

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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MAYOR

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MEMORANDUM

**TO:** Vice Mayor Jim Shulman  
Metropolitan Council

**FROM:** Allison Bussell, Associate Director of Law

**DATE:** April 27, 2021

**SUBJECT:** M.C.L. § 2.40.115; 2021 1st Quarter Reports of Significant Litigation

**ATTACHMENTS:** (1) 2021 1st Quarter Report of Significant Litigation: Damage Amount Specified  
(2) 2021 1st Quarter Report of Significant Litigation: Damage Amount Not Specified

1. The “2021 1st Quarter Report of Significant Litigation: Damage Amount Specified” lists new cases filed in this quarter in which the *ad damnum* clauses in the complaints request damages greater than \$300,000. (Attachment 1)

2. The “2021 1st Quarter Report of Significant Litigation: Damage Amount Not Specified” lists new cases filed in this quarter in which liability is not limited to \$300,000 by the TGTLA. (Attachment 2)

3. No judgment was entered against the Metropolitan Government this quarter.

4. Acronyms that may be used in the Attachments:

ADA: Americans With Disabilities Act, as amended, 42 U.S.C. §§ 12101, *et seq.*

FMLA: Family and Medical Leave Act, 29 U.S.C. §§ 2601, *et seq.*

IDEA: Individuals With Disabilities Education Act, 20 U.S.C. §§ 1400, *et seq.*

IIED: Intentional Infliction of Emotional Distress

NIED: Negligent Infliction of Emotional Distress

PLRA: Prison Litigation Reform Act, 28 U.S.C. § 1915, 42 U.S.C. § 1997e

RLUIPA: Religious Land Use and Institutionalized Persons Act, 2 U.S.C. §§ 2000cc, *et seq.*

Sec. 504: Section 504 of the Rehabilitation Act, 29 U.S.C. §§ 794, *et seq.*

STRUA: Short-Term Rental Unit Act, Tenn. Code Ann. §§ 13-7-601, *et seq.*

TCPA: Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-101

TDA: Tennessee Disability Act, Tenn. Code Ann. §§ 8-50-103, -104

TGTLA: Tennessee Governmental Tort Liability Act, Tenn. Code Ann. §§ 29-20-101, *et seq.*

THRA: Tennessee Human Rights Act, Tenn. Code Ann. §§ 4-21-101, *et seq.*

TITDA: Tennessee Identity Theft Deterrence Act, Tenn. Code Ann. §§ 47-18-2101, *et seq.*

Title VI: Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, *et seq.*

Title VII: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*

Title IX: Title IX, Education Amendments of 1972 to the Civil Rights Act of 1964, 20 U.S.C. §§ 1681, *et seq.*

TPPA: Tennessee Public Protection Act, Tenn. Code Ann. § 50-1-304

TRFRA: Tennessee Religious Freedom Restoration Act, Tenn. Code Ann. § 4-1-407

## ATTACHMENT 1

### 2021 1st Quarter Report of Significant Litigation: Damage Amount Specified

Case Name	Court	Docket #	Initial Demand
Turner, Tracy R. v. Metropolitan Gov't of Nashville & Davidson Cty.	U.S. Dist. Ct., M.D. Tenn.	3:21-cv-00042	\$2,000,000.00
Damages Asserted: 42 U.S.C. 1983: First Amendment retaliation. Plaintiff, a Nashville Fire Department employee, alleges retaliation arising from his demotion following various social media posts about the Black Lives Matter organization. Plaintiff seeks declaratory relief, nominal damages, compensatory damages totaling \$2,000,000, and attorneys' fees and costs.			
Plaintiff	Turner, Tracy Ray		
Defendant	Metropolitan Government of Nashville & Davidson Cty.		
Opposing Counsel	Crain, Larry		
Shrader, Terry v. Metropolitan Gov't of Nashville & Davidson Cty.	Circuit Court - Second	21C278	\$800,000.00
Damages Asserted: Plaintiff alleges violation of Teacher Tenure Act as a result of Metropolitan Nashville Public Schools' Chief HR Officer eliminating Plaintiff's position. Plaintiff seeks \$800,000 in damages and reinstatement.			
Plaintiff	Shrader, Terry		
Defendant	Metropolitan Government of Nashville & Davidson Cty.		
Opposing Counsel	Steiner, Ann Buntin		
Montgomery, Gary v. Beth Gentry, <i>et al.</i>	U.S. Dist. Ct., M.D. Tenn.	3:20-cv-00406	\$764,000.00
Damages Asserted: 42 USC 1983: First and Fourteenth Amendments; denial of access to religious services and kosher diet; denial of recreation time and extended disciplinary segregation in retaliation for filing complaints. Plaintiff, a Davidson County Sheriff's Office inmate, seeks compensatory damages against all Defendants in an amount exceeding \$400,000 and punitive damages in an amount exceeding \$100,000.			
Plaintiff	Montgomery, Gary		
Defendant	Metropolitan Government of Nashville & Davidson Cty.		
Defendant	Gentry, Beth		
Defendant	Eichstaed, Brian		
Opposing Counsel	Pro Se		

## ATTACHMENT 2

### 2021 1st Quarter Report of Significant Litigation: Damage Amount Not Specified

Case Name	Court	Docket #	Initial Demand														
<p>Belfiglio, Jing Han, <i>et al.</i> v. Metropolitan Gov't of Nashville &amp; Davidson Cty. d/b/a Metro Water Services</p> <p>Damages Asserted: Plaintiffs seek unspecified damages not limited to \$300,000 arising from two landslides occurring on their properties, which they allege were caused by a defective stormwater drain serving the properties.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Plaintiff</td> <td>Belfiglio, Anthony</td> </tr> <tr> <td>Plaintiff</td> <td>Belfiglio, Jing Han</td> </tr> <tr> <td>Plaintiff</td> <td>Guo, Xingkui</td> </tr> <tr> <td>Defendant</td> <td>Metropolitan Government of Nashville &amp; Davidson Cty.</td> </tr> <tr> <td>Opposing Counsel</td> <td>Fowler, Christopher B.</td> </tr> <tr> <td>Opposing Counsel</td> <td>Goldammer, Benjamin E.</td> </tr> <tr> <td>Opposing Counsel</td> <td>Collins Legal, PLC</td> </tr> </table>	Plaintiff	Belfiglio, Anthony	Plaintiff	Belfiglio, Jing Han	Plaintiff	Guo, Xingkui	Defendant	Metropolitan Government of Nashville & Davidson Cty.	Opposing Counsel	Fowler, Christopher B.	Opposing Counsel	Goldammer, Benjamin E.	Opposing Counsel	Collins Legal, PLC	Circuit Court - First	20C334	\$0.00
Plaintiff	Belfiglio, Anthony																
Plaintiff	Belfiglio, Jing Han																
Plaintiff	Guo, Xingkui																
Defendant	Metropolitan Government of Nashville & Davidson Cty.																
Opposing Counsel	Fowler, Christopher B.																
Opposing Counsel	Goldammer, Benjamin E.																
Opposing Counsel	Collins Legal, PLC																
<p>Scott, Renay Patterson o/b/o Rickey Scott, III v. Metropolitan Gov't of Nashville &amp; Davidson Cty.</p> <p>Damages Asserted: Plaintiff seeks unspecified damages not limited to \$300,000 arising from Nashville Fire Department EMS personnel's transport of the deceased to a hospital after an injury to his abdomen, which Plaintiff claims resulted from a pellet gun shooting.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Plaintiff</td> <td>Patterson, Renay Patterson</td> </tr> <tr> <td>Defendant</td> <td>Metropolitan Government of Nashville &amp; Davidson Cty.</td> </tr> <tr> <td>Opposing Counsel</td> <td>Manis, Howard B.</td> </tr> </table>	Plaintiff	Patterson, Renay Patterson	Defendant	Metropolitan Government of Nashville & Davidson Cty.	Opposing Counsel	Manis, Howard B.	Circuit Court - Eighth	20C2825	\$0.00								
Plaintiff	Patterson, Renay Patterson																
Defendant	Metropolitan Government of Nashville & Davidson Cty.																
Opposing Counsel	Manis, Howard B.																
<p>Bailey, James, <i>et al.</i> v. Metropolitan Gov't of Nashville &amp; Davidson Cty.</p> <p>Damages Asserted: Plaintiffs seek compensatory damages, reinstatement or front pay, full salary, punitive damages, and attorney fees and costs in an unspecified amount not limited to \$300,000, arising from Metropolitan Nashville Public Schools' elimination of Plaintiffs' positions.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Plaintiff</td> <td>Bailey, James</td> </tr> <tr> <td>Plaintiff</td> <td>Cathey, Damon</td> </tr> <tr> <td>Plaintiff</td> <td>Meriwether, Pippa</td> </tr> <tr> <td>Defendant</td> <td>Metropolitan Government of Nashville and Davidson County</td> </tr> <tr> <td>Defendant</td> <td>Battle, Adrienne</td> </tr> <tr> <td>Opposing Counsel</td> <td>Steiner, Ann Buntin</td> </tr> </table>	Plaintiff	Bailey, James	Plaintiff	Cathey, Damon	Plaintiff	Meriwether, Pippa	Defendant	Metropolitan Government of Nashville and Davidson County	Defendant	Battle, Adrienne	Opposing Counsel	Steiner, Ann Buntin	U.S. Dist. Ct., M.D. Tenn.	3:21-cv-00122	\$0.00		
Plaintiff	Bailey, James																
Plaintiff	Cathey, Damon																
Plaintiff	Meriwether, Pippa																
Defendant	Metropolitan Government of Nashville and Davidson County																
Defendant	Battle, Adrienne																
Opposing Counsel	Steiner, Ann Buntin																