

**IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE**

**STATE OF TENNESSEE, EX.REL., )  
COTY WAMP, )  
DISTRICT ATTORNEY GENERAL, )**

**DOCKET NO.: 314758**

**vs. )  
)  
)**

**THE LODGE OF CHATTANOOGA, )  
LLC, d/b/a BUDGETEL INN AND )  
SUITES, 1410 N. MACK SMITH ROAD )  
EAST RIDGE, TENNESSEE 37412 )**

**MOTION TO INTERVENE**

Come Robert Morgan, Tisha Morgan, Nancy Harrington, Dennis Harrington, Sheila Austin, George Austin, Crystal Scealf, LaShawnda Bert, Jesse Jones, Edna Bryant, Greta Mitchell, LaKeisha King, Edith Taylor Bankston, Michael Webb, Amanda Bell, Tammy Rogers, Bryan Rogers, Misty Rogers, Michael Talent, Matthew Redigo, Leo Davis, Horacio Houston, Jr., Glenn Rodrekus, Sr., Oscar Jackson, Tyler Morris, Tracy Myers, Paul Bennett, Danielle Rivera, Phillip Riley, Carry Riley (Wright), April Floyd, Amanda Hixson, Lester Hixson, Jr, Laiya Davis, Allen Estrada, Eric Bradwell, Keith Thompson, Tabitha Wynos, Jody Stanley, Cynthia Jones, Gary Jones, Brady Thatcher, Hortencia Mccollum, Casey West, Jennifer Brown Brock, Kristin Shall, Scott Payne, Mallori Wilson-Smith, Crystal Billups, Antione Hamilton, Michelle Pantages, Jimmy Roach, Natasha Roach, Kaly Snyder, Ely Dunn, Catherine Brown, William Shalchick, Kaylin Boyd, Joseph Duffey, Ruby Williamson, James Jarmagin, Christina Jarmagin, Jocelyn Crabtree, Arthur David Tatum, Julie Caldwell, Shannon Wright, Malik Woods, Kathryn Brown, Jade Thacker, Coy Hollis, Alisha Watts, Christian Watts, Sandi Hackler, and Tyler

Bennett and pursuant to Tennessee Rule of Civil Procedure 24.02, move to intervene in the above entitled action.

The court issued a Temporary Injunction/Restraining Order in this case on or around the 14<sup>th</sup> day of November, 2022. A copy of that document is appended to this Motion as Exhibit A. The Temporary Injunction/Restraining Order was based upon the Verified Petition for Abatement of Nuisance filed with this court on or around the 14<sup>th</sup> day of November, 2022. A copy of said Verified Petition for Abatement of Nuisance is appended to this Motion as Exhibit B.

Police officers enforced the Order referenced above and ordered all residents at Budgetel Inn and Suites to immediately abandon their apartments or they would be arrested and taken to jail. The police officers were repeatedly requested to show the residents a court order and/or show under what authority they acted. The residents' requests were never honored.

The persons requesting an intervention in this case were put out of their rented apartments, along with tenants in a total of 336 units and in most all cases made homeless. The vast majority of the tenants had pre-paid their rent and were legally entitled to their apartments for days if not weeks after being dispossessed from their homes. Many tenants had good jobs which were lost because of the court order.

In crafting and executing said Temporary Injunction/Restraining Order, no effort was made to separate the residents who had committed law violations alleged in the Petition from those who were innocent of any such violations. All of the movants in this Motion allege they are innocent of the law violations alleged in the Petition.

To this date over eighty persons have requested to be included in this intervention. At the present time none of the innocent residents of Budgetel have been even mentioned in the petition and are not parties to the case so they can seek to protect what rights they have to protect.

The moving parties were not given any prior notice of the order to move out of their rooms.

The order of the court in this case violated procedural due process of law as guaranteed to the innocent residents of Budgetel by the 14<sup>th</sup> Amendment of the United States Constitution and Article I, Section 8 of the Constitution of the State of Tennessee.

The Order of the court in this case violated substantive due process of the law as guaranteed to the innocent residents of Budgetel by 14<sup>th</sup> Amendment of the United States Constitution and Article I, Section 8 of the Constitution of the State of Tennessee.

This court lacked jurisdiction over the person of the innocent parties who are moving to intervene. Despite this lack of jurisdiction, the court substantially impaired the rights of the innocent tenants at Budgetel. This Court also lacked subject matter jurisdiction to affect the rights of persons not parties to any nuisance.

The innocent tenants at Budgetel had a right under the law to have exclusive possession of their apartment. This right was violated by the court order which evaded the Forcible Entry and Detainer Provisions of TCA 29-18-101, et seq, providing the only legal means of evicting tenants and the Uniform Residential Landlord and Tenant act in Chapter 28 of Title 66 of Tennessee Code annotated.

The Courts Order violated article I Section 10 of the United States Constitution which makes it illegal for the States to impair The Obligation of Contracts. This was done by allowing

The Lodge of Chattanooga, LLC to get out of its contracts with innocent tenants who had paid rent.

The Tennessee code provision providing for an Order of abatement of a nuisance (TCA 29-3-110) does not authorize the court to alter the rights of persons who had no role in creating a nuisance.

The courts order violates the 8<sup>th</sup> amendment to the United States Constitution as incorporated to the 14<sup>th</sup> Amendment of the United States Constitution, against cruel and unusual punishment.

The court had no right to affect the rights of innocent parties, like the moving parties because TCA 29-3-103 does not allow a nuisance action against innocent parties.

The court order violated the equal protection of law provision of the 14<sup>th</sup> Amendment of the United States Constitution in that it treated differently situated persons in a similar manner.

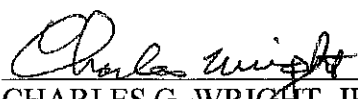
The Court's order violated the Fourth and Fourteenth amendments to the U.S. constitution because under Payton v. New York, 445 U.S. 573 (1980), police officers must have an arrest warrant to enter a person's home. There was no such warrant in this case.

The persons named above as being represented by the undersigned attorney ask the court for the following:

1. That they be allowed to intervene in this action to defend what remains of their interests in this action.

2. That the persons who assert they are innocent of committing actions that constitute a nuisance, be allowed to intervene in this action as a class action pursuant to Rule 23 of the Tennessee Rule of Civil Procedure.

ENTERED this ~~20th~~ day of November, 2022.

  
CHARLES G. WRIGHT, JR.  
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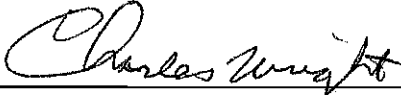
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing **MOTION TO INTERVENE** has been served upon the following by first class mail at the address and number listed below.

Coty Wamp, District Attorney General  
600 Market Street, Ste 310  
Chattanooga, TN 37402

The Lodge of Chattanooga, LLC  
National Registered Agent, Inc – 300 Montvue Rd  
Knoxville, TN 37919-5546

THIS 20<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
CHARLES G. WRIGHT, JR.