

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: February 1, 2023

SUBJECT: M.C.L. § 2.40.115; 2022 4th Quarter Report of Significant Litigation

ATTACHMENT: (1) 2022 4th Quarter Report of Significant Litigation: Damages Amount Specified

1. The “2022 4th 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. 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.*

STRUUA: 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

2022 4th Quarter Report of Significant Litigation: Damages Amount Specified

Case Name	Court	Docket #	Initial Demand
<i>Gardell, Lars et al. v. Metro Gov't et al.</i>	Circuit Court – Sixth	22C2671	\$775,000.00

Damages: Plaintiffs seek \$775,000 in compensatory and loss of consortium damages arising from a vehicle accident wherein Plaintiff was riding as a passenger in a vehicle driven by a Metro employee.

Plaintiff	Gardell, Lars Thomas
Plaintiff	Gardell, Amber
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Perez, Edin Esau Itzep
Counsel: Opposing	Dunigan, Brian Patrick

<i>Parrish, James a/n/k Flynn, Frances v. Metropolitan Government, et al.</i>	U.S. Dist. Ct. – M.D.Tenn. ¹	3:22-cv-00973	\$8,100,000.00
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Damages: Plaintiff seeks compensatory and loss of consortium damages arising from the death of his wife (who was pregnant) by suicide after officers responded to their home following a 911 call about a domestic disturbance.

Plaintiff	Parrish, James
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Moser, David
Defendant	Price, Billy
Counsel: Opposing	Horwitz, Daniel

¹ This case was originally filed in Circuit Court, but Defendants removed the case to federal court due to the presence of a federal claim.