

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
January 9, 2019 Session

FILED
02/15/2019
Clerk of the
Appellate Courts

ERNEST HOBBS v. RUSSELL L. LEONARD ET AL.

**Appeal from the Circuit Court for Coffee County
No. 43271 Vanessa Jackson, Judge**

No. M2018-00317-COA-R3-CV

Richard H. Dinkins, J., concurring.

In our resolution of this appeal, we hold that the General Release, which the parties executed when Case No. 2014-CV-170 settled, was not against public policy. I concur with that conclusion, under the facts presented.

My qualification is based on the fact that the release includes a prohibition on the defendants in this case “*assist[ing]*. . . the initiation by any other person or entity of any claims or demands against the RELEASED PARTIES arising from or relating to any allegations contained in the above-referenced action from the beginning of the world to the date of the Release[.]” (Emphasis added). I believe that, under the appropriate circumstance not presented here, it may be against public policy for a releasing party to agree with a released party not to assist in a legal, administrative, or regulatory proceeding involving the conduct of the released party, particularly where the releasing party has not initiated the proceeding and whose assistance may be compelled.

RICHARD H. DINKINS, JUDGE