

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

RICK HOLLOWAY, )  
 )  
Plaintiff/Appellee, )  
 )  
VS. )  
 )  
JOHN R. COLLIER, JR., )  
 )  
Defendant/Appellant. )

Maury Circuit  
No. 7188  
  
Appeal No.  
01A01-9704-CV-00153

<b>FILED</b>  November 14, 1997  Cecil W. Crowson Appellate Court Clerk
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**CONCURRING OPINION**

I concur with the court's opinion on the ground that Mr. Holloway's circumstantial evidence concerning Mr. Collier's actions does not amount to material evidence sufficient to support the jury's conclusion that Mr. Collier acted intentionally and without justification. Proof of this sort of motivation is an essential element of a claim for interference with an employment relationship, *see Forrester v. Stockstill*, 869 S.W.2d 328, 331 (Tenn. 1994), and without it Mr. Holloway's case should never have gone to the jury.

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WILLIAM C. KOCH, JR., JUDGE