

# The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

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Statewide Jury Verdict Coverage

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**Auto Negligence - The plaintiff suffered a significant full thickness rotator cuff tear in a moderate right-of-way collision – the defense had contested with an IME (Dr. David West) that the injury was not traumatic and was instead related to wear and tear – the jury awarded the plaintiff his medicals of \$169,045 and \$245,000 more in non-economic damages for a total of \$414,045**

*Gleaves v. Dillehay*, 23-81

Plaintiff: Dale Krout, Susan Neal Wiley and Kristi Dowden, Nashville and Kelli Lester, Bowling Green, all of *Morgan & Morgan*

Defense: Thomas W. Shumate, IV and Tanner C. Gibson, *Meridian Law*, Brentwood

Verdict: \$414,045 for plaintiff

Court: **Davidson**

Judge: David Briley

Date: 11-7-24

Howard Gleaves, then age 67, traveled on Gallatin Pike in Madison. At the same time, a Madison insurance agent, Terry Dillehay, was exiting a bank parking lot to turn onto Gallatin Pike. As began to pull out, he saw traffic coming and hit the brakes in his Toyota sedan. He would recall that rather than stopping, the Toyota “surged” into traffic.

A moment later Dillehay broadsided Gleaves’ sedan. It was a hard hit and Gleaves recalled being shaken at the scene as Good Samaritan came to his aide. He was taken to the ER where he was treated for apparent whiplash and soft-tissue symptoms.

Gleaves has since complained of shoulder pain. He subsequently treated with Dr. Sean Kaminsky, Orthopedics, Hermitage, who identified a complex shoulder injury that included full thickness rotator cuff tear and a biceps injury. Kaminsky later performed an arthroscopic surgical repair which involved the placement of several screws.

In this lawsuit Gleaves sought damages from Dillehay. His theory was simple enough. Dillehay pulled into his path and caused the collision. The plaintiff developed proof from Kaminsky that he’d suffered a painful injury that was traumatic in nature and related to this collision. While Gleaves had some “wear and tear” in his shoulder before this incident related to a 2015 crash and his history of working at T.J. Maxx where he unloads packages, Kaminsky identified a new and painful injury. If Gleaves prevailed at trial he sought his medical bills as well as non-economic damages.

Dillehay’s defense of the case had several facets. The first was to go to the wreck itself. He sought to apportion fault to either Toyota Manufacturing and/or a local Toyota dealer for failing to properly repair the brakes. Dillehay also cited a sudden emergency such that the collision was related to his suddenly failing brakes. Gleaves resisted these defenses and pointed out there was no

sum of the motion was that his active lifestyle is vibrant. Burluson suggested a reduction in the award of \$71,428, which would equal an even \$50,000 after a reduction for comparative fault.

Bobo replied that the verdict was reasonable in light of the permanent lumbar disc injury. He thought the verdict was at least one-third of what it should have been. Judge Allen denied the motion on 4-24-24 and the judgment has since been satisfied.

**Race/Sex Discrimination - A STEM (she is a black woman) professor alleged she was passed over a tenure track position in the engineering department because of a combination of her race and sex by a department that was biased in favor of non-white men – the university denied any discrimination and argued the hiring decision was based on its goal of becoming a more highly designated research institution**

*Affare v. University of Tennessee-Chattanooga*, 1:22-18

Plaintiff: James W. Friauf, Knoxville  
Defense: T. Harold Pinkley, Jr. and Caitlyn L. Elam, *University of Tennessee Office of General Counsel*, Knoxville

Verdict: Defense verdict on liability

Court: **Chattanooga**

Judge: Charles E. ATchley, Jr.

Date: 10-10-24

Dr. Sandra Affare was a first generation college student when she enrolled at the University of Tennessee-Chattanooga (UTC) in the 1990s. Affaire, who is a black woman, was an anomaly in the male-dominated engineering field at UTC. She earned an engineering degree and then made a successful career with the TVA. She later earned a masters

degree and a Ph.D. in engineering.

Ultimately Affare was hired in 2018 as a non-tenure track assistant professor at UTC Space Institute. When her non-tenure track appointment ended, her job became part-time. She remains a part-time professor at UTC.

This case concerned Affare's application in 2019 for a full-time tenure track position in the Engineering Management and Technology Department (EMT) at UTC. She was one of 50 applicants. At an initial Zoom interview, Affare was ranked 6<sup>th</sup>. However she was not initially selected for an in-person interview. At this juncture the Office of Equity and Inclusion at UTC became involved as Affare was both a minority and an alumnus. Affare was scheduled for an in-person interview.

Following the round of in-person interviews, UTC first offered the job to a white male who was ranked lower than Affare. Ultimately it filled the spot with a black male. The committee that filled the spot was made up entirely of non-black males.

Affare subsequently filed this lawsuit and alleged the failure to hire her for the tenure track position represented a combination of race and sex discrimination. It was her case that biased committee (all non-white males) went so far as to offer the job to a less qualified white applicant rather than hire Affare. If Affare prevailed she sought back pay, front pay and emotional pain and anguish.

UTC denied that race or sex had anything to do with its decision. Instead it was motivated to elevate the department's national research reputation and reach so-called "Carnegie 2" status which reflects 20 doctoral research degrees and at least \$5,000,000 in research expenditures.

The case was tried for three days in Chattanooga. The jury was asked if Affare had proven by a preponderance of the evidence that the failure to hire her was intentional *and* motivated by her race. The jury said "no" for UTC. It answered a similar charge on sex in the same way and Affare took nothing. A defense judgment has been entered for the university.

**Case Documents:**

[Pretrial Order](#)

[Jury Verdict](#)

**Civil Rights - A pre-trial detainee was attacked by a fellow inmate (struck in the head with a concrete block) at Shelby County's notorious jail (201 Poplar) and he sustained a permanent TBI – the inmate sued Shelby County and alleged it engaged in deliberate indifference to inmate-on-inmate violence by being understaffed and allowing very dangerous inmates to mingle in the general population**

*Mitchell v. Shelby County*, 2:22-2862

Plaintiff: Bruce M. Timmons and Craig A. Edginton, *Watson Burns*, Memphis

Defense: Roy "Chip" H. Chockley, Jr. and Pamela W. Kelly, *Shelby County Attorney*, Memphis and Robert D.

Meyers and Aubrey B. Greer, *Glankler Brown*, Memphis

Verdict: Defense verdict on liability

Federal: **Memphis**

Judge: Sheryl H. Lipman

Date: 10-23-24

Cordero Ragland was jailed on 12-21-21 as a pretrial detainee at the Shelby County Jail. It has a long history of violence, overcrowding and understaffing. The notorious jail even has a nickname in the community. It is known as 201 Poplar.