



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DAVID BRILEY
MAYOR

JON COOPER
DIRECTOR OF LAW

DEPARTMENT OF LAW
METROPOLITAN COURTHOUSE, SUITE 108
P O BOX 196300
NASHVILLE, TENNESSEE 37219-6300
(615) 862-6341 • (615) 862-6352 FAX

MEMORANDUM

TO: Vice Mayor Sheri Weiner
Metropolitan Council

FROM: James L. Charles, Associate Director of Law

DATE: May 7, 2018

SUBJECT: M.C.L. § 2.40.115 Reports

ATTACHMENTS: (1) M.C.L. § 2.40.115 2018 1st Quarter Report of Significant Litigation, Damage Amount Specified; and,
(2) M.C.L. § 2.40.115 2018 1st Quarter Report of Significant Litigation, Damage Amount Not Specified

1. The 1st Quarter 2018 Report of Significant Litigation (Damage Amount Specified) list new cases filed this quarter in which the *ad damnum* clause in the complaint request damages greater than \$300,000. (Attachment 1)
2. An additional 1st Quarter 2018 Report of Significant Litigation (Damage Amount Not Specified) list new cases filed this quarter in which liability is not limited to \$300,000 by the TGTLA. (Attachment 2)
3. Acronyms:

ADA: Americans Disability Act,
42 USC §§ 12101 et seq.

CCS: Correct Care Solutions.

FCC: Federal Communications Commission

FMLA: Family Medical Leave Act,
29 USC §§ 2601 et seq.

IDEA: Individuals with Disabilities Education Act,
20 USC § 1400.

IIED: Intentional Infliction of Emotional Distress.

NIED: Negligent Infliction of Emotional Distress.

RLUIPA: Religious Land Use and Institutionalized Persons Act,
2 USC §§ 2000cc et seq.

Sec. 504: Section 504 of the Rehabilitation Act,
29 USC §§ et seq.

TCPA: Tennessee Consumer Protection Act
TCA § 47-18-101

TDA: Tennessee Disability Act,
TCA §§ 4-21-102(3); 8-50-103.

TDOE: Tennessee Department of Education.

TGTLA: Tennessee Governmental Tort Liability Act,
TCA §§ 29-20-101 et seq.

THRA: Tennessee Human Rights Act,
TCA §§ 4-21-101 et seq.

TITDA: Tennessee Identity Theft Deterrence Act
TCA § 47-18-2101

Title VI: Title VI of the Civil Rights Act of 1964,
42 USC §§ 2000(d) et seq.

Title VII: Title VII of the Civil Rights Act of 1964,
42 USC §§ 2000(e) et seq.

Title IX: Title IX, Education Amendments of 1972 to the Civil Rights Act
of 1964, 20 USC §§ 1681 et Seq.

TPPA: Tennessee Public Protection Act,
TCA § 50-1-304.

TRFRA: Tennessee Religious Freedom Restoration Act,
TCA § 4-1-407.

2018 1st Quarter Report of Significant Litigation: Damage Amount Specified

FileNum	FileName	Court	Docket #	Initial Demand
L-16517	Abbott, Michael and Margaret v. Metro Government	Circuit Court - Fifth	17C2034	\$900,000.00
	Damages Asserted: TGTLA; TITPA; TCPA: Compensatory, loss of consortium, breach of implied contract, fear of identity theft.			
	Plaintiff	Abbott, Michael		
	Plaintiff	Abbott, Margaret (Maggie)		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Steiner, Ann Buntin		
L-16636	Venable, Anthony v. Metropolitan Government	U.S.D.C. M.D.Tenn.	3:18-cv-00148	\$2,000,000.00
	Damages Asserted: Civil Rights: 1st Amend. Freedom of Speech; 14th Amend. Procedural Due Process - vagueness, Equal Protection. Tn. Const. art. I, sec. 19 - Freedom of Speech; Declaratory Judgment; nominal & compensatory damages, attorney fees and cost.			
	Plaintiff	Venable, Anthony		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Crain, Larry		
	Counsel: Opposing	Raybin, David		
L-16615	Vision Real Estate Investment Corp, et al. v.	U.S.D.C. M.D.Tenn.	3:18-cv-00014	\$1,000,000.00
	Damages Asserted: 42 USC 1983: 14th Amendment, Equal Protection and Due Process, breach of contract, inducement to breach contract, intentional interference with a business relationship, civil conspiracy, compensatory, punitive damages, injunctive relief, attorney fees and cost.			
	Plaintiff	Vision Real Estate Investment Corporation		
	Plaintiff	AUTUMN HILLS ASSISTED LIVING		
	Plaintiff	Hampton, Michael		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Defendant	Leonardo, Dominic J.		
	Defendant	Shulman, Jim		
	Defendant	Metropolitan Development and Housing Agency		
	Counsel: Opposing	Fusner, Jr., George R.		
L-16648	Bloemer, Steve, et al v. Metro Government	Circuit Court - First	18C355	\$600,000.00
	Damages Asserted: TGTLA: Compensatory			
	Plaintiff	Bloemer, Steve		
	Plaintiff	Matthews, Dawn		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Thomas, Jennifer		
	Counsel: Opposing	Cates, Taylor A.		

(Attachment 1)

FileNum	FileName	Court	Docket #	Initial Demand
L-16670	Guirguis, Jospheen, et al v. Metro Government	Circuit Court - Sixth	18C885	\$900,000.00
	Damages Asserted:	TGTLA: Compensatory, future rehabilitative services..		
	Plaintiff	Guirguis, Jospheen b/n/f Martena Michel Louka Guirguis		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Blackburn, W. Gary		
	Counsel: Opposing	Kroll, Bryant B.		

(Attachment 1)

2018 1st Quarter Report of Significant Litigation: Damage Amount Not Specified

FileNum	FileName	Court	Docket #	Initial Demand
L-16513	Raley, Shelly L. and James A. v. Metro Government	Circuit Court - Second	17C2016	\$0.00
	Damages Asserted: TGTLA: Compensatory, loss of consortium.			
	Plaintiff	Raley, James A.		
	Plaintiff	Raley, Shelly Lynn		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Coyne, Christopher N.		
	Counsel: Opposing	Griffith, Jonathan L.		
L-16620	Turnkey Vacation Rentals, Inc., et al v. Metro	Chancery Court - Part I	18-47-I	\$0.00
	Damages Asserted: Art. 1 sec. 8, art. XI sec. 8 Tn. Const. 14 th Amend. Equal Protection clause. MCode 17.16.250E. Refusing to issue non-owner occupied STRPs, because of the pending legislation doctrine. Declaratory & injunctive relief.			
Takings Claim.				
	Plaintiff	William Seaborn Jones Revocable Trust		
	Plaintiff	Callaghan, Christine		
	Plaintiff	Jones, William		
	Plaintiff	Prime Nashville, LLC		
	Plaintiff	McNeal, Jarred		
	Plaintiff	Turnkey Vacation Rentals, Inc.		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Boyd, Brian T.		
	Counsel: Opposing	Wills, Bennett J.		
L-16624	Casto, Danielle, ex rel v. Metro Government, ex rel	Circuit Court - Fifth	18C93	\$0.00
	Damages Asserted: TGTLA: Compensatory damages			
	Plaintiff	Casto, Matthew		
	Plaintiff	Casto, Danielle individually and as next friend and legal guardian of Matthew Casto		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Queener, Henry S.		
L-16626	Barnes, Teresa Darlene v. Metropolitan Government	U.S.D.C. M.D.Tenn.	3:18-cv-00058	\$0.00
	Damages Asserted: ADA; 42 U.S.C. § 1983; TDA; Compensatory damages, front pay, back pay, reinstatement of employee benefits, interest, litigation expenses and attorney fees.			
	Plaintiff	Barnes, Teresa D.		
	Defendant	Metropolitan Government of Nashville and Davidson County		
	Counsel: Opposing	Gaines, Michael W.		
	Counsel: Opposing	Bowden, Tim L.		

FileNum	FileName	Court	Docket #	Initial Demand
L-16627	Spence, Rebecca and Benjamin, ex rel v. Nieves, Damages Asserted: TGTLA: Compensatory damages.	Circuit Court - Eighth	16C2734	\$0.00
	Plaintiff Spence, Benjamin			
	Plaintiff Spence, Rebecca			
	Plaintiff Spence , Avery			
	Plaintiff Spence, Hartly			
	Defendant Class, Carlos			
	Defendant Hendon, Glenn A.			
	Defendant Nieves , David			
	Counsel: Opposing Cartee, Eric S.			
L-16672	Comprehensive Security, Inc., et al. v. Metropolitan Damages Asserted: Sherman Act, 15 USC §§ 1 and 2; enjoin monopoly; declaratory judgment, attorney fees.	U.S.D.C. M.D.Tenn.	3:18-cv-00375	\$0.00
	Plaintiff OnTrac Security, LLC			
	Plaintiff Comprehensive Security LLC			
	Plaintiff Associated Protective Services, Inc			
	Defendant Metropolitan Government of Nashville and Davidson County			
	Counsel: Opposing Kroll, Bryant B.			
	Counsel: Opposing Blackburn, W. Gary			

(Attachment 2)