

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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MEMORANDUM

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

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

**DATE:** July 30, 2021

**SUBJECT:** M.C.L. § 2.40.115; 2021 2nd Quarter Reports of Significant Litigation

**ATTACHMENT:** (1) 2021 2nd Quarter Report of Significant Litigation: Damage Amount Specified

1. The “2021 2nd 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. No judgment was entered against the Metropolitan Government this quarter.

3. Acronyms that may be used in the Attachment:

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 2nd Quarter Report of Significant Litigation: Damage Amount Specified

Case Name	Court	Docket #	Initial Demand
<i>Avery, David v. Newbern, Daniel, et al.</i>	Circuit Court - First	21C751	\$333,333,333.33
Damages Asserted	Plaintiff challenges his 2008 criminal prosecution and sues the arresting officer, former District Attorney, and presiding criminal court judge. The claim is time-barred and was dismissed by the trial court shortly after filing. The time to appeal has not yet expired.		
Plaintiff	Avery, David A.		
Defendant	Johnson, Victor S. (Torry)		
Defendant	Newbern, Daniel		
Defendant	Blackburn, Cheryl		
Opposing Counsel	Pro Se		
<i>Mooneyhan, Terry v. D.D.C. Nash, TN, et al.</i>	U.S. Dist. Ct., M.D. Tenn.	3:20-cv-01089	\$1,000,000.00
Damages Asserted	Plaintiff is a Davidson County Sheriff's Office inmate who seeks compensatory damages arising from alleged dietary restriction claims.		
Plaintiff	Mooneyhan, Terry		
Defendant	Fielden, Marcus		
Defendant	Davis, Ronnie		
Defendant	Pallak, Nicholas		
Defendant	Conrad, Thomas		
Defendant	Grant, Richard		
Defendant	Wicking, Christopher		
Opposing Counsel	Pro Se		
<i>Louis, Stanley, et al. v. Metro Gov't, et al.</i>	Circuit Court - Sixth	21C904	\$700,000.00
Damages Asserted	Plaintiffs seek damages arising from an auto accident wherein Metropolitan Nashville Police Department officer Brandon Hughes struck the rear of Plaintiff Stanley Louis's vehicle.		
Plaintiff	Louis, Guerda		
Plaintiff	Louis, Stanley		
Plaintiff	Torchon, Jean		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Hughes, Brandon		
Opposing Counsel	Davis, Stanley A.		