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**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

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**MEMORANDUM**

**TO:** Vice Mayor Jim Shulman  
Metropolitan Council

**FROM:** James L. Charles, Associate Director of Law

**DATE:** August 3, 2020

**SUBJECT:** M.C.L. § 2.40.115; 2020 2<sup>nd</sup> Quarter Reports

**ATTACHMENTS:** (1) 2020 2<sup>nd</sup> Quarter Report of Significant Litigation, Damage Amount Specified;  
(2) 2020 2<sup>nd</sup> Quarter Report of Significant Litigation, Damage Amount Not Specified;

1. The “2020 2<sup>nd</sup> Quarter Report of Significant Litigation: Damage 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 “2020 2<sup>nd</sup> Quarter Report of Significant Litigation: Damage Amount Not Specified” lists new cases filed in this quarter in which liability is not limited to \$300,000 by the TGTLA. (Attachment 2)

3. No judgment was entered against the Metropolitan Government this quarter.

4. Acronyms:

ADAAA: Americans Disability Act As Amended,  
42 USC §§ 12101 et seq.

FMLA: Family Medical Leave Act,  
29 USC §§ 2601 et seq.

IDEA: Individuals with Disabilities Education Act,  
20 USC § 1400.

IIED: Intentional Infliction of Emotional Distress.

NIED:	Negligent Infliction of Emotional Distress.
PEPFA:	Public Employee Political Freedom Act, TCA § 601 et seq.
RLUIPA:	Religious Land Use and Institutionalized Persons Act, 2 USC §§ 2000cc et seq.
Sec. 504:	Section 504 of the Rehabilitation Act, 29 USC §§ et seq.
STRA:	Short Term Rental Act, TCA § 13-7-601 et seq.
TCPA:	Tennessee Consumer Protection Act, TCA § 47-18-101
TDA:	Tennessee Disability Act, TCA §§ 4-21-102(3); 8-50-103.
TGTLA:	Tennessee Governmental Tort Liability Act, TCA §§ 29-20-101 et seq.
THRA:	Tennessee Human Rights Act, TCA §§ 4-21-101 et seq.
TITDA:	Tennessee Identity Theft Deterrence Act, TCA § 47-18-2101
Title VI:	Title VI of the Civil Rights Act of 1964, 42 USC §§ 2000(d) et seq.
Title VII:	Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000(e) et seq.
Title IX	Title IX, Education Amendments of 1972 to the Civil Rights Act of 1964, 20 USC §§ 1681 et Seq.
TPPA:	Tennessee Public Protection Act, TCA § 50-1-304.
TRFRA:	Tennessee Religious Freedom Restoration Act TCA § 4-1-407.

# ATTACHMENT 1

## 2020 2<sup>nd</sup> Quarter Report of Significant Litigation: Damage Amount Specified

File Name	Court	Docket #	Initial Demand
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Evans, Tracy v. Metro, et al.	Circuit Court - Sixth	20C1281	\$10,000,000.00
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Damages TGTLA: Compensatory damages, including wrongful death and loss of consortium. Plaintiffs, husband's estate and wife, allege that police pursuit of a fleeing vehicle caused fleeing vehicle to strike husband, resulting in his death and wife's loss of consortium.

Plaintiff	Evans, Tracy
Defendant	Russell, Jhuana
Defendant	Metropolitan Government of Nashville and Davidson County
Defendant	Poplar, Anthony
Counsel: Opposing	Rocky McElhaney Law Firm

Hanback, Marse v. Metro, et al.	Circuit Court - Second	20C1147	\$1,000,000.00
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Damages TGTLA: Compensatory damages. Plaintiff, an employee and passenger in a NFD fire engine that struck a railroad bridge overpass, alleges negligent hiring, negligent training, negligent supervision, negligent entrustment of a vehicle and further alleges that the Metropolitan Government was aware that there was inadequate warning of the height restrictions for the railroad overpass.

Plaintiff	Hanback, Marse A.
Defendant	RJ Corman Railroad Company
Defendant	Metropolitan Government of Nashville and Davidson County
Counsel: Opposing	Hight, Justin

## ATTACHMENT 2

### 2020 2<sup>nd</sup> Quarter Report of Significant Litigation: Damage Amount Not Specified

File Name	Court	Docket #	Initial Demand
Wright, Monica v. MNPS, et al.	U.S.Dist.Ct. M.D.Tenn.	3:19-cv-00953	\$0.00
<p>Damages ADA: Compensatory damages and cost. Plaintiff works part-time in a school cafeteria and states that she suffers from severe carpal tunnel syndrome. She alleges that MNPS refused to accommodate her handicap when they refused to place her on light duty, as requested by her doctors.</p>			
Plaintiff	Wright, Monica		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Metro Nashville - Public Schools		
Counsel: Opposing	Pro Se		
Frogge, Amy, et al. v. Metropolitan Government	Chancery Court - Part III	20-0420-IV	\$0.00
<p>Damages PEPFA; 42 USC §1983: 1st Amendment. Treble damages, declaratory and injunctive relief; attorney fees and cost. Three members of the School Board allege that the former director of schools' severance agreement, which they allege prohibits them from making disparaging or defamatory remarks concerning the former director, illegally suppresses their freedom of speech.</p>			
Plaintiff	Frogge, Amy		
Plaintiff	Speering, Jill		
Plaintiff	Bush, Fran		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Joseph, Dr. Shawn		
Counsel: Opposing	Horwitz, Daniel		
The Local Spot, Inc., et al. v. William B. Lee, et al.	U.S.Dist.Ct. M.D.Tenn.	3:20-cv-000421	\$0.00
<p>Damages 42 USC 1983: 1st, 5th and 14th Amendments, retaliation. Declaratory and injunctive relief, compensatory damages, discretionary costs, court costs and attorney fees. Plaintiffs, restaurant/bar and live music venue owners, allege that the orders issued by the Director of Health and the Mayor combatting the COVID-19 pandemic, violate their fundamental constitutional rights.</p>			
Plaintiff	Reid, Geoffery		
Plaintiff	The Local Spot, Inc. d/b/a The Local		
Defendant	Cooper, John		
Defendant	Lee, William B.		
Defendant	Slatery, III, Herbert H.		
Defendant	Caldwell, Michael C.		
Counsel: Opposing	Clements, Kirk L.		
Iles, Myriah v. Metro Gov't, et al.	U.S.Dist.Ct. M.D.Tenn	3:20-cv-402	\$0.00
<p>Damages 42 USC 1983: 4th Amend. False arrest, malicious prosecution, defamation, false light. Compensatory and punitive damages, attorney fees and cost. Plaintiff is a MNPD detective who was involved in an off-duty altercation. She alleges that the three defendant police officers involved in her arrest and/or prosecution for aggravated assault, acted without probable cause.</p>			
Plaintiff	Iles, Myriah		
Defendant	Durbin, Robert T		
Defendant	Cuthbertson, Patrick		
Defendant	Metropolitan Government of Nashville and Davidson County		
Defendant	Lara, Carlos		
Counsel: Opposing	Thompson, Christopher Kim		