

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: August 2, 2024

SUBJECT: M.C.L. § 2.40.115; 2024 1st Quarter Report of Significant Litigation

ATTACHMENT: (1) 2024 2nd Quarter Report of Significant Litigation: Damages Amount Specified

1. The “2024 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. 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

2024 2nd Quarter Report of Significant Litigation: Damages Amount Specified

Case Name	Court	Docket #	Initial Demand
<p><i>King, William & Melissa v. Metro Gov't, et al.</i></p> <p>Damages: Plaintiffs seek compensatory and punitive damages arising out of a motor vehicle accident involving Plaintiffs' vehicle crashing head-on into a bridge abutment that Plaintiffs contend was concealed by a CSX railroad.</p> <p>Plaintiff King, Melissa Plaintiff King, William Defendant CSX Transportation Defendant City of Goodlettsville Defendant Metropolitan Government of Nashville and Davidson County Opposing Counsel O'Dwyer, Pamela R. Opposing Counsel Chandler, John</p>	Circuit Court – Eighth	24C592	\$4,150,000.00
<p><i>Bach, Byron v. Metro Gov't, et al.</i></p> <p>Damages: Plaintiff alleges damages arising out of a bicycle accident on the Harpeth River Greenway.</p> <p>Plaintiff Bach, Byron Defendant Metropolitan Government of Nashville and Davidson County Defendant Metro Nashville – Parks and Recreation Defendant Harpeth Valley Golf Center LLC Opposing Counsel Keaty, Jenney S.</p>	Circuit Court – Fifth	24C966	\$1,000,000.00
<p><i>Lowe, Rachel v. Metro Gov't</i></p> <p>Damages: Plaintiff seeks damages arising from a trip and fall on a sidewalk on John Lewis Way South, on a raised mound of concrete.</p> <p>Plaintiff Lowe, Rachel Defendant Metropolitan Government of Nashville and Davidson County Opposing Counsel Fairchilds, Dereck Oliver</p>	Circuit Court – Fifth	24C1420	\$1,000,000.00
<p><i>Baker, Princeton v. Wade, Jennifer, et al.</i></p> <p>Damages: Plaintiff alleges damages arising from a judgment entered against him in Juvenile Court and excessive force against an officer who detained during the process.</p> <p>Plaintiff Baker, Princeton Defendant Wilhoite, E. Elijah Defendant Craig, Michael Defendant Wade, Jennifer Opposing Counsel Pro se</p>	Circuit Court – Eighth	24C908	\$1,000,000.00

Mikles, Christopher & Cecelia Ann v. Metro Police Department, et al Circuit Court – Second 24C1080 \$500,000.00

Damages: Plaintiffs seek damages arising from personal injuries that Plaintiff Christopher Mikles suffered while on duty as a Metropolitan Nashville Police Officer during an encounter with an individual being transported to TriStar Medical Center on a mental health hold.

Plaintiff	Mikles, Christopher
Plaintiff	Mikles, Cecelia Ann
Defendant	Metro Nashville – Police Department
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Finchum, Alan
Opposing Counsel	Kestner, Anthony