# The Tennessee Jury Verdict Reporter

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**February 2026** **Statewide Jury Verdict Coverage** **23 TJVR 2**

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## Auto Negligence - The plaintiff linked an L3-5 disc injury as well as a mild TBI to a minor right-of-way collision – a Nashville jury awarded her "zero" damages for her medical bills and four elements of non-economic damages – the trial court subsequently denied her motion for a new trial and the case is closed

*Hunter v. Herrera*, 12-2205
Plaintiff: Benny G. White, Nashville
Defense: Scott A. Rhodes, *White & Rhodes*, Brentwood
Verdict: Defense verdict on damages
Court: **Davidson**
Judge: David Briley
Date: 9-24-25

Cynthia Hunter, then age 36, was involved in an automobile accident in rush hour traffic on 12-16-20. It occurred on Old Hickory Boulevard near Amalie Drive. The defendant (the ostensible tortfeasor) Ivan Herrera was driving next to her in traffic. He alleged a "John Doe" driver slammed on his brakes at a green light and made a left turn into a side street from a lane that was not designated for turning.

Faced with this emergency, by Herrera's telling of the events, he swerved right to avoid the John Doe. As Herrera did so, he collided with Hunter's vehicle. It was a moderate impact. There was no injury reported at the scene.

Hunter has since treated for several injuries beginning 2.5 months later when she reported to Stonecrest Medical with a severe headache. She subsequently linked those headaches and a mild TBI to the crash.

Hunter has also complained of low-back pain. A treating neurosurgeon, Dr. Margaret MacGregor, linked an L3-5 disc injury to this collision. She also indicated that Hunter will require a fusion at that level. By the time of trial, that surgery had not yet been scheduled. A neuro-optometrist, Dr. Jamie Ho, confirmed Hunter's headaches and ongoing vision problems. In this lawsuit Hunter sought damages from Herrera. The liability theory was simple enough – he changed lanes and struck her.

The plaintiff's medical bills were approximately $55,000 and she sought sums for future care. The jury could award damages in separate categories for both past and future pain and suffering and loss of enjoyment of life. Hunter amended her ad damnum before closing to ask for a total of $2.5 million.

Herrera defended on several fronts. The first was to argue the John Doe driver was solely at fault. Regardless of how fault might be decided, the defense also argued there were no damages flowing from the wreck. It cited the lack of an injury at the scene, the 2.5 month delay in seeking care as well as the troubling causation chain regarding the wreck as Hunter had been in another similar wreck six months before that one. She pursued an injury claim (with similar symptoms) arising from that case and settled in 2025. A defense records

disputes and denied the motion.

The case was tried in Nashville for eleven days. The court's instructions separately asked if Carlex had proven Sompo breached its insurance obligation as to, (1) property damage, and (2) time element damages. The jury was mixed. It found for Carlex on the property claim, but rejected it as to time element.

The jury then moved to damages. It awarded Carlex an additional $14.4 million in damages. The court entered a consistent judgment. Carlex has since moved to amend the judgment to include pre-judgment interest. It argued that the obligation was certain (even if disputed) and the insurer was not entitled to the benefit of retaining those funds from November of 2023 through the trial. Carlex calculated pre-judgment interest of $3.483 million based on a 10.75 interest rate. That motion is pending.

**Case Documents:**

Summary Judgment Order
Pretrial Order
Plaintiff Trial Brief
Defense Motion for a Judgment as a Matter of Law
Jury Verdict
Plaintiff Motion for Pre-Judgment Interest

**First Amendment - A high school junior lampooned his principal with three obscure Instagram memes that portrayed the educator as (1) googley-eyed, (2) a meowing cat, and (3) feminine – the principal learned of the memes and promptly suspended the student for five days – the boy sued and alleged the thin-skinned principal had violated his First Amendment rights – the jury agreed but only awarded the boy nominal damages of $1.00**

*I.P. v. Tullahoma City Schools*, 4:23-26

Plaintiff: Conor T. Fitzpatrick and Zachary T. Silver, Washington, D.C. and Jeffrey D. Zemari, Philadelphia, PA al of *Foundation for Individual Rights & Freedom*

Defense: Christopher C. Hayden and Andrew V. Sellers, *Sellers Craig & Hayden*, Jackson

Verdict: $1.00 for plaintiff

Federal: **Winchester**

Judge: Katherine A. Crytzer

Date: 1-15-26

I.P. (so identified in the record) was a junior at Tullahoma High School in the summer of 2022. It is operated by the Tullahoma City Schools. I.P. operated an Instagram account with the handle, "atom_heart_fag." The boy (16 at the time but now having reached majority) posted a meme on 5-22-22 during Spring Break. He did it at home and not at school.

The meme mocked Tullahoma's High's principal, Jason Quick. The meme seems obscure and depicted a googley-eyed Principal Quick saying, "My Brother." It was apparently in reference to the principal's new policy about short skirts.

I.P. posted a second meme about Quick in June. This time he was depicted as a meowing cat. The meaning of the meme was again obscure as is common with memes. It was clearly not complimentary to the principal. Quick still didn't know about it.

There was a third meme on 8-2-22 as classes were beginning. This one again was about Principal Quick. A student at Tullahoma High informed Quick who began an investigation. I.P. was called on the carpet by the principal and admitted he'd posted the memes on Instagram. Quick believed this activity was a violation of the student code of conduct and represented severe bullying and harassment. There was also an incitement element as the memes had a racial undertone as there was tension among black students about the dress code. The suspension was later reduced to three days.

Thereafter I.P. (through his mother, B.P.) filed this lawsuit against the Tullahoma City Schools. He alleged that Principal Quick violated his First Amendment right to expression. Why? The principal was thin-skinned and didn't like being lampooned, even if that speech occurred off campus and was constitutionally protected. I.P. further argued the speech was not sexualized nor was it bullying.

As the case was tried on the First Amendment count, I.P. sought damages of $100,000 for his chilled speech. He described he has suffered debilitating panic attacks that result in crying spells. I.P. also now tends to avoid authority figures. At all times in the case (even after he reached majority), I.P. proceeded in the case by his initials. His identity is not known.

Quick (who left education and is now the Tullahoma City Administrator) argued the speech was not protected. He believed it was obscene and bullied him. Even if it

attacking and biting him. The jury could award compensatory and punitive damages. Meeks replied as above that Cargile was the aggressor.

A federal jury heard this case for two days. The verdict was for the jail guard on the 14th Amendment excessive force claim and Cargile took nothing. A defense judgment was entered.

**Case Documents:**
Pretrial Order
Jury Verdict

## Historical Tennessee Verdict

### Workplace Negligence - A railway worker was involved in a workplace incident and lost his eye – the case was tried six times over several years, the trial judge repeatedly ordering a new trial on damages as well as making an intermediate trip to the Supreme Court

*Price v. East Tennessee, Virginia and Georgia Railway*,
Plaintiff: W.L. Kuhn, Knoxville
Defense: William L. Welcker, *Henderson & Jourolmon*, Knoxville
Verdict: $200,000 for plaintiff
Court: **Knox**
Date: August 1897

J.C. Price was an employee of the East Tennessee, Virginia and Georgia Railway. He lost vision in one eye (some reports say both eyes) when he was injured in a workplace accident. He was breaking old rail castings (brakes) with a large hammer. Price was struck in the face by "flying iron" that broke off from the castings. It seems likely he was not wearing protective eyewear.

Price sued his employer and sought damages in Knox County. The case would end up being tried an incredible six times. The result of the first three trials is not known with certainty, except that Price had prevailed. The presiding Judge Sneed in Knoxville had concluded the awards were excessive. He ordered a new trial.

The fourth trial was in June of 1896. Price prevailed and took $9,000. That would be $350,000 in today dollars. The railroad appealed and the Tennessee Supreme Court reversed in October of that year. It concluded the verdict was excessive and ordered a

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