

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: November 1, 2022

SUBJECT: M.C.L. § 2.40.115; 2022 3rd Quarter Report of Significant Litigation

ATTACHMENT: (1) 2022 2nd Quarter Report of Significant Litigation: Damages Amount Specified

(2) 2022 2nd Quarter Report of Significant Litigation, Damages Amount Not Specified

1. The “2022 2nd 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. The “2022 2nd Quarter Report of Significant Litigation: Damages Amount Not Specified” lists new cases this quarter in which potential liability is not necessarily limited to \$300,000 by a statutory cap. (Attachment 2)

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, <i>et seq.</i>
Sec. 504: STRUA:	Section 504 of the Rehabilitation Act, 29 U.S.C. §§ 794, <i>et seq.</i> Short-Term Rental Unit Act, Tenn. Code Ann. §§ 13-7-601, <i>et seq.</i>
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, <i>et seq.</i>
THRA:	Tennessee Human Rights Act, Tenn. Code Ann. §§ 4-21-101, <i>et seq.</i>
TITDA:	Tennessee Identity Theft Deterrence Act, Tenn. Code Ann. §§ 47-18-2101, <i>et seq.</i>
Title VI:	Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, <i>et seq.</i>
Title VII:	Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, <i>et seq.</i>
Title IX:	Title IX, Education Amendments of 1972 to the Civil Rights Act of 1964, 20 U.S.C. §§ 1681, <i>et seq.</i>
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 3rd Quarter Report of Significant Litigation: Damages Amount Specified

Case Name	Court	Docket #	Initial Demand
<i>Fitcheard, Jill Marie v. Metropolitan Government</i>	U.S. Dist. Ct. M.D. Tenn.	3:22-cv-00638	\$2,012,500.00

Damages: Plaintiff, the Community Oversight Board director, seeks compensatory and punitive damages, alleging that Metro is using technology to harass and intimidate her.

Plaintiff	Fitcheard, Jill Marie
Defendant	Metropolitan Government of Nashville and Davidson County
Counsel: Opposing	Pro Se

ATTACHMENT 2

2022 3rd Quarter Report of Significant Litigation: Damages Amount Not Specified

Case Name	Court	Docket #	Initial Demand
<i>Lipscomb, Joshua v. Nashville Fire Department</i>	Chancery Court - Part I	22-0501-I	\$0

Damages: Plaintiff alleges First Amendment retaliation arising out of discipline he incurred following a social media post. Plaintiff also asserts facial and as-applied challenges to numerous NFD policies. Plaintiff seeks backpay, compensatory damages, and attorneys' fees and costs.

Plaintiff	Lipscomb, Joshua
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Metro Nashville – Fire Dept. – EMS
Counsel: Opposing	Herzfeld, Tricia
Counsel: Opposing	Rubinfeld, Abby

<i>Estep, Chelesy v. City of Nashville, et al.</i>	U.S. Dist. Ct. M.D. Tenn.	3:22-cv-00721	\$0
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Damages: Plaintiff seeks compensatory damages, punitive damages, and attorneys' fees and costs, arising out of the officer-involved shooting of her husband, Landon Eastep, on I-65.

Plaintiff	Estep, Chelesy
Defendant	Carrick, Steven
Defendant	Murphy, Brian
Defendant	Williams, Sean
Defendant	City of Mt. Juliet
Defendant	Plancic, Edin
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Kidd, James
Defendant	Achinger, Charles
Defendant	Edge, Reggie
Defendant	Pinkelton, Justin
Counsel: Opposing	McKenzie, David J.
Counsel: Opposing	Medley, Barbara G.