

**IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE**

OUTPATIENT DIAGNOSTIC CENTER,)	
)	
Plaintiff/Appellee,)	
)	
VS.)	Davidson Circuit
)	No. 94C-2264
)	
)	Appeal No.
RALPH CHRISTIAN,)	01A01-9510-CV-00467
)	
Defendant/Appellant.)	
)	

FILED
April 30, 1997
Cecil W. Crowson Appellate Court Clerk

SEPARATE CONCURRING OPINION

In view of the lack of competent evidence to support the summary judgment, I concur in the reversal and remand.

I would prefer not to include a recital of some but not all rules of law which might arise upon the pleadings and evidence which might or might not be presented to the Trial Court on remand.

Respectfully submitted,

HENRY F. TODD
PRESIDING JUDGE, MIDDLE SECTION