

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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MEMORANDUM

TO: Vice Mayor Angie Henderson
Metropolitan Council

FROM: Allison Bussell, Associate Director of Law

DATE: November 1, 2023

SUBJECT: M.C.L. § 2.40.115; 2023 3rd Quarter Report of Significant Litigation

ATTACHMENT: (1) 2023 3rd Quarter Report of Significant Litigation: Damages Amount Specified

(2) 2023 3rd Quarter Report of Significant Litigation, Damages Amount Not Specified

1. The “2023 3rd 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 “2023 3rd 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, *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

2023 3rd Quarter Report of Significant Litigation: Damages Amount Specified

Case Name	Court	Docket #	Initial Demand
<p><i>Bramblett, Eric Aaron v. Daron Hall, et al.</i></p> <p>Damages: Pro se plaintiff seeks \$20,000,000 in damages arising from what he contends was a failure to obtain medical care. Sheriff Hall is being represented by outside counsel pursuant to the contract with the medical provider.</p> <p>Plaintiff Bramblett, Eric Aaron Defendant Defranco, Sam Defendant Hall, Daron Opposing Counsel Pro Se Hall's Counsel Witt, Bryant</p>	U.S.Dist.Ct. M.D.Tenn.	3:23-cv-00372	\$20,000,000.00
<p><i>Rimes, James D., et al. v. Estate of Marion Douglas, et al.</i></p> <p>Damages: Plaintiffs allege damages arising out of a motor vehicle and pedestrian collision. Plaintiffs allege that NDOT was negligent in issuing a permit for utility work lane closure that Plaintiffs contend was not in compliance with TDOT's permit restrictions requiring such work to be done at night.</p> <p>Plaintiff Rimes, James Plaintiff Rimes, Donne Defendant Ramston Capital, LLC Defendant Views of MC2, LLC Defendant Batten & Shaw, Inc. Defendant Estate of Marion Douglas Defendant Click, Garth Defendant Covenant Constructors, LLC Defendant Metropolitan Government of Nashville and Davidson County Opposing Counsel Gritton, Robert P. Opposing Counsel Blair, Keith</p>	Circuit Court - First	23C2079	\$1,950,000.00
<p><i>Allen, Christy v. Metropolitan Government, et al.</i></p> <p>Damages: Plaintiff seeks damages arising from her termination from employment as a deputy clerk with the Circuit Court Clerk's Office, which she claims was in retaliation for not supporting Joseph Day's candidacy. Companion case to <i>Veronica Edmonson</i> lawsuit. All individual defendants are represented by the Department of Law except Mr. Rooker, who requested outside representation.</p> <p>Plaintiff Allen, Christy A. Defendant Metropolitan Government of Nashville and Davidson County Defendant Day, Joseph Defendant Rooker, Richard R. Defendant Baletto, Glenn Defendant Chatman, Stephanie Opposing Counsel Craig, Paul Forrest Rooker's Counsel Hardin, Hal</p>	U.S.Dist.Ct. M.D.Tenn.	3:23-cv-00636	\$882,400.00

<i>Crouch, Kenny v. Metropolitan Government, et al.</i>	Circuit Court - Eighth	23C1928	\$750,000.00
<p>Damages: Plaintiff seeks compensatory damages arising from a collision with a vehicle driven by Defendant Jimmy Papakonstantinou. Plaintiff contends that the collision occurred because Metro Nashville failed to ensure there was a stop sign at the intersection.</p>			
Plaintiff	Crouch, Kenny		
Defendant	Papakonstantinou, Elizabeth		
Defendant	Papakonstantinou, Jimmy		
Opposing Counsel	Cotter, Coutney		

<i>Mayo, Nathan, et al v. Metro Government, et al.</i>	Circuit Court - Eighth	23C2013	\$1,000,000.00
<p>Damages: Plaintiffs seek compensatory damages and loss of consortium damages arising from a vehicle collision in which Plaintiff Nathan Mayo was a passenger in an MNPD vehicle dispatched to an emergency.</p>			
Plaintiff	Mayo, Nathan		
Plaintiff	Mayo, Felcia		
Defendant	Beltran, Ma Amparo		
Defendant	Metropolitan Government of Nashville and Davidson County		
Opposing Counsel	Higgins, James S.		
Opposing Counsel	Mauer, Nathan H.		

ATTACHMENT 2

2023 3rd Quarter Report of Significant Litigation: Damages Amount Not Specified

Case Name	Court	Docket #
<i>Doe, John v. Metropolitan Government</i>	U.S.Dist.Ct. M.D.Tenn.	3:23-cv-00736
<p>Damages: Plaintiff seeks injunctive relief; reinstatement into a police officer position; lost wages; compensatory damages; punitive damages; attorneys' fees and costs; pre-judgment and post-judgment interest; and annual mandatory training regarding the ADA and persons living with HIV, arising out of Metro Nashville's denial of a previously offered position as an MNPD police officer because of Plaintiff's HIV status. Plaintiff seeks relief under the ADA and Rehab Act.</p>		
Plaintiff	Doe, John	
Defendant	Metropolitan Government of Nashville and Davidson County	
Counsel: Opposing	Winemiller, John	
Counsel: Opposing	Sheehan, Michael J.	
Counsel: Opposing	Nevins, Gregory R.	
Counsel: Opposing	Thompson, Paul M.	
Counsel: Opposing	Skeen, Shelly L.	
Counsel: Opposing	Linsky, Lisa A.	
<i>Infinium Builders, et al. v. Metropolitan Government</i>	U.S.Dist.Ct. M.D.Tenn.	3:23-cv-00924
<p>Damages: Plaintiffs seek injunctive relief, damages, and other legal and equitable relief, pursuant to 42 U.S.C. §§ 1983 and 1988 and the Tennessee common law of unjust enrichment, on behalf of themselves and all others to whom Metro Nashville's sidewalk ordinance, Metro Code 17.20.120, was applied. The sidewalk ordinance, which was deemed unconstitutional in <i>Knight v. Metropolitan Government</i>, conditioned building permits on either the construction of a sidewalk or a contribution to the city's sidewalk fund.</p>		
Plaintiff	KE Holdings LLC	
Plaintiff	Infinium Builders LLC	
Defendant	Metropolitan Government of Nashville and Davidson County	
Counsel: Opposing	Garrison, David W.	
Counsel: Opposing	Dickerson, R. Alex	