

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 2, 2003 Session

JACK H. PARKS v. CHUCK RICH

Appeal from the Circuit Court for Washington County
No. 20979 Jean A. Stanley, Judge

FILED APRIL 30, 2003

No. E2002-02014-COA-R3-CV

Jack H. Parks sued Chuck Rich, the owner of an apartment complex. Parks initially complained of a back injury resulting from his jumping off a first floor balcony railing, and irritation to his body caused by a bug spray applied in his apartment unit, both of which incidents occurred at the complex. The trial court granted the defendant's motion for summary judgment. The plaintiff appeals, contending that summary judgment is not appropriate with respect to the bug spray matter and that the trial court erred with respect to certain discovery matters. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court
Affirmed; Case Remanded**

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which HOUSTON M. GODDARD, P.J., and HERSCHEL P. FRANKS, J., joined.

Jack H. Parks, Johnson City, Tennessee, Pro Se.

Suzanne S. Cook, Kingsport, Tennessee, for the appellee, Chuck Rich.

MEMORANDUM OPINION

We have reviewed the record in this case. Our *de novo* review persuades us that summary judgment for the defendant is warranted by the record before us. See *Warren v. Estate of Kirk*, 954 S.W.2d 722, 723 (Tenn. 1997). Furthermore, we find no abuse of discretion in the trial court's various rulings pertaining to discovery. See *Benton v. Snyder*, 825 S.W.2d 409, 416 (Tenn. 1992).

The judgment of the trial court is affirmed pursuant to Tenn. Ct. App. R. 10.¹ Costs on appeal are taxed to the appellant, Jack H. Parks. This case is remanded to the trial court for collection of costs assessed there.

CHARLES D. SUSANO, JR., JUDGE

¹Rule 10 of the Rules of the Court of Appeals provides as follows:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.