

ORAL ARGUMENT – 10/11/00
99-0557
UNDERKOFER V. VANASEK

THIS ARGUMENT IS NOT COMPLETE,
JOHN’S TAPING MACHINE WAS BROKE

HATCHELL: This is a huge malpractice case. The summary judgment was granted in the TC on numerous items. The final judgment was reversed by the CA on all grounds.

The reversal on the summary judgment was raised primarily on the tolling rule in _____.

This morning I am going to argue principles that this case was not _____ on specifics of the _____, and it also does not fit the _____ values of judgments under _____.

HANKINSON: Shouldn’t the rule though out of the *Hughes* case be an absolute bright line rule? Wouldn’t that make it easier, particular since we are dealing with limitations?

HATCHELL: I don’t know that there are any bright line rule. And I hope what I can do this morning is simply have got enough facets to it that it is outside of the bright line. One think I am going to suggest is that _____ needs to be overruled and that new rule be substituted.

O’NEILL: We would have to overrule that case if we took your position?

HATCHELL: Not to sustain our position in this case, you do not. And that’s why that would be my principle argument because I know the court would be reluctant to do that if there is _____ which to state my position under the rule.

O’NEILL: And why not?

HATCHELL: