

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, 2023

SUBJECT: M.C.L. § 2.40.115; 2023 2nd Quarter Report of Significant Litigation

ATTACHMENT: (1) 2023 2nd Quarter Report of Significant Litigation: Damages Amount Specified
(2) 2023 2nd Quarter Report of Significant Litigation: Damages Amount Not Specified

1. The “2023 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 “2023 2nd Quarter Report of Significant Litigation: Damages Amount Not Specified” lists cases filed or identified 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 2nd Quarter Report of Significant Litigation: Damage Amount Specified

Case Name	Court	Docket #	Initial Demand
<i>Keister, Francis v. Metropolitan Nashville Police Department, et al.</i>	U.S.Dist.Ct. M.D.Tenn.	3:22-cv-00376	\$50,000,000.00
Damages: Pro se plaintiff seeks \$50,000,000 in compensatory and punitive damages arising from what he contends was an improper eviction and towing of his vehicle.			
Plaintiff	Keister, Francis		
Defendant	Metro Nashville — Davidson County Sheriff's Office		
Defendant	Metro Nashville — Police Department		
Defendant	Metro Nashville — General Sessions		
Defendant	Parsons, Thomas		
Defendant	Metro Nashville — Public Library		
Opposing Counsel	Pro Se		
<i>Abbey, Naya L., et al. Metropolitan Government, et al.</i>	U.S.Dist.Ct. M.D.Tenn.	3:23-cv-00300	\$9,140,000.00
Damages: Plaintiff and her minor son allege damages arising out of Plaintiff Naya Abbey's arrest while visiting Nashville in August of 2019.			
Plaintiff	Hernandez, David I.		
Plaintiff	Abbey, Naya L.		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Stuckey, Terrance		
Opposing Counsel	Pro Se		
<i>Edmondson, Veronica, et al. v. Metropolitan Government, et al.</i>	U.S.Dist.Ct. M.D.Tenn.	3:23-cv-00209	\$1,737,000.00
Damages: Plaintiffs seek damages arising from their termination from employment as deputy clerks with the Circuit Court Clerk's Office, which they claim was in retaliation for not supporting Joseph Day's candidacy.			
Plaintiff	Edmondson, Veronica		
Plaintiff	Donigan, Annecia		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Day, Joseph		
Defendant	Rooker, Richard R.		
Opposing Counsel	Craig, Paul Forrest		
<i>Carter, Antonius v. Mimi Lawrence, et al.</i>	U.S.Dist.Ct. M.D.Tenn.	3:22-cv-00730	\$400,000.00
Damages: Plaintiff seeks \$100,000 in compensatory damages per defendant (totaling \$400,000) arising from what he alleges were unconstitutional jail conditions.			
Plaintiff	Carter, Antonius		
Defendant	Bolden, Kyvari		
Defendant	Yevin, Eric		
Defendant	Goodale, Robert		
Defendant	Lane, Jennifer		
Opposing Counsel	Pro Se		

Borno, Carlems v. Metropolitan Government, et al.

Circuit Court - Sixth

23C725

\$350,000.00

Damages: Plaintiff seeks \$350,000 in damages arising out of a vehicle accident with an MNPS bus driver.

Plaintiff	Borno, Carlems
Defendant	Metro Nashville - Public Schools
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Mason, Elizabeth
Opposing Counsel	Gritton, Robert P.

Davila, Maya v. Metropolitan Government, et al.

Circuit Court - First

23C1433

\$350,000.00

Damages: Plaintiff seeks \$350,000 in damages arising out of a vehicle accident with an NDOT employee.

Plaintiff	Davila, Maya
Defendant	Liberty Mutual
Defendant	Kleppin, John F.
Defendant	Metropolitan Government of Nashville and Davidson County
Opposing Counsel	Hardin, Matthew C.
Opposing Counsel	Kilgore, William M.

ATTACHMENT 2

2023 2nd Quarter Report of Significant Litigation: Damage Amount Not Specified

Case Name	Court	Docket #
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<i>The Nashville Community Bail Fund v. Howard Gentry</i>	U.S. Dist. Ct. M.D. Tenn.	3:20-cv-00103
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Damages: Plaintiff challenges a Criminal Court Rule that requires the Criminal Court Clerk to condition acceptance of a cash bond on an agreement that fines, fees, court costs, taxes, or restitution ordered by the Criminal Court may be garnished from the cash. The parties dispute whether Mr. Gentry’s “official capacity” for purposes of the judgment entered in the cash is the State of Tennessee or Metro Nashville. The Court has already ruled that Gentry acted on behalf of the State when enforcing the Criminal Court Rule.

Plaintiff	Nashville Community Bail Fund
Defendant	Gentry, Howard
Opposing Counsel	Deaner, Dawn
Opposing Counsel	Castelli, Thomas H.
Opposing Counsel	Bergman, Angie