IN THE COURT OF APPEALS OF TENNESSEE

AT KNOXVILLE

RONALD	STEPHEN	SATTERFIELD,)	C/A	NO.	03A01	-980	5-CV-0	0162
		F	ILE	ED					
		Octo	ober 13	, 1999					
	Cecil Crowson, Jr. Appellate Court Clerk								
SR.,)						
	Plaintiff-Appellee,								
			,						
)			a	D T 0111		
v.) APPEAL AS OF RIGHT FROM THE) KNOX COUNTY CIRCUIT COURT							
)						
)						
GARY LO	ONG and)						
RICHARI	M. SMIT	ГН,)						
)	HONO	DRABL	E DAI	JE C.	WORKM	AN,
	Defen	dants-Appellant	(s.)	JUD	GE				

CONCURRING OPINION

I concur in the majority opinion authored by Judge Goddard. I write separately to disassociate myself from the following statement in the opinion: "It is well-settled...that expert opinions must be based upon a reasonable degree of certainty." I adhere to the position expressed by me in the case of *Reel v. Crawley*, C/A No. 03A01-9402-CV-00071, 1994 WL 399566 (Tenn.App. E.S., filed at

Knoxville August 2, 1994) (Susano, concurring opinion). In that case, I opined that an "expert's testimony that the nexus between an event and an injury is probable or, stated a different way, more likely than not, is all that is or should be required." Having said this, I hasten to add that I agree with the majority's conclusion that Dr. Justice's testimony was speculative and that the trial court acted within its discretion in refusing to allow it into evidence.

Charles D. Susano, Jr., J.