

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

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Auto Negligence/UM - The plaintiff, a researcher at St. Jude's Hospital, complained of radiating neck pain (she later underwent two neck surgeries) after a significant rear-ender

Daniel v. Tow et al, CT-001761-17

Plaintiff: Andrew C. Clarke and

Mari-Elizabeth Sanford, *The Cochran Firm*, Memphis

Defense: Sam R. Marney, *Eskins King & Marney*, Memphis for Tow

(defendant)

Douglas A. McTyier, Germantown for UM Tennessee Farmers

Verdict: \$746,103 for plaintiff

Court: **Shelby**

Judge: Valerie L. Smith

Date: 11-9-22

It was 4-26-16 and Ranae Daniel, then age 42, worked as a psychology researcher at St. Jude Hospital, and she traveled on Poplar Avenue in Collierville to pick up son from preschool. Traffic was heavy. Daniel came to a sudden stop. Behind her in traffic was a teenager, Joshua Tow. Tow rear-ended Daniel's vehicle and which pushed her forward into the next vehicle. It was a hard hit.

Daniel was taken from the scene to the ER at Methodist Germantown. She was treated and released for neck pain. Daniel continued to report radiating neck pain.

Daniel underwent a first neck surgery in March of 2018. She had a second in August of 2020. Her injuries were confirmed by a plaintiff's IME, Dr. Howard Katz, Physical Medicine.

In this lawsuit Daniel sought damages from Tow and her UM carrier, Tennessee Farmers. She cited proof that Tow was distracted and was looking away at the moment of impact. Tennessee Farmers was not named at trial. Daniel's husband (William) presented a derivative consortium claim.

The defendants contested fault and argued that Tow had slammed on her brakes. Thus the jury could apportion fault to Daniel. The defense also diminished the claimed injury.

This case was tried in Memphis for three days. The jury found Tow solely at fault and rejected any apportionment to the plaintiff.

The jury then moved to damages. Daniel took medicals of \$425,678 but nothing for in the future. Her non-economic damages (in seven categories) totaled \$294,925. They were:

Past Physical Suffering: \$25,000

Future Physical Suffering: \$171,000

Past Emotional Distress: \$29,175

Future Emot. Distress: \$21,000

Past Loss of Enjoyment of Life: \$12,750

Future Loss of Enjoyment of Life: Zero

Permanent Injury: \$36,000

In addition to those sums, Daniel's husband took \$12,750 each (totaling \$25,500) for both his past and future loss of consortium. The total verdict was \$746,103 and a consistent judgment was entered.

Tennessee Farmers has since satisfied its portion of the judgment to

the extent of its \$150,000 policy limits. There is no further pleadings in the record to reflect a further satisfaction of the judgment. It is also not clear if Tow has any insurance coverage or if he is uninsured. There were no post-trial motions in this case.

Sexual Harassment - A Metro police officer alleged she suffered gross and abusive sexual harassment for years by ten-plus fellow officers and supervisors, the misconduct beginning when graduated from the police academy with her initial field training officer – the jury found for the plaintiff and awarded her emotional distress damages of \$450,000 which were reduced to the statutory cap in the final judgment to \$300,000

Gomez v. Metropolitan Government,
20-219-I

Plaintiff: Jason A. Lee, *Burrow & Lee,*
Mt. Juliet

Defense: J. Brooks Fox and Benjamin
A. Puckett, *Assistant Metropolitan*
Attorneys, Nashville

Verdict: \$450,000 for plaintiff

Court: **Davidson (Chancery)**

Judge: Anne C. Martin

Date: 6-28-23

Citlaly Gomez graduated from the police academy in the summer of 2015 and was hired by the Metro Nashville police force. She was assigned for six months to a field training officer. Gomez alleged that right as her police career began a pattern of sexual harassment.

Gomez alleged her field training officer took her phone and immediately began looking for “naughty photos.” He also remarked grotesquely to Gomez that she had “dick-sucking lips.” Gomez finished her six months of training and became

a patrol officer.

The harassment escalated. There were some 13 different fellow police officers and supervisors that sexually harassed her. A firearms training specialist made sexual remarks. Another officer made remarks about her body and invited Gomez for a sexual tryst.

Gomez alleged her boss sent suggestive texts and nude photos. He also inquired about her personal life. Another officer sent Gomez a nude picture of his penis. The allegations were legion and it was literally officer after officer (see the complaint below) who alleged harassed Gomez.

Gomez was initially reluctant to report the sexual harassment. Why? Her boss told her to “deal with it” and that if she did report the harassment, (1) it would hurt her career, and (2) the police weren’t going to do anything anyway.

That advice was prescient. In 2019 Gomez finally reported a gross of sexual harassment by another officer. That officer received a trivial one-day suspension. For her part Gomez was investigated and ultimately disciplined for doing personal tasks while on duty. Gomez believed that excuse was a pretext as all Metro officers did that.

Ultimately in 2020 Gomez sued Metro Government under the Tennessee Human Rights Act and alleged she was a victim of severe and pervasive sexual harassment. She testified at trial to some 13 officers that had harassed her. Her testimony was buttressed by evidence of the texts as well as the penis photo that had been sent to her. Not a single office rebutted her allegations at trial. If Gomez prevailed she could take damages for emotional distress. Gomez left the police force in 2021.

Metro Government defended on several fronts. The first was that Gomez had never complained about the harassment and thus in viewing the “severe and pervasive” standard only the acts about which she complained should be considered. The government thought the “complained about” harassment was not severe and pervasive and was more akin sporadic jokes and stray remarks. Gomez countered that she didn’t report all the harassment, as described above, because she was warned not to do so.

The case was tried in Chancery Court for three days in Nashville. The jury answered that Gomez had carried the burden of proof by a preponderance of the evidence on all the elements of her sexual harassment claim. The jury awarded \$450,000 for her emotional damages.

The court’s final judgment reduced the verdict to \$300,000 to comply with the statutory cap. The judgment also instructed Gomez to file a motion for attorney fees within 30 days of the entry of that judgment.

Case Documents:

[Complaint](#)

[Defense Summary Judgment Motion](#)

[Plaintiff Summary Judgment](#)

[Response](#)

[Final Judgment](#)