

ORIGINAL

FILED

IN THE TENNESSEE COURT OF THE JUDICIARY

2010 FEB -1 AM 11:37

IN RE: **THE HONORABLE GLORIA DUMAS,  
JUDGE, GENERAL SESSIONS COURT  
METROPOLITAN NASHVILLE and  
DAVIDSON COUNTY, TENNESSEE, Division IV**

APPELLATE COURT CLERK  
NASHVILLE

Docket No. M2009-01938-CJ-CJ-CJ

Complainant: **JOSEPH S. DANIEL, in the exercise of his duties as  
Disciplinary Counsel, and at the direction of an Investigative Panel of the  
Tennessee Court of the Judiciary.**

File No. 08-3487

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**MOTION TO COMPEL**

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COMES NOW Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, pursuant to Rules 26, 33, 34, and 37, Tennessee Rules of Civil Procedure, and would respectfully move the Court for an Order compelling The Honorable Gloria Dumas to answer discovery heretofore propounded and as grounds therefore would state as follows:

1. Contemporaneously with the filing of the Formal Charges in this action, Disciplinary Counsel for the Court of the Judiciary propounded certain items of written discovery, namely First Request For Production of Documents to Gloria Dumas, First Interrogatories to Gloria Dumas, and Request for Admissions.

2. Service of the written discovery described in ¶ 1 was obtained as provided by law on the 22<sup>nd</sup> day of September, 2009.

3. By agreement reflected by Order entered by this Court on October 27, 2009, it was provided in part as follows:

Upon the unopposed request of Judge Gloria Dumas for an extension of time to file a response to the charges filed against her and to respond to the discovery requests served on her, the Court hereby ORDERS:

That the time for responding to the charges filed against Judge Dumas and the time for responding to the discovery requests filed against her is extended to November 24, 2009.

4. This Motion is being filed on February 1, 2010 which is:

- 132 days after original service of the written discovery referenced in ¶ 1, *supra*.
- 97 days after the Order granting an extension (¶ 3) was entered.
- 70 days after November 24, 2009 the due date for the subject responses.

5. In documents filed by counsel for The Honorable Gloria Dumas, no substantive answers were provided to the written discovery described in ¶ 1. Rather, The Honorable Gloria Dumas, caused to be filed a document as follows which may or may not be intended to indicate a refusal to respond to any written discovery. In any event, no discovery responses have been forthcoming and no Motion For Protective Order has been filed. The referenced filing in pertinent part is as follows:

#### MOTION TO STRIKE DISCOVERY REQUESTS

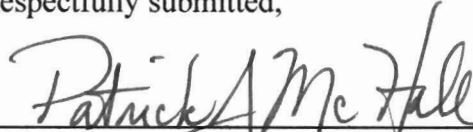
Judge Dumas moves to strike the discovery requests, pursuant to Tenn.R.Civ.Pro. 26.02 and 26.03, relieving her of the obligation to answer the requests because they are unduly burdensome, taking into account the needs of the case. Rule 26.02 Tenn. R. Civ. P. provides that the Court may limit the extent of discovery if "the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the controversy." A cursory examination of the discovery requests filed by Disciplinary Counsel will reveal how burdensome it will be for Judge Dumas to comply with the requests. The requests cover the period from January 1, 2007 to the present and seek such information as to where she has parked her vehicle each day while attending Court (Interrogatory No. 14), any documents identifying her as a General Sessions Judge (Requests for Production No. 1) and the

number of days since January 1,2007 that she has not opened court at the time designated on any warrant, citation or summons (Interrogatory No. 11). It would probably take weeks of extensive investigation by Judge Dumas and her staff to produce all the information requested by Disciplinary Counsel. These requests are particularly unnecessary because Judge Dumas has candidly answered all inquiries sent by Disciplinary Counsel during the course of this investigation.

6. The Honorable Gloria Dumas appears to simply not wish to participate in discovery and asserts a generalized and objection wholly unsupported by law or in fact.

7. Wherefore, Disciplinary Counsel respectfully requests that a Motion to Compel against the Honorable Gloria Dumas be granted and that she be Ordered to respond and further, that Disciplinary Counsel receive such other and further relief to which he may be entitled.

Respectfully submitted,



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**JOSEPH S. DANIEL #002799**

**Disciplinary Counsel**

**PATRICK J. McHALE, #004643**

**Assistant Disciplinary Counsel**

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Murfreesboro, TN 37130

Phone (615) 898-8004

**Certificate of Service**

I certify that a true and exact copy of the foregoing has been mailed, delivered, and/or transmitted by facsimile to:

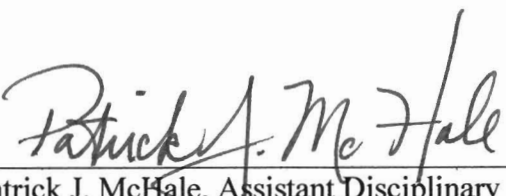
Ben H. Cantrell, BPR #3160  
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Suite 1700, Regions Center  
315 Deaderick Street  
Nashville, TN 37238-1700

and

Thomas E. Hansom, BPR #008153  
659 Freeman St.  
Memphis , TN 38122

Attorneys

on this the 1st day of February, 2010.

  
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Patrick J. McHale, Assistant Disciplinary Counsel