

**SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
Grants & Denials List**

Monday, August 8, 2011

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
NONE				
<u>Knoxville</u>				
Richard Newkirk Wilder v. Theta Chapter of Sigma Nu Fraternity E2011-00615-SC-R9-CV	Hamilton County Circuit Court Judge W. Neil Thomas, III No. 07C755	Susano, J., Swiney, J., McClarty, J., Rule 9 Denied	Rule 9	Granted and Remanded to Court of Appeals - Application of Theta Chapter of Sigma Nu Fraternity (Order filed 8-5-2011; copy attached)
<u>Jackson</u>				
NONE				

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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Wade Tyler M2009-01762-SC-R11-CD	Rutherford County Circuit Court Judge Don Ash No. F-61026	Smith, J., Affirmed and Remanded	Rule 11	Denied - Application of Wade Tyler (Order filed 8-5-2011)
<u>Knoxville</u>				
Terry D. Sneed v. State of Tennessee E2010-00323-SC-R11-PC	Johnson County Circuit Court Judge R. Jerry Beck Nos. 4285 and 4304	Witt, J., Affirmed	Rule 11	Denied - "Motion for Rehearing in the Alternative Motion to Reconsider" of Terry D. Sneed (Order filed 8-8-2011)

Jackson

Rodney Laron Thomas v.
State of Tennessee
W2010-01487-SC-R11-PC

Henderson County Circuit
Court
Judge Roy B. Morgan
No. 07-063-1

Williams, J.,
Appeal
Dismissed

Rule 11

Dismissed - Application of Rodney Laron
Thomas

(Order filed 8-3-2011)

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

**RICHARD NEWKIRK WILDER v. THETA CHAPTER OF
SIGMA NU FRATERNITY**

**Circuit Court for Hamilton County
No. 07C755**

No. E2011-00615-SC-R9-CV - Filed August 5, 2011

ORDER

Richard Wilder was injured at a fraternity party at the University of Alabama in September 2004. He sued the Theta Chapter of Sigma Nu Fraternity (“Theta Chapter”) in the United States District Court for the Northern District of Alabama. In June 2007, he filed a second suit against Theta Chapter in the Circuit Court for Hamilton County. In July 2007, Theta Chapter filed a motion to dismiss this complaint for lack of personal jurisdiction.

On March 10, 2010, the trial court denied Theta Chapter’s motion to dismiss for lack of personal jurisdiction. On March 11, 2011, the trial court granted Theta Chapter permission to pursue a Tenn. R. App. P. 9 interlocutory appeal from its denial of the motion to dismiss. On April 19, 2011, the Court of Appeals filed a brief order denying Theta Chapter’s application for an interlocutory appeal after concluding that “this is not an appropriate case for us to exercise appellate review of the trial court’s order.”

On May 19, 2011, Theta Chapter filed a Tenn. R. App. P. 11 application for permission to appeal from the Court of Appeals’ denial of its Tenn. R. App. P. 9 application. Based on Theta Chapter’s Tenn. R. App. P. 11 application and Mr. Wilder’s answer to the application, we have concluded that the Court of Appeals erred by declining to grant Theta Chapter’s Tenn. R. App. P. 9 application seeking review of the trial court’s denial of Theta Chapter’s motion to dismiss the complaint for lack of personal jurisdiction.

Accordingly, we grant Theta Chapter’s application for permission to appeal and remand the case to the Court of Appeals with directions to obtain a record of the proceedings relevant to the jurisdictional issue and, based on this record, to address whether the trial court erred by denying Theta Chapter’s motion to dismiss for lack of personal jurisdiction in light of *Goodyear Dunlop Tires Operations, S.A. v. Brown*, ___ U.S. ___, 2011 WL 2518815 (U.S. June 27, 2011) and *Gordon v. Greenview Hospital, Inc.*, 300 S.W.3d 635 (Tenn. 2009).

The costs of this appeal are taxed to Richard Newkirk Wilder for which execution, if necessary, may issue.

PER CURIAM