



Supreme Court of Tennessee

Administrative Office of the Courts
Nashville, Tennessee 37219
www.tncourts.gov

ELIZABETH A. SYKES
Director

FOR IMMEDIATE RELEASE
August 22, 2012

CONTACT: Casey Mahoney
Office: 615-532-6047
cmahoney@tncourts.gov

SUPREME COURT RULES A MENTAL INJURY IS NOT CONSIDERED "BODILY INJURY" FOR INSURANCE PURPOSES

Nashville, Tenn. – In a unanimous decision, the Tennessee Supreme Court clarified that motor vehicle insurance policies in Tennessee need not cover mental injuries when the insured has suffered no physical injuries.

On June 9, 2006, Michael Garrison was struck by a car while riding a mini-bike near his parents' home. Michael's parents and brother heard the accident and arrived at the scene to find the 18 year old gravely injured. He later died from his injuries. The family sued the driver and owner of the other vehicle for wrongful death and negligent infliction of emotional distress. They sought to recover money damages for their alleged mental injuries under the uninsured motorist provision of their insurance policy, which covered damages for "bodily injury."

Today, the Supreme Court affirmed the Court of Appeals decision and ruled that the policy's definition of "bodily injury" did not include mental injuries. The Court held that the Tennessee statute requiring providers of motor vehicle insurance to cover "bodily injury, sickness or disease" does not obligate insurers to cover mental injuries. The Court also noted that a bystander claim for negligent infliction of emotional distress, such as that asserted by the Garrisons, is not a claim for bodily harm.

To read the *Jerry Garrison ET AL v. Rita Bickford ET AL* opinion authored by Chief Justice Cornelia A. Clark, visit

http://www.tncourts.gov/sites/default/files/garrisonj_opn.pdf.

###