

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.