

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
November 5, 2009 Session

**CASON D. McINTURFF v. BATTLE GROUND ACADEMY OF
FRANKLIN, TENNESSEE, ET AL.**

**Appeal from the Circuit Court for Davidson County
No. 06C-3128 Randy Kennedy, Judge**

No. M2009-00504-COA-R3-CV - Filed December 16, 2009

PATRICIA J. COTTRELL, P.J., M.S., concurring.

I concur in the affirmance of the trial court's grant of summary judgment to TSSAA. I write separately to say that I do not believe that the umpires are either employees or independent contractors. Even the term independent contractors implies a relationship involving one party performing some work or a task for the other. That is simply not the situation here. TSSAA does not hire or provide umpires to officiate at games. I agree that the umpires are not agents of TSSAA in any way.

PATRICIA J. COTTRELL, P.J., M.S.