

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: August 1, 2022

SUBJECT: M.C.L. § 2.40.115; 2022 2nd 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. No final judgment was entered against the Metropolitan Government this quarter.

4. 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

2022 2nd Quarter Report of Significant Litigation: Damages Amount Specified

Case Name	Court	Docket #	Initial Demand
<i>DeLanis, James A. v. Metropolitan Government, et al.</i>	U.S. Dist. Ct. M.D. Tenn.	3:22-cv-00469	\$1,000,000.00

Damages: Plaintiff asserts retaliation and conspiracy claims against Metro and Councilmember Mendes, alleging that they attempted to unlawfully coerce or intimidate Plaintiff in his capacity as a state official. Plaintiff seeks compensatory damages; punitive damages; and attorney fees and costs.

Plaintiff	DeLanis, James A.
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Baker, Donelson, Bearman, Caldwell & Berkowitz
Defendant	Mendes, Bob
Counsel: Opposing	Harris, John I., III

<i>Keller, Sharif v. Metropolitan Government, et al.</i>	U.S. Dist. Ct. M.D. Tenn.	3:21-cv-00377	\$750,000.00
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Damages: Plaintiff alleges excessive force, malicious prosecution, false arrest, conspiracy, intentional infliction of emotional distress, and assault/battery claims against DCSO employees arising out of his detention in a DCSO correctional facility. Plaintiff seeks medical expenses, pain and suffering, lost wages, punitive damages, and attorneys' fees and costs.

Plaintiff	Keller, Shariff
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Butler, Derek
Defendant	Novak, Bryan
Defendant	Danckwerth, Christopher
Counsel: Opposing	Upkins, Ashley

<i>McKethan, Prentice, et al. B/N/F</i> <i>McKethan, Madasun v. Metro Gov't, et al.</i>	Circuit Court - Sixth	22C697	\$750,000.00
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Damages: Plaintiff claims damages including medical expenses, pain and suffering, mental anguish, loss of enjoyment of life, permanent injury, disability and impairment, disfigurement, lost wages, and lost earning capacity, as the result of a Two Rivers Middle School teacher slamming Plaintiff's finger in a door at the school.

Plaintiff	McKethan, Madasun
Plaintiff	McKethan, Jaleesa
Plaintiff	McKethan, Prentice
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Peters, Will
Counsel: Opposing	Toll, Ali

ATTACHMENT 2

2022 2nd Quarter Report of Significant Litigation: Damages Amount Not Specified

Case Name	Court	Docket #	Initial Demand
<i>Leffler, Lily Moreno v. Metropolitan Government, et al.</i>	U.S.Dist.Ct. M.D.Tenn.	3:21-cv-00038	\$0

Damages: Plaintiff asserts due process, retaliation, and THRA claims arising out of an MNPS reorganization. Plaintiff seeks unspecified damages not limited to \$300,000.

Plaintiff	Leffler, Lily Moreno
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Battle, Adrienne
Counsel: Opposing	Steiner, Ann Buntin