

IN THE COURT OF APPEALS
AT KNOXVILLE

FILED
November 23, 1998
Cecil Crowson, Jr.
Appellate Court
Clerk

C. M. REAGAN)
Plaintiff-Appellee) HAMILTON COUNTY
) 03A01-9805-CH-00173
)
)
)
v.)
) HON. R. VANN OWENS,
) CHANCELLOR
TROY MALONE, SANDRA MALONE)
and DAN CONNELLY)
)
Defendants-Appellants) AFFIRMED AS MODIFIED
) and REMANDED

MARVIN BERKE OF CHATTANOOGA FOR APPELLANT DAN CONNELLY

SCOTT N. BROWN, JR., and SCOTT A. MILLER OF CHATTANOOGA FOR APPELLEE

OPINION

Goddard, P.J.

This is an appeal by Dan Connelly from an order entered by the Chancellor pursuant to a motion by C. M. Reagan, seeking to discover assets of Mr. Connelly for the purpose of satisfying a judgment rendered in Mr. Reagan's favor.

Because the Chancellor was of the opinion that Mr. Connelly was not honoring previous orders to produce documents, he entered an order (see appendix), which is the subject of this appeal.

During oral argument in this Court, counsel for Mr. Reagan conceded that he had received all the necessary information addressed by the Chancellor's order, except the bank records from the Northwest Georgia Bank.

Counsel for Mr. Connelly conceded that he and his client would have no objection to counsel for Mr. Reagan examining the Georgia bank records provided counsel for Mr. Connelly could be present when they were examined.

In light of the concessions on both sides, the Court vacates the order previously entered by the Chancellor, except that part of the order relating to the Georgia Bank, which will remain in full force and effect, provided counsel for Mr. Connelly has the opportunity to be present when any bank records are examined.

For the foregoing reasons the judgment of the Trial Court, as modified, is affirmed and the cause remanded for such proceedings, if any, as may be necessary and collection of costs below. Costs of appeal, as are costs below, are adjudged one-half against Mr. Reagan and one-half against Mr. Connelly.

Houston M. Goddard, P.J.

CONCUR:

Herschel P. Franks, J.

(Not Participating)
Don T. McMurray, J.