

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE  
January 5, 2011 Session

**TIMMY SYKES ET AL. v. CHATTANOOGA HOUSING AUTHORITY  
ET AL.**

**Appeal by Permission from the Court of Appeals, Eastern Section  
Circuit Court for Hamilton County  
No. 05C556 W. Jeffrey Hollingsworth, Judge**

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**No. E2008-00525-SC-R11-CV - Filed June 24, 2011**

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WILLIAM C. KOCH, JR., J., concurring.

The Court has reached a result in this case that is consistent with *Kinsler v. Berkline, LLC*, 320 S.W.3d 796 (Tenn. 2010) and *Gossett v. Tractor Supply Co.*, 320 S.W.3d 777 (Tenn. 2010). However, as reflected in Chief Justice Clark's separate opinions in both *Kinsler* and *Gossett*, I continue to believe that abandoning the *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) framework that had served Tennessee's courts well for many years in both Whistleblower Act claims and claims under the Tennessee Human Rights Act was a mistake.

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WILLIAM C. KOCH, JR., JUSTICE