

SUPREME COURT OF TENNESSEE

Lindsay Taylor, et al. v. Al Beard, et al.

Lindsay Taylor, et al. v. Al Beard, et al. · No. W2001-00347-SC-R11-CV · Decided March 3, 2003

SUMMARY

The Tennessee Supreme Court held that Tennessee should not recognize a common-law cause of action allowing children to recover for loss of parental consortium resulting from personal injuries to a parent. The court concluded that creating such a cause of action involves public-policy choices within the legislature's discretion and affirmed the Court of Appeals' judgment. The court also held that the appellants waived constitutional arguments raised for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	E. Riley Anderson, Justice; Frank F. Drowota III, Chief Justice; Adolpho A. Birch Jr., Justice; Janice M. Holder, Justice; William M. Barker, Justice
JURISDICTION	Tennessee
DECIDED	March 3, 2003
DOCKET	W2001-00347-SC-R11-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by permission from the Tennessee Court of Appeals after the trial court granted summary judgment dismissing the minor children's claims for loss of parental consortium.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review. The appeal presented a legal question concerning recognition of a common-law cause of action after summary judgment.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; binding precedent in Tennessee.
PARTIES	Lindsay Taylor, Bradford Taylor, Rachel Taylor v. Al Beard, Southeastern Motor Freight Company

TOPICS

[personal injury](#)[torts](#)[appellate procedure](#)[preservation of error](#)[remedies](#)

PRACTICE AREAS

torts

personal injury

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Tennessee should recognize a common-law cause of action allowing a child to recover for loss of parental consortium resulting from personal injuries to a parent.
2. Whether the appellants' due-process and equal-protection arguments could be considered for the first time on appeal.

HOLDINGS

1. Tennessee does not recognize a common-law cause of action for a child's loss of parental consortium arising from personal injuries to a parent.
2. The constitutional arguments were waived because they were raised for the first time in the appellate courts, and the Attorney General was not notified or permitted to participate.

KEY QUOTATIONS

"We hold that this Court should not adopt a common law cause of action for loss of parental consortium in personal injury cases and that the issue of whether to create such a cause of action is a matter of legislative discretion." (-1-)

"Where the legislature has thoroughly involved itself in an area of the law and where its decisions in that area appear to set discreet boundaries, we think that it should be left to the legislature to change those boundaries, if they are to be changed, and to define the new ones." (-5-)

FACTUAL BACKGROUND

Al Beard, driving a truck for Southeastern Motor Freight Company, caused a chain-reaction collision in Shelby County, Tennessee. Pamela Taylor and her minor daughter Lindsay were injured in the accident. The Taylor children sought damages for loss of parental consortium based on injuries to their mother, while Lindsay also pursued a separate personal-injury claim.

PROCEDURAL HISTORY

The trial court treated the children's amended minor's settlement petition as a separate complaint and granted the defendants' motion for summary judgment on the children's loss-of-parental-consortium claims. The Court of Appeals affirmed, and the Tennessee Supreme Court granted permission to appeal. The Supreme Court affirmed the Court of Appeals' judgment.

DISPOSITION

affirmed

CASES CITED

- Still v. Baptist Hosp., Inc., 755 S.W.2d 807 (Tenn. Ct. App. 1988)
- Guy v. Livesey, 79 Eng. Rep. 428 (1619)
- Dunn v. Alabama Oil & Gas Co., 299 S.W.2d 25 (Tenn. Ct. App. 1956)
- Krohn v. Richardson-Merrell, Inc., 406 S.W.2d 166 (Tenn. 1966), cert. denied, 386 U.S. 970 (1967)
- Rush v. Great Am. Ins. Co., 376 S.W.2d 454 (Tenn. 1964)
- Jordan v. Baptist Three Rivers Hosp., 984 S.W.2d 593 (Tenn. 1999)
- Spencer v. A-1 Crane Serv., Inc., 880 S.W.2d 938, 943 (Tenn. 1994)
- Davidson Benedict Co. v. Severson, 72 S.W. 967 (Tenn. 1903)
- Ferriter v. Daniel O'Connell's Sons, 381 Mass. 507, 413 N.E.2d 690 (Mass. 1980)
- Mendillo v. Bd. of Educ., 717 A.2d 1177 (Conn. 1998)
- Salin v. Kloempken, 322 N.W.2d 736 (Minn. 1982)
- Butz v. World Wide, Inc., 492 N.W.2d 88 (N.D. 1992)
- Gray v. Suggs, 728 S.W.2d 148 (Ark. 1987)
- Lee v. Colorado Department of Health, 718 P.2d 221 (Colo. 1986)
- Thompson v. Love, 661 So. 2d 1131 (Miss. 1995)
- Williams v. Hook, 804 P.2d 1131 (Okla. 1990)
- Reagan v. Vaughn, 804 S.W.2d 463 (Tex. 1990)
- Norwest v. Presbyterian Intercommunity Hosp., 631 P.2d 1377, 1380 (Or. Ct. App. 1981)
- Alcazar v. Hayes, 982 S.W.2d 845, 851 (Tenn. 1998)
- Civil Serv. Merit Bd. v. Burson, 816 S.W.2d 725 (Tenn. 1991)