

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

FILED

September 2, 1998

**Cecil W. Crowson
Appellate Court Clerk**

PLANNED PARENTHOOD OF)	
MIDDLE TENNESSEE, et al.)	
)	
Plaintiffs/Appellants,)	
)	Davidson Circuit
VS.)	No. 92C-1672
)	
DON SUNDQUIST, GOVERNOR)	
OF THE STATE OF TENNESSEE,)	Appeal No.
et al.,)	01A01-9601-CV-00052
)	
Defendants/Appellees.)	

ORDER ON PETITION FOR REHEARING

Anthony E. Trabue and Betty K. Neff have filed a Tenn. R. App. P. 39 petition for rehearing with regard to the portion of this court's August 12, 1998 opinion reversing the trial court's order awarding them \$27,600 in attorney's fees. We have carefully considered the arguments in the petition for rehearing and have again concluded that neither Tenn. R. Evid. 706(b) nor any other statute or rule provides a basis for requiring the parties to pay for the attorney's fees voluntarily incurred by court-appointed experts. Accordingly, the trial court had no authority to require the state to pay either the \$25,000 or the \$2,600 in attorney's fees it awarded to Drs. Trabue and Neff.

It is, therefore, ordered that the petition for rehearing be and is hereby respectfully denied.

HENRY F. TODD, PRESIDING JUDGE
MIDDLE SECTION

SAMUEL L. LEWIS, JUDGE

WILLIAM C. KOCH, JR., JUDGE