

**IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE**

PAUL KEVIN NELSON,)	
)	
Plaintiff/Appellee,)	
)	Davidson Circuit
)	No. 96C-1861
VS.)	
)	Appeal No.
)	01A01-9703-CV-00137
THE APPLICATION GROUP, INC.,)	
)	
Defendant/Appellant.)	

CONCURRING OPINION

I concur with the court’s conclusion that The Application Group, Inc. is entitled to Tenn. R. Civ. P. 60.02(1) relief under the facts of this case. However, I have prepared this separate opinion to state that I do not concur with the court’s sweeping conclusion that “Rule 60.02(1) relief should be granted when the lawyer realizes his [or her] oversight and takes steps to correct it.” I know of no precedent for the notion that efforts to correct an error, by themselves, are always enough to entitle a lawyer to post-judgment relief. They are only one of the many factors to consider when engaging in the fact-intensive analysis required by Tenn. R. Civ. P. 60.02(1).

WILLIAM C. KOCH, JR., JUDGE