

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

LISA NILES, Clerk of the Circuit Court, Probate Court, Criminal Court, General Sessions Court, Juvenile Court and Child Support Court for Loudon County, Tennessee,

Petitioner,

vs.

NO. 12267

**ROLLEN "BUDDY" BRADSHAW,
Loudon County Mayor,**

Defendant.

MOTION TO ALTER OR AMEND JUDGMENT

Comes the petitioner, Lisa Niles, by and through counsel and, pursuant to Tenn. R. Civ. P. 52.02 and 59.04, hereby moves this Honorable Court for an Order altering and/or amending the Judgment entered in this cause on March 18, 2016. In support of her Motion, petitioner would show unto the Court the following:

1. Petitioner initiated this lawsuit in September 2014 for the purpose of petitioning the Court for an Order providing the Loudon County Circuit and General Sessions Court Clerk Offices with additional staff and higher pay for current and future employees. (See Sworn Petition filed on September 3, 2014) (also see Amended Sworn Petition filed on July 27, 2015.)
2. In her original Sworn Petition and subsequent Amended Sworn Petition, petitioner requested six (6) additional deputy clerks for her offices at a higher starting salary than that previously authorized by Loudon County, as well as pay raises for current employees. (See Sworn Petition filed on September 3, 2014) (also see Amended Sworn Petition filed on July 27, 2015.)

FILED 13 DAY OF April 2016
AT 14:15 P M

Fred Chaney
LOUDON CO. CLERK & MASTER CB

3. Prior to trial, petitioner submitted a Trial Brief wherein she again requested additional staff and pay raises for current and future employees. (See Petitioner's Trial Brief filed on December 4, 2015, attached hereto as Exhibit A.)

4. At trial, petitioner presented proof in support of her requests through the testimony of multiple witnesses and numerous trial exhibits. During her trial testimony, petitioner expressly requested additional staff for her offices at higher starting salaries and two percent (2%) retroactive county pay raises for her current employees for the 2014-2015 and 2015-2016 fiscal years. (See Transcript of Proceedings, Volumes I and II, at pp. 129-130 and 214-217) (all referenced pages from the Transcript of Proceedings have been attached hereto as collective Exhibit B.)

5. Petitioner also presented proof at trial in support of her requests for additional salary increases for current employees. Specifically, petitioner requested \$57,000.00 in additional annual funding for purposes of making the requested salary increases. (See Transcript of Proceedings, Volumes I and II, at pp. 129-130 and 214-217.)

6. Petitioner submitted proof at trial evidencing higher pay in Court Clerks' offices in certain surrounding and comparably-sized counties. Moreover, petitioner submitted proof at trial showing that clerical employees in other Loudon County offices typically receive pay raises sooner and at a higher increase rate than the clerical staff in petitioner's offices. (See Transcript of Proceedings, Volumes I and II, at pp. 113-122 and 219-224.) (Also see Trial Exhibits 20-23 and 45.)

7. Following the presentation of the proof at trial on December 10, 2015, the Court instructed the parties to submit closing argument briefs. Petitioner's closing argument brief was submitted to the Court via facsimile later that evening. (See petitioner's Closing Argument

submitted on December 10, 2015, attached hereto as Exhibit C.) In her closing argument brief, petitioner again requested an award of additional staff at higher starting salaries, as well as \$57,000.00 in additional funding. The requested \$57,000.00 in funding included two percent (2%) retroactive pay raises for her current employees and additional adjustment raises for her current employees. (See petitioner's Closing Argument at pp. 1-2.) The requested adjustment raises equaled an approximate 13.6% increase in petitioner's annual office expenditures for deputy clerk pay.

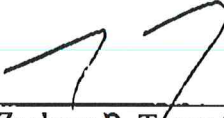
8. The Court filed a Memorandum Opinion on December 29, 2015, wherein the Court ordered that petitioner was entitled to hire three (3) new deputy clerks at starting salaries up to \$25,500, as well as a new bookkeeper at a starting salary up to \$32,000.00. (See Memorandum Opinion filed on December 29, 2015.) In its Memorandum Opinion, the Court also awarded petitioner's offices two percent (2%) retroactive county pay raises for current employees for the 2014-2015 and 2015-2016 fiscal years since petitioner's employees had not received those county raises while this litigation was pending. (See Memorandum Opinion at pp. 7.) The Court's Memorandum Opinion was ultimately incorporated into a Final Judgment entered on March 18, 2016. (See Final Judgment.)

9. The Court's Memorandum Opinion, which is very detailed, does not address whether the Court found petitioner's request for additional adjustment raises for current employees (beyond the 2% county raises) to be meritorious. To the extent the Court inadvertently failed to rule on that portion of petitioner's claims, petitioner submits that the proof presented at trial warrants alteration and/or amendment of the Final Judgment in this cause to include an award of additional adjustment raises for petitioner's current employees.

10. As indicated, the Court has awarded petitioner three (3) new deputy clerks at starting salaries up to \$25,500.00. However, without additional adjustment raises for current employees, certain current employees would still have pay rates lower than the awarded starting salaries for the new deputy clerks, even after current tenured deputy clerks receive 2% retroactive raises for the last two fiscal years. Further, other tenured deputy clerks would have salaries just above that of the newly-hired employees. Accordingly, petitioner avers that the proof submitted at trial warrants additional adjustment pay raises for all of her current employees, excluding Chief Deputy Clerks whose salaries are purportedly equalized amongst all county offices.

WHEREFORE, petitioner respectfully moves this Honorable Court for an Order altering and/or amending the Memorandum Opinion and Final Judgment in this cause in order to provide a supplemental award of additional salary increases for her current employees.

Respectfully submitted this 13 day of April, 2016.



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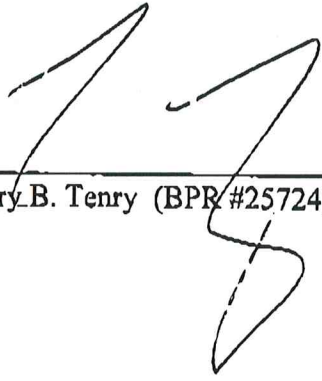
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to all counsel of record in this cause by placing a copy of same in the U. S. Mail, postage prepaid, addressed as follows:

Joseph R. Ford, Esquire
Kristopher D. Frye, Esquire

Ford & Nichols
P.O. Box 905
501 Mulberry Street
Loudon, TN 37774

This 13 day of April, 2016.



Zachary B. Tenry (BPR #25724)