

# The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

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## Medical Negligence - The

**plaintiff linked bilateral vision loss**

**(blind in one eye and severely**

**impaired in another) to her internist**

**failure to promptly transmit**

**purportedly alarming lab work to a**

**her treating ophthalmologist (he**

**settled) so that steroid treatment**

**could be begun to address the**

**looming vision crisis – the internist**

**replied she did promptly send the lab**

**results and her only involvement in**

**the case was to order the lab tests as**

**requested by the ophthalmologist**

*Sullins v. Memorial Health Partners,*

22-342

Plaintiff: Ira M. Long, Jr., *Long &*

*Associates*, Chattanooga

Defense: Cara E. Weiner and

Christopher R. Ramsey, *Spears Moore*

*Rebman Williams*, Chattanooga

Verdict: Defense verdict on liability

Court: **Bradley**

Judge: J. Michael Sharp

Date: 3-6-25

Margaret Sullins, age 77, was suffering vision loss in her right eye on a Saturday (2-27-21) and called the Cleveland Eye Clinic where she was a long-time patient. An optometrist, Courtney Bramlett, took the call. Bramlett told Sullins to come in first thing on Monday.

Sullins showed up at the office at 8:00 a.m. on Monday (3-1-21) and was seen by an ophthalmologist, Dr. Seth Ford. Ford believed that Sullins likely had suffered an ischemic injury to her optic nerve. It could have been either GCA (giant cell arteritis) which is

treatable with steroids, or another condition that is not treatable. GCA is rare and is a diagnosis of exclusion. Lab testing would rule it out.

Sullins had her regularly scheduled annual exam for the next day with Dr. Liezelle Jurgens, an internist employed with Memorial Health Partners Foundation. Ford decided to let Jurgens do the lab tests the next day. He sent Sullins off with a note explaining this to Jurgens.

Sullins had her appointment the next day and shared the note with Jurgens. Jurgens ordered the lab tests and otherwise evaluated Sullins. She did not consider the ophthalmological questions as those were being handled by Ford. Her only involvement in this question was to order the lab tests and she did so. The lab tests were ready that evening and the next day, Wednesday, Jurgens was off work.

When Jurgens returned to work the next day (3-4-21), she instructed her medical assistant to transmit the results to Ford. There was an allegation that the results were alarming which should have triggered Jurgens to personally reach out to Ford. In any event Jurgens gave the instruction. The medical assistant however was concerned about HIPPA issues in faxing the results to Ford. There was no release in the file and he was not a referring doctor. The results were mailed to Sullins and she received them on 3-9-21.

However in the interim by 3-7-31,

**First Amendment Retaliation - A Nashville fire captain posted far right wing political posts on FaceBook (he called Black Lives Matters and George Floyd protesters in 2020 thugs and animal) and after an outcry in the community, the fire department demoted him to just a lowly firefighter – the fire department alleged his political speech was detrimental to operations and mission of the fire department – the captain thought that was nonsense and that the demotion represented First Amendment retaliation**

*Turner v. Nashville Fire Department*, 3:21-42

Plaintiff: Larry L. Crain and Emily A. Castro, *Crain Law Group*, Brentwood

Defense: Allison L. Bussell and John W. Ayers, *Metropolitan Legal Department*, Nashville

Verdict: \$1,719,513 for plaintiff

Federal: **Nashville**

Judge: Eli J. Richardson

Date: 2-7-25

Tracy Turner has been a firefighter for the Nashville Fire Department (NFD) (a part of Metro Government) for 27 years. He rose to become a Captain. Turner is self-described as a “top notch” firefighter.

Turner also has a lot of political opinions and enjoys sharing them in what he called the “modern public square” of social media, and particularly on FaceBook. Turner’s politics are far right wing and his FaceBook profile features President Trump (then candidate Trump) when his ear was shot off in Butler, PA and Trump responded, “Fight, Fight, Fight.” Turner also identified as a Firefighter for Trump.

This case would be about Turner’s FaceBook activity during the tumultuous summer of 2020. He was unhappy with Black Lives Matter protests, Covid-19 mandates and global warming. He referred to protesters as thugs and animals. Turner was concerned also about Anti-Fa and the “Left Agenda.” It was garden-variety far right wing rhetoric that is common on social media.

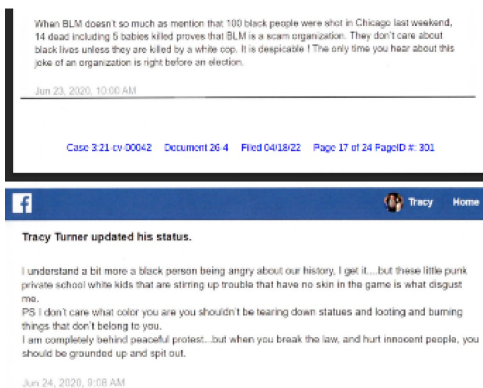
However because of Turner’s status as a leader at NFD, it drew public attention. Local media highlighted his FaceBook posts and it soon drew the attention of city council members and state legislators. The notion was that Turner’s rhetoric was racially and politically insensitive and tended to impair his ability to serve the community.

The NFD investigated the matter. It was concerned Turner’s advocacy were affecting its mission. The fire department concluded that it was and it demoted him in July of 2020 from Captain to the entry-level position of Firefighter. He was also assigned to a less desirable fire hall and ordered to attend sensitivity training.

Turner, who is quite sensitive already explained he was devastated by the demotion and didn’t need any sensitivity training. He filed this lawsuit in January of 2021 and alleged the fire department had punished him for his advocacy as a private citizen. It was his case that this represented First Amendment retaliation for his having spoken in the digital public square. In valuing his damages, Turner described his hurt feelings on moving from the position of Captain to the bottom of the totem pole as a lowly Firefighter. The jury could award him back pay as well as compensatory damages for his mental distress.

The court determined as a matter of law in denying summary judgment that Turner’s speech was constitutionally protected. The only issue then would be if Turner’s conduct interfered with NFD operations and if not, his damages if

any. This is commonly described as the so-called *Pickering* balancing test (*Pickering v. Bd. Of Ed. Of Tup. High Sch. Dist. 205, Will Cnty.*, 391 U.S. 563, 568 (1968), that is, was Turner’s speech interests



**Tracy Turner updated his status.**

Chicago, Atlanta, NYC how long are you going to allow your people to kill kids and each other, while claiming BLM. Keeping kids and innocent people from being shot in the streets would be something I could get behind.

Jul 6, 2020, 5:08 AM

**Tracy Turner updated his status.**

It's not about Black Lives Matter, it's not about tearing down statues. It's about thugs, moron college students, Political scams, white guilt, stupidity, and anarchist. And just a weird hate for the greatest country in the world.

Jul 6, 2020, 5:52 AM

*An example of some of Turner’s political FaceBook activity*