

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIAN A., ET AL.)	
)	
Plaintiffs)	Civ. Act. No. 3:00-0445
)	Judge Todd C. Campbell
v.)	
)	
DONALD SUNDQUIST, ET AL.)	
)	
Defendants)	
)	

**PLAINTIFFS' MOTION FOR CONTEMPT OF
CONSENT DECREE AND FURTHER REMEDIAL RELIEF**

Plaintiffs respectfully move this Court, pursuant to Local Rule 8(b), for an Order finding Defendants Phil Bredesen, as Governor of the State of Tennessee (and successor to original Defendant Donald Sundquist), and the Commissioner of the Tennessee Department of Children's Services,¹ in contempt of Court for failing to implement the terms of the Settlement Agreement entered into by the parties and approved by Order of this Court dated July 27, 2001 (together, the "Consent Decree"). Plaintiffs also seek appropriate remedial relief directed to Defendants' widespread contempt of the Consent Decree.

This motion is supported by the accompanying Memorandum and the Affidavit (with exhibits) of Marcia Robinson Lowry, sworn to November 19, 2003.

¹ Two days prior to the filing of this motion, Michael J. Miller, who had been the successor to original Defendant George Hattaway, was removed from his position as Commissioner of the Department of Children's Services by Governor Bredesen.

Plaintiffs respectfully ask the Court to schedule an evidentiary hearing at which Plaintiffs will formally present evidence of Defendants' contempt to the Court and request oral argument of this motion.

DATED: November 20, 2003
Nashville, Tennessee

Respectfully submitted,

By: Marcia Robinson Lowry (DLG)
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DOUGLAS C. GRAY (*pro hac vice* app. pending)
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CERTIFICATE OF SERVICE

I hereby certify that true and complete copies of (1) Plaintiffs' Motion for Contempt of Consent Decree and Further Remedial Relief; (2) Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Contempt of Consent Decree and Further Remedial Relief; (3) Affidavit of Marcia Robinson Lowry in Support of Plaintiffs' Motion for Contempt of Consent Decree and Further Remedial Relief (with Exhibits), sworn to November 19, 2003; and (4) Plaintiffs' Motion for Permission to File Memorandum in Excess of 25 Pages, have been served by hand on Defendants' counsel, Douglas E. Dimond, Assistant Attorney General, Office of the Attorney General, Cordell Hull Building, Second Floor, Fifth Avenue North, Nashville, Tennessee 37243.

Jacqueline B. Dixon