

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

**WATSON'S CARPET AND FLOOR COVERINGS, INC. v. RICK  
McCORMICK, ET AL.**

Circuit Court for Williamson County  
No. II-99316

---

No. M2000-03101-COA-R3-CV - Filed April 15, 2002

---

**OPINION ON PETITION TO REHEAR**

Houston M. Goddard, P.J., delivered the opinion of the court in which Herschel P. Franks and Charles D. Susano, Jr., JJ., joined.

The Plaintiff, Watson's Carpet and Floor Coverings, Inc., files a petition to rehear, principally contending that our original opinion was in conflict with Trau-Med of America, Inc., et al. v. Allstate Insurance Co., et al., 2000 WL1839125 (November 29, 2000), which was not called to our attention, although it had been filed some three months before Watson's brief was filed.

Watson's correctly asserts that Trau-Med is in conflict with our original opinion in the case *sub judice*.

In Trau-Med, the Western Section of this Court found that an action for tortious interference with an ongoing--although not contractual--business relationship was a viable cause of action in this State. The Supreme Court accepted an application to appeal and, as to this point, affirmed the Western Section in an opinion filed in Jackson March 25, 2002. The Supreme Court opinion narrows the holding of Nelson v. Martin, 958 S.W.2d 643 (Tenn. 1997), the case we relied upon in our original opinion.

In light of the foregoing, we deem it appropriate to vacate our previous opinion and instead--because there are disputed issues of material facts bearing on the question of the Defendants' liability which would preclude entry of a summary judgment--remand the case for trial in accordance with the directives of the Supreme Court in Trau-Med.

For the foregoing reasons costs of appeal, as well as below, are adjudged against Rick McCormick and Carpet Den, Inc.

---

HOUSTON M. GODDARD, PRESIDING JUDGE