

**IN THE COURT OF APPEALS OF TENNESSEE  
WESTERN SECTION AT JACKSON**

**ROBERT COX, Administrator of  
the Estate of Linda Cox Johnson,  
Deceased,** )

Plaintiff/Appellant, )

vs. )

**GENERAL CARE CORP. d/b/a HCA  
REGIONAL HOSPITAL OF  
JACKSON, BEVERLYANN JETTON,  
NURSE, SHEWANNA MACKEY,  
RECEPTIONIST, and JOSEPH RAGON  
M.D.,** )

Defendants/Appellees. )

Madison Law No. C-92-245

Appeal No.  
02A01-9412-CV-00269

**FILED**

**August 8, 1996**

**Cecil Crowson, Jr.  
Appellate Court Clerk**

**ORDER**

Appellant has filed a Motion to Rehear Pursuant to Rule 39 of the Tennessee Rules of Appellate Procedure. In the Motion, Appellant contends that the Opinion of this Court was based on an incorrect application of the law. Noting that the Opinion states that neither Appellant's original Complaint or the proposed Amended Complaint allege negligence with respect to laboratory tests conducted on the deceased, Appellant asserts that he was erroneously required to state a legal theory, not simply "facts from which a legal theory can be inferred."

Rule 8.01 of the Tennessee Rules of Civil Procedure states that a pleading setting forth a claim for relief must contain "a short and plain statement of the claim showing that the pleader is entitled to relief . . . ." The original Complaint and the proposed Amended Complaint fail to state facts setting forth a claim for relief with respect to the laboratory tests.

Consequently, upon consideration, the Motion to Rehear is denied. Costs are taxed to the Appellant for which execution may issue if necessary.

Entered this \_\_\_ day of July, 1996.

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**HOLLY KIRBY LILLARD, J.**

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**W. FRANK CRAWFORD, P.J., W.S.**

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**ALAN E. HIGHERS, J.**