

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

July 2024

Statewide Jury Verdict Coverage

21 TJVR 7

Tennessee's Source for Jury Verdicts Since 2004

In This Issue

Davidson County

Medical Negligence - \$46,993,500 p. 4

Federal Court - Chattanooga

Religious Discrimination - \$687,210 p. 1

Williamson County

Medical Negligence - Defense verdict p. 2

Knox County

Auto Negligence - \$122,588 p. 5

Federal Court - Nashville

Breach of Contract - Defense verdict p. 6

Landlord/Tenant - Mixed verdict p. 7

Monroe County

Auto Negligence - \$18,000 p. 8

Religious Discrimination - A data analyst for a health insurer refused a Covid-19 vaccination because of her sincere religious belief (Christian faith) that the vaccine was made with fetal cell lines – after the data analyst was fired, she sued her employer and alleged religious discrimination – the health insurer denied the religious belief was sincere and looked to proof the plaintiff was not a member of any denomination, didn't attend church and her only religious activity was to sometimes read the Bible

Benton v. BlueCross BlueShield of Tennessee, 1:22-118

Plaintiff: Douglas S. Hamill, *Mikel & Hamill*, Chattanooga

Defense: Robert E. Boston, Joshua T. Wood and David Zeitlin, *Holland & Knight*, Nashville

Verdict: \$687,210 for plaintiff

Federal: **Chattanooga**

Judge: Charles E. Atchley, Jr.

Date: 6-27-24

Tanja Benton started working in 2005 as a data analyst for BlueCross BlueShield of Tennessee. It is a health insurance company. As part of her duties she regularly made presentations to clients. They were generally done in person.

This changed in 2020 when the Covid-19 pandemic struck. Benton began to do her work on a remote basis. She did so successfully for some 18 months. In August of 2021 BlueCross made a decision to impose a Covid-19 vaccination requirement on

employees who were public-facing. Benton received notice of this new requirement.

Benton promptly let BlueCross know that she had a religious objection to receiving the vaccine. She explained her Christian faith was violated by having a vaccination she believed was produced or tested with fetal cell lines. She is staunchly opposed to abortion. In her request for an accommodation, Benton indicated she did not want a defiling influence (fetal cells) introduced into her body. [Ed. Note - The Covid-19 vaccines do not contain fetal cells.]

BlueCross denied her accommodation. In fact it denied all requested accommodation. It did offer Benton an option. She could look for a position in the company that was not public-facing and which did not require a vaccination. There was no available spot. A month later Benton was fired for failing to comply with the vaccination policy. At the time of her firing she earned \$116,350 per year.

Benton sued BlueCross and alleged the vaccination requirement, failure to accommodate and to subsequently terminate her all represented religious discrimination. Her proof burden first required evidence that her religious belief was sincere. Benton cited her Christian faith as above which compelled her to reject the vaccination.

Benton also argued that her religious belief could be easily