



**State of Tennessee
Circuit Court
Fourth Judicial District**

Honorable Carter S. Moore, Judge, Div. I
Honorable James L. Gass, Judge, Div. II
Honorable Jeff D. Rader, Judge, Div. III
Honorable Jeremy D. Ball, Judge, Div. IV
Honorable Adrienne Waters Ogle, Div. V

Serving the Counties of:

Cocke
Grainger
Jefferson
Sevier

LOCAL RULES OF PRACTICE

- CIVIL -
(Amended April 1, 2026)

Adopted Pursuant to Rule 18
of the
Rules of the Supreme Court of Tennessee

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**CIVIL RULES OF CIRCUIT COURT
FOURTH JUDICIAL DISTRICT
STATE OF TENNESSEE**

Effective April 1, 2026, the Circuit Court of the Fourth Judicial District (Cocke, Grainger, Jefferson and Sevier Counties) of Tennessee abrogates all existing rules of practice and procedure and adopts these rules. Citations to these rules may be in the form of “Local Rules of Civil Procedure.”

The purpose of these Rules is to keep the practice of law in the Circuit Court for the Fourth Judicial District as simple as possible, yet to assure that the orderly administration of justice is carried out.

These rules apply to all persons/entities who appear before the Court, regardless of capacity (i.e. attorneys, parties, witnesses, etc.). Tennessee common, statutory and procedural law including the Rules of the Supreme Court, Civil, and Criminal Procedure shall in any and every event be controlling and applicable if there is a conflict between them and these local rules.

A judge may suspend any of these rules whenever justice requires. (Additional rules may be added as may be required for the orderly administration of justice).

RULE 1. SESSIONS OF COURT

1.01 Presiding Judge:

The Presiding Judge selected pursuant to T.C.A. § 16-2-509 and Rule 11 of the Rules of the Supreme Court of Tennessee will supervise the administration of the trial courts.

1.02 Interchange Of Judges:

When necessary for the efficient administration of justice, a Judge may hear and determine any matter by interchange for another Judge without the necessity of transferring the case from one court to another. The designation on any Order signed by the Judge hearing the matter by interchange shall be the name of the Judge, followed by the words, “by interchange.”

1.03 Transfer of Cases:

The Presiding Judge may transfer a case from one court to another or from one division to another *sua sponte*. The Judges and Chancellor of the Fourth Judicial District may transfer cases among themselves by mutual consent except in cases of recusal. It is not necessary for the parties or their counsel to consent to such transfer.

1.04 Court Calendars:

All sessions of court will be set forth in each yearly calendar prepared by the judges' administrative assistants and made available to all persons through the offices of the Clerks of Cocke, Grainger, Jefferson and Sevier Counties no later than 90 days before the 1st day of each year. These calendars will show where each judge is holding court on any particular day and will indicate whether it is civil or criminal, jury or non-jury, civil motions, new session and/or grand jury, arraignment, plea day, order of protection, or criminal appeals. Also all court days of the Chancellor and Child Support Magistrate are shown on said calendar.

1.05 Court Hours:

All court sessions will commence at 9:00 a.m., unless the court directs otherwise.

RULE 2. SETTING CASES

2.01 Each judge shall have control of his/her respective civil dockets, and may set cases in the Court's discretion. Attorneys desiring court dates shall contact the judge's assistant to obtain a trial date, followed by immediate notice to all other counsel of said date, or when all parties have agreed that a case is ready for trial, they shall contact the judge's assistant for an agreed date. The judges prefer for trial dates to be agreed upon and all trial dates shall be confirmed by agreed order to the judge's assistant in accordance with Rule 9.02.

2.02 Criminal cases will be set by the Court.

RULE 3. FOREIGN LANGUAGE INTERPRETERS

3.01 It is the responsibility of counsel to arrange for interpreters, approved by the Court; and the Court shall appoint an interpreter according to the preference listed below and pursuant to Tenn. Sup. Ct. Rules 41 and 42:

1. The courts of the Fourth Judicial District recognize that language can be a barrier to understanding and exercising one's legal rights, and to securing meaningful access to the judicial system. Therefore, this rule sets out the procedure for implementing Tennessee Supreme Court Rule 42 regarding the provision of interpreters for persons with limited English proficiency ("LEP").
2. Recognizing that appointment of a court interpreter is discretionary with the court, if the court finds a foreign language interpreter is necessary in a particular case, within 5 days of the order requiring an interpreter be appointed, the attorneys of record in the case shall review the Roster of Certified and Registered Spoken Foreign Language Court Interpreters in Tennessee found on the AOC website at: <https://tncourts.gov/programs/court-interpreters/find-court-interpreter>. If there

is not an interpreter listed for the language needed on the Roster of Certified and Registered Spoken Foreign Language Court Interpreters, contact the Administrative Office of the Courts for assistance.

3. The attorney claiming a need shall obtain an interpreter according to the preference listed below:
 - a. State certified court interpreter;
 - b. State registered court interpreter; or
 - c. Non-credentialed court interpreter.

4. Once the interpreter has been obtained, the attorney shall advise the court of the same and a specific Order of Appointment shall be entered. Generally, the costs of interpreter services in both civil and criminal cases shall be taxed as court costs pursuant to Tenn. R. Crim. P. 28 and Tenn. R. Civ. P. 54. However, in cases involving indigent persons who are entitled to counsel pursuant to Tennessee Supreme Court Rule 13, the cost of interpreter services may be assessed as set out in Section 4(d) of Tennessee Supreme Court Rule 13. Invoice and other appropriate forms for said cases may be found at <https://tncourts.gov/programs/court-interpreters>.

RULE 4. MOTIONS AND EX PARTE MATTERS

- 4.01** Civil motions and ex parte matters shall be scheduled pursuant to Rule 2 and may be heard on any civil motion or non-jury date and with the agreement of counsel and approval of Court, may be heard at any time in any county.

- 4.02** It shall be the responsibility of the moving party to call all pre-trial motions for hearing as far in advance of the trial date as reasonably possible. The attorneys or self-represented parties shall be responsible for contacting the judicial assistant to obtain a hearing date for all motions. All motions shall be heard at least five (5) days prior to trial of the cause. All such motions not heard prior to the trial date are deemed abandoned unless otherwise ordered by the Court for good cause shown. Motions will not be heard on the day of trial without prior approval of the Court.

- 4.03** Persons seeking an order of the Court granting a Temporary Restraining Order or Temporary Injunction shall first file a complaint/petition with the Clerk. The Clerk shall then present the sworn pleadings for consideration to the appropriate Judge. The Order, whether granted or denied, shall be filed with the Clerk. Hearings on Temporary Restraining Orders, including those in domestic relations matters, will be scheduled before the Trial Judge within fifteen (15) days of issuance.

4.04 Recusal Motions:

Motions for Recusal of a Judge shall be made in writing immediately upon discovery of a reason therefore so as not to delay proceedings. Said Motion shall set forth the facts alleged that constitute cause for recusal.

RULE 5. CONTINUANCES

- 5.01** Civil cases may be continued by agreement of the parties, with leave of the Court. A case will not be continued except by a showing of good cause and compliance with the Rules of Civil Procedure. The application for a continuance must be supported by an affidavit setting out the grounds for the requested continuance.
- 5.02** When the application for the continuance is based upon the illness of a party, or a material witness, there must be filed therewith a written statement of a physician specifying the type of illness, whether same is temporary or permanent, and whether or not such person is able to appear in court. (The Court may allow the late filing of the application and affidavit.)
- 5.03** When the application for the continuance is based upon the fact that a material witness cannot be found, an affidavit must be filed giving the name of the witness, the substance of the testimony that will be given by such witness, whether the affiant has personally talked with such witness or some other supporting reason as to why he believes the witness will so testify, and detail the efforts made to locate the witness.
- 5.04** In the event a continuance is granted by the Court, the attorney for each party, including the attorney general, shall notify all witnesses subpoenaed by such party of the continuance.
- 5.05** All motions for continuances must be presented to the judge. Agreed continuances will not be allowed unless the Court finds that the reason for the continuance is valid. All motions and orders for an agreed continuance "shall" be approved by the parties as well as the attorneys.
- 5.06** A continuance will be granted one (1) time because of a conflict in another court. Thereafter, counsel will be expected to resolve any further conflicts and be available for trial in the Fourth Judicial District.

RULE 6. PRE-TRIAL CONFERENCE

- 6.01** Upon motion, any party may request a pre-trial conference. The Court in its discretion may direct counsel to appear for a pre-trial conference.

RULE 7. EXHIBITS

7.01 Exhibits which are proposed to be used at the trial (other than impeachment or rebuttal exhibits) shall be exhibited to opposing counsel for inspection at least seven (7) days prior to trial. All such exhibits shall be marked and numbered sequentially for identification, beginning with plaintiff's exhibits and going through defendant's exhibits. No proposed exhibit shall be shown to the jury until duly admitted into evidence and appropriately marked. Depositions read into evidence shall also be marked as exhibits.

7.02 All trial exhibits shall be accounted for and placed in the custody of the clerks unless otherwise directed by the Court. Upon proper application, the Court may allow substitution of copies for the originals. In all civil cases, exhibits may be withdrawn after the judgment becomes final without order of the Court. All exhibits not withdrawn within thirty (30) days after judgment becomes final may be disposed of by the clerk.

RULE 8. CASES REMOVED TO FEDERAL COURT

8.01 In all cases removed to the Federal District Court from the Circuit Court of this district, costs shall follow the costs as taxed in the Federal District Court. It shall be the responsibility of the party removing the case to Federal Court to advise the clerk of the court from which the case was removed as to the final disposition of the case. If the clerk is not notified within a reasonable time after final disposition of the case in Federal Court, costs will be taxed to the removing party.

RULE 9. PREPARATION AND PRESENTMENT OF ORDERS

9.01 All judgments and orders shall be tendered for entry within fifteen (15) days after the decision or ruling by the Court; all orders must contain thereon the docket number. Unless the Court directs otherwise, it shall be the initial duty of the prevailing party or the prevailing party's counsel to prepare the judgment or order and to submit it to all other parties or counsel for approval. In the event that there is no response thereto, or the parties or counsel do not agree upon a proposed judgment or order, any party may serve a proposed judgment or order on all other parties or counsel with notice thereon of a hearing for entry of the judgment or order, which hearing shall be set through the judge's administrative assistant. Any other party or counsel may tender a proposed judgment or order to the Court with the signature of that party or counsel together with the certificate of that party or counsel that a copy of the proposed judgment or order has been served on all other parties or counsel.

9.02 All orders or judgments requiring court approval shall be sent to the assigned judge, along with two envelopes, postage paid. One envelope shall be addressed to the clerk of the court for direct filing, and the other envelope shall be addressed to the attorney sending the original order or judgment, to whom the clerk shall send a filed copy of the order or judgment. All orders or judgments sent to the judge will be returned only to the clerk and not the attorney.

RULE 10. ATTORNEYS - WITHDRAWAL - SETTING FEES

10.01 (a) Withdrawal - No attorney may be allowed to withdraw and leave a party without counsel without leave of the court on proper motion being filed and the reasons being set forth therein with a notice to said party. No attorney shall be allowed to withdraw at any time within thirty (30) days prior to the date set for trial, unless it is clearly shown that justice demands the withdrawal.

(b) Setting Attorney Fees - Whenever it is necessary for the court to fix fees of attorneys, such attorneys shall file a statement of time spent on the case and a suggestion of the amount of a proper fee.

RULE 11. DOMESTIC RELATION CASES

11.01 Unless otherwise ordered by the Court, all Domestic Relations cases must go to *Mediation prior to trial.*

11.02 Designation of Parties:

In the complaint, answer, and other pleadings it is requested that the parties or counsel avoid such terms as plaintiff, defendant, counter-plaintiff, and counter-defendant, using instead such easily understood references to parties as husband and wife.

11.03 In all contested divorce cases, both parties shall file sworn financial statements subject to such protective orders as may be applied for and granted.

Policy - The failure to file the information required by the preceding rule, in whole or in part, without just cause will create a presumption that the other party's statements regarding whatever information is not supplied are true and that his/her request is valid.

11.04 In all pendente lite hearings and contested divorce cases, the parties shall file with the clerk, with a copy furnished to opposing party or counsel, at least seven (7) days before the hearing, the following:

(a) A copy of the previous year's tax return, regardless of whether the returns were filed individually or jointly.

If a party's tax return has not been filed, a copy of all of the documents that reflect all of the income received from whatever source by either party for the previous year.

- (b) A copy of the documents that reflect all of the income received from whatever source by either party from January 1 of the year of the hearing to the date of the hearing.
- (c) A financial affidavit setting forth the parties actual or estimated necessary monthly expenses, their total monthly gross income from all sources, their assets and liabilities from the date of the affidavit to the date of the trial. (Contact your local Circuit Court Clerk for a sample form)

11.05 Parenting Issues:

In cases involving minor children, all parties will comply with the provisions and procedures set out in the Tennessee Parenting Plan Act, T.C.A. § 36-6-401 et seq., as follows:

- (a) All divorcing parents with minor children are mandated to participate in the “Parenting Plan.”
- (b) The provisions of T.C.A. § 36-6-401 et seq. shall apply to all actions involving custody and support of minor children.
- (c) Within thirty (30) days of filing any action involving custody and support of minor children, both parents shall attend a parenting education seminar sanctioned by the Courts of at least four (4) hours duration and shall be required to file with the Court a Certificate of Attendance.
- (d) The plaintiff/petitioner shall file with the Complaint or Petition an “Agreed Parenting Plan” defined in the Act (the forms are included in the Parenting Plan package). If no agreement has been reached, a “Proposed Parenting Plan” of the plaintiff/petitioner shall be filed.
- (e) The defendant/respondent shall, if no agreement has been reached, file with their Answer to the Complaint or Petition a “Proposed Parenting Plan.”
- (f) Unless a party has sworn upon oath that the conduct specified in T.C.A. § 36-6-406 exists, **disputes over the Parenting Plan shall first be addressed by mediation.**

11.06 Pendente Lite Hearings/Temporary Hearings: (See Rule 11.04)

All pendente lite hearings/temporary hearings shall be heard upon the filing of a motion.

- (a) All motions seeking temporary support shall be limited to oral argument by counsel, or any party who is unrepresented, and only in exceptional cases, as

determined by the Court, will the Court hear proof from a party or any witness(es).

- (b) Counsel shall give the other party or adverse counsel at least five (5) days' notice by motion of any intent to request that the Court hear testimony by reason of exceptional circumstances and said motion shall set forth the asserted exceptional circumstances.
- (c) Counsel shall advise the Court of any case in which a motion has been filed requesting the Court to hear proof, and the case will be set on a civil motion day. Every effort will be made to limit temporary support hearings to a maximum of thirty (30) minutes.

RULE 12. VERDICT FORMS - CIVIL CASES

12.01 Verdict forms in all civil cases are to be prepared by the attorneys and submitted to the Court no later than the commencement of the trial. The attorneys should first attempt to agree upon a verdict form and if unable to do so shall submit separate forms.

RULE 13. NOTICE IMMEDIATELY UPON SETTLEMENT

13.01 If a case is set for trial and the parties subsequently reach a settlement, the parties shall give immediate notice of the settlement to the clerk and Judge by emailing the Judge's judicial assistant and shall promptly file an Agreed Order. Strict adherence to this requirement will allow the court to better plan for the trial of other pending cases.

RULE 14. CONDUCT OF COUNSEL

14.01 Counsel shall refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when absolutely necessary to protect the interest of the client, and should respectfully await the completion of the courts statement or opinion before undertaking to point out objectionable matters.

14.02 No attorneys, parties, or witnesses shall engage in any conversation or conduct with any trial juror until his or her term of service has expired.

14.03 During presentation of matters in open court, counsel shall refrain from addressing opposing counsel, but direct all comments and questions to the court.

RULE 15. WITNESSES

15.01 (a) Subpoenas

Subpoenas for potential witnesses by all parties shall be issued not less than seven (7) days prior to the date of trial for witnesses within the county, and not less than

ten (10) days for out-of-county witnesses, except expert witnesses should be disclosed not less than thirty (30) days prior to trial

(b) Issuance of Subpoenas

Upon issuance of subpoenas, the issuing party shall supply the other party a list of said subpoenaed witnesses.

(c) Witness List

In all cases, each party shall exchange a list of their witnesses no later than seven (7) days before trial, except expert witnesses shall be disclosed no later than thirty (30) days before trial.

RULE 16. DORMANT CASES; DOCKET CALLS

16.01 Dismissal of Dormant Cases:

To expedite cases, the Court may take reasonable measures to purge the docket of old cases where the cases have been dormant without cause shown for an extended time. The Court may also set special docket soundings for the purpose of setting cases or dismissing dormant cases without good cause shown. Whenever a cause has remained on the docket for twelve (12) months or more without steps being taken by the plaintiff to dispose of the cause, the opposing parties shall be entitled, upon motion with service to all parties, to request the court for a dismissal of the cause without prejudice at plaintiff's cost. The Court may also, on its own motion, dismiss the case.

16.02 Notice of Entry Required:

If the case is dismissed pursuant to this Rule, the Clerk shall mail a copy of the order dismissing the case for lack of prosecution to attorneys of record and to each unrepresented party.

For all purposes of sending notice and copies of orders pursuant to this Rule, the Clerk shall use the mailing address for the attorneys of record and each unrepresented party then current with the Court and shall not be responsible for further investigating the whereabouts of any party or attorney.

16.03 Additional Docket Soundings:

The Court may hold docket calls to ascertain the status of cases and set deadlines for their disposition.

RULE 17. CLERK SALES, BIDS, AND CONFIRMATION OF SALES

17.01 Clerk sales shall be conducted in accordance with the applicable statute.

RULE 18. APPEALS FROM CITY AND GENERAL SESSIONS COURT

18.01 Any party appealing a judgment of City Court or General Sessions Court to Circuit Court shall have the duty to notify all parties in the City Court or General Sessions action of the filing of the appeal and shall serve a copy of the Appeal Bond with the Notice of Filing of Appeal. Any appeals made without proper security and after having reviewed the entire file, including the bond required, shall be dismissed by the Court *sua sponte*. The clerks are directed to bring defects to the attention of the judge assigned to the case.

18.02 Appellant shall have 45 days from the date of filing of the appeal within which to obtain a trial date setting the cause for hearing in the Division to which it is assigned. If the appellant fails to obtain a trial date within this 45-day period, an Order may be entered making the judgment of the City Court or General Sessions Court that of the Circuit Court, with costs taxed against the appellant. The case does not have to be tried within 45 days of the date of appeal as long as a date certain for trial is obtained by the Appellant within 45 days of the date of the appeal. This time limitation may be extended only for good cause and in the discretion of the Judge.

At the time the appeal is perfected, the Clerk shall give the appellant or appellant's attorney written notice of this Rule.

The signature of an attorney or a party to an appeal from City Court or General Sessions Court shall constitute a certification under Tenn. R. Civ. P. 11.

18.03 The clerks are directed to familiarize themselves with proper procedure required by statute to accept the filing of an appeal, including the requirements specified for proper bond.

RULE 19. INTERROGATORIES AND REQUESTS FOR ADMISSION

19.01 When answering interrogatories and requests for admissions, same shall be numbered and the replying party shall, as a part of his answer, set forth immediately preceding the answer, the questions or the request made in the same numerical sequence.

19.02 No party shall serve on any other party more than thirty (30) interrogatories without leave of the Court. For purpose of this Rule, a sub-part of an interrogatory shall count as an additional interrogatory. Any motion seeking permission to serve more than thirty (30) interrogatories shall set out the additional interrogatories the party wishes to serve, together with the reasons establishing good cause for the service of additional interrogatories. If a party is served with more than thirty (30) interrogatories without the order of the Court, said party shall respond only to the first thirty (30).

RULE 20. PRE-TRIAL PROCEDURE FORMS, WORKSHEETS AND BRIEFS

20.01 In all actions set for trial on the merits, at least seven (7) days prior thereto:

(a) The names and addresses of witnesses (other than impeachment and rebuttal witnesses) shall be furnished to opposing counsel.

(b) Copies of all exhibits which are proposed to be offered (other than impeachment or rebuttal exhibits) shall be furnished to opposing counsel.

(c) Depositions to be used as evidence (other than for impeachment) shall be filed with the clerk and a copy furnished to the judge.

(d) Should the Court require the filing of pre-trial briefs, counsel shall file pre-trial briefs by filing the original with the clerk and then delivering a copy to the judge by email to the judge's judicial assistant or by other method specifically authorized by the judge assigned to the case. Counsel shall inquire with the judge's office upon the setting of the case for trial to determine if the filing of a pre-trial brief is required by the judge assigned to the case.

RULE 21. PROCEDURE FOR MOTIONS FOR SUMMARY JUDGMENT AND MOTIONS TO DISMISS

21.01 All Motions for Summary Judgment and Motions to Dismiss shall be controlled by Rule 56.04 of the Tennessee Rules of Civil Procedure. A copy of all motions and responsive pleadings filed shall be forwarded to the judge's office who will be hearing the case within the time prescribed in Rule 56.04 of the Tennessee Rules of Civil Procedure.

The Court will not consider any additional pleadings on the issue after the filing of the Motion and the Response to the Motion.

RULE 22. MEDIA

22.01 The photographing, recording, broadcasting, or televising of any judicial proceeding is controlled by the media guidelines and rules set forth in Tennessee Supreme Court Rule 30. This rule is hereby incorporated by reference.

RULE 23. CONTEMPT FILINGS PROCEDURES

23.01 In any case in which contempt of court is at issue and incarceration is being sought, words indicating same in unambiguous terms shall be typewritten, or printed in capital letters on the first page of the lead pleading opposite the style of the case and above the space for the case number, i.e., **“INCARCERATION REQUESTED”**. See Tenn. Sup. Ct. R. 13 requiring notification of the right to appointed counsel.

In the event the defendant/respondent files an affidavit of indigency and requests the appointment of an attorney and should the Court determine that the defendant/respondent is indeed indigent and incarceration is being sought, the Clerk is hereby authorized to and directed to contact an attorney who can accept the appointment to represent the defendant/respondent for the proceeding. No attorney shall be exempt for such appointment, unless the attorney has a conflict of interest. Such appointment shall be made upon a rotational basis, when possible, among members of the local bar.

It is Ordered and Adjudged that the Rules shall become effective this 1st day of April, 2026.


Carter S. Moore, Circuit Judge, Part I


James L. Gass, Circuit Judge, Part II


Jeff D. Rader, Circuit Judge, Part III


Jeremy D. Ball, Circuit Judge, Part IV


Adrienne Waters Ogle, Part V