

IN THE CHANCERY COURT FOR HAMILTON COUNTY, TENNESSEE

KEVIN NOWACKI AND DIANE)	
NOWAKI NICHOLS,)	
)	
As Next Friends of)	NO. 11-0493
)	
GAIL NOWAKI PALMGREN,)	PART 1
JARED CHARLES PALMGREN, AND)	
LORRAINE EVELYN PALMGREN,)	
)	
Petitioners)	
)	
VS.)	
)	
MATTHEW CHARLES PALMGREN,)	
)	
Respondent)	

ORDER

This cause came on to be heard on June 29, 2011 at 1:30 p.m. upon the request and Motion to Set Aside Ex Parte Order and Preliminary Injunction filed by Matthew Charles Palmgren. The court heard the arguments from Lee Davis on behalf of the Respondent, Matthew Charles Palmgren, and Theresa Light Critchfield for the Petitioners, Kevin Nowacki and Diane Nowacki Nichols. The court also reviewed the Verified Petition and Verified Motion filed by the Petitioners on June 24, 2011 as well as the Motion to Set Aside and the Affidavits of Mr. Palmgren and attorney Bryan Hoss filed on June 29, 2011. The court expressed its opinion that the Temporary Restraining Order [no "preliminary injunction" was granted even though the words were in the heading] should be dissolved because the requirements of Rule 65.03(1)(B) were not met, despite Petitioners' counsel's good arguments in support of the Order. Also, upon reflection, some of the relief granted *ex parte* would likely not be available to Petitioners under existing Tennessee law.

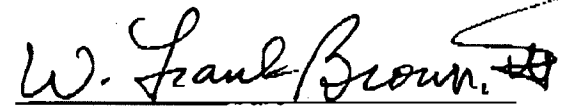
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FILED
 S. LEWIS
 CLERK & MASTER
 HAMILTON COUNTY, TENN.

Further, this case is similar to the case filed by Mr. Palmgren against Gail Nowacki Palmgren, No. 11-0304 in that the case involves the same parties or their agents, and asserts claims for much of the same relief. No. 11-0364 was assigned to Part 2 of this Court. Therefore, after conferring with Chancellor Atherton and pursuant to L.R.C.P. 7.01, this case will be transferred to Part 2 of the Court. Therefore, it is **ORDERED**:

1. That the Temporary Restraining Order filed on June 24, 2011, is dissolved in its entirety, including the hearing scheduled for July 11, 2011 at 2:00 p.m.;
2. That this case is transferred to Part 2 of this court; and
3. That all future proceedings, including motions and requests for orders, will be addressed to Chancellor Atherton.

ENTER:


Chancellor - Part 1

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true and exact copy of this Order has been placed in the United States Mail addressed to the following person (s):

Theresa Light Critchfield, Esquire
2 Union Square, Suite 1000
Chattanooga, TN 37402

Lee Davis, Esquire
508 East 5th Street
Chattanooga, TN 37403

This the 29th day of June, 2011.

S. Lee Akers, Clerk and Master

By: 
Deputy Clerk and Master