existed and that the matter would proceed on the letter petition demanding the proper administration of justice in the court of chancery.

The court Nov. 3, 2020, denied the letter petition of ministerial intention upon what appears to be a lack of jurisdiction to review an order for want of a pathway through the court of appeals. If properly treated, and properly interpreted this court did not transfer the matter, in the interest of justice, as provided for in law and equity, to expedite relief for the additional irreparable harm being committed through maladministration of the case, or the abuse to equity and equity principles by the local chancery court, or as these principles appear *Gibson's Suits in Chancery*, Michie, 1956 ed., would instruct are proper.

In attempting to understand the order of this court, the relator in further study finds no pathway for the ministerial purpose of the letter petition through the appellate process enumerated in the order. Without an order it does not appear there is any route for relief. The relator interprets this lack of pathway for state of Tennessee's cause on relation to mean the supreme court mistreated

his ministerial letter petition intending to promote the proper administration of justice as if he were seeking judicial review of an order.

The instant case intending to root out injustice is at least as compelling as the cause prompting the Sept. 28, 2020, order No. ADM2020-1059 to amend Rule 21, section 3.01(a), directing "each attorney to complete two hours of the required fifteen in diversity, inclusion, equity, and elimination of bias"; Referencing:
http://www.tncourts.gov/sites/default/files/comment_order_on_nba_pet_to_amend_r_21.pdf

National attorney groups are on record as seeking to diminish Tennessee common law rights, equity jurisdiction and constitutional jurisprudence, just as respondents have done starting March 12, 2020, with respondent Lee's first admitted facially fraudulent executive order regarding a purported pandemic. State of Tennessee on relation gave notice relator is aware of these goals, petition, ¶¶ 85-87, in the court's record, with the predicted prejudices apparently continuing.

Since 1991 these types of groups have sought changes "contrary to the organic law of the land in the United States and the state of Tennessee and by more than the mere appearance of impropriety creates a constitutional crisis relative to a conflict of interest within the judicial branch of the state and a trust breach." The referenced order of this court allowed what ought to be a foreign entity with its private whim to influence this court, which we're told is independent, to further emburden the public with something better dealt with within their own ranks if it is a problem, of which such defect the relator does not share.

The point being, this court entertained a private request of the bar association. Relator's seeking administrative remedy to uphold equity and constitutional liberties should get at least the same interest in the proper administration of justice, given these groups that, contrarywise, seek to globalize state jurisprudence and set aside clunky constitutions and annoying guarantees of private liberty.

To deny administrative remedy for general maladministration of justice in the state of Tennessee is prejudicial to the state on relation in favor of special interest.

The underlying action in chancery invokes the immediate ministerial obligations of this court to halt injustice causing irreparable harm without adequate remedy at law coming as result of continuing official dereliction of duty and by fraud. The relator sees nothing obstructing his letter petition seeking the proper administration of justice to restore constitutional government to enjoy an heightened interest as that given to bar associations proposing special interest policy.

Basis for reconsideration

The court has "full, plenary and discretionary" powers at Tenn. Code Ann. § 16-3-504 to order repairs in handling of specific case, and also more broadly to order reforms to ensure justice is done. The relator, given his immediate negative experience to date with the various officials abusing discretion without remedy otherwise, asserts this discretionary power is not unbridled to the extent justice is not done; discretion has limits, even where properly invoked.

The Oct. 2, 2020, petition for writ of mandamus had been in Pam Fleenor's court 30 days when relator came to Nashville Nov. 2, 2020, to object to delays and mishandling in a peremptory cause denied speedy and just resolution to matters of irreparable harm having no adequate remedy at law, which equity provides but which chancery refused and denies without foundation, reason or authority.

This court has authority to supervise the lower courts, "[i]n order to ensure the harmonious, efficient and uniform operation of the judicial system of the state, the supreme court is granted and clothed with general supervisory control over all the inferior courts of the state," Tenn. Code Ann. § 16-3-501. The court has an administrator to "take all action or to perform duties that are necessary for the *orderly administration* of justice within the state" Tenn. Code Ann. § 16-3-502(2).

That administrator has the duty to "[m]ake a careful and continuing survey of the dockets of the *** chancery and other similar courts of record" and make public reports, Tenn. Code Ann. § 16-3-502(3)(c). The administrator also must "[t]ake *affirmative and appropriate action to correct* or alleviate any condition or *situation adversely affecting the administration of justice* within the state" Tenn. Code Ann. § 16-3-503(3)(e).

Consequent and "pursuant to the *inherent powers*" and the duties of this court, together with the above authority to promote the proper administration of justice, this court "may make rules of practice for the better disposal of business before it" Tenn. Code Ann.§ Title 16-3-401, and such rules "shall not abridge, enlarge or modify any substantive right" and be consistent with the state and U.S. constitutions" Tenn. Code Ann. § Title 16-3-403.

Equity principles — 1st month in chancery

Without this court's intervention, relator by the failure of the chancery court to adhere to equity principles, is denied the following rights in the chancery court in the period prior to the Nov. 2, 2020, petition letter to this court:

➤ Relator has an immediate *right to an answer for fraud* proven in the petition, taken for true, before any further proceeding. Gibson says fraud vitiates all and is an unholy ground on which to tread — and chancery has not required respondents to account for admitted and undisputed disobedience of Tenn. Code Ann. § 48-5-104, a fraud spotlighted by notice of written law. (Gibson P. 72).

➤ Relator has an immediate *right to respondents' specific performance* of contract (oath of office, terms of employment), enforcement of a fiduciary obligation or trust, and is in chancery asserting his rights for performance to statute, whereby rejection of which irreparable harms the state on relation, caused by delay, the petition accepted as true by respondents, who each have demurred with motions to dismiss and without answering to their proven fraud immediately in the first instance.

➤ Equity will not *suffer a wrong without a remedy*, and operates upon the person; these two principles in chancery give "inherent powers to do justice in any case, and to right every wrong, however intricate the case, however great the wrong, or however powerful the wrongdoer" Gibson P. 54. "Indeed, it may be generally said that a Court of Chancery in enforcing a legal right, or in applying a legal remedy, will follow the Law when no fundamental rule of equity is thereby violated" Gibson P. 76. Judge Fleenor forgets her jurisdiction: Respondents admit violation of the law, and she refuses to tell them summarily to "follow the law" — as if such demand by me were a novelty or plea of a lunatic and subject to delay under color of equity being done. Even the mere appearance of impropriety has a remedy.

➤ Suits in chancery protect and enforce *rights to property* such as "to buy and acquire property, and engage in any lawful business, and his and their reputation, health and capacity to labor and his and their right to enjoy the senses of sight, smell, hearing and taste, and his and their right of speech and locomotion, and his and their right to enjoy their sense of moral propriety when normal" Gibson Pp. 77, 78. Currently, despite equity principles to the contrary, chancery in Tennessee tolerates respondents' voiding many of these blessings — mask rules barring the right to enjoy the senses of smell — as evidenced in relator's exhibit of private injury, such as an unwarranted threat of death sentence, explained in the underlying mandamus petition and affidavits.

➤ Equity raises a hand and says "stop" when wrong threatens. When conscience is conformed to reason, and when an act is done that good conscience and good reason say ought not to be done, equity says such person has a right to invoke the aid of the courts to *prevent the injury threatened,* and the court of equity has "inherent power to take full jurisdiction and administer complete relief." P. 79. Currently, chancery in Tennessee refuses to take jurisdiction in a summary matter, evidenced by the petition, and administer the full adequate and immediate relief required in law.

➤ "Each party to any matter of business has both the moral and legal right to expect and require the *observance of this implied contract* by the other party. This just expectation constitutes the foundation of all human intercourse, on it is built the superstructure of all business dealings, and Courts of Chancery will not allow it to be disappointed" Gibson P. 80. Chancery, invoked by the petition of relator, and upon this court by the letter petition, is obligated to enforce obedience to Tennessee's black-letter public law obligating those officials subject to it. Delay is irreparable harm to relator and the people in the state of Tennessee. Equity will undo what fraud has done, and act to halt the wrong without delay, but to date the chancery of Tennessee has not.

➤ Equity operates on the person, and relator has a right to performance by respondents pursuant to the statutes enumerated in the underlying petition, Gibson, P. 54. Chancery dockets the petition for mandamus as a routine spat at law between two private parties, instead of an imperative equity matter with compelling vital private as well as public interest.

➤ Unresponsive to relator's various expedited motions prior intending timely and just disposal of the matter pursuant to equity principles for disposition in days not months to years, such as the Oct. 19, 2020, motion for decree pro confesso, chancellor Fleenor issued an order, and then, only after the mistreatment by this court of the letter petition as an interlocutory order, and "return" of jurisdiction, Nov. 3, 2020, to hear relator's motion objecting to an unsupported motion for an enlargement of time void as of any answer to proven frauds and other matters on Dec. 2, 2020. This first delayed response of the judge since filing the petition, Oct. 2, 2020, is a further delay of 28 days from the order, destroying without foundation or warrant in law and contrary to constitutional requirement for adequate remedy for harm done, the immediacy of the remedy in mandamus.

➤ Denial of timely hearings for a "peremptory writ [that] commands the defendant to do the act," Tenn. Code Ann. § 29-25-102, means additional irreparable harm caused now by the court where dawdling to order respondents to obey the statute enacted by the legislature. Judge Fleenor entered her order Nov. 10, 2020, at 10:56 a.m setting the date (and granting the motion, effectively) denying the state on relation the due process right to a timely objection which was filed *nine minutes* later, and within four days of the filing of the motion for extension of time by the respondent.

➤ This maladministration is a consequence of the supreme court's mistreatment of relator's letter of petition and refusal to act to instruct the chancery court as to the proper administration of justice in this matter to expedite issuance of a writ impetuous that brooks no delay or otherwise inform relator of any infirmity in the petition, of which he has right to amend.

➤ In diligently prosecuting his cause for timely equity relief, relator invoked the administrative power of the chancery court in an Oct. 30, 2020, case management meeting with clerk and master Robin Miller, but was denied the writ of mandamus without any reason consistent with the principles of equity, none whatsoever. See **exhibit David Jonathan Tulis affidavit regarding Oct. 30 hearing.**

Hamilton chancery gave mixed signals about the encounter. Orally, chancery said it was a meeting administrative, but girded itself in appearance judicial.

Clerk Miller and the staff did intentionally confuse and alter an administration meeting into a hearing of judicial authority in deed. In a false statement, a staffer Kelly Burnette said relator had demanded a meeting in a courtroom, ¶¶ 5, 8; Mrs. Miller didn't sit at a courtroom table, but in the judge's chair, ¶ 10, though she insisted the meeting was administrative, ¶ 15, 20. After departing briefly, the clerk and master returned wearing judicial robes, ¶ 40, and court officer Burnette said, "All rise," ¶ 41.

Relator said he was there for the administration of his case, ¶ 11, demanded if it was an administrative meeting, ¶ 14, said Mrs. Miller has judicial and administrative authority, ¶ 24, that he was present at the meeting "to make the court work and for the court to function properly," ¶ 29, that Mrs. Miller was violating her duty administratively by slow-walking the case, ¶ 30, that wrong administration wrongly affected relator's demands for justice, ¶ 30, that he was not demanding a hearing or adjudication, but a mandamus to lie immediately administratively on the record, ¶ 36.

Relator asked if mandamus precedes all other items on the docket, ¶ 44, complained that mandamus must issue and that delay "indicates chancery administration is acting prejudicially against the interests of the state of Tennessee," ¶ 52, insisted the clerk has authority in whatever capacity to issue the writ immediately, ¶¶ 55 - 61, and demanded repeatedly in the meeting that mandamus issue. "There is no known authority allowing delay like this to be considered just," relator said. "There is no known authority that allows continuing fraud for one more day under the notice of the law and public knowledge of TCA 68-5-104," ¶ 32.

Violations of equity — extended pattern of maladministration of equity principles

Since relator's petition letter and visit to this court Nov. 2, 2020, chancery abuses have continued:

➤ The rules are being used to delay timely relief without regard to principles of equity. Respondent Barnes, of personal service, Oct. 5, 2020, is in default, Nov. 4, 2020, and without answering to her frauds and otherwise unsupported, asked for more time, and granted 30 days

more time to delay the action, without any foundation, to the prejudice of the state of Tennessee on relation. Respondent Lee, duly served by U.S. mail, Oct 9, 2020, is in default, but chancellor Fleenor in a draft order mysteriously claims the "record" shows him to have been served Oct. 26, 2020, making his first filing timely with the court, and in absence of a notice of appearance by his attorney. (Postal confirmation affidavit, letters in the record Nov. 19, 2020, put respondent Lee receipt Oct. 6, 2020, with Oct. 9 being the legal service date.)

This lack of notice of representation also causing material due process related questions, not limited, to the lawfulness of the representation and as to what capacity in the respondent, the answers to which may or may not bear on the prosecution by the state of Tennessee on relation. All these concerns have been swept under the rug of the color of proper administration of justice without the substance, yet as relator can find, contrary to settled principles of equity.

➤ The current chancery court refuses to enforce equity timing in days for extraordinary remedy. This inconsideration of equity principles extends to the summons. An order for immediate return was not issued by the chancery court upon the immediacy of the cause, notwithstanding time for response required by rule for summons on normal civil matters, as relator intended is merely a courtesy, not a right to delay by other rule or evade justice.

➤ Chancery court fails to deal with the petition's affidavit of fraud by respondents or consider the intention of relator.

There is no equity principle which does not require the immediate disposal of the fraud proven in the relator mandamus petition. Without immediately arresting admitted fraud in any action, all proceedings *extend the fraud* and fraud upon the court on what relator thought to be a hallowed jurisdiction if this maladministration of justice is not corrected immediately; the current state of the court exposed a false inducement to remedy and a breach of the constitution of Tennessee.

➤ At the Dec. 2, 2020, hearing, the judge refused to doff her mask for adequate communication or to show, given the fraud admittedly committed by the respondents, impartiality in the matter before her. Judge Fleenor overruled relator's protest regarding enforcing fraudulent health order or that of requiring the wearing of a mask, but did so without foundation and it will turn out shortly later in the hearing, additional to the breach of equity principles, to be in violation of both state and federal law and not within the immense discretion granted an honorable chancellor.

➤ So little regard to the law is given by these court officers, reflecting on chancery, that relator's objection to wearing a mask is trivialized as a mere "*aversion*" when, in fact, all orders for it are fraudulent, and the need to communicate without it imperative. This is proven where relator voiced an inability to hearing or understanding, in the Dec. 2, 2020, hearing, it turns out, at a particularly important part of the proceeding. Relator caught this violation of the local rule

allowed by the judge, agreed to by the representative to the AG's office of the highest law officer in the state, agreed to by this court, only after reviewing the transcript.

➤ Relator's mask challenge as to the unavoided fraud and communication infringement were dismissed in the apparent bum's-rush to injustice, a violation of the local rules of which relator is now suffering to challenge with its attendant and further delay. After much contemplation on this denial and discrimination due to a failure to adequately communicate in the prosecution of the underlying action because of the obstruction a mask causes, this flagrant disregard by the court to the justified petition and motions in the record are not only procedural due process violations, but it turns out to be violations of the Americans with Disability Act, the substance of which the court officers knew or should have known. Relator would label his audiovisual disability as a masked aural disability. The good news, if this court intends to do justice, the reparable part of this harm is that this court can administratively order justice be done. Then the fraud will be unmasked and rendered ineffectual to further inflict relator in his new-found respondent-caused disability of material prejudice and to the unjust enrichment and advantage of similarly situated respondents and judges operating under the color of serving equity.

➤ Equity is voided when chancery fails to exercise reasonable care with a petition that effectively challenges, along with the head of the executive branch, the supreme court chief justice's election to participate in concert with a lawbreaking executive branch committing fraud and medical terrorization of the state on relation.

➤ Contrary to equity and justice being done, Judge Fleenor is allowing respondents to defame relator and his innocence by ignoring the petition, ¶¶ 13, 14, and as to his sui juris status as a man aggrieved, misrepresenting his name and allowing corruption of the record as regards him. She entered an order allowing these defamations despite objections entered in writing to her before she signed it. Relator objected by motion Dec. 4, 2020. She granted hearing on the objection after relator called her office to demand why the order was signed without giving him due process.

➤ Extending the respondents' fraud, the court allows them to poach on relator's case, pretending it is an at-law case, with the blessings of chancellor Fleenor, in trespass on the case fabricating his action as one seeking damages from the state's treasury — which he is not.

➤ Chancellor Fleenor refuses to give *lawful rationale for any decisions*. This is a denial of equity, delaying the emergency remedy. The only benefit is to aid and abet the wrongful acting respondents. There is no record foundation the relator can find to think otherwise than global injustice in this matter.

➤ Equity requires due process if justice is to be done. Without being given the particularized foundation for any denial, the state of Tennessee on relation cannot enjoy settled due process rights, prolonging the irreparable damage to relator and to state of Tennessee and her people. Chancellor Fleenor did not explain as Equity principles require, why a defaulted party deserves 30 days enlargement in an extraordinary and emergency remedy petition when respondent Barnes is *in flagranto delicto* violation of statute and making no motion toward obedience to law or answering to the fraudulent notice and misrepresentation in public record that the "intrinsically linked" respondents had obeyed law to avoid the fraud they perpetrate upon the state of Tennessee on relation.

➤ To further illustrate the continuing abuse of due process relative to the imperative and immediacy of an extraordinary remedy by the cause of fraud, there's no civil rule to prohibit a chancellor from delaying a matter, despite equity principles to the contrary.
And the judge, willing to ignore vital principles, has allowed abuses against relator and state of Tennessee's cause against which he has had to fight, causing further delays and irreparable harm, to be heard at a telephone hearing Jan. 11, 2020, on motions challenging orders that equity principles would not tolerate in the least, for want of foundation, reason and authority, notwithstanding the unavoided fraud admitted by respondents, allowing endless delay and injustice.

State officials either have to non-fraudulently obey the law — or they do not. It doesn't take more than a couple of minutes for a chancellor intending to do equity to answer that question with a foundation. And if the answer is that public officials have no duty to any law, what's left for the supreme court to do or from which it maintains anything. If nothing but judicial branch pretense, a false inducement, it follows then that all orders from any one purporting power, are void for want of lawful establishment anyway. The state on relation needs immediate relief and intervention by this court for ongoing injustice if the state is to lawfully continue as established, not as currently usurped, and by any failure ripe for the power reserved to the people, the "unalienable and indefeasible right to alter, reform, or abolish the government."

Relator's experience in chancery indicates the jurisdiction is not functioning properly. It operates contrary to the principles of equity. *The law always abhors delay.* Bouvier's Maxims, 1858. Relator requires the supreme court to act to immediately correct even the appearance of injustice in delay or explain how allowing irreparable harm to continue without timely remedy is not injustice and how equity or the state itself can tolerate such a condition.

For comparison, federal equity rules for an extraordinary writ for injunction decide it within 15 days, or can be much sooner. Given the found fraud and lack of compliance with the law by respondents and the status quo to be maintained avoiding the disaster caused, the record before a

responsive chancery court would, in the interest of justice, support a disposal in favor of the state of Tennessee on relation within two weeks.

If this court is not aware of the injustice meted out by the chancery court, it is well aware, mandamus, another extraordinary remedy, enjoys days to resolve. While more comprehensive, mandamus is similarly situated in its immediacy as with injunction, yet the chancery court appears to treat these extraordinary writs invoked to stop irreparable harm without adequate remedy as if these are actions at law having no imperative nature or power to stop wrongfully acting government officials, as if these good folk are above the law, impervious to equity principles or justice and that since the extraordinary remedy has not been resolved these many months hence, it must act to bring immediate relief through either direct action or better directive administrative oversight pursuant to its inherent power so that justice be done.

Relator's experience in chancery indicates the court does not function properly, and operates contrary to the principles of equity. The civil rules are not adequate guidance for equity to be done. Chancery court uses the existing rules to evade equity principles and create disadvantage under color of lawful authority. Relator requires the supreme court to act to immediately correct the injustice and delay or explain how allowing irreparable harm to continue without timely remedy is not injustice and how equity can tolerate such a condition.

I require this court to correct this injustice, even to the appearance of injustice, with all due speed, whether that be the ministerial authority provided through inherent power to do timely speedy justice to stop irreparable harm, or by orders or rules attending to the speedy complete administration of substantial justice in the courts of chancery and this matter of the state of Tennessee on relation.

Respectfully submitted,

David Jonathan Tulis

David Jonathan Tulis, relator

CERTIFICATE OF SERVICE

I hereby certify that grievance and case-file are served this 22nd day of December 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 J Tulis
David Jonathan Tulis

I hereby certify that this letter of grievance and case-file are served this 22nd day of December 2020 by relator's delivery in person to:

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

David J Tulis
David Jonathan Tulis