The Tennessee Jury Verdict Reporter

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February 2025 **Statewide Jury Verdict Coverage** **22 TJVR 2**

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In This Issue

Medical Negligence - A son took his mother (age 78 and suffering from skin cancer, diabetes and other conditions) to a nursing home for a five-day respite say – while the son (he was his mom's caregiver) her clearly marked medications including insulin, she was not given the insulin – this led to hypoglycemic event and his mom was hospitalized for five days – in this lawsuit the plaintiff alleged error by not giving her the medications (the nursing home admitted this) and the case was tried on damages

Jarmon v. Creekstone Center for Rehabilitation & Healing, 21-2053
Plaintiff: Richard D. Piliponis and Hannah N. Garrett, The Higgins Firm, Nashville
Defense: Howard B. Hayden, *Quintairos Prieto Wood & Boyer*, Memphis
Verdict: $347,134 for plaintiff
Court: **Davidson**
Judge: C. David Briley
Date: 11-20-24

Lucy Jarmon, age 78, was in poor condition in November of 2020. She was suffering from terminal cancer. She also had Type 2 diabetes and was insulin-dependent. Her full-time caregiver was her adult son, Adonis. Adonis scheduled a five-day respite care at a nursing home, Creekstone Center for Rehabilitation and Healing in Madison, TN. The idea of respite care is to give tired caregivers a break.

Adonis was fastidious in taking care of his mother. When he dropped her off at Creekstone on 11-21-20, he dutifully labeled her insulin and provided it to Jarmon's nurses. When Adonis picked him mom up five days later (11-26-20), she was in the midst of a hypoglycemic event. How could that have happened when her insulin was provided? Creekstone had simply failed to check her blood sugar or provide the insulin.

Thereafter Jarmon was hospitalized for five days. There was proof this caused her pain and suffering as well as the indignity of being hospitalized. The hospital bill was $63,134. Jarmon died just a few weeks later on 12-24-20. However while Jarmon had endured pain and suffering related to the hypoglycemic event, this was not pled or tried as a death case.

Instead the plaintiff (Adonis as administrator) sued Creekstone and alleged negligence by its staff in failing to monitor Jarmon's blood sugar and provide her insulin, all of which led to the hypoglycemic event and resulting hospitalization. Creekstone agreed with this assessment and admitted liability.

The plaintiff's expert was Dr. Jonathan Klein, Geriatrics, Falls Church, VA. Klein indicated on causation that Jarmon endured pain and suffering, required a hospitalization and the hypoglycemic led to kidney, muscular and brain damage. The plaintiff sought the medical bills (stipulated) plus sums for Jarmon's pain and suffering.

judgment was entered and the case is concluded.

Education Civil Rights - A high school freshman who suffers from misophonia (a disorder where certain sounds, in this case those of people eating or chewing triggers an extreme anxiety reaction) alleged her high school failed to reasonable accommodate her request to prohibit chewing gum or eating in class – the school replied it would be difficult to police every bag of potato chips in every classroom, and that the girl was reasonably accommodated by being allowed to leave class when necessary

Mundorff v. Knox County Board of Education, 3:22-63
Plaintiff: Justin S. Gilbert, *Gilbert Law*, Chattanooga and Jessica F. Salonus, *The Salonus Law Firm*, Jackson
Defense: Amanda L. Morse and Jessica Jernigan-Johnson, *Knox County Law Directors Office*, Knoxville
Verdict: Defense verdict on liability
Federal: **Knoxville**
Judge: Katherine A. Crytzer
Date: 1-14-25

Sarah Mundorff, then age 14, was a high school freshman at L&N Stem Academy in Knoxville. The special magnet school is operated by the Knox County Board of Education. It is located near downtown in a former train station.

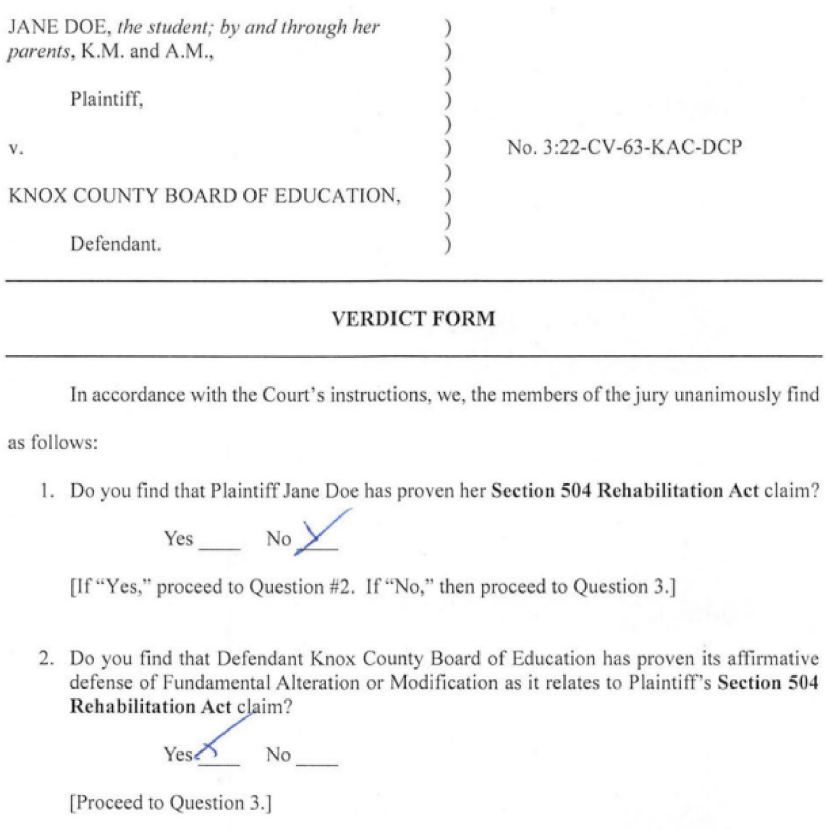
Mundorff suffers from a misophonia disorder. She suffers an extreme emotional reaction (fear and flight) by exposure to certain sounds. For Mundorff that is eating and chewing sounds. It wasn't a problem through middle school for the girl as her private school (Episcopal School of Knoxville) did not allow students to eat in class.

That is actually the policy of the Knox County Board of Education in almost all of its schools. However at L&N Stem, there is no blanket "no eating in class" policy. It is instead left to the discretion of individual teachers.

As Mundorff began her freshman year at L&N Stem in the fall of 2021. She was exposed to fellow students eating in class and it interfered with her education experience. Her parents (Kurt and Amy, both professor at UT, political science and anthropology, respectively), reached out to school officials and sought an accommodation.

The Mundorffs asked the school to prohibit eating or chewing gum in class. L&N Stem denied the accommodation. The principal explained it would be too disruptive to police every bag of potato chips that a student could bring into a classroom. The "no eating in class" the principal also explained would require the school to have eight separate lunch periods which would disrupt the school's entire schedule. The school was willing to allow Mundorff the accommodation of leaving a classroom when she is triggered or exposed to an offending sound.

The Mundorffs believed the school had missed the entire point. Their accommodation was not to prohibit any food in class, but rather just to disallow eating. The plaintiffs believed the principal exaggerated the



JANE DOE, *the student; by and through her parents*, K.M. and A.M.,

Plaintiff,

v. No. 3:22-CV-63-KAC-DCP

KNOX COUNTY BOARD OF EDUCATION,

Defendant.

VERDICT FORM

In accordance with the Court's instructions, we, the members of the jury unanimously find as follows:

1. Do you find that Plaintiff Jane Doe has proven her **Section 504 Rehabilitation Act** claim?

   Yes ____ No ✓

   [If "Yes," proceed to Question #2. If "No," then proceed to Question 3.]

2. Do you find that Defendant Knox County Board of Education has proven its affirmative defense of Fundamental Alteration or Modification as it relates to Plaintiff's **Section 504 Rehabilitation Act** claim?

   Yes ✓ No ____

   [Proceed to Question 3.]

The Doe v. Knox County Board of Education verdict