

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
June 22, 2016 Session

**STEVEN KEMPSON ET AL. V. PAMELA CASEY ET AL.**

**Appeal from the Circuit County Hamilton Court  
No. 12C873, 12C1138 W. Neil Thomas, III, Judge**

---

**No. E2015-02184-COA-R3-CV  
FILED-NOVEMBER 2, 2016**

---

CHARLES D. SUSANO, JR., J., dissenting.

I cannot concur in the majority's decision. The issue of whether the collision of the vehicles "caused damage to the Plaintiffs" was fairly presented to the jury. The jury rejected the Plaintiffs' theory that Mr. Kempson was injured in the accident. I would affirm the jury's verdict *in toto*. Accordingly, I respectfully dissent from the majority's decision to remand for a new trial on damages.

---

CHARLES D. SUSANO, JR., JUDGE