

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
December 21, 1998  
Cecil W. Crowson  
Appellate Court Clerk

FREDA G. MOON, EXECUTOR OF )  
THE ESTATE OF RUTH GARRETT, ) No. 01S01-9710-CV-00218  
)  
PLAINTIFF/APPELLANT, )  
)  
v. ) DAVIDSON CIRCUIT No. 87C-239  
)  
ST. THOMAS HOSPITAL, )  
)  
DEFENDANT/APPELLEE. ) REVERSED AND REMANDED

**J U D G M E N T**

This cause came on to be heard upon the record on appeal from the Court of Appeals, briefs and argument of counsel; and upon consideration thereof, this Court is of the opinion that the conflicting expert testimony as well as the inferences to be drawn from the record create genuine issues of material fact as to the standard of care and whether a deviation from the standard of care occurred.

In accordance with the opinion filed herein, it is, therefore, ORDERED AND ADJUDGED by this Court that the judgment of the Court of Appeals affirming the trial court's granting the defendant's motion for summary judgment be and the same is hereby reversed and the case is remanded to the trial court for further proceedings.

The costs of this appeal are taxed to the defendant for which execution may issue if necessary.