

# PUBLICATION

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## Tennessee Supreme Court Holds Class Actions Are Not Allowed Under Tennessee Consumer Protection Act

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On February 13, 2008, the Tennessee Supreme Court issued its opinion in the case of *Bill Walker, et al. v. Sunrise Pontiac-GMC Truck, Inc.* This case resolved a long-running battle in Tennessee courts as to whether class actions would be allowed under the Tennessee Consumer Protection Act (TCPA). According to the Act itself, the legislature passed it to “protect consumers...from those who engage in unfair or deceptive acts or practices in the conduct of any trade or commerce...”.

The Act provides for a private right of action. Every year, thousands of suits are filed by Tennessee consumers under Tenn. Code Ann. §47-18-109, which provides that “Any person who suffers an ascertainable loss of money or property, real, personal, or mixed, or any other article, commodity, or thing of value, wherever situated, as a result of the use or employment by another person of an unfair or deceptive act or practice, declare to be unlawful by this part, may bring an action individually to recover actual damages.”