

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
December 5, 2007 Session

FEDERAL EXPRESS v. THE AMERICAN BICYCLE GROUP, LLC

**Appeal from the Chancery Court for Knox County
No. 167644-3 Michael W. Moyers, Chancellor**

No. E2007-01483-COA-R9-CV - FILED FEBRUARY 19, 2008

CHARLES D. SUSANO, JR., J., concurring.

I concur in the majority opinion. I write separately to express my personal belief that the General Assembly should consider whether the result in this case – litigation in a county totally unrelated to the subject matter of the litigation and *essentially* unrelated to the defendant – indicates that the public policy, as expressed in the applicable statutory provisions, should be changed to avoid such a result. It occurs to me that the better policy is to exclude from the list of permissible venues in transitory actions, a county whose only connection to (1) the subject matter of the litigation *and* (2) the defendant, is the existence in the county of a defendant’s corporate-for-general hire registered agent for service of process, *i.e.*, CT Corporation or similar entities.

CHARLES D. SUSANO, JR., JUDGE