

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
July 22, 2014 Session

**TAMMY GIPSON v. STATE FARM FIRE AND CASUALTY COMPANY,
ET AL.**

**Appeal from the Circuit Court for Shelby County
No. CT00177708 Donna M. Fields, Judge**

No. W2013-02872-COA-R3-CV - Filed November 4, 2014

W. NEAL MCBRAYER, J., concurring in part and dissenting in part.

I fully concur with the majority that the trial court's grant of summary judgment should be reversed in light of the factual dispute over ownership of the automobile operated by Ms. Gipson at the time of the accident. I disagree, however, that the trial court's decision to bifurcate the trial and to realign the parties is not ripe for appellate review. Because "[a] broad appeal from a final decree brings up the whole case, including all interlocutory orders and decrees, for review," *Guion v. Nat'l Bank of Commerce*, 218 S.W.2d 739, 742 (Tenn. Ct. App. 1948), I would review the decision to bifurcate the trial and realign the parties. Therefore, I respectfully dissent from the portion of the opinion that declines to consider the issues of bifurcation and realignment.

W. NEAL MCBRAYER, JUDGE