

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION

U S BANKRUPTCY COURT  
CHATTAHOOGA, TN

2004 DEC -6 P 2:23

FILED

In Re:	:	
	:	Case No.01-11696
Oliver, Ernest A.	:	
Oliver, Christine T.	:	
	:	CHAPTER 7
Debtor(s)	:	
	:	

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DEBTOR'S MOTION TO PROCEED PRO SE  
MOTION FOR TRIAL BY JURY  
MOTION FOR RECUSAL OF THE COURT  
MOTION FOR EXTENSION OF TIME TO TAKE DISCOVERY

NOW COMES Ernest A. Oliver, Debtor, Pro Se, and pursuant to Rules. 9010, 9015(a) and 5004, Federal Rules of Bankruptcy Procedure, and Rules 26, and 38(a)(b), Federal Rules of Civil Procedure, hereby dismisses Deno Cole, Esq., for cause, and hereby proceeds Pro Se in the hearing presently set for December 10, 2004.

Further, pursuant to Rule 9015(a) FRBP and Rule 38(a)&(b), FRCP, Debtor hereby demands a Trial by Jury in this case, including, but not limited to all matters stated in the Motion To Approve Compromise, filed by Trustee James R. Paris with the Court on August 6, 2004.

Further, pursuant to rule..... Debtor requests this Court recuse itself from this case.

Further, pursuant to rule . . . . Debtor requests an extension of time to take discovery of this case.

Debtor files this Motion based on the following:

On November 1, 2004, an Order was filed in this record substituting Deno Cole, Esq., and replacing C. Daniel Collins, Esq., as the attorney of record for the Debtors. Recent actions by Deno Cole, coupled with the revelation of a close, long-term personal relationship between Deno Cole and Federal Bankruptcy Judge R. Thomas Stinnett and his family, poses a conflict of interest requiring Debtor to dismiss Deno Cole as legal counsel.

Further, based on the actions of Debtors' prior legal counsel C. Daniel Collins, and the recent conspicuous lack of action by Debtors' legal counsel Deno Cole, there is strong evidence of a conspiracy between panel Trustee James R. Paris, US Trustees William Sonnenburg and Richard Clippard, and this Court, with Debtors' past and present legal counsel to defraud Debtors' creditors, violate Debtors' civil rights, and protect persons involved in a 14-year rein of organized crime in Chattanooga. It is evident from the record of the Chambers Hearing on November 28, 2004, where in the presence of James Paris, William Sonnenburg, and C. Daniel Collins, and without ever having heard evidence proving otherwise, this Court tells Debtors' legal counsel Deno Cole: "... Don't know how you're going to get around this, on the merits. ...", that this is an attempt by panel Trustee James R. Paris to force a settlement upon Debtor in order to protect all "2001

Defendants" (as defined in Mr. Paris's Motion To Approve Compromise filed with this Court).

Debtors' legal counsel, Deno Cole, has made no filings, requested no discovery, has called no witnesses to testify, and has not returned Debtor's telephone calls for at least two (2) weeks. Therefore Debtor, proceeding Pro Se, requires additional time to take discovery and prepare his case.

Support for this Motion is attached in Debtor's Memorandum of Law and Brief in Support, with attachments.

Respectfully submitted,



December 6, 2004

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Ernest A. Oliver, Debtor, Pro Se  
58 Bohr Drive, Chattanooga, TN 37415  
(423) 876-8616

PROOF OF SERVICE

The undersigned hereby certifies that a true and exact copy of this Motion to Proceed Pro Se, Motion for Trial by Jury, Motion for Recusal of the Court, and Motion for Extension of Time to Take Discovery, and Memorandum of Law and Brief in Support has been served upon all parties and/or counsel listed below by placing it in the United States Mail, addressed to said parties with sufficient postage to carry the same to its destination and also by electronic mail without Exhibits, this 6<sup>th</sup> day of December, 2004.

Mr. Bill Sonnenburg  
Assistant United States Trustee  
31 E. 11<sup>th</sup> Street, 4<sup>th</sup> Floor  
Chattanooga, TN 37402

Mr. William Foxworth  
c/o Hydro-Vac Services, Inc.  
3331 St. Elmo Avenue  
Chattanooga, TN 37409

Mr. William L. Brown  
Miller & Martin  
Suite 1000, Volunteer Building  
832 Georgia Avenue  
Chattanooga, TN 37402

Mr. Kirk Snouffer  
Chambliss, Bahner & Stophel  
Two Union Square, Suite 1000  
Chattanooga, TN 37402

Chambliss, Bahner & Stophel, P.C.  
c/o Mr. Gary Lander  
Two Union Square, Suite 1000  
Chattanooga, TN 37402

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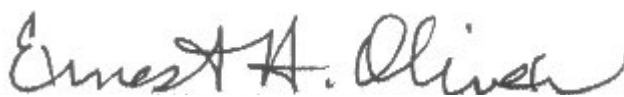
Shumacker, Witt, Gaither & Whitaker  
c/o Mr. William Colvin  
1100 SunTrust Bank Building  
736 Market Street  
Chattanooga, TN 37402-4856

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The City of Chattanooga  
c/o Mr. Randall L. Nelson  
City Attorney Office  
Nelson, McMahan & Noblett  
801 Broad Street, Suite 400  
Chattanooga, TN 37402

Strang, Fletcher, Carriger,  
Walker, Hodge, & Smith  
c/o Mr. Frederick Hitchcock  
One Union Square, Suite 400  
Chattanooga, TN 37402

This 6<sup>th</sup> day of December, 2004



Ernest A. Oliver, Debtor, Pro Se