

*In the*  
*Supreme Court of the United States*

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JUDY MORROW WRIGHT AND DAVID MORROW, JR.,

*Petitioners,*

v.

MATTHEW G. BUYER, ESQ., AND SUNTRUST BANK,

*Respondents.*

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On Petition for a Writ of Certiorari to the  
Supreme Court of Tennessee

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**Petitioners' Unopposed Motion To Delay Conference**

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## **Motion**

**COMES NOW** petitioners, Judy Morrow Wright And David Morrow, Jr. (“Movants”), and, pursuant to Supreme Court Rule 21, move the Court to postpone submission of this Petition for conference from January 7, 2022 to a date after January 7, 2022 to provide opportunity for an expedited petition for certiorari to be filed (on or before Monday, February 21, 2022) in the case related to the case which is the subject of this Petition and referenced on Petition pages v-vii and Appendix pages 43-61.

## **Memorandum In Support**

As stated on Petition page vii, the related case, when the Petition was filed, on November 9, 2021, was pending in the United States Court of Appeals for the Sixth Circuit as *In re: May 27, 2011 Order et al.*, Case No. 21-5511.

On December 1, 2021, the Sixth Circuit affirmed the district court by an opinion (Exhibit A hereto). On December 4, 2021, appellant, Judy Morrow Wright (one of the 2 petitioners in the instant Petition), filed a petition for a panel rehearing (Exhibit B hereto). On December 14, 2021, the Sixth Circuit denied the petition for a panel rehearing (Exhibit C hereto).

Judy Morrow Wright is in the process of preparing a petition to this Court for a Writ of Certiorari to the Sixth Circuit to review the December 1, 2021 decision and the December 14, 2021 order denying the petition for a panel rehearing in *In re: May 27, 2011 Order et al.*, Case No. 21-5511 (6<sup>th</sup> Cir. 2021).

The instant Petition and the forthcoming petition in *In re: May 27, 2011 Order et al.*, Case No. 21-5511 (6<sup>th</sup> Cir. 2021) involve the same dispute and the same parties (siblings) and the same estate proceeds and the same single issue with respect to two separate judges, the first of whom retired and the second of whom succeeded the retired judge in the administration of the same estate.

The single issue in the instant Petition and the forthcoming petition with respect to *In re: May 27, 2011 Order et al.*, Case No. 21-5511 (6<sup>th</sup> Cir. 2021) is whether the judges were disqualified, per *Williams v. Pennsylvania*, 579 U.S. 1 (2016), by appearances of undermined neutrality, to adjudicate the issue (whether, in Tennessee, revocable living trusts are unlawful post-death estate distribution devices).

In *In re: May 27, 2011 Order et al.*, Case No. 21-5511 (6<sup>th</sup> Cir. 2021), no claimants appeared in district court to answer or otherwise contest the claims in the complaint or appeared in the Sixth Circuit to counter or to contradict the statements of fact or otherwise contest any claims made by Judy Morrow Wright. The district court dismissed the case, *sua sponte*, with prejudice, when and while considering Judy Morrow Wright's unopposed motion for judgment on the pleadings.

From a policy standpoint, both the instant Petition and the forthcoming petition in *In re: May 27, 2011 Order et al.*, Case No. 21-5511 (6<sup>th</sup> Cir. 2021) involve the precedential effect the Court intended Williams to have,

particularly, in civil cases which are disputes between private parties involving no public officials except the judges.

The context in which the instant Petition and the forthcoming petition comes to the Court is, in the five (5) years Williams has been precedent, Williams has not gained traction, has had minimal impact on the appearance of judicial neutrality or the lack thereof, has largely been shunned by the judiciary and has had virtually no impact in reversing the downward spiral in public confidence in courts, in judges and in rule of law.

Movants respectfully contend that the Court would be better served by conferring on the instant Petition and the forthcoming petition at the same time rather than at separate times in that **(1)** both cases are, essentially, single-issue and controlled by Williams v. Pennsylvania, 579 U.S. 1 (2016) (“Williams”), **(2)** the facts largely overlap or abut in the forthcoming petition and in the instant Petition, **(3)** considering the forthcoming petition and in the instant Petition at the same time gives opportunity to assess the relevant scenario of events from beginning to the end without the necessity to retrace at a later date, **(4)** the Court may wish to consolidate the forthcoming petition and the instant Petition for a joint disposition, and, on review of the forthcoming petition, there might be enlightenment that possibly could impact the Court’s decision on the instant Petition.

Granting this motion is no prejudice to the Court or to petitioners. The respondents have waived appearance; thus, there is no opposition to this motion.

### **Conclusion**

Respectfully, Movants urge the Court to postpone submitting the instant Petition to conference until a date convenient to the Court after February 21, 2022; and, upon receipt, on or before February 21, 2022, of a forthcoming petition for certiorari in *In re: May 27, 2011 Order et al.*, Case No. 21-5511 (6<sup>th</sup> Cir. 2021), the Court submit the petitions for certiorari for conference at the same time.

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