

IN THE SUPREME COURT FOR THE STATE OF TENNESSEE

AT KNOXVILLE, TENNESSEE

FILED

NOT FOR PUBLICATION

February 1, 1999

Filed: February 1, 1999

Cecil W. Crowson

Appellate Court Clerk

ROBBY McCURRY)
)
Plaintiff/Appellee)
)
CONTAINER CORPORATION OF)
AMERICA, a Division of)
Jefferson Smurfit)
Corporation)
)
Defendant/Appellant.)

CAUSE NO.
03S01-9705-CH-00050

CAMPBELL CHANCERY
P-13,742 Below

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.