

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: James L. Charles, Associate Director of Law 

DATE: November 1, 2019

SUBJECT: M.C.L. § 2.40.115. 2019 3rd Quarter Reports

ATTACHMENTS: (1) 2019 3rd Quarter Report of Significant Litigation, Damage Amount Specified;
(2) 2019 3rd Quarter Report of Significant Litigation, Damage Amount Not Specified;

1. The 2019 3rd Quarter 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 2019 3rd Quarter 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. No judgments were entered against the Metropolitan Government this quarter.

4. Acronyms:

ADAAA: Americans Disability Act As Amended
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.
PLRA:	Prison Litigation Reform Act 28 USC §§ 1915(e)(2)(B)
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.
STRA:	Short Term Rental Act TCA § 13-7-601 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.

FileName	Court	Docket #	Initial Demand
Knapp, Steven Christopher v. Metropolitan Government, et al.	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-0542	\$90,010,060.00
<p>Damages Asserted 42 USC 1983: Pro Se former tenant of MDHA Ryman Lofts at Rolling Mill Hills alleges he was evicted without due process in violation of 5th and 14th Amendments; Also alleges 1st Amend violation when his art work was removed from the hallways and common areas of Lofts. Compensatory and punitive damages; prejudgment interest, declaratory and injunctive relief.</p>			
Plaintiff	Knapp, Steven C.		
Defendant	Beasley, Judith Evelyn		
Defendant	Biggs, William		
Defendant	Anonymous Copyright Infringer		
Defendant	Freeman Webb Co., Realtors		
Defendant	City Real Estate Advisors, Inc.		
Defendant	Ryman Lofts at Rolling Mill Hill L.P.		
Defendant	Briley, C. David		
Defendant	Thaden, Emily		
Defendant	Prince, Amanda		
Defendant	MDHA Board of Commissioners		
Defendant	Choppin, Will		
Defendant	Lybarger, Nathan C.		
Defendant	Hernandez, Jomy		
Defendant	Freeman, William H.		
Defendant	Harbison, James		
Defendant	Hall, Wesley M., III		
Defendant	Law Office of Hall & Associates		
Defendant	Beverstein, Rod		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Metro Development & Housing Agency		
Defendant	Harris, Adrian Bond		
Defendant	Davis, Willie Kirby		

Wiggins, Timothy v. Daron Hall, et al.	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-00144	\$6,000,000.00
<p>Damages Asserted 42 USC 1983: 4th and 14th Amend; After frivolity review required by PLRA, Court dismissed all defendants except one correctional officer sued for excessive force. Pro Se inmate seeks compensatory damages only.</p>			
Plaintiff	Timothy, Wiggins		
Defendant	Eichstaed, Brian		

Blanton, Ray, et al v. TYCOWA, LLC, et al	Robertson County Circuit	2019-CV-329	\$5,000,000.00
<p>Damages Asserted Storage of waste water treatment facility bioproduct in Robertson County creates public & private nuisance due to odor, violates EPA standards and local zoning. Condemnation, inverse condemnation for diminished property values, abatement of nuisance, injunctive relief, prejudgment and post judgment interest, cost.</p>			
Plaintiff	Martin, Jason		
Plaintiff	Henderson, Kevin		
Plaintiff	Henderson, Petra		
Plaintiff	Johnson, Robert L.		
Plaintiff	Blanton, Ray		
Plaintiff	Blanton, Carla		
Plaintiff	Hawk, Kendall		
Plaintiff	Long, Tara		
Plaintiff	Carney, Sandra		
Plaintiff	Milteer, Ernie		
Plaintiff	Carroll, Danny		
Plaintiff	Carroll, Bridgette		
Plaintiff	Milteer, Nastashia		
Defendant	Walker, Timothy		
Defendant	Walker, Rebecca		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Robertson County		
Counsel: Opposing	Dean, Benjamin K.		

FileName	Court	Docket #	Initial Demand
Case, Charles Kermit v. Core Civic, Inc., et al.	Circuit Court - Second	19C1584	\$2,500,000.00
<p>Damages Asserted TGTLA and 42 USC 1983: Correctional van transporting Plaintiff backed into some unidentified object, injuring Plaintiff. Alleges deliberate indifference to his medical needs by correctional facility. Seeks compensatory damages, court cost and discretionary cost.</p>			
Plaintiff	Case, Charles Kermit		
Defendant	CoreCivic of Tennessee, LLC		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	White, Benny G.		
Anderson, Andrea, ex rel v. Metro Government, et al	Circuit Court - Sixth	19C2193	\$2,000,000.00
<p>Damages Asserted TCA 20-5-113: Wrongful death. Public Works' garbage truck struck and killed pedestrian crossing Shelby Ave. Compensatory damages.</p>			
Plaintiff	WASHINGTON, DALACHANDRA		
Plaintiff	Anderson, Andrea		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Taylor, Zina		
Defendant	Davidson Transit Organization		
Defendant	MTA (Metro Transit Authority)		
Counsel: Opposing	Davis, Robert Floyd		
Counsel: Opposing	Kessler, III, Norris A.		
Okojie, Richauna v. Hospital Authority	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-00654	\$1,000,000.00
<p>Damages Asserted Title VII and THRA: Plaintiff, a registrar at Nashville General Hospital, alleges race discrimination and hostile work environment in retaliation for her filing a complaint with General Hospital. Complaint alleged emergency room personnel refused to attend to a black man with chest pains, who later died. Seeks compensatory damages; punitive damages; attorney fees and costs.</p>			
Plaintiff	Okojie, Richauna		
Defendant	Metro Nashville - Hospital Authority - General/Meharry		
Counsel: Opposing	Wade, Lorraine		
Lemay, Larry Lee v. Correct Care Solutions, et al.		3:19-cv-00683	\$1,000,000.00
<p>Damages Asserted 42 USC 1983: 14th Amend; Deliberate indifference to pro se inmate's medical needs. Seeks a declaratory judgment, compensatory and punitive damages, attorney fees & cost.</p>			
Plaintiff	Lemay, Larry Lee		
Defendant	Wellpath LLC		
Defendant	Alexander, Keyonna		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Hall, Daron		
Galluzzi, Samuel, et al v. Metro Government	Circuit Court - Second	19C2296	\$1,000,000.00
<p>Damages Asserted TGTLA: Plaintiff Officer shot twice when assisting in the apprehension of armed suspect. Officer does not identify who shot him. Plaintiff alleges negligent tactics by lieutenant and sergeants at the scene were the proximate cause of his injuries. Plaintiffs seek compensatory damages and loss of consortium damages.</p>			
Plaintiff	Galluzzi, Samuel		
Plaintiff	Galluzzi, Hannah		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	Hight, Justin		

FileName	Court	Docket #	Initial Demand
Killion, Betty v. Ingram Industries, Inc., et al	Circuit Court - First	19C2335	\$1,000,000.00
Damages Asserted	TGTLA: Dangerous and unsafe condition of sidewalk - sign forcing pedestrians to leave the sidewalk and negotiate the speed bump in the street; failure to warn of the danger, improper review of site plans and issuance of a use and occupancy permit. Compensatory and punitive damages		
Plaintiff	Killion, Betty M.		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Geico Insurance Agency, Inc.		
Defendant	Hill Center at Bell Meade, LLC		
Defendant	Ingram Industries, Inc.		
Defendant	Publix Tennessee, LLC		
Counsel: Opposing	Bailey, Nicholas D.		
Counsel: Opposing	Leonardo, Dominic J.		
Clara, Joseph, et al v. Metro Government, et al	Circuit Court - Sixth	19C1581	\$900,000.00
Damages Asserted	TGTLA: TCA 29-20-202 Automobile accident; Alleges Public Work's truck made an illegal U-turn striking Plaintiffs' vehicle. Compensatory damages, including loss of consortium claim.		
Plaintiff	Clara, Wyndee		
Plaintiff	CLARA, JOSEPH J.		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Nickens, Steven D.		
Counsel: Opposing	Bragdon, Robert O.		
Counsel: Opposing	Bragdon, Robert B.		
Budd, Lee A., et al v. Metro Government	Circuit Court - Sixth	19C1744	\$900,000.00
Damages Asserted	TGTLA: TCA 29-20-203 ; Plaintiff Lee Budd slipped and fell on uneven sidewalk on 5th Ave S. just south of Broadway. Plaintiff Kenneth Budd claims loss of consortium. Compensatory damages.		
Plaintiff	Budd, Lee A.		
Plaintiff	Budd, Kenneth C.		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	Steiner, Ann Buntin		
Stanton, Dustin v. Davidson County Sheriff's Office, et al.	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-00270	\$750,000.00
Damages Asserted	42 USC 1983: 14th Amendment. Pro se inmate. After PLRA frivolity review by the Court, three correctional officers are sued individually, for deliberate indifference to a known risk that violent inmates will attack less violent inmates if they are allowed to intermingle during recreation period. Compensatory damages.		
Plaintiff	Stanton, Dustin Shawn		
Defendant	Pallak, Nicholas		
Defendant	Cobbs, Jennifer		
Defendant	Cole, Kevin		

FileName	Court	Docket #	Initial Demand
Highland Park Church, et al v. Metro Government, et al.	Circuit Court - Fifth	19C1653	\$0.00
<p>Damages Asserted Writ of Certiorari: Request Court reverse decision of Planning Commission denying approval of Petitioners' concept plan for a subdivision on Knob Road. Attorney fees and cost.</p>			
Plaintiff	Highland Park Church		
Plaintiff	Dale & Associates, Inc.		
Defendant	Neighbors of Knob Hill		
Defendant	Metro Nashville - Planning Commission		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	Dean, George A.		
Counsel: Opposing	White, Thomas V.		

Krueger, Stacy v. Hospital Authority	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-00565	\$0.00
<p>Damages Asserted ADAAA: Plaintiff's request for a scent free work place was not provided. Claims constructive discharge. Seeks back pay, front pay; damages for loss of benefits; compensatory damages; punitive damages; attorney fees and costs.</p>			
Plaintiff	Krueger, Stacy		
Defendant	Metro Nashville - Hospital Authority - General/Meharry		
Counsel: Opposing	Jackson, R. Scott		

Ghunim, Odai v. Victoria Cunningham	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-671	\$0.00
<p>Damages Asserted 42 USC 1983: 4th, 5th and 14th Amendments, federal malicious prosecution; state claim of malicious prosecution, intentional infliction of emotional distress; TGTLA: negligent infliction of emotional distress. Clerk at gas station alleges he fired his pistol in self- defense and therefore should not have been arrested and prosecuted. Seeks compensatory and punitive damages, attorney fees and cost.</p>			
Plaintiff	Ghunim, Odai		
Defendant	Cunningham, Victoria		
Counsel: Opposing	Leonard, Russell L.		

Walden, Robert v. Jason Murrell, et al.	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-00621	\$0.00
<p>Damages Asserted 42 USC 1983, TCA: 4th Amend - search and seizure; TCA 39-13-302 - false arrest/imprisonment. Pro se pretrial detainee alleges illegal search and seizure led to his incarceration. He seeks \$2,000 a day compensatory damages for each day he stays in jail, approximately \$900,000 to date.</p>			
Plaintiff	Walden, Robert		
Defendant	Norris, Matthew		
Defendant	Murrell, Jason		
