

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: April 24, 2023

SUBJECT: M.C.L. § 2.40.115; 2023 1st Quarter Report of Significant Litigation

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

1. The “2023 1st 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, <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

2023 1st Quarter Report of Significant Litigation: Damage Amount Specified

Case Name	Court	Docket #	Initial Demand
<p><i>Bermudez, Monica v. Metro Gov't</i></p> <p>Damages: Plaintiff seeks damages arising out of a slip and fall on a bike lane bollard downtown.</p> <p>Plaintiff Bermudez, Monica Defendant Metropolitan Government of Nashville and Davidson County Opposing Counsel Higgins, James S. Opposing Counsel Mauer, Nathan Henry</p>	Circuit Court - First	23C480	\$650,000.00
<p><i>Bowden, Charles et al. v. Metro Gov't, et al.</i></p> <p>Damages: Plaintiffs Charles Bowden and Paula Lewis seek compensatory damages and loss of consortium damages arising out of a vehicle accident with a Metro Water Services employee.</p> <p>Plaintiff Bowden, Charles E. Plaintiff Lewis, Paula Defendant Metro Nashville - Water Services Department Defendant Metropolitan Government of Nashville and Davidson County Defendant Metro Nashville - Water Services/Waste Services Opposing Counsel Feeney & Murray, PC Opposing Counsel Durham, Blair</p>	Circuit Court - Second	23C145	\$800,000.00
<p><i>Clayton, Mark v. Lauren Hogan, et al.</i></p> <p>Damages: Plaintiff seeks damages arising from what he alleges is an "illegal culvert" his neighbors and Metro Water installed downstream from his property and damages following claims that he allegedly harassed Metro Water employees.</p> <p>Plaintiff Clayton, Mark Defendant Palko, Tom Defendant Potter, Scott Defendant Glenn R. Funk Defendant Balthrop, Hal Defendant Lawless, Thomas Defendant Toosi, Cyrus Defendant Hayes, Kimberly Defendant Metropolitan Government of Nashville and Davidson County Defendant Honeysucker, John Defendant Durman, Stephanie Defendant Dennis, Paige Defendant Hunter, Amy Defendant Hogan, Lauren Defendant Young, Bill Opposing Counsel Drake, John</p>	U.S. Dist. Ct. M.D. Tenn.	3:22-cv-00936	\$75,000,000.00

<i>Foote, Dana Corcoran v. Metro Gov't, et al.</i>				Circuit Court - Second	23C325	\$750,000.00
Damages: Plaintiff, a performer at Nashville Municipal Auditorium, seeks compensatory and punitive damages arising out of her fall from the back of the stage after her performance. Plaintiff sues Metro and the company that organizes and executes concerts in that venue, the company that erected the stage, and her production company.						
Plaintiff	Corcoran Foote, Dana					
Defendant	Staging Company, (John Doe)					
Defendant	AEG Presents Productions, LLC					
Defendant	Live Nation Worldwide, Inc.					
Defendant	Metropolitan Government of Nashville and Davidson County					
Opposing Counsel	Colburn, Nathan					
<i>Herman, Kaitlyn v. Metro Gov't</i>				Circuit Court - Fifth	22C2145	\$600,000.00
Damages: Plaintiff seeks compensatory damages arising out of an electric scooter crash at the intersection of 13th Avenue and Broadway.						
Plaintiff	Herman, Kaitlyn					
Defendant	Metropolitan Government of Nashville and Davidson County					
Opposing Counsel	Kilgore, J. Patrick					
Opposing Counsel	McElhaney, Rocky					
<i>Jones-Mbuyi, Kimberly v. Metro Gov't, et al.</i>				Circuit Court - Second	22C2323	\$300,000.00
Damages: Plaintiff alleges unspecified compensatory damages against the Metropolitan Government arising out of the death of her daughter, who was murdered by Defendant James Leggett after Metropolitan Nashville Police Department personnel left Plaintiff's home following their response to Plaintiff's call for assistance.						
Plaintiff	Jones-Mbuyi, Kimberly					
Defendant	Metropolitan Government of Nashville and Davidson County					
Defendant	Leggett, James					
Opposing Counsel	Dix, Melissa					
Opposing Counsel	Smith, Lindsay					
Opposing Counsel	Horwitz, Daniel					
<i>Marshall, Dennise v. Metro Gov't, et al.</i>				Circuit Court - Sixth	23C17	\$350,000.00
Damages: Plaintiff seeks compensatory damages arising from a vehicle accident with a Metro employee.						
Plaintiff	Marshall, Dennise					
Defendant	Metropolitan Government of Nashville and Davidson County					
Defendant	Walker, Michael					
Opposing Counsel	Durham, Blair					
Opposing Counsel	Fuller, Chaucey					

<i>Miami Land, LLC v. Metro Gov't</i>	U.S. Dist. Ct. M.D. Tenn.	3:22-cv-00174	\$2,500,000.00
<p>Damages: Plaintiff claims an unlawful taking and seeks damages arising from the Metropolitan Government restriction on development in the fifty-foot buffer from the Cumberland River floodway, which includes Plaintiff's six parcels on Miami Ave.</p>			
Plaintiff	Miami Land, LLC		
Defendant	Metropolitan Government of Nashville and Davidson County		
Opposing Counsel	LaFevor, Adam G.		
<i>Pae, Sharon v. Metro Gov't, et al.</i>	Circuit Court - Second	21C2171	\$750,000.00
<p>Damages: Plaintiff seeks damages arising from a slip and fall on a sidewalk located at the intersection of Division Steet and 18th Ave. S. near a utility pole. Plaintiff originally sued "Metro by and through NES," and NES has been defending the case. After NES alleged that Metro owns the sidewalk, Plaintiff served Metro with the lawsuit despite not naming Metro as a party.</p>			
Plaintiff	Pae, Sharon		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	American Telephone and Telegraph Co.		
Opposing Counsel	Wyman, Philip		
Opposing Counsel	Crouch, Justin L.		
Opposing Counsel	Pierce, William B.		
<i>Taylor, Corey v. Wellpath Medical, et al.</i>	U.S. Dist. Ct. M.D. Tenn.	3:22-cv-00705	\$1,575,000.00
<p>Damages: Plaintiff seeks an injunction, declaratory judgment, compensatory damages, and punitive damages, arising from alleged inadequate medical treatment he received while in custody. Because the allegations relate only to medical care, Metro will demand a defense from Wellpath, the medical provider with whom Metro contracts for medical care services in jail facilities.</p>			
Plaintiff	Corey Taylor		
Defendant	Nguyen, Hong Brian		
Defendant	Wellpath LLC		
Defendant	Metropolitan Government of Nashville and Davidson County		
Opposing Counsel	Pro Se		