

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

THE ESTATE OF AMOS MATTHEW	)	
FRERICHS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:16-cv-693-TAV-CCS
	)	
KNOX COUNTY, TENNESSEE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral order [Doc. 15] of the Chief District Judge.

Now before the Court is the State of Tennessee’s Motion to Intervene to Defend Constitutionality of State Statute and For Enlargement of Time to File a Motion to Dismiss [Doc. 14]. The Motion requests that the State of Tennessee intervene in this action for the limited purpose of defending the constitutionality of Tennessee Code Annotated § 29-20-113. The Motion explains that the Plaintiff served the State of Tennessee with his Complaint, which, in part, challenges the constitutionality of Tennessee Code Annotated § 29-20-113. The Motion submits that the State is entitled to intervene in this action pursuant to 28 U.S.C. § 2403(b). In addition, the Motion states that the parties do not object to the limited intervention by the State. Finally, the Motion requests ten days to file a motion to dismiss.

In the present matter, the Plaintiff has challenged the constitutionality of a Tennessee statute, Tennessee Code Annotated § 29-20-113. Pursuant to 28 U.S.C. § 2403(b):

In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a

party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

Accordingly, the Court hereby **GRANTS** the State of Tennessee's Motion to Intervene to Defend Constitutionality of State Statute and For Enlargement of Time to File a Motion to Dismiss [Doc. 14]. The State of Tennessee **SHALL** be permitted to intervene in this action for the limited purpose of litigating the constitutionality of Tennessee Code Annotated § 29-20-113. The State of Tennessee **SHALL** file its motion to dismiss within ten (10) days of entry of this Order.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge