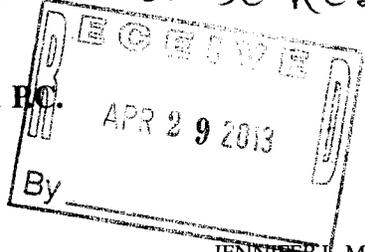


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LAW OFFICES
BALLIN, BALLIN & FISHMAN, PC.
200 JEFFERSON AVENUE
SUITE 1250
MEMPHIS, TENNESSEE 38103-2007
TELEPHONE (901) 525-6278
FACSIMILE (901) 525-6294



MARVIN E. BALLIN
LESLIE I. BALLIN
RANDALL J. FISHMAN
C. BARRY WARD
GRAY W. BARTLETT
BLAKE D. BALLIN
RICHARD S. TOWNLEY
SAMUEL M. FARGOTSTEIN
BENJAMIN D. KATZ

JENNIFER L. MILLER
PARALEGAL
B. JUNE YOUNG
PARALEGAL

BRANDY JACKSON
OFFICE ADMINISTRATOR

April 25, 2013

Michael W. Catalano, Clerk
Tennessee Supreme Court
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

Re: Tennessee Supreme Court Rule 25

To the Justices of the Tennessee Supreme Court:

I have reviewed the proposed amendment to Tennessee Supreme Court Rule 25 and wish to make the following comment.

Section 16 of the Rule regards subrogation. Section 6, Duties and Responsibilities of the Board, grants the Board authority to retain and compensate consultants, actuaries, agents, legal counsel, and other persons as necessary. Therefore, it is my thought that Section 16 regarding subrogation, should include the right to subrogate, not only for the reimbursement payment made, but also for any expenses incurred pursuant to Section 6, such that the Board may likewise recover any fees and expenses it incurred on behalf of the claimant.

Thank you for allowing the Bar to comment. I remain,

Very Truly Yours,

RANDALL J. FISHMAN

RJF/tp