

IN THE COURT OF APPEALS OF TENNESSEE
WESTERN SECTION AT JACKSON

CYNTHIA A. PHILLIPS, PAUL
PHILLIPS, JUDY WEBB, and
GLENN WEBB,)

Plaintiffs/Appellees,)

VS.)

FRANCIS PEROT,)

Defendant/Appellant,)

and)

KELLY L. PHILLIPS, by and through)
her legal guardian and parent,)
TERESA THURMAN, and TERESA)
THURMAN, Individually,)

Plaintiffs/Appellees,)

VS.)

FRANCIS CERIAC PEROT,)

Defendant/Appellant.)

Dyer Circuit No. 93-137 & 93-144

Appeal No. 02A01-9704-CV-00094

FILED

March 17, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

CONCURRING OPINION

While I concur with the opinion of the majority of the Court in this case, I respectfully submit that there is a lack of uniformity and certainty in the cases which discuss the proper ratio of additurs or remittiturs to jury verdicts. [e.g. Foster v. Amcon International Inc., 621S.W.2d 142 (Tenn. 1981); Guess v. Morrey, 726 S.W.2d 906 (Tenn.App. 1986); Anderson v. Latham Trucking Co., 728 S.W.2d 752 (Tenn. 1987)]. Perhaps the best way to reconcile this case with other similar cases is to place the emphasis on determining whether or not the additur or remittitur would result in an award not only proportionally different from the jury verdict but also substantially different in absolute terms. That is to say, verdicts of relatively small amounts of money might be granted additurs or remittiturs of greater percentages than verdicts of relatively large amounts. The verdicts in this case were modest, so that the additurs do not substantially alter the end result.

CONCUR:

Lanier, Sp. J.