

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE
February 2, 2011 Session

DOROTHY KING ET AL. v. VIRGINIA BETTS ET AL.

**Appeal by Permission from the Court of Appeals
Chancery Court for Davidson County
No. 06-943-I Claudia Bonnyman, Chancellor**

No. M2009-00117-SC-R11-CV - Filed on November 18, 2011

JANICE M. HOLDER, J., concurring

I concur in Parts I, II, III, V, VI, and VII of the majority opinion. I do not concur in Part IV of the opinion addressing whether federal or state procedural rules should apply to a qualified immunity defense because the issue of whether federal or state procedural law applies is not properly before this Court. See *Fayne v. Vincent*, 301 S.W.3d 162, 171 (Tenn. 2009).

JANICE M. HOLDER, JUSTICE