

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

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Medical Negligence - The plaintiff (age 79) developed an infection after a cataract surgery and ultimately lost his eye – the injury was devastating to him because he had limited vision in his remaining eye and thus is now essentially unsighted – he can't drive, safely walk, golf or otherwise engage in his regular activities – he sued his ophthalmologist and blamed her for failing to the infection in a post-surgery follow-up as well as her father (also an ophthalmologist) who was consulted – the jury found against the daughter (dad was exonerated) and the plaintiff's took non-economic damages of \$7,000,000 which were later reduced to \$750,000 by Tennessee's tort scheme

McCoy v. Harris et al, 18-319518

Plaintiff: Robert E. Pryor, Jr., *Pryor Priest Harber Floyd & Coffey*, Knoxville

Defense: James H. London and Andrew S. Roskind, *London & Amburn*, Knoxville

Verdict: \$7,004,835 for plaintiffs against Dr. Lauren Harris; Defense verdict for Dr. David Harris

Court: **Knox**

Judge: Carter S. Moore (Special)

Date: 9-1-23

Gerald McCoy, then age 79, had a history of problems with his left eye. He consulted with a Knoxville ophthalmologist, Dr. Lauren Harris. Lauren (she is referred to as Lauren for purposes of this report because there is a second "Harris" doctor in this case) developed a plan. She would first perform an ostensibly

easier cataract surgery before attempting a more complex corneal replacement.

The cataract surgery was performed on 3-7-17 in Lauren's office. It began at 10:19 a.m. and an hour later, McCoy was discharged. The surgery was uneventful. McCoy was given discharge instructions – the plan was for him to return the next afternoon and see Lauren for a follow-up visit.

By the time of that appointment some 24 hours later, McCoy had considerable pain in his left eye. His vision was also blurred. McCoy was also feverish and had vomited in the examination room.

Lauren examined McCoy and advised him that the symptoms were normal. He was given eyedrops and Lauren "burped" the eye to relieve pressure.

Lauren asked a second ophthalmologist, Dr. David Harris (he is her father and hereinafter referred to as David) to consult because McCoy had increasing ocular pressure and a cloudy cornea. Lauren had suspected a potential infection. David examined McCoy and treated him without comment. McCoy was provided instructions to return two days later on 3-10-17.

McCoy was much worse at that appointment when seen by Lauren. His eye was swollen, milky in color and painful. Lauren against suspected an infection and consulted with David. They made a decision to call in a retinal specialist, Dr. Tod McMillan.

**Music Entertainer
Negligence - An Arizona
tourist at the poplar Luke
Bryan's bar in downtown
Nashville suffered post-
concussive injuries when she
fell off the stage while
celebrating her 21st birthday –
she sued the artist on stage
(Chris Bullard) for negligently
causing her injury, and
separately presented an
“apparent agency” theory
against the bar for the conduct
of the artist – the jury
exonerated the artist on
liability, didn't reach agency
and fully rejected the plaintiff's
case**

Campbell v. Luke Bryan's et al, 21-382

Plaintiff: H. Anthony Duncan, *Tony Duncan Law*, Nashville

Defense: David M. Rich, *Honeycutt Rich*, Nashville for Bullard (Entertainer)

Richard C. Mangelsdorf, Jr. and Olivia Park, *McAngus Goudelock & Courie*, Nashville for Luke Bryan's (the bar)

Verdict: Defense verdict on liability

Court: **Davidson**

Judge: C. David Briley

Date: 9-26-23

Tatum Campbell, who was not quite 21, came to Nashville in late February of 2020 to celebrate her birthday. She would turn 21 that night. Campbell started that drinking in the afternoon and arrived at Luke Bryan's downtown Nashville bar at 10:45 p.m.. It is large, loud and popular. It is operated as a d/b/a of Luke's 32 Bridge Food and Drink.

Late in the evening an artist, Chris Bullard, was on the main stage. He asked the crowd if there were any birthdays. Her friends encouraged her to go with shouts of “Tatum! Tatum!”

Campbell, who was now 21, gleefully moved towards the stage.

She believed she'd be invited up by Bullard for a celebration. Bullard for his part believed it was actually just a “birthday shout-out.” Patrons were not welcome on the stage.

However that fact dispute might be resolved (on the stage or not), Campbell did make her way to the stage – she was only guest to do so. She didn't stay long and Bullard escorted her off. He was helping her down when Campbell fell (she said Bullard dropped her) backwards and struck her head.

Campbell has since treated in Arizona with a neurologist for headaches and dizziness. She was identified as suffering from a post-concussive syndrome as confirmed by her treating physician.

In this lawsuit Campbell targeted several defendants. By the time of trial (it was a bit of a tortured litigation path), there were just two remaining. The first was Bullard.

Campbell alleged negligence by calling her up onto the stage and then failing to safely escort her off the stage. There were security guards working with Bullard and they did nothing to assist. She was essentially invited into danger and then dropped from the stage.

Campbell also pursued a claim against Luke Bryan's. It was derivative from that of Bullard's and alleged that Bullard was an “apparent agent” of the bar. Thus his negligence (if any) could be imputed to Luke Bryan's. Luke Bryan's defended on the agency case that Bullard was an independent contractor and it had done thing to suggest Bullard (a musical artist) was it's agent.

Bullard himself was outraged when he was initially served in this case as especially as he was just an unpaid bandleader. Campbell filed the lawsuit two days before the statute of limitations ran and then it took two years to serve Bullard. Then for a time Campbell non-suited

Bullard before amending her complaint to bring him back in.

Then to the merits of the case, Bullard cited as above that Campbell was not invited onto the stage – it was just a birthday shout-out. Then when Campbell came on the stage (uninvited), Bullard gratuitously and gently escorted her from the stage. Campbell's fall was her own fault because of a combination of her intoxication and carelessness. The jury could apportion fault to Campbell. The defense also diminished the claimed injury. Luke Bryan's for its part pointed to proof that indicated Bullard was an independent contractor.

This case was tried in Nashville. The jury answered that Bullard was not negligent and then did not reach the plaintiff's duties, apportionment, apparent agency or damages. A defense judgment was entered by the court.

Case Documents:

[Complaint](#)

[Jury Instructions](#)

[Jury Verdict](#)

[Final Judgment](#)