

MEMORANDUM

TO: Vice Mayor Jim Shulman
Metropolitan Council

FROM: James L. Charles, Associate Director of Law

DATE: June 4, 2020

SUBJECT: M.C.L. § 2.40.115; 2020 1st Quarter Reports

ATTACHMENTS: (1) 2020 1st Quarter Report of Significant Litigation, Damage Amount Specified;
(2) 2020 1st Quarter Report of Significant Litigation, Damage Amount Not Specified;

1. The “2020 1st Quarter Report of Significant Litigation: Damage Amount Specified” lists new cases filed this quarter in which the *ad damnum* clause in the complaint requests damages greater than \$300,000. (Attachment 1)

2. The “2020 1st Quarter Report of Significant Litigation: Damage Amount Not Specified” lists new cases filed 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:

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.

ATTACHMENT 1

2020 1st Quarter Report of Significant Litigation: Damage Amount Specified

FileName	Court	Docket #	Initial Demand
Avery, David A. v. John D. Wooten, Jr., et al.	Supreme Court of Ohio	2019-1809	\$333,333,000.00
Damages Writ of Error / Habeas Corpus: Convicted felon claims he is falsely imprisoned because the Davidson County Criminal Court had no jurisdiction over him, as a sovereign citizen.			
Plaintiff	Avery, David A.		
Defendant	Torrence, David		
Defendant	Doersom, Brian		
Defendant	Orr, Danny		
Defendant	Higgins, William E. (Bill) Judge		
Defendant	Rooker, Richard R.		
Defendant	Wynn, Brenda		
Defendant	Sneed, Gary		
Defendant	Newbern, Daniel		
Defendant	Holt, Aaron		
Defendant	Hardin, Shaun		
Defendant	Morris, Billy		
Defendant	Hall, Daron		
Defendant	Barber, Adam Scott		
Defendant	Dozier, Brandon		
Defendant	Blackburn, Cheryl		
Defendant	Snow, Ericka		
Defendant	Simpkins, Thomas E.		
Counsel: Opposing	Pro Se		
Doe, James, ex rel v. Metropolitan Government	U.S. Dist. Ct. M.D. Tenn.	3:20-cv-00004	\$3,000,000.00
Damages Title IX and 42 USC 1983: Compensatory and punitive damages, declaratory judgment and injunctive relief. Complaint alleges 7th grade student sexually assaulted on school bus on more than one occasion by the same perpetrator.			
Plaintiff	Doe, James		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	Parker, Mary A.		
Counsel: Opposing	Crofford, Stephen		
Rollins, Krisy L. v. Levy Place, L.P., et al.	Circuit Court - First	19C1221	\$1,000,000.00
Damages TGTLA: Compensatory damages and cost. Plaintiff stepped in a grass covered hole and broke his ankle.			
Plaintiff	Rollins, Krisy		
Defendant	Levy Place, L.P.		
Defendant	Five Star Lawn Management		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	Bowden, Tim L.		
Counsel: Opposing	Gaines, Michael W.		
Musgrave, Kennedy v. Metropolitan Government	Circuit Court - First	20C359	\$1,000,000.00
Damages Intentional Infliction of Emotional Distress; Harassment and Bullying, Defamation - Libel and Slander, Negligence, Negligence Per Se, Invasion of Privacy, Discrimination, Retaliation: Compensatory and punitive damages, attorney fees and cost. Senior at Hillsboro HS not selected salutatorian.			
Plaintiff	Musgrave, Kennedy		
Defendant	Pelham, Schuler		
Defendant	Reese, Kenyae		
Defendant	Hillsboro High School		
Defendant	Metropolitan Government of Nashville and Davidson County		
Counsel: Opposing	Karnes, Lanis		

FileName	Court	Docket #	Initial Demand
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Gomez, Citlaly v. Metro Government	Chancery Court - Part II	20-219-II	\$950,000.00
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Damages THRA: Sexual harassment; sexual discrimination; hostile work environment and retaliation. Back pay, front pay, punitive damages, attorney fees and cost. Female police officer alleges she has been victim of sexual harassment and retaliation.

Plaintiff	Gomez, Citlaly
Defendant	Metropolitan Government of Nashville and Davidson County
Counsel: Opposing	Lee, Jason

Witcher, Derrick v. Metro Government	Circuit Court - Second	19C2651	\$500,000.00
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Damages TGTLA: Defective sidewalk. Plaintiff tripped over a metal access grate. Compensatory damages including past and future medical expenses, loss of earning capacity, permanent physical impairment and cost.

Plaintiff	Witcher, Derrick
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Church Street Lofts Condominium Association, Inc.
Defendant	Castle, Susan
Defendant	Nashville Electric Service
Defendant	Piedmont Natural Gas
Defendant	Fire Finch Boutique
Defendant	Ghertner & Company
Defendant	Metro Nashville - Water Services Department
Counsel: Opposing	Cardwell, M. Shawn

Shuler, Jr., Lewis Clay v. Daron Hall, et al.	U.S. Dist. Ct. M.D. Tenn.	3:19-cv-00266	\$320,000.00
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Damages 42 USC 1983: 4th Amend. Inmate alleges use of chemical spray was excessive force. Compensatory and punitive damages.

Plaintiff	Shuler, Lewis Clay
Defendant	Myatt, Chadwick
Defendant	Dial, Timothy
Defendant	Wilkens, Kenneth
Defendant	Cullen, Daniela
Defendant	Sturgeon, Timothy
Counsel: Opposing	Pro Se

Attachment 2

2020 1st Quarter Report of Significant Litigation: Damage Amount Not Specified

FileName	Court	Docket #	Initial Demand
Formosa Productions, Inc. v. Metro Government	Chancery Court - Part III	20-0043-III	\$0.00
<p>Damages Breach of Contract; Open Meetings Act violation; Declaratory and injunctive relief; compensatory and punitive damages, interest, attorney fees and cost. Former fairgrounds speedway lessee's contract terminated.</p> <p>Plaintiff Formosa Productions dba Fairgrounds Speedway Nashville Defendant Metropolitan Government of Nashville and Davidson County Counsel: Opposing Roberts, James D. R.</p>			
Barton, Carol v. Metro Nashville Public Schools	U.S.Dist.Ct. M.D.Tenn.	3:20-cv-00118	\$0.00
<p>Damages Title VII: Religious discrimination and retaliation; Compensatory and punitive damage, backpay, lost benefits, pre-judgment and post-judgment interest, attorney fees and cost. Plaintiff alleges MNPS failed to make a reasonable accommodation for her religious beliefs by refusing to grant her leave to attend a religious conference.</p> <p>Plaintiff Barton, Carol A. Defendant Metro Nashville - Public Schools Counsel: Opposing Hunter, Anne Bennett Counsel: Opposing Collins, Heather Moore</p>			
Williamson, Lee Esther, ex rel v. Metro Government	Circuit Court - Second	20C422	\$0.00
<p>Damages TGTLA: Negligence, gross negligence, and reckless conduct. Mother alleges MNPS allowed a student with a known propensity for bullying her 5th grade daughter to assault her again.</p> <p>Plaintiff Williamson, Lee Esther Defendant Metropolitan Government of Nashville and Davidson County Counsel: Opposing McElhaney, Rocky</p>			