

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

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Age/Gender Discrimination -

The plaintiff, a woman in her 60s who had been with the Fire Department for nearly 30 years and served as Deputy Fire Marshal, was passed over a promotion to Fire Marshall (a younger male was hired) after being told by the Fire Chief that they needed someone who would be in the position for four to six years, the implication being the older plaintiff would not serve that long

Lawrence v. Nashville Fire Department, 3:22-680

Plaintiff: Robert C. Bigelow, *Bigelow Law*, Nashville

Defense: J. Brook Fox and Benjamin A. Puckett, *Metropolitan Legal Department*, Nashville

Verdict: \$225,000 for plaintiff

Federal: **Nashville**

Judge: William L. Campbell, Jr.

Date: 5-10-24

Maggie Lawrence started working in 1992 for the Nashville Fire Department. Along the way she earned Bachelor and Masters degrees and was a certified fire inspector, investigator and educator. She rose through the ranks and by 2016, Lawrence was the department's Deputy Fire Marshal. She aspired to be the city's Fire Marshal.

In the fall of 2020, the City's Fire Chief (William Swann) fired the sitting Fire Marshal. Swann filled the position with Lawrence Hutchinson, who was 46 years old. At this time Lawrence was 64 years old. The job had not even been posted. Lawrence was unhappy

she'd been passed over and believed the previous Fire Marshal (her boss and a friend who had been grooming her to take over) was fired in part for supporting Lawrence. She thought this represented the "good old boy" thinking that permeated the fire department.

Lawrence had a meeting with Swann to discuss the matter. In it Swann explained that the Fire Marshal required someone who would be on the job for four to six years. Lawrence, by implication who was nearing the end of her career, was no likely to serve that long. As Swann further explained, "it just wouldn't be smart" to hire someone who would not serve for an extended period. Swann ended the meeting with an admonition. He told Lawrence not to discuss the matter or "run her mouth."

Lawrence had other ideas. She had in fact recorded the conversation. Moreover despite being instructed by Swann to stay quiet, she did the opposite. She went to the local media and spilled the beans.

Thereafter while Lawrence had never been disciplined, she was written up and subject to a performance improvement plan. Lawrence remains a fire department employee.

Lawrence sued the Fire Department a year later in September of 2022 and alleged a variety of counts from this set of facts. The heart of the case was that she was eminently qualified for

IN THE CIRCUIT COURT OF HENRY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ALICIA ALLEN,
Plaintiff,
vs.
FIDAELO LAYNES AKA FIDAELO LAYNEZ
Defendants.

No. CT-4897-21, Div. 1
JURY DEMANDED

VERDICT FORM

We, the jury, unanimously answer the question submitted by the Court as follows:

DAMAGES

1. What amount of damages, if any, have been proven by a preponderance of the evidence for Alicia Allen?

1) Medical expenses	\$ 20,493.26
2) Lost wages	\$ 1,500.00 1,500.00
3) Pain and suffering (past)	\$ 50,000.00
4) Pain and suffering (future)	\$ 50,000.00
5) Loss of the ability to enjoy life (past)	\$ 39,003.37
6) Loss of the ability to enjoy life (future)	\$ 39,003.37
7) Permanent injury	\$ 100,000.00
TOTAL	\$ 300,000.00

When you have answered the question above, have the foreperson sign and date the verdict form and return to the courtroom.

Clarence C. Brantwell
FOREPERSON
DATE: 5/21/2024

The verdict form in Allen v. Tennessee Farmers

UM carrier, Tennessee Farmers Mutual. Its policy limits were \$100,000. Liability was not disputed.

Tennessee Farmers defended against the claim of its insured and looked to proof that Allen didn't recall striking her ankle on anything during the crash. It suggested that she perhaps sustained the injury when she stepped out of the car, or perhaps between the time of the wreck and her presentation to the urgent care the next morning. Tennessee Farmers also diminished the effect of any ankle

injury upon Allen and noted her mobility issues were just as likely related to her myriad of pre-existing conditions including morbid obesity, diabetes and several prior knee surgeries.

The jury deliberated damages only. Allen took medicals of \$20,493 and \$1,500 more in lost wages. The jury valued her past and future suffering at \$50,000 each. Similarly her loss of enjoyment of life (past and future) were each \$39,003. Finally for permanent injury the plaintiff took

\$100,000. The verdict totaled \$300,000 and exceeded the plaintiff's UM policy limits. [Ed. Note - The odd loss of enjoyment of life awards (\$39,003 each for past and future) were apparently a function of the jury attempting to reach a round verdict of \$300,000. The non-economic damages in this case (\$278,806) represent a 13.5 ratio to the medical bills.]

Fair Housing/ADA - A religious ministry that provides addiction services was in the process of buying a former school in Tullahoma with the idea of turning into a residential treatment center – however the deal was scuttled when local officials refused a zoning variance that would have permitted this usage – the ministry then sued the county and alleged the failure to modify the zoning represented the failure to make a reasonable accommodation in violation of federal fair housing and disability laws

Be the Bush Recovery Ministries v. Coffee County, 4:22-16

Plaintiff: Abigail A. Southerland and Olivia F. Summers, *American Center for Law and Justice*, Virginia Beach, VA
Defense: Jeffrey R. Thompson and Gina S. Vogel, *Lewis Thomason*, Nashville

Verdict: Defense verdict on liability
Federal: **Winchester**
Judge: Curtis L. Collier
Date: 5-8-24

Be the Bush Recovery Ministries is a non-profit faith-based organization that provides drug and alcohol rehabilitation services. It does so through Bible study, work therapy and GED tutoring among other interventions. In 2021 it had operated at several residential locations in Manchester. However these were