



## Supreme Court State of Tennessee

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JUSTICES  
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GARY R. WADE  
JEFFREY S. BIVINS  
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### **SUPREME COURT RULING MODIFIES SUMMARY JUDGMENT STANDARD IN TENNESSEE**

**Nashville, Tenn.** – The Tennessee Supreme Court has returned to a summary judgment standard consistent with the Federal Rules of Civil Procedure in an opinion released today in a Memphis health care liability case.

Summary judgment is a tool used in lawsuits that allows one or both parties to elicit a ruling from the court prior to a case, or certain elements of a case, going to trial. It is reserved for situations in which the court determines there is no issue of material fact to consider at trial. The goal of summary judgment is to avoid the time and expense of unnecessary trials.

Summary judgment in Tennessee cases is controlled by Rule 56 of the Tennessee Rules of Civil Procedure, which parallels a similar federal rule. The rules outline the responsibility of each party when one moves for summary judgment. The rules are supported by and interpreted in cases that the courts have considered over the years. In Tennessee, the most recent case that governed summary judgment is *Hannan v. Alltel Publishing Co.*, issued in 2008. Over the years, the *Hannan* decision has been widely criticized and the Court noted it “has functioned in practice to frustrate the purposes for which summary judgment was intended.”

In its ruling today, the court has overruled that case and returned to a summary judgment standard consistent with cases that have interpreted Rule 56 of the Federal

Rules of Civil Procedure. The Court acknowledged that the “standard articulated in *Hannan* was unworkable and inconsistent with the history and text of Tennessee Rule 56.”

The ruling means that when a party that does not have the burden of proof at trial, and moves for summary judgment, that party can satisfy its burden by either negating an essential element of the other party’s claim or by demonstrating that the other party’s evidence at the summary judgment stage is insufficient to establish that party’s claim or defense. In other words, the moving party can prove that the claim is unfounded, or can show that there is not enough evidence for a jury to consider a genuine issue of material fact at trial.

The decision comes in a Memphis health care liability case in which a pregnant mother was not given an injection during pregnancy and became Rh-sensitized, which means that there is a chance that she could suffer future medical complications, including complications during possible future pregnancies that could affect both her and the unborn children.

The mother, Michelle Rye, and her husband, Ronald Rye, filed the health care liability action against the doctors, which also included claims of negligent infliction of emotional distress. The doctors moved for summary judgment, which the trial court granted on some issues, but not all. Both parties appealed and the Court of Appeals affirmed in part and reversed in part the trial court’s decisions on summary judgment. The doctors sought permission from the Supreme Court to appeal, which was granted.

The Court, applying today’s holding regarding summary judgment to the record in this case, concluded that the defendants are entitled to summary judgment on all the plaintiffs’ claims at issue in this appeal. The Court determined that the record could not lead a rational trier of fact to find that the Ryes are reasonably certain to incur future medical expenses associated with Mrs. Rye’s future pregnancies or blood transfusions.

The Court also determined that there are no issues of material fact regarding Mr. and Mrs. Rye’s infliction of emotional distress claims and therefore the defendants should be entitled to summary judgment on those issues as well. The Court also declined to recognize the existence of an action for disruption in family planning.

Justice Gary R. Wade wrote separately to express his disagreement with the decision by the majority to abandon the summary judgment standard which has applied in Tennessee for more than 20 years. Relying upon the history of summary judgment in Tennessee, the Rules of Civil Procedure, and basic constitutional principles, Justice Wade concluded that the standard articulated in the *Hannan* opinion is preferable to the federal standard (and the nearly identical standard adopted by the General Assembly for all civil cases filed after July 1, 2011) because *Hannan* is more consistent with the important constitutional right to a trial by jury on the merits of a claim. Even if he had

applied the new summary judgment standard adopted by the majority, Justice Wade would have held that the Ryes are entitled to go to trial on three aspects of their health care liability claim because each presents a genuine issue of material fact.

Justice Jeffrey Bivins wrote a concurring opinion. He expressed support for the Court's opinion today, and took issue with the dissent's characterization of summary judgment law in Tennessee prior to *Hannan*. Justice Bivins also provided perspective from his personal experience as a trial judge who applied the *Hannan* summary judgment standard in his work.

Chief Justice Sharon Lee also wrote a concurring opinion, noting that while she would have agreed with the Court in the 2008 *Hannan* decision, she concurs that it has proven to be unworkable in practice and needs to be replaced.

To read the majority opinion in [\*Michelle Rye v. Women's Care Center of Memphis\*](#), authored by Justice Cornelia A. Clark, the concurring opinions by [Chief Justice Lee](#) and [Justice Bivins](#), and the concurring and [dissenting opinion](#) by Justice Wade, go to the opinions section of [TNCourts.gov](#).

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