

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
October 21, 2014 Session

**S. W., BY HEATHER WARREN AND THOMAS C. WARREN, AS HIS
NATURAL PARENTS AND NEXT FRIENDS v. BAPTIST MEMORIAL
HOSPITAL, ET AL.**

**Appeal from the Circuit Court for Shelby County
No. CT00338012 Robert L. Childers, Judge**

No. W2014-00621-COA-R10-CV - Filed February 27, 2015

J. STEVEN STAFFORD, P.J., W.S., concurring separately.

I concur in the result reached by the majority Opinion that the trial court erred in imposing additional restrictions on Defendants' counsel with regard to the requested *ex parte* interviews in this particular case. I write separately, however, to express my concern regarding the implications of this ruling, as fully explained in my separate concurrence in *Dean-Hayslett v. Methodist Healthcare*, No. W2014-00625-COA-R10-CV, 2015 WL 277114 (Tenn. Ct. App. Jan. 20, 2015) (Stafford, J., concurring). Specifically, I agree with the majority's interpretation of Tennessee Code Annotated 29-26-121(f), and its holding that the statute, as interpreted, does not authorize the trial court to impose the additional restrictions at issue in this case. However, I have genuine concern that the practical effect of the majority's holding limits the inherent power of the trial court to both enforce its orders and protect litigants from unfair invasions of their privacy. As such, I must respectfully file this separate concurrence, in reliance on and fully incorporating my concurrence in *Dean-Hayslett*. See 2014 WL 277114, at *14-*17.

J. STEVEN STAFFORD, JUDGE