

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

Larry Crim, Democratic Candidate)
for United States Senate)
Plaintiff)
vs.)

Case No. 3:12-0838

Tennessee Democratic Party (TNDP),)
Chip Forrester, Chair TNDP,)
Executive Committee of the)
Tennessee Democratic Party, And)
State of Tennessee Division of Elections)
Defendants)

JUDGE: _____
UNITED STATES DISTRICT JUDGE

**PLAINTIFF’S COMPLAINT, REQUEST FOR EMERGENCY HEARING, ORDER OF
PROTECTION AND TEMPORARY INJUNCTIVE RELIEF**

Comes now, Plaintiff, Larry Crim, individually and as democratic candidate for the United States Senate, files this Complaint, request for emergency hearing, temporary injunctive relief and request sanction be issued against Defendants for Plaintiff’s attorneys fees, and all costs associated with said matter. In support of said position, Plaintiff would state as Follows:

PARTIES

1. The Plaintiff, Larry Crim, at all times relevant to this lawsuit, is and has been a candidate for the federal office of United States Senate seeking to represent citizens of the United States residing in the State of Tennessee and who is, himself, a citizen of the United States and Tennessee residing at 5008 Smith Springs Pkwy, Antioch TN 37013.

2. The Defendant, Tennessee Democratic Party (“TNDP”) is a public entity provided for in the laws of the State of Tennessee with such statutory responsibilities and duties as provided in

state law and other public duties pursuant to the TNDP Bylaws (Exhibit A).

3. The Defendant, Chip Forrester (“Forrester”) is the Chairman of the Tennessee Democratic Party and of the Defendant Executive Committee of the TNDP, who is a state actor holding a public office as provided for in the laws of the State of Tennessee, and whose public duties are as provided in the By Laws of the Tennessee Democratic Party (Exhibit A) and of the Tennessee Democratic Party Executive Committee on file with the Defendant State of Tennessee Division of Elections, who is a resident of Davidson County, Tennessee and may be served at Chip Forrester, Tennessee Democratic Party, 1900 Church St., Suite 203, Nashville, TN 37203.

4. The Defendant Executive Committee of the Tennessee Democratic Party (“EC”) is a body of publicly elected members representing the voters of the democratic party in Tennessee, to which defendant Forrester is responsible and on whose behalf Forrester acts, and which body is responsible, under Tennessee Democratic Party By Laws (“party by laws”) for notifying the Defendant Tennessee Division of Elections (“TDE”) within seven (7) days of the qualifying deadline of any candidates for U.S. Senate from whom the Tennessee Democratic Party has received qualifying petitions who are NOT *bona fide* democrats as defined in the party by laws (“non bona fide democrats”) and to instruct the Tennessee Division of Elections that the name of said non bona fide democrat shall not be printed on the democratic primary ballot for United States Senate.

5. The Defendant State of Tennessee Division of Elections (“TDE”) is a state governmental agency of the Tennessee Secretary of State, administered by Mark Goins, Esquire, Coordinator of Elections, who is Chief interpreter of Tennessee election law, which agency is responsible for administering and conducting elections including the democratic primary for United States Senate held August 2, 2012, the November 6, 2012 general election for same and such other

special elections necessary for conducting a valid democratic primary election amongst bona fide democratic candidates for the qualified voters to exercise their rights to choose their United States Senator at every stage of the electoral process, including the primary election process, as assured under Article I, Section III as amended by Article XVII of the United States Constitution.

JURISDICTION AND VENUE

6. The Court has personal jurisdiction over the parties hereto.
7. The Court has subject-matter jurisdiction over this action.
8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1332
9. This court is the proper venue for this action pursuant to 28 U.S.C. §§ 1391. 10. Further, this Court has jurisdiction pursuant to Article III, Section § 2, of the **Federal** Constitution which provides that "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution..." This is a cause of action which arises under the **Federal** Constitution in that it involves an election for the office of United States Senate, a federal office created under the United States Constitution. [U.S. Constitution, Article I, Section III as amended by Article XVII], wherein the venue is proper as the federal office in question is that of U.S. Senator from the State of Tennessee. This Court also has jurisdiction in that this case involves the federal constitutional rights of voters to participate in a valid primary process to elect their United States Senator as provided in Article 17 of the U.S. Constitution, to wit: "*The **Senate of the United States shall be** composed of two Senators from each State, **elected by the people thereof...***The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.*" [U.S. Constitution, Article XVII]. The U.S. Supreme Court has repeatedly affirmed that the rights of the people to elect their United States Senator protects the rights of the people, as qualified electors, to, themselves, make the selection for the United*

States Senate *at every step and stage of the electoral process including the primary nomination process* [*Smith v. Allwright*, 321 U.S. 649, 659-660 (1944); *United States vs. Classic* 313 U.S. 299 (1941); *Tashjian v. Republican Party of Conn.*, 479 US 208 - Supreme Court (1986)], which primary for U.S. Senate is involved here where Plaintiff seeks to assure that Tennessee voters shall have the right to ***elect, in a validly conducted primary***, a democratic nominee for United States Senate as provided in Article I, Section III as amended by Article XVII of the United States Constitution.

A. The U.S. Supreme Court has held that the voter's rights to, themselves, elect their U.S. Senator applies to every stage of the electoral process including the party nomination process: "The fundamental purpose underlying Article I, § 2, cl. 1, that "[t]he House of Representatives shall be composed of Members chosen . . . by the People of the several States," like the parallel provision of the Seventeenth Amendment, applies to the entire process by which **federal** legislators are chosen. "Where the state law has made the primary an integral part of the procedure of choice, or where in fact the primary effectively controls the choice," the requirements of Article I, § 2, cl. 1, and the Seventeenth Amendment apply to primaries as well as to general **elections**. *United States v. Classic*, *supr*, at 318; see *Smith v. Allwright*, 321 U.S. 649, 659-660. ***The constitutional goal of assuring that the Members of Congress are chosen by the people can only be secured if that principle is applicable to every stage in the selection process.*** If primaries were not subject to the requirements of the Qualifications Clauses contained in Article I, § 2 and the Seventeenth Amendment, the fundamental principle of free electoral choice would be subject to the sort of erosion these prior decisions were intended to prevent. ***Accordingly, we hold that the Qualifications Clauses of Article I, § 2, and the Seventeenth Amendment are applicable to primary elections in precisely the same fashion that***

they apply to general congressional elections.” [Tashjian v. Republican Party of Conn., 479 US 208 - Supreme Court 1986].

I. INTRODUCTION

10. Larry Crim is Democratic candidate for United State Senate who is requesting that, based on the fraudulent acts of defendants, Tennessee Democratic Party, Executive Committee of the Tennessee Democratic Party, Forrester, via Forrester (“the political party”) for allowing the impropriety of a “non bona fide democrat candidate” to appear on the democratic ballot permeating fraud the democratic primary election for U.S. Senate held on August 2, 2012, that the said democratic primary for U.S. Senate is and should be held by this Honorable Court to be VOID, *ab initio*, and a new Democratic Primary for the United States Senate race be held. Further, a Restraining Order is sought prohibiting Defendant Democratic Chair, Chip Forrester from being a part of any democratic party function associated with the public’s trust in operating a new primary election and to enjoin the Defendant State of Tennessee and Tennessee Division of Elections from certifying ANY democratic candidate until this Court may hear this matter to insure that the Plaintiff and the qualified electors for U.S. Senate have their rights protected to participate in a primary, not permeated by fraud, **to elect their United States Senate** nominee as provided in *Article I, Section III as amended by Article XVII of the United States Constitution*.

II. FACTS

11. In the State Of Tennessee, we list our candidate’s names running for office on the ballot in alphabetical order.

12. As a result of this alphabetical ballot arrangement, the top listed named candidate will receive a certain number of votes simply because their name is on the top of the ballot. (Exhibit B, Chair Chip Forrester Comments to the press).

13. It has been well established, courts in other jurisdiction have taken judicial notice, and legislators have voted to change their states voting laws to prevent the top name on the ballot from receiving unearned votes. These states rotate the names on the ballots from voting booth to voting booth.

14. Chair Chip Forrester, had this knowledge. (Exhibit B).

15. The Tennessee Democratic candidate names for the United States Senate race were listed on the Ballot in Alphabetical order. (Exhibit C).

16. Mark Clayton was a candidate on the Democratic ballot in 2008 running for United States Senate. Mr. Clayton lost the race to Bob Tuke.

17. Mr. Clayton received a pool of votes in the 2008 election based on his name being on top of the ballot.

18. The Tennessee Democratic Party allowed his Name on the Ballot in 2008.

19. The Democratic Party in 2008 received complaints of Mr. Clayton not satisfying the requirements as laid out by the Tennessee Democratic Parties Bylaws in order for Mr. Clayton to be certified by Tennessee Democratic Party to run and be listed on the Democratic ballot representing the Tennessee Democratic Party.

20. Mr. Clayton did not win that race, and the Democratic Party was put on notice in 2008 of Mr. Clayton's lack of Democratic Bylaw qualifications.

21. On or about September 3, 2011 the Plaintiff Larry Crim officially declared his candidacy for the federal office of United States Senate as a Democratic candidate from the State of

Tennessee with the Secretary of the United States Senate (“Secretary”), filing the appropriate federal election forms to the Secretary which were thereafter forwarded by the Secretary to the Federal Election Commission (“FEC”).

22. The Defendants Tennessee Democratic Party and Forrester were notified by the Plaintiff and on notice by their access to plaintiff's FEC Declaration of Candidacy that Plaintiff was officially a Democratic Candidate for United States Senate on or about September 3, 2011.

23. On or about September 4, 2011 The State Executive Committee of the Tennessee Democratic Party (“EC”) were, on information and belief, notified by Forrester and the Tennessee Democratic Party and were on constructive notice from the FEC published reports that the Plaintiff was an officially declared democratic candidate for U.S. Senate.

24. On or about February 20, 2012 the Plaintiff filed his qualifying petition as a Democratic Candidate for the federal office of United States Senate with the Defendant State of Tennessee Division of Elections (“TDE”) and filed a certified copy of said qualifying petition with the Defendants TNDP, EC, and Forrester.

25. On or about April 5, 2012 a candidate named “Mark Clayton” (“Clayton”) filed his qualifying petition alleging himself to be a Democratic Candidate for the federal office of United States Senate to the Defendant State of Tennessee Division of Elections (“TDE”) with a copy of said petition to the Defendants TNDP, EC, and Forrester.

26. Pursuant to the voting record of Clayton (Exhibit D), Mr. Clayton had only voted in one (1) democratic primary before, which was for himself when running for the same office purportedly as a democrat in 2008.

27. The Party By Laws provide at Section 2, part (i) that the duty of Defendants, Tennessee

Democratic Party, EC, and Forrester are to review the voting records of the candidates filing qualifying petitions to be on the democratic primary ballot for U.S. Senate as described in paragraph 11 above to assure that Clayton had voted in at least three (3) democratic primaries preceding the primary election to be held August 2, 2012 and, where Clayton failed to have that qualification as required by the party by laws, then to prohibit the name of Clayton to be listed on the Democratic Party ballot for United States Senate for the election to be held on August 2, 2012.

28. According to the Defendant TDE as represented by the Tennessee Coordinator of Elections, Mark Goins, Esquire, Chip Forrester, Tennessee Democratic Party, and EC have the state statutory responsibility and public duty to provide the Defendant TDE with a list of democratic candidates who have filed a certified copy of their qualifying petition with Forrester, Tennessee Democratic Party, and EC.

29. According to the Defendant TDE, the Defendants Forrester, Tennessee Democratic Party, and EC have filed a copy of the party bylaws with the TDE, which provide, in pertinent part, that it is the public duty of the TNDP, EC, and Forrester is to inform the TDE within seven (7) days of the qualifying deadline when there is a person filing a petition to run as a democratic candidate, who is NOT a bona fide democratic candidate as defined in the party bylaws (who has NOT voted in three (3) democratic primaries preceding the August 2, 2012 Primary Election) [“notice of non bona fide democratic candidate”].

30. According to the Defendant TDE as represented by the Tennessee Coordinator of Elections, Mark Goins, Esquire, on the defendant TDE's timely receipt of said notice of non bona fide democratic candidate from the Defendants TNDP, EC, and Forrester, then the Defendant TDE would prepare the ballot for the August 2, 2012 democratic primary without printing the

name of said non bona fide democratic candidate on the August 2, 2012 democratic primary ballot.

31. Based on the foregoing facts ~~discussed in paragraph 11~~, the lawful public duty of Defendants TNDP, EC, and Forrester under the TNDP By Laws was to notify the Defendant TDE **within seven (7) days of April 5, 2012** that *Clayton* had not voted in the sufficient number of democratic primaries as provided in the Party Bylaws and instruct and demand that *the name of "Mark Clayton"* was not to be listed or printed on the Democratic Primary Ballot of Democratic Candidates for United States Senate in the election to be held on August 2, 2012.

32. The Defendants TNDP, EC, and Forrester returned a list of candidates from whom they received qualifying petitions for the office of United States Senate including the names of the Plaintiff Larry Crim and others, including Clayton.

33. The Defendants TNDP, EC, and Forrester failed to return a non bona fide notice as to Clayton to the Defendant TDE within the seven (7) day period as permitted by law and as required by the party by laws.

34. Accordingly, it is now the official position of the Defendant TDE that Defendants TNDP, EC, and Forrester missed the deadline by which the party bylaws on file with TDE and the state law requires to have not listed the name of Clayton on the August 2, 2012 democratic primary ballot (Exhibit E Goins Ltr to Crim) and that, pursuant to Tennessee Law, any remedy to remove Clayton as the putative democratic nominee lies with the Defendants TNDP and EC based on an election contest filed with the Defendants TNDP, EC, Forrester.

35. On August 2, 2012 the democratic primary election in Tennessee was held for the office

of United States Senate, wherein, according to unofficial results by TDE, not yet certified, Mr. Clayton received the most votes in the democratic primary.

36. On August 2, 2012 and August 3, 2012 Defendants TNDP, EC, and Forrester publicly announced that they disavowed the candidacy of Mark Clayton, that Clayton was *not a democrat*, was a member of a “known hate group”, that Clayton only received the most votes due to his “top of ballot positioning”, that defendants would not do anything to assist him, suggesting democratic voters vote for the candidate of their choice by write in vote for United States Senate on election day November 6, 2012.

37. On or about August 2, 2012 through August 4, 2012 and thereafter Defendants TNDP, EC, and Forrester, by and through their authorized agents and spokespersons, also stated to the effect that “we did not expect Clayton to win” so, therefore, “we did not see any need to explain his non democratic standing to the public before the election because why push a candidate out there whom we do not want to win”.

38. The statements of Defendants TNDP, EC, and Forrester in paragraph 23 above show that said defendants knew Clayton was not a democrat and reveal their decision not to disclose Clayton's non democratic and non bona fide democratic status to the public, thereby knowingly misleading the qualified federal electors that Clayton “was” a bona fide democrat for U.S. Senate.

39. In retrospect it is the further evidence from the sequence of events preceding the primary and the qualifying deadline therefor that the Defendants, TNDP, EC, and Forrester, having a known duty to notify the TDE to not list Clayton's name on the ballot, intentionally refused to do so and thus, intended and perpetrated a fraud on the Tennessee voters, who are the qualified electors for U.S. Senate, to mislead the electors to believe that all the names listed on the

democratic primary ballot on August 2, 2012 were bona fide democrats when Defendants knew and reasonably should have known that Clayton was not a bona fide democrat.

40. On or about August 1, 2012 on the eve of the Thursday August 2, 2012 Democratic Primary, the Defendants TNDP, EC and Forrester sent out an email stating to democratic voters that their attached list of candidates constituted the democratic party's candidates in the upcoming August 2nd Democratic Primary for United States Senate, which contained their websites, requesting that voters make a choice amongst them, which TNDP, et.als.email did not list CLAYTON and listed the “chosen candidates” in an order which did not simulate the actual ballot positioning of the candidates, but starting with the name “Park Overall”, followed by Plaintiff “Larry Crim”, followed by a 4th candidate [The email excluded the name of Mark Clayton].

41. Subsequent to the Plaintiff Larry Crim's official declaration of federal candidacy that is, after September 3, 2011, but prior to the April 5, 2012 qualifying deadline Defendants Tennessee Democrat Party and EC, by and through their agent, Forrester, announced in several news media sources to the effect that ***“the democratic party has no announced democratic candidates for United States Senate” a statement which:***

- a. Was a knowingly and patently false representation to voters;
- b. Misled voters as to their bona fide democratic candidates for U.S. Senate;
- c. Misled valid democratic candidates and potential recruits for U.S. Senate that no democratic candidate had yet been declared or announced.
- d. Misled INVALID purported democratic candidates for U.S. Senate including but not limited to Mark Clayton, who was not a bona fide

democrat, that no democratic candidate had yet declared or announced for U.S. Senate.

- e. Was a deceptive act designed to provide a “respectable appearing cloak” for encouraging proper and improper candidates to qualify and appear on the democratic ballot for purposes of, and which had the effect of, unduly influencing the primary election process for United States Senate.

42. Defendants EC, TNDP, and Forrester perpetrated a fraud on the public by issuing knowingly false reports to the public that there were no democratic candidates declared for the office of United States Senate in Tennessee at a time when the plaintiff had declared his federal candidacy as a democrat with the FEC in 2011 and subsequently after Plaintiff filed his qualifying petition with the Defendants TDE and TNDP, EC, and Forrester in 2012.

43. Defendants TNDP, EC, and Forrester (“The Political Party”), through such public misrepresentations, intended to produce voter confusion, designed to unduly influence the qualified electors for United States Senate.

44. The political party, which was bound by their public duty and party by laws to inform the voters truthfully as to the content of the Democratic Party Ballot, misled the qualified electors that there was and would only be one (1) candidate on the Democratic Primary Ballot on August 2, 2012 for United States Senate when, in fact, said (1) candidate, whom the political party recruited was only one (1) of seven (7) candidates whom The Political Party knew would appear on the democratic primary ballot on the August 2, 2012 primary election date.

45. The Chair Chip Foster via Tennessee Democratic Party, recruited Park Overall to be “Their” candidate of choice and was enthralled with his decision and recruitment of Park Overall

to the point Chip Forrester went to the ends of the earth to promote her candidacy above all other candidates running, giving her a speaking engagement at the Jackson Day Dinner and assisting her candidacy through the Primary. Chip Forrester did not act in a manner of impartiality, as Chair for the Tennessee Democratic Party.

46. On information and belief, Mr. Forrester's, competitive nature, desperate need to show he was a master of political maneuvering drove him to deceive the democratic members in order for "Chip's chosen candidate", "Park Overall" to prevail at all cost even by letting Mark Clayton stay on the ballot.

47. Defendants EC, TNDP, and Forrester, after conveying the above known falsehoods to the electorate, perpetrated a secondary fraud on the qualified electors *by permitting a known non bona fide democratic candidate Clayton*, who did not meet the party by laws for voting in the requisite democratic party primaries to even become a Democratic Candidate, **to be listed on the democratic ballot for U.S. Senate.**

48. On information and belief, the political party committed the fraudulent acts against the Plaintiff and the qualified electors, cited above, precisely because the name of "Clayton" would then be listed at the top of the ballot before the name of the bona fide democratic candidate, Plaintiff "Crim", from being at the top of the ballot, an act designed to benefit Chair Chip Forrester and his inside groups political party's choice - "PARK OVERALL" – whereas she was listed near the bottom of the ballot.

49. Despite the foregoing acts of impropriety by those in charge of The Political Party, the Plaintiff, Larry Crim, as a democratic candidate in the primary held August 2, 2012 for United States Senate, publicly stood with the Tennessee Democratic Party in disavowing Clayton as a putative nominee. [WKRN-TV News- Tuesday, August 7, 2012; WTVF-TV News Report,

August 7, 2012] and now appears before this Court to seek the proper remedies for the voters of Tennessee of a declaration that the primary is void and a new primary for voters.

50. Mark Clayton is not a proper democratic candidate to be permitted to get or remain on the democratic ballot at any time, including presently, as defined by the TNDP By Laws, since Clayton had only voted once as a democrat for himself and, *according to Defendants TNDP and Forrester*, is an *officer of a nondemocratic group* repugnant to the ideals of the democratic party, and, based on Defendant's conclusions concerning Clayton, he merely placed his name on the ballot without campaigning to achieve an unwarranted result of being a putative nominee of the party to which party he does not belong per party by laws.

51. Based on premises above, Clayton's insertion into and tacit permission to remain on the Tennessee Democratic Primary and his putative democratic nomination for United States Senate are, due to fraud, *void and invalid from the beginning*.

52. As a result, the bona fide Democratic candidates for U.S. Senate, including Plaintiff, and **the qualified electors** for the United States Senate as provided in Article I, Section III as amended by Article XVII of the United States Constitution are entitled to a new democratic primary under the U.S. Constitution whereby the voters shall elect their United States Senate nominee in a democratic primary not permeated by fraud and undue influences revealed above.

53. Premises considered, Fraud Voids the August 2, 2012 Democratic Primary *ab initio*; (i) Voters were affected by fraud and unduly influenced by the presence of a nondemocratic candidate, who, *according to Defendants TNDP, EC, and Forrester*, is not a democrat, personally and as an officer of a nondemocratic group espouses views contrary to the democratic party ideals, and who appeared at the top of the ballot, where the mere ballot position in fact dominated the democratic primary and intentionally misled Tennessee voters, when the qualified

electors for U.S. Senate in the several states, including Tennessee, have the right protected under the **United States Constitution** to elect their **Federal United States Senator** in a *valid primary, free of prevalent fraud and undue influence* at every stage of the electoral process including during the Democratic Primary for U.S. Senate held August 2, 2012 in Tennessee.

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- (ii) Voters were unduly influenced by the intentional fraud of Defendants Forrester et als permitting Clayton to be on the Democratic Ballot, whom Defendants knew at the time *was not* a bona fide democratic candidate, acknowledge *was* a member of a *nondemocratic* “hate group”, permitting Clayton to remain on the ballot and be presented to the qualified voters as a purported bona fide “Democrat” *so Defendants intentional or knowing fraud unduly influenced and in fact determined the election outcome, as Defendants have admitted publicly to the effect that “Clayton won solely because his name was at the top of the ballot”*, when, but for the political party defendant's fraudulent acts, Clayton's name *would not have been on the ballot*.

54. Accordingly, Plaintiff Larry Crim, a democratic candidate for United States Senate, has publicly stood with the Tennessee Democratic Party (TNDP) and Defendants and continues to stand for the proposition that Mark Clayton has been and should be properly disavowed by the TNDP as a putative democratic nominee.

55. Plaintiff Larry Crim, a democratic candidate for United States Senate, has demanded that the political party Defendants go the necessary one step further to come before this Honorable Court to seek, along with Plaintiff, or to agree with the Plaintiff as to the removal of Clayton from their Democratic Column on the November 6, 2012 General Election Ballot and to pursue

the rights of the Tennessee Voters to make the determination of their Democratic Nominee for United States Senate **in a New Primary** conducted timely with results certified before the November 6, 2012 ballot is due to be printed, and thereby join with Plaintiff in assuring that the Tennessee voters shall have the right to *elect , in a validly conducted primary held amongst the bona fide democrats, including Plaintiff*, a democratic nominee for *United States Senate as provided in Article I, Section III as amended by Article XVII* of the *United States Constitution*.

56. Further, Plaintiff has issued notices, via his democratic U.S. Senate campaign, and via a letter of demand from Counsel to Plaintiff to the TNDP, et.als on August 6, 2012 to contest that Clayton is or should be the Democratic Nominee and requesting on the foregoing bases that the Defendants, themselves, join with Plaintiff's federal campaign for U.S. Senate in assuring, through this federal lawsuit, and any and all lawful means:

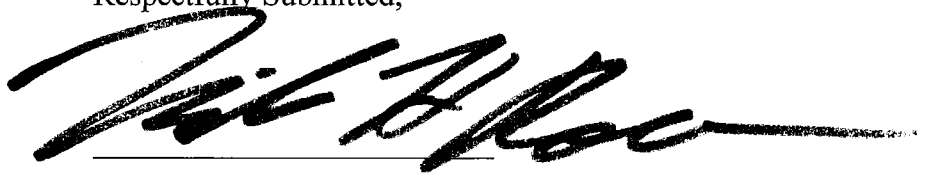
- (I) that Clayton's name not be permitted to be printed "as the democratic nominee" on the November 2012 ballot;
- (II) That a new democratic primary be conducted, without the name of Clayton and amongst the bona fide democratic candidates, including Plaintiff, and such other bona fide candidates prior qualifying and not prior disavowed by TNDP before the August 2nd, 2012 primary so that the qualified electors for the office of United States Senate shall elect their democratic nominee for this federal office in a primary not permeated by fraud and undue influence as existed on the August 2, 2012 democratic primary ballot for United States Senate.

PREMISES CONSIDERED, THE PLAINTIFFS PRAY

That this Honorable Court:

1. ORDER an Emergency Hearing to be held at the earliest date on or before Thursday August 16, 2012 at 9:00 a.m. so that the remedies of voiding the fraudulent primary and conduct of a new primary may be promptly considered.
2. ISSUE A TEMPORARY RESTRAINING ORDER prohibiting the Defendant TDE from certifying the results or the election for U.S. Senate held August 2, 2012 until this Court can hear and determine this matter and prohibiting the Defendants TNDP, EC, and Forrester from taking any actions to begin or conduct an executive committee appointment of their own nominee or take any other action with respect to this August 2, 2012 primary election for U.S. Senate other than to promptly reply to this Complaint and the remedies it seeks and to appear at a Hearing on this matter on Thursday, August 16, 2012 at 9:00 a.m..
3. FIND as a Fact that this Democratic Primary was permeated with Fraud and Undue Influence.
4. FIND as a Matter of Law that the qualified electors and the bona fide democratic candidates before the electors on the ballot for the federal office of United States Senate were so impacted by the aforementioned Fraud that the said Democratic Primary for U.S. Senate held on August 2, 2012 ought to be and is, hereby, declared VOID, *ab inito*.
5. ORDER a New Democratic Primary be conducted amongst the bona fide democratic candidates, excluding Clayton, and including Plaintiff administered and conducted by Defendant TDE on or before September 15, 2012 or such reasonable date by which TDE can conduct a primary, certify the results, and timely print the November 6, 2012 ballot.
6. ORDER such other and further Relief to which the Plaintiff and the Qualified Electors for United States Senate impacted by this action may be entitled.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael H. Rowan", written over a horizontal line.

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