



Outlook

Electronically Filed in TPUC Docket Room
on October 8, 2026 at 10:50 a.m.

Re: Motion to extend judgment

From Jerry Kettles <Jerry.Kettles@tn.gov>**26-00039****Date** Thu 9/10/2026 2:28 PM**To** Walker, Henry <hwalker@bradley.com>**Cc** William Novak <halnovak@whnconsulting.com>; Jim Savage <james.savage@berryschapel.com>

Thanks, Henry!

Jerry

From: Walker, Henry <HWALKER@bradley.com>**Sent:** Thursday, September 10, 2026 2:25 PM**To:** Jerry Kettles <Jerry.Kettles@tn.gov>**Cc:** William Novak <halnovak@whnconsulting.com>; Jim Savage <james.savage@berryschapel.com>**Subject:** [EXTERNAL] Motion to extend judgment

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Jerry, here is the motion to extend judgment. (Not my legal specialty but it's my understanding that such motions are routinely requested and granted.)

We are working on gathering the other information,
Henry

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**IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN**

CRAIG V. GABBERT, JR., TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 43835
	)	
BERRYS' CHAPEL UTILITY, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION TO EXTEND JUDGMENT
FOR AN ADDITIONAL TEN YEARS**

Plaintiff Craig V. Gabbert, Jr., Trustee ("Trustee") respectfully moves this Court for an Order extending the Judgement for an additional ten years, pursuant to Tennessee Rule of Civil Procedure 69.04, and states as follows:

1. On May 22, 2015, this Court entered a Final Judgment in this action in favor of Plaintiff against Defendant Berry's Chapel Utility, Inc., now doing business as Harpeth Wastewater Cooperative, in the amount of \$1,742,692.92, plus costs of the suit (the "Final Judgment"). (See Judgment, attached hereto as **Exhibit 1**).

2. The Judgment and the accrued and accruing post-judgment interest remain unsatisfied as of the date of this Motion.

3. Plaintiff has made reasonable and diligent efforts to execute the Judgement against Defendant.

4. The statutory period for the final Judgment will expire on or about May 22, 2025, as set forth in Section 28-3-110(a)(2) of the Tennessee Code Annotated.

5. Tennessee Rule of Civil Procedure 69.04 provides:

Within ten years from the entry of a judgment, the creditor whose judgment remains unsatisfied may file a motion to extend the judgment for another ten years. A copy of the motion shall be mailed by the judgment creditor to the last known address of the judgment debtor. If the judgment debtor files no response within thirty days of the date the motion is filed with the clerk of court, the motion shall be granted without further notice or hearing, and an order extending the judgment shall be entered by the court. If a response is filed within thirty days of the filing date of the motion, the burden is on the judgment debtor to show why the judgment should not be extended for an additional ten years. The same procedure can be repeated within any additional ten-year period.

6. The last known address of Defendant is 106 Mission Court, Suite 104A, Franklin, Tennessee 37067.

WHEREFORE, Plaintiff respectfully requests that this Court issue an Order extending the Judgment for an additional ten years.

Respectfully submitted,

s/ Alfonso Cuen

Glenn B. Rose (BPR #010598)
Alfonso Cuen (BPR #041389)
Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
Telephone (615) 742-6200
Facsimile (615) 742-6293
grose@bassberry.com
alfonso.cuen@bassberry.com

Attorneys for Craig V. Gabbert, Jr., Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this 13th day of March 2024.

Berry's Chapel Utility, Inc. d/b/a
Harpeth Wastewater Cooperative
106 Mission Court, Suite 104A
Franklin, TN 37067

Judgment Debtor

William L. Norton III
BRADLEY ARANT BOULT CUMMINGS, LLP
1221 Broadway, Suite 2400
Nashville, TN 37203
bnorton@bradley.com

*Attorneys for Defendant Berry's Chapel Utility,
Inc., d/b/a Harpeth Wastewater Cooperative*

s/ Alfonso Cuen

Alfonso Cuen

EXHIBIT 1

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
21ST JUDICIAL DISTRICT, WILLIAMSON COUNTY

FILED
WILLIAMSON COUNTY
CLERK & MASTER

2015 MAY 14 AM 8:44

CRAIG V. GABBERT, JR. TRUSTEE,

Plaintiff,

v.

BERRY'S CHAPEL UTILITY, INC.,

Defendant.

Case No.: 43835

ENTERED 5-22-15

JUDGMENT

The Court finds and rules as follows:

1. The Complaint was served on defendant Berry's Chapel Utility, Inc. ("BCUI") on January 26, 2015. Plaintiff Craig V. Gabbert, Jr., Trustee ("Trustee") moved for summary judgment on March 30, 2015. The Trustee submitted with his motion evidence establishing:

A. That the Trustee is the holder of an Amended Promissory Note dated April 20, 2009 in the principal amount of \$1,200,000 and issued by the predecessor to BCUI (the "2009 Note") and of a Renewal Promissory Note dated December 12, 2011 in the principal amount of \$250,000 and issued by BCUI (the "2011 Note"), both secured by the deed of trust described in paragraph 8 of the Complaint;

B. That BCUI has defaulted under the 2009 Note and under the 2011 Note;

C. That the 2009 Note and the 2011 Note were accelerated pursuant to the terms of those Notes by written notice from the Trustee to BCUI dated December 5, 2014;

D. That, as of March 30, 2015, the unpaid principal and interest balance of the 2009 Note was \$1,443,186.07, with interest continuing to accrue at \$339.94 per day, and the unpaid

STATE OF TENNESSEE
WILLIAMSON COUNTY
I, THE UNDERSIGNED CLERK & MASTER, DO
HEREBY CERTIFY THIS TO BE A TRUE COPY
OF THE ORIGINAL OF THIS INSTRUMENT
FILED IN THIS CAUSE.

CLERK & MASTER

principal balance of the 2011 Note was \$299,506.85, with interest continuing to accrue at \$44.77 per day; and

E. That both the 2009 Note and the 2011 Note provide that the borrower will pay the lender's collection-related attorney's fees and costs.

2. Consistent with the Notice of Hearing entered on March 31, 2015, the Court held oral argument on the Trustee's motion on May 8, 2015. As of the time of that hearing, BCUI had not filed an Answer or other form of responsive pleading to the Complaint. Nor had BCUI filed a response to the summary judgment motion as contemplated by Tennessee Rules of Civil Procedure 56.04 and 56.06; specifically, BCUI had not presented competent evidence of specific facts showing that there is a genuine issue for trial. BCUI had, however, filed a Motion to Hold the Case in Abeyance pending a ruling by the Tennessee Regulatory Authority on BCUI's January 16, 2014 request for a rate increase, as well as a Rule 56.07 Motion for Discovery and to Continue Consideration of Plaintiff's Motion for Summary Judgment.

3. The Court denies BCUI's Rule 56.07 Motion. BCUI has not made the showing required for relief under Rule 56.07. While BCUI has suggested that it believes it might have a basis to eventually make mismanagement allegations against two non-parties, namely John and Tyler Ring, such allegations would not give BCUI a legally viable defense in this lawsuit. In short, BCUI has not identified facts that would justify opposition to the summary judgment motion and explained the reason BCUI has not been able to present those identified facts by competent evidence in the 38 days since the motion was filed.

4. The Court also denies BCUI's Motion to Hold the Case in Abeyance. The rate BCUI may charge its customers, which is the issue properly before the Tennessee Regulatory Authority, has no bearing on BCUI's liability under the 2009 and 2011 Notes, which is the issue

properly before this Court. The Court therefore declines to postpone the outcome of this case while the Tennessee Regulatory Authority considers BCUI's pending request for a rate increase.

5. The Court finds, consistent with the above, and based on the record before it, that no genuine of material fact exists as to any material fact and that the Trustee is entitled to a judgment as a matter of law.

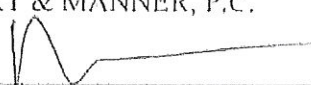
Consistent with these findings, the Court hereby GRANTS JUDGMENT in favor of the Trustee, and against BCUI, in the amount of \$1,742,692.92, *plus* \$384.71 per day from March 31, 2015 through the date this judgment is entered, *plus* \$14,433.20 in attorney's fees and costs. All court costs are taxed against BCUI.¹

IT IS SO ORDERED this 22^d day of May, 2015.


JAMES G. MARTIN, III
JUDGE

Submitted for Entry By,

HARWELL HOWARD HYNE
GABBERT & MANNER, P.C.

By: 
Glenn B. Rose (TN No. 10598)
D. Alexander Fardon (TN No. 13787)
R. Alex Payne (TN No. 31387)
333 Commerce Street, Suite 1500
Nashville, Tennessee 37201
Telephone: (615) 256-0500
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Email: gbr, daf or rap@h3gm.com

Attorneys for Craig V. Gabbert, Jr., Trustee

BK: 6500 PG: 306-308
15027528

3 PGS:AL-JUDGMENT	
391111	
07/06/2015 - 08:05 AM	
BATCH	391111
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

STATE OF TENNESSEE, WILLIAMSON COUNTY
SADIE WADE
REGISTER OF DEEDS

¹ On April 27, 2015, the State of Tennessee filed a Motion to Intervene. The State of Tennessee had not set that motion for hearing as of the May 8, 2015 hearing on the Trustee's summary judgment motion. The Court nevertheless allowed counsel for the State of Tennessee to participate in the May 8, 2015 argument. Given the Court's other findings, the Court otherwise denies the Motion to Intervene as moot.



Re: TPUC Docket 26-00039 - Berry's Chapel Rate Case - Information Request

From Jerry Kettles <Jerry.Kettles@tn.gov>

Date Wed 9/23/2026 8:53 AM

To Walker, Henry <HWALKER@bradley.com>

Cc William Novak <halnovak@whnconsulting.com>; james.savage@berryschapel.com
<james.savage@berryschapel.com>

Thank you, Henry!

Jerry

From: Walker, Henry <HWALKER@bradley.com>

Sent: Tuesday, September 22, 2026 7:42 PM

To: Jerry Kettles <Jerry.Kettles@tn.gov>

Cc: William Novak <halnovak@whnconsulting.com>; james.savage@berryschapel.com
<james.savage@berryschapel.com>

Subject: [EXTERNAL] RE: TPUC Docket 26-00039 - Berry's Chapel Rate Case - Information Request

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Dear Jerry,

You have asked for a narrative description of the origin and impact of the court judgment against Berry's Chapel dated May 14, 2014. The utility's records of these events are incomplete, and I am relying primarily on my memory and the memories of members of the board of the utility.

The judgment arose as a result of a loan and a line of credit, totaling about \$1.45 million, that the utility took from a local bank during the time when the utility was controlled by the Ring family. No payments were ever made. The bank which held the loan became insolvent. The Rings then formed a company which purchased the debt from the bank's receiver. In other words, the Rings became the owners of the loan and the utility's creditors. By then, the Rings had lost control of Berry's Chapel which had become a nonprofit, member-owned utility that is owned and controlled by its customers. The Rings called the loan and Berry's Chapel was unable (and unwilling) to pay it. The Rings then filed suit in Williamson County Chancery Court to turn the loan into a court judgment. I appeared in court on behalf of Berry's Chapel and argued that the validity of the loan was a rate-making issue and that the court should defer to the Commission as to whether the debt was valid. Through the Consumer Advocate Division, the Attorney General's office also participated in the case and asked that the court defer to the Commission.

The board members of Berry's Chapel have examined the books of the utility but have been unable to determine how the proceeds of the loan were used. In other words, the utility has no evidence that the proceeds were---or were not---properly spent on utility expenses. The Chancellor, in the absence of any evidence to the contrary, issued a judgment ordering the utility to pay the loan with interest. That judgment has remained on the utility's books since that time. The utility has attempted to resolve the matter through negotiations, but those negotiations have not been successful. The board has informed me that should the creditors try to enforce the judgment, the utility would declare bankruptcy and let the bankruptcy court decide whether the debt is valid and whether Mr. Tyler Ring could retake ownership of the utility. Any change of ownership would also require Commission approval.

I hope this is helpful. Please let me know if you have any further questions.

Henry Walker

Henry M. Walker

Partner | [Bradley](#)

hwalker@bradley.com

d: 615.252.2363

From: Jerry Kettles <Jerry.Kettles@tn.gov>
Sent: Thursday, September 10, 2026 10:36 AM
To: Walker, Henry <HWALKER@bradley.com>
Subject: TPUC Docket 26-00039 - Berry's Chapel Rate Case - Information Request

Henry,

I am working on the cost-of-capital portion of the Berry's Chapel rate case and need some information. Please send me (1) the *Plaintiff's Motion To Extend Judgment For An Additional Ten Years* that is linked in tab Debt-6 of the Confidential Attachment Workpapers that was filed with the *Petition*. I cannot extract the PDF from the link in tab Debt-6, and (2) a narrative discussing the events that led to the May 14, 2014, *Judgment* against Berry's Chapel. The record would benefit from including information on how Lynwood's indebtedness affected Berry's Chapel. I just realized that we have been working on Lynwood/BCUI issues for about 20-years. I'll place your response in the docket file.

Thanks as always,
Jerry



Jerry Kettles | Senior Policy Advisor
Tennessee Public Utility Commission

Andrew Jackson Building, 4th Floor
502 Deaderick St., Nashville, TN 37243
p: 615.770.6894 e: jerry.kettles@tn.gov

10/8/26, 10:35 AM

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