

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
February 13, 2003 Session

SHAMERY BLAIR, ET AL. v. WEST TOWN MALL

**Appeal from the Circuit Court for Knox County
No. 1-229-00 Dale C. Workman, Judge**

FILED APRIL 4, 2003

No. E2002-02005-COA-R3-CV

CHARLES D. SUSANO, JR., concurring.

I completely concur in the majority's conclusion that the material filed by West Town Mall is not sufficient to negate an essential element of the plaintiff's premises liability claim. Therefore, I agree with the majority's judgment that the trial court erred in granting the defendant summary judgment on the plaintiff's common-law claim of liability based upon actual or constructive notice of a dangerous condition. I am troubled, however, by the majority's suggestion that a garden-variety, curbside, drop-off/pick-up lane at the entrance to a shopping mall could possibly qualify as a method of operation as that concept is discussed in *Martin v. Washmaster Auto Center, U.S.A.*, 946 S.W.2d 314 (Tenn. Ct. App. 1996). I disassociate myself from any such suggestion.

CHARLES D. SUSANO, JR., JUDGE