

SUPREME COURT OF TENNESSEE

Michelle Rye v. Women's Care Center of Memphis, MPLLC

477 S.W.3d 235 (Tenn. 2015) · No. W2013-00804-SC-R11-CV · Decided October 26, 2015

SUMMARY

The Tennessee Supreme Court overruled *Hannan v. Alltel Publishing Co.* and adopted a summary judgment standard consistent with Federal Rule of Civil Procedure 56. In this healthcare liability action, the court held that the defendants satisfied their initial burden by demonstrating that the plaintiffs' evidence was legally insufficient to establish their claims. The court affirmed in part and reversed in part the Court of Appeals and remanded for entry of summary judgment on the claims at issue.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark; Sharon G. Lee; Jeffrey S. Bivins; Gary R. Wade; Holly Kirby
JURISDICTION	Tennessee
DECIDED	October 26, 2015
DOCKET	W2013-00804-SC-R11-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Tennessee Supreme Court granted the defendants' Rule 11 application for permission to appeal in a healthcare liability action involving interlocutory summary-judgment rulings. The appeal included reconsideration of the summary-judgment standard adopted in <i>Hannan v. Alltel Publishing Co.</i>
STANDARD OF REVIEW	Summary-judgment rulings are reviewed de novo without a presumption of correctness. The reviewing court makes a fresh determination of whether Tennessee Rule of Civil Procedure 56 has been satisfied.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Women's Care Center of Memphis, MPLLC d/b/a Ruch Clinic, Diane Long, M.D. v. Michelle Rye, Ronald Rye

TOPICS

summary judgment

standard of review

civil procedure

negligent infliction of emotional distress

medical malpractice

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether Tennessee should overrule the summary-judgment standard adopted in *Hannan v. Alltel Publishing Co.* and return to the Rule 56 standard reflected in the *Celotex* trilogy.
2. Whether the evidence established a genuine issue of material fact regarding the reasonable certainty of future medical expenses associated with future pregnancies or emergency blood transfusions.
3. Whether Ronald Rye's standalone negligent-infliction-of-emotional-distress claim could survive summary judgment without expert proof of a serious or severe emotional injury.
4. Whether Tennessee recognizes disruption of family planning as an independent cause of action or an element of damages.
5. Whether Michelle Rye's emotional-distress claim could proceed based on Rh-sensitization and the evidence presented.

HOLDINGS

1. *Hannan v. Alltel Publishing Co.* is overruled. When the moving party does not bear the burden of proof at trial, it may satisfy its burden of production either by affirmatively negating an essential element of the nonmoving party's claim or by demonstrating that the nonmoving party's evidence at the summary-judgment stage is insufficient to establish an essential element of the claim or defense.
2. The Ryes could not recover future medical expenses associated with future pregnancies or future blood transfusions because the evidence did not establish that those expenses were reasonably certain to occur; the claimed damages depended on contingencies that had not occurred and might never occur.
3. Ronald Rye's standalone negligent-infliction-of-emotional-distress claim failed because he had no physical injury and did not submit the expert proof required to establish a serious or severe emotional injury.
4. Tennessee law does not recognize disruption of family planning as an independent cause of action or an independent element of damages in this case.
5. The defendants were entitled to summary judgment on Michelle Rye's emotional-distress claim because the evidence at the summary-judgment stage was insufficient to establish the elements necessary for recovery, including a serious or severe emotional injury where the claim was treated as standalone.

KEY QUOTATIONS

"We hereby overrule Hannan and return to a summary judgment standard consistent with Rule 56 of the Federal Rules of Civil Procedure." (at 235)

“We hold, therefore, that a moving party may satisfy its initial burden of production and shift the burden of production to the nonmoving party by demonstrating that the nonmoving party’s evidence is insufficient as a matter of law at the summary judgment stage to establish the nonmoving party’s claim or defense.” (at 235)

“Because the standard articulated in Hannan is unworkable and inconsistent with the history and text of Tennessee Rule 56, we take this opportunity to correct course, overrule Hannan, and fully embrace the standards articulated in the Celotex trilogy.” (at 257)

FACTUAL BACKGROUND

Michelle Rye, who is Rh negative, did not receive a required RhoGAM injection during her third pregnancy because of the defendants' admitted deviation from the recognized standard of professional practice. She became irreversibly Rh-sensitized, meaning that her blood contains antibodies that could create risks in a future pregnancy or delay identification of compatible blood during an emergency transfusion. The Ryes alleged physical injury, emotional distress, future medical expenses, and disruption of family planning, but the contingencies underlying the claimed future damages had not occurred.

PROCEDURAL HISTORY

The trial court granted partial summary judgment to the defendants on claims for future damages, Ronald Rye's standalone negligent-infliction-of-emotional-distress claim, and the alleged independent cause of action for disruption of family planning, while denying summary judgment on Michelle Rye's claimed physical injury and related emotional-distress claim. The Court of Appeals affirmed in part and reversed in part, applying Hannan's heightened summary-judgment standard. The Tennessee Supreme Court overruled Hannan, applied the federal Rule 56 standard, reinstated summary judgment for the defendants on the claims at issue, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Appeals was affirmed in part and reversed in part, and the matter was remanded to the trial court for entry of summary judgment for the defendants on the issues addressed in the appeal and for any other necessary proceedings.

CASES CITED

- Hannan v. Alltel Publishing Co., 270 S.W.3d 1 (Tenn. 2008)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Byrd v. Hall, 847 S.W.2d 208 (Tenn. 1993)
- Camper v. Minor, 915 S.W.2d 437 (Tenn. 1996)
- Estate of Amos v. Vanderbilt University, 62 S.W.3d 133 (Tenn. 2001)

- Rogers v. Louisville Land Co., 367 S.W.3d 196 (Tenn. 2012)
- Potts v. Celotex Corp., 796 S.W.2d 678 (Tenn. 1990)
- Discover Bank v. Morgan, 363 S.W.3d 479 (Tenn. 2012)
- Overstreet v. Shoney's Inc., 4 S.W.3d 694 (Tenn. Ct. App. 1999)
- Davis v. Davis, 842 S.W.2d 588 (Tenn. 1992)
- Rye v. Women's Care Center of Memphis, M PLLC, No. W2013-00804-COA-R9-CV, 2014 WL 903142 (Tenn. Ct. App. Mar. 10, 2014)

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