

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



JOHN COOPER
MAYOR

WALLACE W. DIETZ
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 Jim Shulman
Metropolitan Council

FROM: Allison Bussell, Associate Director of Law

DATE: November 1, 2021

SUBJECT: M.C.L. § 2.40.115; 2021 3rd Quarter Reports of Significant Litigation

ATTACHMENT: 2021 3rd Quarter Report of Significant Litigation: Damage Amount Specified

1. Attachment 1, “2021 3rd 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.

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 3rd Quarter Report of Significant Litigation: Damage Amount Specified

Case Name	Court	Docket #	Initial Demand
<i>Vision Real Estate Investment Corp, et al. v. Metro Gov't</i>	Chancery Court - Part II	21-0743-II	\$40,000,000.00

Damages: Plaintiff Michael Hampton, the sole owner of plaintiffs Vision Real Estate and Autumn Hills, bring an action for breach of contract, intentional interference with contract, and procurement of breach of contract arising out of the sale, development, management, and operations of properties commonly known as Kindred Acute Care Hospital, Bordeaux Nursing Home, and J.B. Knowles Assisted Living. Plaintiff seeks \$40,000,000 and treble damages pursuant to Tenn. Code Ann. § 47-50-109.

Plaintiff	Hampton, Michael
Plaintiff	Autumn Assisted Living Partners, Inc.
Plaintiff	Vision Real Estate Investment Corporation
Defendant	Metro Nashville - Hospital Authority - General/Meharry
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Metropolitan Development and Housing Agency
Opposing Counsel	Scruggs, Mark C.

<i>Holt, Dedric b/n/f Summers, Charkia v. Boscobel I, L.P., et al.</i>	Circuit Court - Eighth	21C994	\$2,750,000.00
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Damages: Plaintiff seeks \$2,750,000 in damages arising from the death of a child who was playing at a playground and got tangled in the mechanics of a garage door. The Metropolitan Government's dismissal is impending because the property was owned by MDHA, not the Metropolitan Government.

Plaintiff	Holt, Dedric
Plaintiff	Summers, Charkia
Defendant	Crawford Door Sales of Nashville, Inc
Defendant	Boscobel I, L.P.
Defendant	MDHA Boscobel I, Inc.
Defendant	Doe, John
Defendant	Metro Nashville - Housing Trust Fund Commission
Defendant	Metro Development & Housing Agency
Opposing Counsel	Thompson III, George H.
Opposing Counsel	O'DeNeal, Ramsdale

<i>Bryan, Raymond, et al. v. Merrill, Cassandra, et al.</i>	Circuit Court - Fifth	21C1371	\$500,000.00
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Damages: Plaintiffs claim damages not to exceed \$500,000 arising from a vehicle accident with an MNPS employee.

Plaintiff	Bryan, Dianne
Plaintiff	Bryan, Raymond
Defendant	Merrill, Cassandra
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Metro Nashville - Public Schools
Opposing Counsel	Smith, A. Allen