



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: February 2, 2024

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

ATTACHMENT: (1) 2023 4th Quarter Report of Significant Litigation: Damages Amount Specified
(2) 2023 4th Quarter Report of Significant Litigation, Damages Amount Not Specified

1. The “2023 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. The “2023 4th 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 4th Quarter Report of Significant Litigation: Damages Amount Specified

Case Name	Court	Docket #	Initial Demand
<p><i>McGruder, Euna v. Metro Gov't. d/b/a Metro Nashville Public Schools</i></p> <p>Damages: Plaintiff seeks front pay, injunctive relief, compensatory damages, punitive damages, attorneys' fees, and expenses arising out of her claim that Metro Nashville's appeal, motion to stay, and motion to set aside the reinstatement order following Plaintiff's trial victory in a prior lawsuit constitutes retaliation.</p> <p>Plaintiff McGruder, Euna Defendant Metro Nashville - Public Schools Defendant Metropolitan Government of Nashville and Davidson County Opposing Counsel Winfrey, Brian C.</p>	U.S. Dist. Ct. M.D. Tenn.	3:23-cv-01323	\$5,000,000.00
<p><i>Kane, Sharon M. v. HTDG, LLC. d/b/a Honky Tonk Central, et al.</i></p> <p>Damages: Plaintiff alleges damages arising out of Defendant Walker's sexual assault of Plaintiff after she became intoxicated at Honky Tonk Central and traveled home in an Uber with Walker. Plaintiff alleges that Metro Police should have called for medical attention and prohibited Walker from entering the Uber.</p> <p>Plaintiff Kane, Sharon M. Defendant HTDG, LLC. d/b/a Honky Tonk Central Defendant Reliford, Kris Defendant Metropolitan Government of Nashville and Davidson County Defendant Walker, Kyle Defendant Thompson, Tyrone Defendant Uber Technologies Inc. Opposing Counsel Thomas, D. Russell</p>	Circuit Court – Second	23C2427	\$2,000,000.00
<p><i>Hayes, Joshua v. Metro Gov't. & John Doe</i></p> <p>Damages: Plaintiff seeks damages arising from injuries he suffered when trying to move a fallen tree blocking the roadway while he was traveling on Bell Road near a greenway easement.</p> <p>Plaintiff Hayes, Joshua Defendant Metropolitan Government of Nashville and Davidson County Defendant Doe, John/Jane Opposing Counsel Griffith, D. Joe</p>	Circuit Court – Second	23C2869	\$2,000,000.00
<p><i>Bergman, Leah, et al. v. Metro Gov't, et al.</i></p> <p>Damages: Plaintiffs, a Hillsboro High School student and her mother, seek damages arising from an alleged physical assault and threats that the student received in fall 2022.</p> <p>Plaintiff Bergman, Leah Plaintiff Bergman, Eleanore Defendant Rodriguez, Ernest Defendant Metropolitan Government of Nashville and Davidson County Defendant Rodriguez, Javier Defendant Rodriguez, Janice</p>	Circuit Court – Eighth	23C2158	\$1,000,000.00

Opposing Counsel Mothershead, Kyle

Fitcher, Sue & Fitcher, Wayne v. Metro Gov't et al. Circuit Court – Fifth 23C1831 \$500,000.00

Damages: Plaintiffs seek damages arising from Plaintiff Sue Fitcher being hit by a television while attempting to do an interview with Ramsey Solutions in Centennial Park during a permitted event.

Plaintiff	Fitcher, Sue
Plaintiff	Fitcher, Wayne
Defendant	Metro Nashville – Parks and Recreation
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Ramsey Solutions
Opposing Counsel	Graham, Kevin Neil

ATTACHMENT 2

2023 4th Quarter Report of Significant Litigation: Damages Amount Not Specified

Case Name	Court	Docket #												
<p><i>McGregor, Brittney, et al. v. Wilson County, et al.</i></p> <p>Damages: Plaintiffs seek damages arising from a fatal vehicle accident involving a minor driver on General Kershaw Drive in Wilson County. Plaintiffs allege that the driver went around a sharp curve that was dangerous, dimly lit, poorly designed, had improper warning, and had no barricade, causing the driver to strike a tree, resulting in death to the driver. Metro Nashville owns a nearby stretch of road, which Plaintiffs claim did not have proper signage.</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Plaintiff</td> <td>McGregor, Ambria</td> </tr> <tr> <td style="padding-left: 20px;">Plaintiff</td> <td>McGregor, Brittney</td> </tr> <tr> <td style="padding-left: 20px;">Plaintiff</td> <td>McGregor, Ryder</td> </tr> <tr> <td style="padding-left: 20px;">Defendant</td> <td>Metropolitan Government of Nashville and Davidson County</td> </tr> <tr> <td style="padding-left: 20px;">Defendant</td> <td>Wilson County</td> </tr> <tr> <td style="padding-left: 20px;">Counsel: Opposing</td> <td>Hight, Justin</td> </tr> </table>	Plaintiff	McGregor, Ambria	Plaintiff	McGregor, Brittney	Plaintiff	McGregor, Ryder	Defendant	Metropolitan Government of Nashville and Davidson County	Defendant	Wilson County	Counsel: Opposing	Hight, Justin	Wilson County Circuit Court	2023CV644
Plaintiff	McGregor, Ambria													
Plaintiff	McGregor, Brittney													
Plaintiff	McGregor, Ryder													
Defendant	Metropolitan Government of Nashville and Davidson County													
Defendant	Wilson County													
Counsel: Opposing	Hight, Justin													
<p><i>Monterroza, Sharon et al. v. Wilson County, et al.</i></p> <p>Damages: Plaintiffs seek damages on behalf of themselves and their minor daughter arising from a vehicle accident, occurring on General Kershaw Drive in Wilson County and in which the minor Plaintiff was a passenger. Plaintiffs allege that the driver went around a sharp curve that was dangerous, dimly lit, poorly designed, had improper warning, and had no barricade, causing the driver to strike a tree, resulting in death to the driver. Metro Nashville owns a nearby stretch of road, which Plaintiffs claim did not have proper signage.</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Plaintiff</td> <td>Minor</td> </tr> <tr> <td style="padding-left: 20px;">Plaintiff</td> <td>Monterroza, Sharon</td> </tr> <tr> <td style="padding-left: 20px;">Plaintiff</td> <td>Monterroza, Ivan</td> </tr> <tr> <td style="padding-left: 20px;">Defendant</td> <td>Metropolitan Government of Nashville and Davidson County</td> </tr> <tr> <td style="padding-left: 20px;">Defendant</td> <td>Wilson County</td> </tr> <tr> <td style="padding-left: 20px;">Counsel: Opposing</td> <td>Denton, Jason</td> </tr> </table>	Plaintiff	Minor	Plaintiff	Monterroza, Sharon	Plaintiff	Monterroza, Ivan	Defendant	Metropolitan Government of Nashville and Davidson County	Defendant	Wilson County	Counsel: Opposing	Denton, Jason	Wilson County Circuit Court	2023CV730
Plaintiff	Minor													
Plaintiff	Monterroza, Sharon													
Plaintiff	Monterroza, Ivan													
Defendant	Metropolitan Government of Nashville and Davidson County													
Defendant	Wilson County													
Counsel: Opposing	Denton, Jason													