



**State of Tennessee**  
**Department of State**  
Administrative Procedures Division  
312 Rosa L. Parks Avenue  
8<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243-1102  
Phone: (615) 741-7008/Fax: (615) 741-4472



August 16, 2018

Steven R. Stout, Esq.  
Emily H. Urban, Esq.  
Assistant General Counsels  
Tennessee Department of Environment &  
Conservation  
Office of General Counsel  
2<sup>nd</sup> Floor, William R. Snodgrass Tower  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243

Douglas E. Jones, Esq.  
Schulman, Leory & Bennett, P.C.  
501 Union Building, Suite #701  
P.O. Box 190676  
Nashville, TN 37219-0676

H. Edward Phillips, III, Esq.  
219 – 3<sup>rd</sup> Avenue North  
Franklin, TN 37064-2504

RE: In the Matter of: Forrest Descendants & Sons of Confederate Veterans  
Docket No. 04.47-150937J

Enclosed is an order rendered in the above-styled cause of action.

Administrative Procedures Division  
Tennessee Department of State

/aem  
Enclosure

**BEFORE THE STATE OF TENNESSEE  
HISTORICAL COMMISSION**

**IN THE MATTER OF:**

**THE DESCENDANTS OF NATHAN  
BEDFORD FORREST,**

**AND**

**SONS OF CONFEDERATE VETERANS  
NATHAN BEDFORD FORREST CAMP  
#215**

*Petitioners.*

**APD No. 04.47-150937J**

**THC No. 18-001**

**PETITION FOR  
DECLARATORY ORDER**

**ORDER SETTING HEARING**

A prehearing conference was held on August 14, 2018, at which the parties agreed to have this matter heard on October 15, 2018. Therefore, this Contested Case for a Declaratory Order Petition is hereby set to be heard before the undersigned Administrative Judge, sitting alone for the Tennessee Historical Commission, beginning at **10:00 a.m. Central Time on October 15, 2018**. The hearing will be held in the Nashville Room of the William R. Snodgrass Tennessee Tower, which is located on the third floor at 312 Rosa L. Parks Avenue, Nashville, Tennessee. All parties/counsel, including counsel for the Tennessee Department of Environment and Conservation (TDEC), must be present and prepared to begin the hearing at **10:00 a.m. Central Time on October 15, 2018**. TDEC shall provide a court reporter.

This hearing will be conducted pursuant to the Tennessee Uniform Administrative Procedures Act, TENN. CODE ANN. § 4-5-101, *et seq.*, and the Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies, TENN. COMP. R. & REGS. ch. 1360-4-1 (June 2004 (Revised)). These Rules are available on the internet at: <https://sos.tn.gov/effective-rules>. **Unless indicated otherwise by statute, rule, or order, the**

**Tennessee Rules of Civil Procedure and Tennessee Rules of Evidence shall be applied in this contested case. This includes, but is not limited to, the introduction of evidence whether it be testimonial or documentary.**

**PRE-HEARING MOTIONS** – Motions raising special or unusual evidentiary or legal issues should be filed as soon as possible so that they can be resolved prior to the hearing. These and all other pre-hearing motions shall be filed no later than ten (10) business days prior to the hearing date. Any party may request a motion hearing date by so indicating at the time a motion is filed. Pursuant to TENN. COMP. R. & REG. 1360-04-01-.09(3), the opposing, or other, parties shall have seven (7) days after filing to respond to any pre-hearing motion; after that time, the motion is “considered submitted for disposition.”

**MOTIONS FOR CONTINUANCE** – Motions for continuance shall be in writing and shall be filed with the Administrative Procedures Division prior to the hearing date. The Movant shall contact the undersigned Judge, via email with a copy to all other parties, to schedule a telephone conference hearing for the motion.

**DISCOVERY** – THE TENNESSEE UNIFORM ADMINISTRATIVE PROCEDURES ACT, and rules promulgated thereunder, contemplate that discovery should be accomplished informally and expeditiously. RULE 1360-4-1-.11(3)(c) contains the following requirement:

Any motion to compel discovery, motion to quash, motion for protective order, or other discovery related motion shall:

...

(c) be accompanied by a statement certifying that the moving party or his or her counsel has made a good faith effort to resolve by agreement the issues raised and that agreement has not been achieved. Such effort

shall be set forth with particularity in the statement.

TENN. COMP. R. & REGS. 1360-4-1 (2004). All discovery, whether formal or informal, shall be completed on or before September 28, 2018.

**FILING** – All documents filed in this matter shall be filed with the Administrative Procedures Division, Office of the Secretary of State, 312 Rosa L. Parks Avenue, 8<sup>th</sup> Floor, William R. Snodgrass Tower, Nashville, Tennessee 37243, and served on all counsel or other parties. All pleadings and other documents filed in this matter should be on 8½ x 11 inch paper. The parties shall redact any social security numbers and driver’s license numbers from all documents prior to filing. Facsimile filings are permitted to facsimile number 615-741-4472 provided that a “hard signed copy” is filed with the Administrative Procedures Division. **Courtesy copies of documents provided to the Administrative Judge by email do not satisfy the filing requirement.**

**WITNESSES & EXHIBITS** – At least seven (7) days prior to the hearing date of this matter, the parties must exchange and file exhibit lists and witness lists, including names, addresses and telephone numbers. Copies of all exhibits that are proposed to be offered shall be made available for viewing to opposing counsel, or other parties, upon request made, no less than four (4) business days prior to the hearing date. Failure to comply may result in exclusion of a witness or exhibit that was not properly disclosed.

**Sufficient copies of proposed exhibits must be made prior to the hearing so that at the hearing there is a copy for opposing counsel (or counsel for other parties), the witness being questioned about the exhibit, the court reporter, and the Judge.**

**SUBPOENAS** – Parties may request subpoenas from the Administrative Procedures Division by e-mail to [APDSubpoena.Request@tn.gov](mailto:APDSubpoena.Request@tn.gov); by mail to Administrative Procedures Division, Office of the Secretary of State, 312 Rosa L. Parks Avenue, 8<sup>th</sup> Floor, William R. Snodgrass/Tennessee Tower, Nashville, TN 37243; or by phone to 615-741-7008. All parties are responsible for completing those subpoenas, serving them on the witnesses, and filing copies of served subpoenas with the Administrative Procedures Division.

**AFFIDAVITS** – Affidavits may be used in lieu of the appearance of a witness, provided proper notice is given to the other parties. Any party considering use of an affidavit in lieu of the appearance of a witness should consult TENN. CODE ANN. § 4-5-313 for the procedures and time deadlines for submission of affidavits as evidence.

**PRE-HEARING CONFERENCES** – Pursuant to TENN. CODE ANN. § 4-5-306, any party may file a motion requesting a pre-hearing conference, and may also request a motion hearing date by so indicating at the time the motion is filed. If a conference is not requested, it will be assumed that all issues related to discovery, pre-hearing matters, and any other questions have been resolved informally, and that all parties will be ready to proceed on the hearing date.

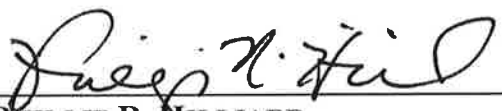
**COMPLIANCE** – The parties are cautioned that any failure by either party to “participate in a pre-hearing conference, hearing or other stage” of these proceedings, including compliance with the pre-hearing filing deadlines, may result in that party’s being held in default pursuant to TENN. CODE ANN. § 4-5-309. Furthermore, no

deadlines herein shall be extended by the parties without the express permission of the Administrative Judge assigned to this case.

All other matters are reserved.

**It is so ORDERED.**

Entered and effective this the 16<sup>th</sup> day of AUG, 2018.

  
\_\_\_\_\_  
**PHILLIP R. HILLIARD**  
**ADMINISTRATIVE JUDGE**  
**ADMINISTRATIVE PROCEDURES DIVISION**  
**OFFICE OF THE SECRETARY OF STATE**