

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: April 25, 2022

SUBJECT: M.C.L. § 2.40.115; 2022 1st Quarter Report of Significant Litigation

ATTACHMENT: (1) 2022 1st Quarter Report of Significant Litigation: Damages Amount Specified

1. The “2022 1st Quarter Report of Significant Litigation: Damages 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 final 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

2022 1st Quarter Report of Significant Litigation: Damages Amount Specified

| Case Name | Court | Docket # | Initial Demand |
|---|-----------------------|----------|-----------------|
| <i>Aleman, Jacob et.al v. Hospital Auth. et al.</i> | Circuit Court - Sixth | 22C266 | \$20,000,000.00 |

Damages: Plaintiff brings this healthcare liability act action alleging that various acts of negligence on the part of Meharry doctors, and unspecified “failure to perform duties” by nursing staff, caused her infant’s death. Alleges \$20,000,000 in damages to the minor child and mother, including medical expenses, pain and suffering, loss of future services, society, and consortium, and severe emotional distress.

| | |
|-------------------|--|
| Plaintiff | Martinez-Alvarez, Esmeralda |
| Plaintiff | Aleman, Jacob |
| Defendant | Lozano, Andrea |
| Defendant | Metropolitan Government of Nashville and Davidson County |
| Defendant | Garrett, Angelica |
| Defendant | Azadi, Negin |
| Defendant | Ezeibe, Obyekachi |
| Defendant | Metro Nashville - Hospital Authority - General/Meharry |
| Defendant | Costley, Krysten |
| Counsel: Opposing | Holton, Timothy R. |

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|---|------------------------|---------------|-----------------|
| <i>Garrett, Paul Shane v. Metropolitan Government, et al.</i> | U.S.Dist.Ct. M.D.Tenn. | 3:22-cv-00044 | \$18,000,000.00 |
|---|------------------------|---------------|-----------------|

Damages: Plaintiff seeks \$18,000,000 in compensatory damages, punitive damages, attorneys’ fees and costs, and pre- and post-judgment interest, arising from his wrongful conviction and subsequent exoneration.

| | |
|-------------------|--|
| Plaintiff | Garrett, Paul Shane |
| Defendant | Bernard, E.J. |
| Defendant | Miller, David |
| Defendant | Dunaway, Roy |
| Defendant | Haney, Dean |
| Defendant | West, Jeff |
| Defendant | Metropolitan Government of Nashville and Davidson County |
| Counsel: Opposing | Sanders, J. Isaac |
| Counsel: Opposing | Ritchie II, Wayne A. |

| | | | |
|--|------------------------|---------------|----------------|
| <i>D.P. v. Metropolitan Government</i> | U.S.Dist.Ct. M.D.Tenn. | 3:22-cv-00126 | \$3,000,000.00 |
|--|------------------------|---------------|----------------|

Damages: Plaintiff seeks damages arising from alleged sexual harassment by another student at Whites Creek High School, which she asserts has caused past, present, and future emotional distress, mental anguish, and loss of past, present, and future enjoyment of life, totaling \$3,000,000.

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|-------------------|--|
| Plaintiff | D.P. |
| Defendant | Metropolitan Government of Nashville and Davidson County |
| Counsel: Opposing | Crofford, Stephen |
| Counsel: Opposing | Parker, Mary A. |

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|---|------------------------|---------------|----------------|
| <i>Moat, Brian v. Metropolitan Government</i> | U.S.Dist.Ct. M.D.Tenn. | 3:21-cv-00807 | \$1,500,000.00 |
|---|------------------------|---------------|----------------|

Damages: Plaintiff alleges disability and age discrimination arising out of an IOD claim. Seeks compensatory damages not to exceed \$1,500,000.

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| Plaintiff | Moat, Brian |
| Defendant | Metropolitan Government of Nashville and Davidson County |
| Counsel: Opposing | Harbison, Jesse Ford |

*Martin, Jamie L. v. Metropolitan
Government, et al.*

Circuit Court - Sixth

22C145

\$355,000.00

Damages: Plaintiff seeks compensatory damages totaling \$355,000 including past and future medical expenses, pain and suffering, and permanent impairment, arising from a motor vehicle accident with an arson investigator with the Nashville Fire Department.

Plaintiff

Defendant

Counsel: Opposing

Martin, Jamie

Metropolitan Government of Nashville and Davidson County

Barfield, J.P.