

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 13, 2004 Session

BOBBI JO FISHER v. TENNESSEE INSURANCE COMPANY

Appeal from the Circuit Court for Knox County
No. 2-613-02 Harold Wimberly, Judge

No. E2004-00189-COA-R3-CV Filed August 24, 2004

D. Michael Swiney, J., concurring.

While I concur in the majority's decision to reverse and dismiss this case, I feel it necessary to concur separately to state my understanding that our holding in this case is limited to an insured's claim for collision damage coverage only. I believe there may be public policy considerations that would need to be considered in a case involving liability, as opposed to collision, coverage. That question is not now before us, and I do not believe those public policy considerations are applicable in a case such as the one now before us involving an insurance claim solely for collision damage coverage. I, therefore, concur in the majority's decision to reverse and dismiss.

D. MICHAEL SWINEY, JUDGE