

ORIGINAL

IN THE TENNESSEE COURT OF THE JUDICIARY

FILED

MAY 19 2010

Clerk of the Courts

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

MOTION FOR EXPEDITED DISCOVERY

NOW INTO COURT comes Defendant Judge John A. Bell ("Judge Bell"), by and through undersigned counsel, and hereby moves this Court for an order requiring Disciplinary Counsel to respond to the discovery attached hereto as Exhibit A within 5 business days.

ARGUMENT

During discovery in this matter Judge Bell has sought investigation material from Disciplinary Counsel Daniel and investigator James LaRue. Judge Bell has also sought information concerning prior accusations of undue or excessive delay against other judges in Tennessee. Disciplinary Counsel has resisted Judge Bell's efforts, and motions were filed with this Court regarding the parties' discovery disputes.

On May 14, 2010, this Court and the Panel Members found that the material sought by Judge Bell was protected by privilege and granted Disciplinary Counsel's motion for protective order and motion to quash the subpoena issued upon Disciplinary Counsel Daniel.


In its May 14, 2010 Order, this Court specifically found “that there are other witnesses who can testify to evidence the Respondent wants to introduce through Mr. Daniel’s testimony.”

With the exception of identification of trial witnesses, the discovery Judge Bell seeks is limited to a subset of the issues upon which Judge Bell would have obtained information from Daniel and LaRue’s documents. Further, the discovery Judge Bell seeks is limited to mere identification of persons with knowledge, and should pose no undue burden on Disciplinary Counsel.

Finally, expedited discovery is necessary due to the impending trial date of June 2, 2010. If expedited discovery is not granted, Judge Bell will not be able to discover this information before trial and, if deemed necessary, issue subpoenas for depositions or trial. Accordingly, if this motion is not granted, Judge Bell will be substantially prejudiced in preparing his defense.

WHEREFORE, Judge Bell respectfully requests that this Court order Disciplinary Counsel to answer the attached discovery within 5 business days.

Respectfully submitted this 18th day of May, 2010.


Gordon Ball, BPR # 001135
W. Allen McDonald BPR# 016210
BALL & SCOTT
550 West Main Street, Suite 601
Knoxville, Tennessee 37902
Telephone: (865) 525-7028
Facsimile: (865) 525-4679
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following via email and via U.S. Mail, first class postage prepaid:

Patrick J. McHale
Joseph S. Daniel
Disciplinary Counsel
503 North Maple Street
Murfreesboro, Tennessee 37130
patrickjmchale@gmail.com
tlawdaniel@comcast.net

This 18th day of May, 2010.



W. Allen McDonald

IN THE TENNESSEE COURT OF THE JUDICIARY

**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

**RESPONDENT JUDGE JOHN BELL'S FIRST SET OF INTERROGATORIES
TO DISCIPLINARY COUNSEL**

Pursuant to Rule 33.01 of the Tennessee Rules of Civil Procedure, Defendant The Honorable John A. Bell ("Judge"), by and through his attorneys, hereby serves this First Set of Interrogatories to Disciplinary Counsel, and demands that answers to these interrogatories be provided to Judge Bell's attorneys within the time ordered by the Court of the Judiciary pursuant to the motion filed by Judge Bell for expedited discovery.

INTERROGATORIES

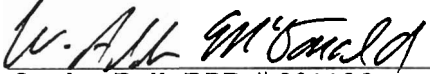
1. Please list the names, addresses, and telephone numbers of any individuals who have knowledge, directly or indirectly, of the allegations and facts and/or contentions set forth in the Formal Charges.
2. Identify, including providing names, addresses, and telephone numbers, all fact witnesses whom you expect to call at the trial of this matter.
3. Identify, including providing names, addresses, and telephone numbers, all expert witnesses whom you expect to call at the trial of this matter.
4. Identity, including providing names, addresses, and telephone numbers, all persons with knowledge of any complaints against judges for undue or excessive

delay in rendering opinions between 2003 and the present, as well as the outcome of such complaints, specifically including complaint bearing File Number 073098.

5. Identify, including providing names, addresses, and telephone numbers, all persons with knowledge of judges who were formally charged by Disciplinary Counsel or threatened with Formal Charges for undue or excessive delay in rendering opinions between 2003 and the present.

5. Identify, including providing names, addresses, and telephone numbers, all persons with knowledge of who Disciplinary Counsel Daniel or James LaRue interviewed in the investigation of this matter.

Respectfully submitted this 18th day of May, 2010.



Gordon Ball, BPR # 001135
W. Allen McDonald BPR# 016210
BALL & SCOTT
550 West Main Street, Suite 601
Knoxville, Tennessee 37902
Telephone: (865) 525-7028
Facsimile: (865) 525-4679
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following via email and via U.S. Mail, first class postage prepaid:

Patrick J. McHale
Joseph S. Daniel
Disciplinary Counsel
503 North Maple Street
Murfreesboro, Tennessee 37130
patrickjmchale@gmail.com
tlawdaniel@comcast.net

This 18th day of May, 2010.



W. Allen McDonald