

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 4, 2006 Session

BETTY POTTER, et al., v. FORD MOTOR COMPANY

Appeal from the Circuit Court for Cumberland County
No. CV003993 John J. Maddux, Jr., Judge

No. E2005-01578-COA-R3-CV - FILED JUNE 21, 2006

CONCURRING OPINION

While I agree with Ford, that Restatement (Third) of Torts § 2, comment f, requires: “To establish a prima facie case of defect, the plaintiff must prove the availability of a technologically feasible and practical alternative design that would have reduced or prevented the plaintiff’s harm . . .”, unless and until Tennessee adopts Restatement (Third) of Torts on this issue, Judge Lee in my view, has correctly summarized the state of Tennessee law on this issue. Accordingly, I concur in her Opinion in affirming the Trial Court.

HERSCHEL PICKENS FRANKS, P.J.