

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE
October 2, 2002 Session

**WILLIAM ROGER SHELTON v. ADS ENVIRONMENTAL
SERVICES, ET AL.**

**Appeal by Permission from the Chancery Court for Rutherford County
No. 01-3172-WC Robert E. Corlew, III, Chancellor**

No. M2002-00186-SC-R9-CV - Filed March 14, 2003

This workers' compensation case is before this court on interlocutory appeal pursuant to Rule 9 of the Tennessee Rules of Appellate Procedure. We granted interlocutory appeal in this case, as well as in the companion case of McCall v. National Health Corp., to determine whether the trial court has the authority to initiate temporary workers' compensation benefits prior to trial. In accordance with the reasoning and holding in McCall, we find that the trial court has this authority.

Tenn. R. App. P. 9; Judgment of the Chancery Court is Affirmed; Case Remanded

ADOLPHO A. BIRCH, JR., J., delivered the opinion of the court, in which FRANK F. DROWOTA, III, C.J., E. RILEY ANDERSON, JANICE M. HOLDER, and WILLIAM M. BARKER, JJ., joined.

Gordon C. Aulgur, Nashville, Tennessee, for the appellants, ADS Environmental Services and Zurich American Insurance.

Roger W. Hudson, Murfreesboro, Tennessee, for the appellee, William Roger Shelton.

OPINION

The case under submission presents the same issue that this Court addressed in its companion case, McCall v. National Health Corp., which we have just decided in a separate opinion. In McCall, we held that the trial court has the authority to initiate temporary benefits prior to trial; therefore, McCall is dispositive of the issue presented herein. Because we granted review in this case and have decided to treat it as a companion case to McCall, we now apply the rule articulated in McCall to the facts of this case.

I. Facts and Procedural History