

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

PHILIP WORKMAN, )  
)  
TERRY LEE WORKMAN ) No.  
)  
)  
Plaintiffs, )  
) **DEATH PENALTY CASE**  
v ) **EXECUTION DATE 5/9/07, 1:00 a.m.**  
)  
DR. BRUCE LEVY, in his official capacities ) Jury Demand  
as the Chief Medical Examiner for the )  
State of Tennessee and Medical )  
Examiner for the Metropolitan )  
Government of Nashville and )  
Davidson County, Tennessee; )  
)  
FORENSIC MEDICAL and All Employees )  
And Agents, Including, But Not )  
Limited To: )  
Dr. Bruce Levy, President, CEO and )  
Chief Medical Examiner; )  
Dr. Amy McMaster, )  
Deputy Medical Examiner; )  
Dr. Feng Li, )  
Assistant Medical Examiner; )  
Dr. Thomas A. Deering, )  
Assistant Medical Examiner; )  
Dr. Staci A. Turner, )  
Assistant Medical Examiner; )  
Adele Lewis, M.D., )  
Assistant Medical Examiner; )  
Larry Barker, )  
Chief Forensic Technician; )  
Denise Overton, )  
Director Of Investigations; )  
Karen Chancellor, M.D., )  
Chief Medical Examiner; )  
Lisa Funte, M.D., )  
Assistant Medical Examiner; )  
Miguel Laboy, M.D., )  
Assistant Medical Examiner; )

Sean Lester, Chief Investigator;            )  
 Anthony Bell,                                    )  
                   Chief Forensic Technician    )  
   )  
 RICKY BELL, in his official capacity as    )  
                   Warden, Reverend Maximum    )  
                   Security Institution.            )  
   )  
 JOHN DOES 1-100                                )

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to 42 U.S.C. § 1983 and the First, Ninth, and Fourteenth Amendments to the United States Constitution, Plaintiff Philip Workman respectfully requests that this Court enter an order which provides that: (1) All Defendants are enjoined from handling, disrobing, and viewing Workman disrobed, and all Defendants are enjoined from performing any forensic, pathological, or other action or procedure whatsoever on his body or any part of his body (whether or not considered part of an autopsy or pathological investigation), including, but not limited to, any invasive procedure which in any way would penetrate any orifice, penetrate the skin or any other organ, any procedure or action whereby any tissue, body fluid, or material from Workman's body is removed or sampled or tested or examined in any manner whatsoever, including, but not limited to, incision or scraping of his skin; cutting through his skull and handling his brain; sticking needles into or through his skin to extract fluids or any other tissue; collapsing his eyeballs by sticking needles into them to draw fluids or tissue; touching, dissecting and/or removing his organs, fluids, or other tissue; scientific or histological or chemical or any other type of analysis of any tissue, fluid, or organ. This Court should order that his body be left completely intact as it was upon death. This order should

likewise cover any time period starting from the beginning of any execution procedures<sup>1</sup>. And, (2) Upon Workman being declared dead, Defendant Bell shall immediately release Workman's body to his brother Terry Lee Workman or his authorized representative(s)

As more fully explained in the accompanying memorandum of law, Philip Workman has fundamental rights under the First, Ninth, and Fourteenth Amendments which guarantee his personal autonomy, his right to bodily integrity, human dignity, and privacy which will be violated if Defendants undertake their proposed actions upon his body and/or fail to abide by Workman's wishes about the disposition of his body. Defendants have no countervailing interests which can, or do, override Workman's fundamental interests in this case guaranteed by Our Constitution.

This Court should therefore issue a preliminary injunction and order such other relief as this Court deems just.

Respectfully submitted,



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<sup>1</sup> As this Court has already entered a preliminary injunction enjoining Defendants from conducting an autopsy, Mr. Workman seeks here to prohibit any and all other procedures, examinations, or conduct that on the part of the Defendants that, though perhaps not part of the hyper-technical definition of autopsy, would nonetheless violate his physical integrity and, thereby, desecrate his body according to his religious beliefs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Defendants and their counsel via facsimile on MAY 8, 2007.

A handwritten signature in black ink, appearing to read "K. Stahl", is written over a horizontal line.