

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/02/2024
Clerk of the
Appellate Courts

DAVID L. HUDSON v. MATTHEW BENDER & COMPANY, INC. ET AL.

**Chancery Court for Davidson County
No. 22-1025-III**

No. M2022-01260-SC-R11-CV

ORDER

On January 6, 2024, David L. Hudson filed an application for permission to appeal in the above-captioned matter pursuant to Tennessee Rule of Appellate Procedure 11. On January 9, 2024, Mr. Hudson filed a motion seeking recusal of Chief Justice Holly Kirby and Justice Jeffrey S. Bivins given their service as members of the Tennessee Code Commission, which is an intervening respondent in this case.

Tennessee Supreme Court Rule 10, Canon 1.2 provides that “[a] judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” Canon 2.11(A) further provides, in pertinent part, that “[a] judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.”

Chief Justice Kirby serves as Chair of the Tennessee Code Commission, which is a party in this action. In these circumstances, the Chief Justice’s impartiality might reasonably be questioned. Accordingly, Mr. Hudson’s motion seeking recusal of Chief Justice Kirby is GRANTED.



HOLLY KIRBY, CHIEF JUSTICE