IN THE SUPREME COURT FOR THE STATE OF TENNESSEE

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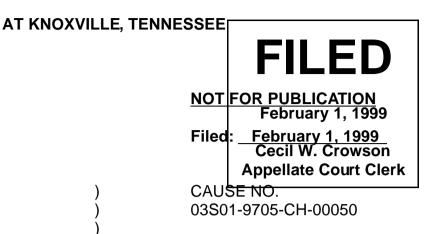
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ROBBY McCURRY

Plaintiff/Appellee

CONTAINER CORPORATION OF AMERICA, a Division of Jefferson Smurfit Corporation

Defendant/Appellant.

P-13,742 Below

CAMPBELL CHANCERY

ORDER

The appellee, Robby McCurry, filed a second motion to rehear on December 28, 1998, petitioning this Court to reconsider our decision in the above styled case. The appellee filed this petition without first seeking permission from this Court as prescribed in Rule 39(f) of the Tennessee Rules of Appellate Procedure. Accordingly, the motion is not well taken.

Nevertheless, we have considered the appellee's motion and conclude that it is without merit.

It is, therefore, ordered that the motion to rehear is denied.

PER CURIAM

Drowota, Birch, Holder, Barker, JJ.; Anderson, C.J., not participating.