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**COURT OF APPEALS FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

ROBIN M. McNABB,

Appellant/Plaintiff,

v.

**No. E2025-01097-COA-R3-CV
Loudon County Chancery Court No. 12997**

GREGORY H. HARRISON,

Appellee/Defendant.

**RESPONSE TO MOTION FOR EMERGENCY STAY OF
TRIAL COURT JUDGMENT PURSUANT TO
TENN. R. APP. PRO. 7 AND TENN. R. CIV. PRO. 62.08**

Comes the Appellee, Gregory H. Harrison, *pro se*, and in response to the Motion for Emergency Stay of Trial Court Judgment pursuant to Tenn. R. App. Pro. 7 and Tenn. R. Civ. Pro. 62.08, would respectfully show unto this Honorable Court as follows:

A. T.R.A.P. 7

1. That Appellant, Robin M. McNabb, filed her Motion For Emergency Stay of Trial Court Judgment with this Court on August 1, 2025.
2. That prior to the above filing, Appellant filed her Motion For Stay of Judgment Pending Appeal with the Trial Court on July 17, 2025. It should be noted that the Trial Court did not enter the subject Final Order until July 18, 2025. **(See Exhibit C as filed by Appellant)**
3. That Rule 7(a) of Appellate Procedure is titled **“Review of Stay Order”** and there has not been an order of stay entered. Moreover, the Rule provides in pertinent part as follows:

As a prerequisite to review, a written motion for the relief sought on review shall first be presented to the trial court unless a motion in the trial court is not practicable.

4. That the original Motion For Stay as filed in the Trial Court by Appellant has never been docketed or heard by the Trial Court and Appellant fails to show how the hearing of such Motion by the Trial Court would be impracticable. Therefore, the Motion pending before this Court is premature at best.

B. CONSTITUTIONALITY OF PUBLIC CHAPTER 487/T.C.A. §16-18-2

5. That the statute in question and as cited by Appellant as “**Exhibit B**” to her Emergency Motion provides in pertinent part as follows:

(a) a municipal judge... who is qualified for such office under the laws and interpretations in effect at the time of such election or appointment, shall not be disqualified or removed from office due to a residency requirement during the term of office to which the municipal judge was elected or appointed.

(b) ... he shall be deemed a de facto officer whose acts, judgments, and decisions are valid and biding during the completion of his term.

(c) The residency requirements.... shall apply prospectively and shall be enforced beginning with the next regularly scheduled election for any affected municipal judgeship after the effective date of this act.

6. Appellee was elected to the municipal judgeship of Lenoir City, Tennessee on August 4, 2022 “under the laws and interpretations in effect at the time of the election” with such term of office not expiring until August 31, 2030.

7. In conjunction with the above statute and consideration of the Tennessee Supreme Court ruling, Appellee “shall be deemed a de facto judge” and his actions while serving shall be deemed valid and the Supreme Court decision shall be applied “prospectively.”

8. Through paragraph twenty (20) of her pleading, Appellant argues that the State Legislature cannot “override” the Supreme Court’s interpretation of the Constitution. However, she does not mention that the legislature does have the power to discern how such interpretation shall be implemented. By passage of this law, it has now done so.

9. Despite the above, Appellant has failed to file a pleading with the Trial Court challenging the constitutionality of the statute and therefore the issue of its constitutionality has never been heard by the Trial Court. **(See Final Order at paragraph 7 and section D of Court findings and referenced as Exhibit D to Appellant’s Motion)**

10. That Appellant simply mentions that the subject statute in her opinion is unconstitutional and therefore such speculation requires emergency relief from this Court. This is not the standard procedure followed by this Court in reviewing such a claim.

11. Additionally, Appellant alludes in paragraph eleven (11) of her Motion that the Trial Court refused to consider the constitutional issue of the statute. However, and as provided by the Trial Court, the issue was never raised.

12. Ultimately, Appellant urges this Court issue an emergency stay based upon the mere hope that the statute is unconstitutional and without the issue ever being presented to a court of competent jurisdiction for determination.

C. EMERGENCY STAY

13. Appellant presents through paragraph sixteen (16) of her Motion that there is an “urgency” for the granting of this requested stay. However, her reasoning is that this Court should prevent the elected official (Appellee) from serving in the capacity for which he was elected.

14. There has been no illustration of harm to be caused by allowing Appellee to continue to serve as Judge in the same capacity he has served since his election.

15. Contrary to Appellant's assertions, Appellee has never voluntarily ceased to serve or acquiesced in being replaced as Judge of Lenoir City.

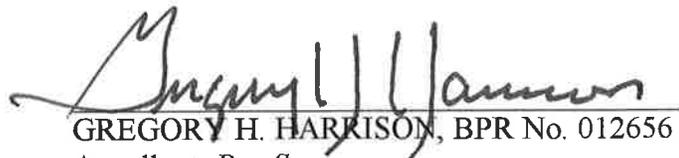
16. The only person to be damaged is Appellee. Appellant fails to bring to the attention of this Court that other judges in this state and similarly situated to Appellee have continued to serve in their positions without delay or interruption. Thus, the granting of this alleged emergency would cause damage to Appellee that would not be endured by others in his situation.

17. In essence, the granting of an Emergency Stay would prohibit Appellee from serving in the position he was elected to by the citizens of Lenoir City, Tennessee, and the citizens of Lenoir City would also be denied having their elected official of choice to serve.

18. The Appellant fails to show what harm would be caused to her or the City of Lenoir City if her request is denied. She mentions in paragraph twenty-five (25) of her Motion that failure to grant a stay would directly disrupt the status quo when in fact the opposite is true.

WHEREFORE, Appellee prays that the Motion For Emergency Stay be denied with costs taxed to Appellant.

Respectfully submitted this the 4th day of August, 2025.

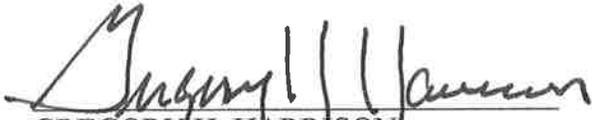


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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been sent to the party listed hereinbelow by placing same in the United States mail, postage prepaid, or emailed this the 4th day of August, 2025.

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GREGORY H. HARRISON