

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

**IN RE: AMENDMENTS TO TENNESSEE
 RULES OF CIVIL PROCEDURE**

Filed: January 2, 2007

ORDER

The Court adopts the attached amendments effective July 1, 2007, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

RULE 4	PROCESS
RULE 12	DEFENSES AND OBJECTIONS: WHEN AND HOW PRESENTED: BY PLEADING OR MOTION: MOTION FOR JUDGMENT ON PLEADINGS
RULE 15	AMENDED AND SUPPLEMENTAL PLEADINGS
RULE 23	CLASS ACTIONS
RULE 56	SUMMARY JUDGMENT.

FOR THE COURT:

WILLIAM M. BARKER
CHIEF JUSTICE

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 4

PROCESS

[Delete the second paragraph of the Advisory Commission Comment to Rule 4.04(10).]

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 12

DEFENSES AND OBJECTIONS: WHEN AND
HOW PRESENTED: BY PLEADING OR MOTION:
MOTIONS FOR JUDGMENT ON PLEADINGS

[Delete the 1997 Advisory Commission Comment.]

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 15

AMENDED AND SUPPLEMENTAL PLEADINGS

15.01. Amendments.—

[Insert between the existing second and third sentences:]

For amendments adding defendants pursuant to Tenn. Code Ann. §20-1-119, however, written consent of the adverse party or leave of court is not required.

2007 Advisory Commission Comment

The need for the new third sentence of Rule 15.01 was highlighted by *Jones v. Professional Motorcycle Escort Service, L.L.C.*, 193 S.W.3d 564 (Tenn. 2006). Because Tenn. Code Ann. §20-1-119 allows potential comparative tortfeasors pleaded in the answer to be added to the complaint, there is no reason to trouble the trial court with permission to amend. The new language resolves an ambiguity created by the statute and the earlier version of the rule.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 23

CLASS ACTIONS

[Add the following new comment:]

2007 Advisory Commission Comment

T.C.A. §27-1-125 gives the Court of Appeals discretion to permit an appeal of a trial court's grant or denial of class action certification. Permission from the trial court is unnecessary.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 56

SUMMARY JUDGMENT

56.04. Motion and Proceedings Thereon.–

[Amend the fourth sentence to read:]

The trial court shall state the legal grounds upon which the court denies or grants the motion, which shall be included in the order reflecting the court's ruling.

2007 Advisory Commission Comment

Previously Rule 56.04 required a trial judge “upon request” to state the legal grounds for granting summary judgment. The amendment extends that principle to a denial of summary judgment. The amendment also deletes the words “upon request.”