

Supreme Court Appeals
Pending Cases
4-21-20

1.	Style	State of Tennessee v. Robert Jason Allison
2.	Docket Number	M2017-02367-SC -R11-CD
3.	Lower Court Decision Links	http://www.tsc.state.tn.us/sites/default/files/allison.robert.opn_.pdf
4.	Lower Court Summary	Defendant, Robert Jason Allison, was indicted for two counts of delivery of marijuana; possession with intent to distribute over ten pounds of marijuana in a drug-free school zone; possession of a firearm during the commission of a dangerous felony; and two counts of money laundering. Following a jury trial, at which Defendant represented himself, he was convicted as charged. Following a sentencing hearing, the trial court imposed partial consecutive sentencing resulting in an effective 25-year sentence. In his appeal as of right, Defendant argued that: 1) the evidence was insufficient to support his convictions for money laundering; 2) the indictment conflated two subsections of the money laundering statute; 3) the trial court failed to instruct the jury on all of the elements of money laundering; 4) Defendant's convictions for money laundering violate double jeopardy; 5) the money laundering statute is unconstitutionally vague; 6) Defendant was deprived his right to a speedy trial; 7) the trial court erred by denying Defendant's motion to suppress evidence seized as a result of his warrantless arrest; 8) the trial court erred by denying Defendant's motion to suppress evidence seized as a result of a search warrant; 9) the trial court erred in finding that Defendant waived his right to the assistance of counsel at trial; 10) the trial court abused its discretion in ordering consecutive sentencing; and 11) Defendant's fines are excessive. The Court of Criminal Appeals found no error and affirmed the judgments of the trial court.
5.	Status	Application granted 1/15/20; Appellant brief filed 2/14/20; Appellee brief filed 3/12/20; Reply brief due 4/20/20 (by order 4/6/20); TBH May 28, 2020, in Nashville.

1.	Style	Douglas Ralph Beier v. Board of Professional Responsibility of the Supreme Court of Tennessee
2.	Docket Number	E2019-00463-SC-R3-BP
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard February 11, 2020, in Nashville.

1.	Style	Belgravia Square, LLC v. Melvin N White, et al.
2.	Docket Number	W2018-02196-SC-R11-CV
3.	Lower Court Decision Links	https://www.tncourts.gov/sites/default/files/belgraviasquareopn.pdf

4. Lower Court Summary
Appellant appeals the trial court's dismissal of his appeal from general sessions court in this unlawful detainer action. The general sessions court granted immediate possession of the disputed property to Appellee, and Appellant appealed to the circuit court. Although Appellant remained in possession of the property, he did not post the required possessory bond. Tenn. Code Ann. § 29-18-130(b)(2). The trial court dismissed the appeal finding that, in the absence of the required bond, it had no subject matter jurisdiction to hear the case. Because the statutory possessory bond is not jurisdictional, we conclude that the trial court erred in dismissing Appellant's appeal.
5. Status
Application granted 4/1/20; Appellant brief due 5/1/20.

1. Style
State of Tennessee v. Antonio Benson
2. Docket Number
W2017-01119-SC-R11-CD
3. Lower Court Decision Links
http://tncourts.gov/sites/default/files/benson_antonio_opn.pdf
4. Lower Court Summary
A Shelby County Criminal Court Jury convicted the Appellant, Antonio Benson, of first degree premeditated murder, and the trial court sentenced him to life. On appeal, the Appellant contends that the trial court erred by refusing to instruct the jury on self-defense, that the trial court erred by refusing to admit evidence about a prior violent act committed by the victim, that the trial court erred by preventing him from sitting at counsel table during the trial, and that the evidence is insufficient to support the conviction. Based upon the oral arguments, the record, and the parties' briefs, we conclude that the trial court erred by failing to instruct the jury on self-defense and that the State failed to show the error was harmless. Accordingly, the Appellant's conviction is reversed, and the case is remanded to the trial court for a new trial.
5. Status
Heard November 6, 2019, in Jackson.

1. Style
Clarissa Bidwell ex rel James Bidwell et al. v. Timothy A Strait, MD, et al.
2. Docket Number
E2018-02211-SC-R11-CV
3. Lower Court Decision Links
http://www.tsc.state.tn.us/sites/default/files/bidwell_v_strait_opinion.pdf
4. Lower Court Summary
Plaintiff, James Bidwell, took his wife, Clarissa Bidwell, to Starr Regional Medical Center for treatment. She was transferred to Chattanooga-Hamilton County Hospital Authority dba Erlanger Health System, a governmental hospital authority, where she was treated, but later died. Plaintiff provided statutorily compliant pre-suit notice of his intent to file a health care liability action against each health care provider that was named as a defendant in the complaint. Plaintiff did not provide pre-suit notice to Erlanger. However, Dr. Jeffery Colburn and Dr. Timothy A. Strait failed to identify Erlanger as their employer, i.e. a known and necessary party to the suit. Plaintiff timely filed his complaint within the 120-day extension of the statute of limitations provided by Tenn. Code Ann. § 29-26-121. Defendants answered plaintiff's complaint, each raising the affirmative defense of comparative fault. Dr. Colburn and Dr. Strait then moved for summary judgment arguing

that, pursuant to the Governmental Tort Liability Act, without Erlanger as a party defendant no judgment could be rendered against them. In response, plaintiff filed two motions to amend his complaint to add Erlanger as a defendant, in reliance upon the extension to the statute of limitations provided in Tenn. Code Ann. § 20-1-119(a). After a hearing, the trial court held that plaintiff's failure to provide pre-suit notice to Erlanger prevents him from adding them to his complaint. It granted Dr. Colburn and Dr. Strait's motions for summary judgment. Plaintiff appealed. We hold that Tenn. Code Ann. § 29-26-121(a)(5) required Dr. Colburn and Dr. Strait to identify Erlanger as a known and necessary party within thirty days after receiving pre-suit notice; they failed to comply with § 29-26-121(a)(5). We hold that, pursuant to Tenn. Code Ann. § 20-1-119, their subsequent declaration of the necessity of the nonparty to the suit, after the complaint was filed, granted plaintiff an additional ninety days following the filing of the first answer to amend his complaint in order to add the nonparty as a defendant. In addition, we hold that, pursuant to Tenn. Code Ann. § 29-26-121(c), plaintiff's addition of the nonparty is not barred for failure to provide pre-suit notice. Therefore, we vacate the trial court's award of summary judgment to defendants Dr. Colburn and Dr. Strait. We remand this matter for further proceedings, pursuant to applicable law, and consistent with this opinion.

5. Status Application granted 2/20/20; Appellants' briefs filed 4/6/20; Appellees' briefs due 5/7/20; Reply briefs due 5/15/20 (by order granted 4/1/20); TBH May 19, 2020, in Knoxville.

1. Style Carolyn Coffman et al. v. Armstrong International, Inc. et al.

2. Docket Number E2017-01985-SC-R11-CV

3. Lower Court Decision Links http://www.tsc.state.tn.us/sites/default/files/coffman_corrected_majority_opinion.pdf

4. Lower Court Summary This consolidated appeal arises from a product liability action brought by Donald Coffman and his wife, Carolyn Coffman, after Mr. Coffman was diagnosed with mesothelioma. Plaintiffs asserted several claims against multiple defendants for their alleged involvement in Mr. Coffman's exposure to asbestos at his workplace. The trial court dismissed their claims against some of the original defendants. The court granted summary judgment to the remaining defendants. Specifically, the court found that: (1) plaintiffs' claims against one defendant were time-barred by the four-year construction statute of repose set forth in Tenn. Code Ann. § 28-3-202 (2017); (2) plaintiffs' claims against three defendants were time-barred by the ten-year statute of repose set forth in Tenn. Code Ann. § 29-28-103 (2012); (3) ten defendants affirmatively negated their alleged duty to warn; and (4) plaintiffs presented insufficient evidence of causation with respect to seven defendants. The court denied plaintiffs' motion to alter or amend certain summary judgment orders. Plaintiffs filed separate notices of appeal for each final judgment entered by the trial court. These cases were consolidated for the purpose of oral argument before the Court of Appeals. For the reasons stated in this opinion, we vacate all of the final judgments entered by the trial court.

5. Status Application granted 2/20/20; Appellants' briefs filed 4/13/20; Appellees' briefs due 5/7/20; Reply briefs due 5/15/20 (by order granted 4/1/20); TBH May 19, 2020, in Knoxville.

1. Style State of Tennessee v. Yodelkis Contreras

2. Docket Number M2017-02210-SC-R11-CD

3. Lower Court Decision Links http://www.tsc.state.tn.us/sites/default/files/contreras.yodelkis.opn_.pdf
4. Lower Court Summary
The defendant, Yodelkis Contreras, appealed from the revocation of the probationary sentence imposed for his 2005 Circuit Court guilty-pleaded conviction of aggravated robbery, claiming that, because the original sentence of probation was illegal, the trial court lacked jurisdiction to revoke his probation and that the delay between the issuance of the original probation violation warrant and the probation revocation hearing violated his constitutional right to a speedy disposition of the violation. The CCA concluded that although the originally-imposed sentence of 10 years' probation was illegal, *see* T.C.A. § 40-35-303(a), the defendant's current sentence of 10 years' confinement was not. Thus, regardless OF whether the trial court possessed jurisdiction to revoke the defendant's probation due to the sentencing illegality, the trial court retained jurisdiction to correct the illegal sentence and impose a sentence of 10 years' confinement. Accordingly, the CCA affirmed the judgment of the trial court.
5. Status Application granted 2/21/20; Appellant brief filed 4/2/20; Appellee brief due 5/7/20; Reply brief due by 5/22/20 (by order 4/1/20); TBH May 28, 2020, in Nashville.

1. Style Brice Cook v. State of Tennessee
2. Docket Number W2018-00237-SC-R11-PC
3. Lower Court Decision Links
http://www.tsc.state.tn.us/sites/default/files/cook_brice_opn.pdf - Majority
http://www.tsc.state.tn.us/sites/default/files/cook_brice_dissent.pdf - Dissent
4. Lower Court Summary
Defendant appealed the denial of his post-conviction petition, arguing the post-conviction court erred in finding he received effective assistance of counsel at trial and on appeal. The Court of Criminal Appeals affirmed the denial of the petition. Judge Williams dissented, finding that a new evidentiary hearing should be held based on demonstrated bias by the post-conviction court.
5. Status Application granted 10/14/19; Appellant brief filed 12/13/19 (extension granted 11/11/19); Appellee brief filed 2/12/20 (extension granted 1/9/20); Reply brief filed 3/10/20 (extension granted 2/25/20); TBH May 28, 2020, in Nashville.

1. Style Crouch Railway Consulting, LLC v. LS Energy Fabrication, LLC
2. Docket Number M2017-02540-SC-R11-CV
3. Lower Court Decision Links
http://www.tsc.state.tn.us/sites/default/files/crouchrailwayv.lsenenergy.opn_.pdf
4. Lower Court Summary
The sole issue on appeal was whether a Tennessee court may exercise specific personal jurisdiction over the nonresident defendant. A Tennessee civil engineering company filed an action for breach of contract and unjust enrichment against a Texas energy company in Williamson County Chancery Court, alleging that the Texas company breached its contract with the Tennessee company by failing to pay for engineering and planning services. The defendant filed a Tenn. R. Civ. P. 12.02(2) motion to dismiss for lack of personal jurisdiction.

The trial court granted the motion, determining that the minimum contacts test had not been satisfied because the defendant did not target Tennessee. Additionally, the trial court determined that it would be unfair and unreasonable to require the defendant to litigate the dispute in Tennessee. This (COA) appeal followed. Relying primarily on the Tennessee Supreme Court’s reasoning in *Nicholstone Book Bindery, Inc. v. Chelsea House Publishers*, 621 S.W.2d 560 (Tenn. 1981), we have determined that the Texas company purposefully directed its activity toward Tennessee by engaging a Tennessee engineering company to provide customized services, which were performed primarily in Tennessee. We have also determined that it is fair and reasonable to require the Texas company to litigate the dispute in Tennessee. The Court of Appeals reversed the trial court’s decision to dismiss for lack of personal jurisdiction and remanded for further proceedings.

5. Status Heard February 11, 2020, in Nashville.

1. Style In re: Cumberland Bail Bonding

2. Docket Number M2017-02172-SC-R11-CD

3. Lower Court Decision Links http://tncourts.gov/sites/default/files/inrecumberlandbailbonding.opn_.pdf

4. Lower Court Summary The Appellant, Cumberland Bail Bonding, argues that the trial court erred in suspending its bonding privileges due to a violation of Rule 26.05(B) of the Local Rules of the Thirty-First Judicial District, a rule requiring a bonding agent to be present for a defendant’s court appearance. After review, we reverse the judgment of the trial court.

5. Status Opinion filed 4/6/20.

1. Style Jared Effler, et al. v. Purdue Pharma L.P., et al.

2. Docket Number E2018-01994-SC-R11-CV

3. Lower Court Decision Links http://www.tsc.state.tn.us/sites/default/files/effler_v_purdue_e2018-01994.pdf

4. Lower Court Summary This appeal concerns the interpretation of the Drug Dealer Liability Act, Tenn. Code Ann. § 29-38-101, -116 (“DDLA”). A number of Tennessee district attorneys (“the District Attorney Plaintiffs”), as well as two minor children through their guardian ad litem (“Plaintiffs,” all together), sued certain drug manufacturers (“Manufacturer Defendants”) and others in the Circuit Court for Campbell County (“the Trial Court”) alleging the diversion of opioids.¹ Manufacturer Defendants filed a motion to dismiss. The Trial Court, in granting the motion to dismiss, held that the DDLA does not apply to manufacturers who lawfully produce drugs and that Plaintiffs had failed to state a claim upon which relief can be granted. Plaintiffs appeal, arguing that their complaint contained allegations sufficient to withstand the motion to dismiss. Manufacturer Defendants contend that the DDLA applies to “street dealers,” not regulated entities such as themselves. In addition, Manufacturer Defendants argue that the District Attorney Plaintiffs lack standing. We hold, first, that the DDLA allows district attorneys to pursue DDLA claims on behalf of the political subdivisions within their respective judicial districts. Thus, the District Attorney Plaintiffs have standing. We hold further that, taking as true Plaintiffs’ detailed allegations that Manufacturer Defendants knowingly participated in the diversion of opioids, Plaintiffs have

stated claims upon which relief can be granted. We reverse the judgment of the Trial Court and remand for this case to proceed.

5. Status Application granted 3/26/20; Appellants briefs due 4/27/20.

1. Style Roy Franks, et al. v. Tiffany Sykes, et al.

2. Docket Number W2018-00654-SC-R11-CV

3. Lower Court Decision Links <http://tncourts.gov/sites/default/files/franksroyopn.pdf>

4. Lower Court Summary
This appeal concerns two separate plaintiffs' claims under the Tennessee Consumer Protection Act ("TCPA"), alleging that the filing of undiscounted hospital liens violated the TCPA by "[r]epresenting that a consumer transaction confers or involves rights, remedies or obligations that it does not have or involve or which are prohibited by law." The trial court dismissed one plaintiff's claim based on the pleadings due to the plaintiff's failure to bring a claim under the Hospital Lien Act and dismissed another plaintiff's claim for improper venue. We affirm in part as modified, reverse in part, and remand for further proceedings.

5. Status Heard November 6, 2019, in Jackson.

1. Style Stephen P. Geller v. Henry County Board of Education

2. Docket Number W2017-01678-SC-R11-CV

3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/gellerstephenopn.pdf>

4. Lower Court Summary
A tenured teacher serving as an assistant principal was transferred to teach at an alternative school after the local director of schools learned that the teacher did not hold an administrator's license. On appeal, the teacher asserts that the transfer was arbitrary and capricious where the director of schools did not comply with the law concerning when assistant principals are required to hold administrator's licenses. Following a trial, the trial court dismissed the teacher's complaint, ruling that the director of school's belief that the teacher was required to hold an administrator's license was reasonable. We conclude that the director of schools' actions and beliefs were not reasonable under the circumstances; as such, we reverse and remand for further proceedings.

5. Status Heard November 6, 2019, in Jackson.

1. Style Marty Holland v. State of Tennessee

2. Docket Number W2018-01517-SC-R11-PC

3. Lower Court Decision Links http://tncourts.gov/sites/default/files/holland_marty_opn.pdf

4. Lower Court Summary
The Petitioner, Marty Holland, appeals from the Hardeman County Circuit Court’s denial of post-conviction relief. On appeal, the Petitioner argues generally that “the post-conviction court erred in finding [the Petitioner] received effective assistance of counsel.”¹ Based on the issues developed at the post-conviction hearing and the order of the post-conviction court, the issue presented is whether the Petitioner’s guilty pleas are constitutionally infirm due to trial counsel’s failure to investigate (1) a coerced confession; (2) the validity of a bench warrant concerning an unrelated offense; and (3) a search warrant executed at the Petitioner’s home concerning an unrelated case. Following our review, we deem it necessary to remand this matter to the post-conviction court for a hearing to determine whether the Petitioner was advised of the circumstances attendant to entering a guilty plea based upon an agreement that his state sentence would be served concurrently to a previously imposed federal sentence. In all other respects, the judgment of the post-conviction court is affirmed.

5. Status
Heard April 1, 2020, in Jackson (on brief).

1. Style
Antonio Howard v. State of Tennessee

2. Docket Number
W2018-00786-SC-R11-PC

3. Lower Court Decision Links
https://www.tncourts.gov/sites/default/files/howard_antonio_opn.pdf

4. Lower Court Summary
The Petitioner, Antonio Howard, filed a petition for post-conviction relief, alleging, among other things, that trial counsel was ineffective for failing to file a timely motion for new trial. After a review of the record, we hold that the Petitioner’s trial counsel was deficient in this regard and that the Petitioner was presumptively prejudiced by the deficiency. Therefore, we reverse the judgment of the post-conviction court denying the petition and remand this case with instructions to that court that it grant the Petitioner a delayed appeal, beginning with the right to file a delayed motion for new trial.

5. Status
Heard April 1, 2020, in Jackson (on brief).

1. Style
Lataisha M. Jackson v. Charles Anthony Burrell, et al.

2. Docket Number
W2018-00057-SC-R11-CV

3. Lower Court Decision Links
<http://tncourts.gov/sites/default/files/jacksonlataishaopn.pdf>

4. Lower Court Summary
This is a sexual assault/health care liability case wherein a female customer alleges she was assaulted while receiving a massage at a day spa. The customer sued both the massage therapist as well as the employer-business, bringing intentional tort, negligence, and vicarious liability claims. The customer complied with the pre-suit notice requirements as required by the Tennessee Health Care Liability Act; however, she failed to file a certificate of good faith with her complaint. The massage therapist and the business both moved for summary judgment and noted such failure, asking the trial court to dismiss the customer’s claims with prejudice. The trial court granted both parties’ motions for summary judgment, dismissing all of the customer’s claims. The customer appealed. Because we find that the requirements of the Tennessee Health Care Liability Act are not applicable to the claims against the

massage therapist but are applicable to the claims against the employer, we affirm in part and reverse in part.

5. Status Heard April 1, 2020, in Jackson (via video conference).

1. Style State of Tennessee v. Steve M. Jarman

2. Docket Number M2017-01313-SC-R11-CD

3. Lower Court Decision Links https://www.tncourts.gov/sites/default/files/jarman.steve_.opn_.pdf
https://www.tncourts.gov/sites/default/files/jarman.steve_.concurringopn.pdf

4. Lower Court Summary The Defendant, Steve M. Jarman, was convicted by a jury of voluntary manslaughter and received a sentence of five years to be served in the Tennessee Department of Correction. On appeal, the Defendant challenges: (1) the sufficiency of the evidence to support his conviction; (2) the admission of evidence of a prior assault charge for which the Defendant was acquitted and of prior threats against the victim's sister; (3) the admission of evidence of the Defendant's attempt to cash a check made out to the victim after the victim's death; (4) the admission of the victim's testimony in a prior trial as violating the Confrontation Clause; (5) and his five-year sentence to be served in confinement. We conclude that the trial court committed reversible error in admitting evidence of a prior criminal offense for which the Defendant was acquitted and evidence of the Defendant's prior threats against the victim's sister. Accordingly, we reverse the judgment of the trial court and remand the case for a new trial.

5. Status Heard on November 19, 2019, at SCALES in Kingsport.

1. Style Joshua Keller v. Janice Casteel, et al.

2. Docket Number E2017-01020-SC-R11-CV

3. Lower Court Decision Links https://www.tncourts.gov/sites/default/files/joshua_keller_v._janice_casteel_et_al..pdf

4. Lower Court This action involves the petitioner's termination of employment as a firefighter for the City of Cleveland. The petitioner filed a petition for writ of certiorari and sought partial summary judgment, alleging, inter alia, that the termination procedure was unlawful. The trial court agreed and granted partial summary judgment. The case proceeded to a hearing on damages, after which, the court found that the petitioner failed to exercise reasonable diligence in securing employment. The petitioner filed a motion to alter or amend. The court then altered its original order and held that material evidence existed in the record to support the termination decision, reversing the order for partial summary judgment and dismissing the action. The petitioner appeals. We reverse.

5. Status Heard on November 19, 2019, at SCALES in Kingsport.

1. Style Melanie Lemon v. Williamson County Schools, et al.

2. Docket Number M2018-01878-SC-R11-CV

3. Lower Court Decision Links http://www.tsc.state.tn.us/sites/default/files/lemon.melanie.opn_.pdf
4. Lower Court Summary

The plaintiff, a former tenured schoolteacher, sued the Williamson County Board of Education and three administrators alleging that she was forced to resign after the defendants “bullied, stalked, intimidated, and defamed” her during the 2015–2016 school year. She asserted claims for wrongful termination, breach of contract, negligence, intentional infliction of emotional distress, and negligent infliction of emotional distress. The trial court dismissed all of the claims asserted in the original complaint pursuant to Tenn. R. Civ. P. 12.02(6) for failure to state a claim upon which relief could be granted but permitted the plaintiff to file an amended complaint to revise and restate her claims for breach of contract and intentional infliction of emotional distress. Following discovery, the court summarily dismissed the two remaining claims as asserted in the amended complaint. On appeal, the plaintiff challenges the Tenn. R. Civ. P. 12.02(6) dismissal of her wrongful termination and negligence claims, and the summary dismissal of her claims for breach of contract and intentional infliction of emotional distress. We affirm the trial court’s determination the plaintiff’s negligence and intentional infliction of emotional distress claims are barred by the Governmental Tort Liability Act and Teachers’ Tenure Act, respectively. We have also determined that the plaintiff failed to produce evidence of a compensable injury in her claim for breach of contract. As for the plaintiff’s claim of wrongful termination, we respectfully disagree with the trial court’s determination that the doctrine of constructive discharge is inapplicable to wrongful termination claims under the Teachers’ Tenure Act. Therefore, we reverse the dismissal of the plaintiff’s wrongful termination claim and remand this claim for further proceedings. We affirm the trial court in all other respects.
5. Status Application granted 2/20/20; Appellant brief filed 3/20/30; Appellee brief due 5/6/20; Reply brief due 5/20/20 (by order 4/6/20); TBH May 28, 2020, in Nashville.

1. Style Melissa Martin, et al. v. Rolling Hills Hospital, LLC, et al.
2. Docket Number M2016-02214-SC-R11-CV
3. Lower Court Decision Links http://tncourts.gov/sites/default/files/martin.melissa.opn_.pdf
4. Lower Court Summary

This is an appeal in a health care liability action from the dismissal of the action for Plaintiffs’ failure to comply with Tennessee Code Annotated section 29-26-121(a)(2)(E) when they failed to provide the Defendants with HIPAA compliant authorizations for release of medical records. The trial court held that, as a result of the failure, Plaintiffs were not entitled to an extension of the one-year statute of limitations for bringing suit and the action was barred. Plaintiffs appeal. Upon our review, we find that Plaintiffs substantially complied with the requirements of section 29-26-121 and that the Defendants have not shown that they were prejudiced by the deficiencies in the authorizations; accordingly, we reverse the decision of the trial court and remand the case for further proceedings.
5. Status Heard May 30, 2019, in Nashville.

1. Style Milan Supply Chain Solutions Inc. f/k/a/ Milan Express Inc. v. Navistar Inc. et al.
2. Docket Number W2018–00084-SC-R11-CV

3. Lower Court Decision Links <http://www.tsc.state.tn.us/sites/default/files/milansupplychainopn.pdf>
4. Lower Court Summary

This appeal involves a jury verdict in a commercial dispute pertaining to the quality of trucks purchased by the plaintiff, Milan Supply Chain Solutions, Inc. Contending that the purchased trucks were defective, Milan filed suit against Navistar, Inc. and Volunteer International, Inc., alleging various legal claims, including breach of contract, violation of the Tennessee Consumer Protection Act, and fraud. Although some of Milan's claims were dismissed prior to trial, the remaining fraud and Tennessee Consumer Protection Act claims were tried before a jury. Defendant Volunteer International, Inc. was granted a directed verdict upon the conclusion of Milan's proof and later awarded attorney's fees, but a monetary judgment for both compensatory and punitive damages was entered against Navistar, Inc. The parties now appeal, raising a plethora of issues for our consideration. For the reasons stated herein, including our conclusion that the asserted fraud claims are barred by the economic loss doctrine, we reverse the judgment awarded to Milan. We affirm, however, the trial court's award of attorney's fees in favor of Volunteer International, Inc.
5. Status

Application granted 1/16/20; Second motion for extension to file briefs granted 3/10/20; Appellant brief filed 3/30/20; Appellees' briefs due 5/26/20 (by order 3/10/20); Reply brief due 6/16/20 (by order 3/10/20).

1. Style

Paul Zachary Moss v. Shelby County Civil Service Merit Board
2. Docket Number

W2017-01813-SC-R11-CV
3. Lower Court Decision Links

<https://www.tncourts.gov/sites/default/files/mosspaulzacharyopn.pdf>
4. Lower Court Summary

Appellant was previously terminated from his employment with the Shelby County Fire Department. After the Shelby County Civil Service Merit Board upheld Appellant's termination, judicial review followed in the Shelby County Chancery Court, which affirmed the Merit Board's decision. In his appeal to this Court, Appellant contends that the decision upholding his termination should be reversed due to a violation of his due process rights. We agree and reverse.
5. Status

Opinion filed 3/18/2020.

1. Style

David New v. Lavinia Dumitrache, et al.
2. Docket Number

W2017-00776-SC-R11-CV
3. Lower Court Decision Links

<http://tncourts.gov/sites/default/files/newdavidopn.pdf>
4. Lower Court Summary

A general sessions court issued orders of protection for a mother and her child against the mother's ex-husband, who was the child's father. Thirty-six days after the final order was entered, the father filed suit in chancery court, essentially seeking to enroll the mother's and the father's Texas divorce decree and to appeal the orders of protection. On the mother's motion, the chancery court dismissed the suit in its entirety for lack of subject matter jurisdiction. The mother then moved to alter or amend, seeking an award of attorney's fees

and discretionary costs incurred in defending the action. The chancery court granted the motion and awarded the mother attorney's fees and costs. On appeal, the father challenges only the award of attorney's fees.

We conclude that the court did possess subject matter jurisdiction to award attorney's fees. But because the father was not permitted to put on proof concerning the reasonableness of the fees incurred by the mother, we vacate the award of attorney's fees.

5. Status Heard April 1, 2020, in Jackson (on brief).

1. Style Talat Parveen et al. v. ACG South Insurance Agency LLC et al.

2. Docket Number E2018-01759-SC-R11-CV

3. Lower Court Decision Links http://www.tsc.state.tn.us/sites/default/files/parveen_v._acg_ins._e2018-1759.pdf

4. Lower Court Summary This appeal arises from an action commenced by two insured parties against their insurance agent and the insurance agency where he was employed after the insureds' insurance carrier refused to provide excess uninsured motorist coverage because it was not included in the insureds' policy. The insureds alleged that their insurance agent failed to procure the requested insurance on their behalf and that they consequently had suffered monetary losses. The Trial Court applied a statutory rebuttable presumption that the insureds had accepted the provided coverage by paying their insurance premiums, pursuant to Tennessee Code Annotated § 56-7-135(b). Upon its finding that the insureds had not rebutted that presumption, the Trial Court dismissed the insureds' action. The insureds have appealed. Upon our determination that Tennessee Code Annotated § 56-7-135(b) does not apply to actions against an insurance agent for failure to procure insurance coverage as directed, we reverse the Trial Court's grant of summary judgment and remand for the action to proceed.

5. Status Application granted 3/26/20; Appellants' briefs due 4/27/20.

1. Style State of Tennessee v. Michael Rimmer

2. Docket Number W2017-00504-SC-DDT-DD

3. Lower Court Decision Links https://www.tncourts.gov/sites/default/files/rimmer_michael_opn.pdf

4. Lower Court Summary The Defendant, Michael Rimmer, was convicted by a Shelby County jury of first degree premeditated murder, first degree felony murder, and aggravated robbery. T.C.A. §39- 13-202(1), (2) (Supp. 1998) (first degree murder), §39-13-402 (1997) (aggravated robbery). The trial court merged the felony murder conviction into the premeditated murder conviction. The jury sentenced the Defendant to death for the first degree murder conviction, and the trial court sentenced him to eighteen years for the aggravated robbery conviction and ordered it to be served consecutively to the sentence for the murder conviction. On appeal, the Defendant contends that: (1) the evidence is insufficient to support his convictions for first degree murder and aggravated robbery; (2) the trial court erred in denying his motion to dismiss the felony murder charge; (3) the trial court erred in denying his motion to suppress DNA evidence; (4) the trial court erred in not striking the State's opening statement or declaring a mistrial based on a comment made by the State; (5) the trial court erred in

admitting evidence of the Defendant’s prior convictions; (6) the trial court erred in limiting the testimony of William Baldwin; (7) the trial court erred in admitting a drawing of the backseat of the Honda the Defendant was driving when he was arrested; (8) the trial court erred in finding James Allard was unavailable and allowing his testimony from the previous trial to be entered into evidence; (9) the trial court erred in admitting hearsay testimony through witness Rhonda Bell; (10) the trial court erred in allowing Chris Ellsworth to display his scars to the jury; (11) the trial court erred in allowing hearsay testimony through witness Tim Helldorfer; (12) the trial court erred in limiting the testimony of Tim Helldorfer regarding a photograph identification and the release of the Honda from police custody; (13) the trial court erred in allowing Joyce Carmichael to testify about Tommy Voyles; (14) the trial court erred in admitting previous testimony of deceased or otherwise unavailable witnesses; (15) the trial court erred in admitting Richard Rimmer’s prior statement and related exhibits as substantive evidence; (16) the trial court erred in limiting the testimony of Kenneth Falk; (17) the trial court erred in limiting the testimony of Marilyn Miller; (18) the trial court erred in excluding documents relating to a lawsuit involving the Shelby County Jail; and 05/21/2019 - 2 - (19) the trial court erred in applying an aggravating factor and imposing a consecutive sentence for the aggravated robbery conviction. Following our review, we affirm the judgments of the trial court.

5. Status Direct Death Penalty Transfer on 6/6/19; Appellant brief filed 8/7/19 after extension; Appellee brief filed 9/06/19; Ordered 12/11/19 to be placed on the April 2020 docket in Jackson; Supplemental briefs requested by court 12/11/19; Appellant supplemental brief filed 1/31/20 (extension granted 1/24/20); Appellee supplemental brief filed 3/06/20. TBH May 28, 2020, in Nashville.

1. Style Ken Smith Auto Parts v. Michael F. Thomas

2. Docket Number E2018-00928-SC-R11-CV

3. Lower Court Decision Links http://tncourts.gov/sites/default/files/ken_smith_coa_majority_opinion.pdf

4. Lower Court Summary This appeal concerns whether a circuit court has jurisdiction to consider a post-trial motion once it dismisses an appeal by a defendant from general sessions court for failure to appear. Ken Smith Auto Parts (“Plaintiff”) brought an action against Michael F. Thomas (“Defendant”) in the Hamilton County General Sessions Court (“the General Sessions Court”) and prevailed. Defendant appealed to the Circuit Court for Hamilton County (“the Circuit Court”). Defendant missed trial. The Circuit Court entered an order dismissing his appeal and remanding the case to the General Sessions Court for execution of judgment. Defendant filed a motion pursuant to Tenn. R. Civ. P. 59 and 60 seeking relief on the basis that he missed trial because of a traffic jam. The Circuit Court granted Defendant’s motion and vacated the order of dismissal. However, the Circuit Court later concluded that it lost jurisdiction when it dismissed Defendant’s appeal and that its subsequent order was null. Defendant appeals to this Court. We hold that the Circuit Court’s order of dismissal was subject to post-trial motion via the Tennessee Rules of Civil Procedure, and the Circuit Court retained jurisdiction to consider it. We hold further that the Circuit Court properly exercised its discretion to grant Defendant’s motion. We affirm, in part, and reverse, in part, the judgment of the Circuit Court, and remand for further proceedings.

5. Status Opinion filed 4/17/20.

1.	Style	Board of Professional Responsibility v. Kevin William Teets, Jr
2.	Docket Number	M2019-01909-SC-R3-BP
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Notice of appeal filed 10/23/19; Motion to withdraw counsel granted 2/5/20; Appellate record filed 2/26/20; Appellant brief due 4/17/20; Show Cause Order filed 4/21/20; Appellee brief due 5/18/20; Reply brief due 5/25/20 (by order 4/1/20); TBH May 28, 2020, in Nashville.

1.	Style	George H. Thompson. III v. Board of Professional Responsibility of the Supreme Court of Tennessee
2.	Docket Number	M2018-02216-SC-R3-BP
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard February 11, 2020, in Nashville.

1	Style	Scott Trent et al. v. Mountain Commerce Bank et al
2.	Docket Number	E2018-01874-SC-R11-CV
3.	Lower Court Decision Links	http://www.tsc.state.tn.us/sites/default/files/trent_v._mountain_commerce_e2018-1874.pdf
4.	Lower Court Summary	In this action requesting declaratory relief, the appellants filed a petition seeking to reform a deed to add an additional grantor and requesting the Trial Court declare that the appellants hold all rights and interest to the property at issue. The Trial Court determined that no mutual mistake existed to support reformation of the original deed and denied the appellants' petition. The Trial Court also declined to declare the appellants to be the only parties holding any interest in the property. The Court of Appeals found no error and affirmed.
5.	Status	Application granted 10/11/19; Appellant brief filed 11/1/19; Appellee brief filed 12/2/19; Reply brief filed 12/13/20; TBH May 19, 2020, in Knoxville.

1.	Style	In re B.J. Wade
2.	Docket Number	W2020-00189-SC-R3-BP

3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Transferred from Court of Appeals 1/29/20; Notice of appeal filed 1/29/20; Appellate record filed 2/4/20; Appellant brief due 3/5/20; Appellant brief not received; Order to Show Cause filed 3/11/20; Response to Show Cause Order filed 4/6/20 (extension granted 4/1/20); Appellees' responses filed 4/14 and 4/16/20.

1.	Style	Vickie S. Young, Individually and as Administrator of the Estate of Randall Josh Young, Deceased v. First Cardiology PLLC, et al.
2.	Docket Number	M2019-00316-SC-R11-CV
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	<p>This matter is before the court upon the defendants' application for permission to appeal pursuant to Tenn. R. App. P. 9. Having considered both the application and the answer, the court cannot conclude that an interlocutory appeal is necessary to prevent irreparable injury, to develop a uniform body of law, or to prevent needless, expensive and protracted litigation.</p> <p>It is, therefore, ordered that the application for permission to appeal be denied. The costs are taxed to the defendants for which execution may issue.</p>
5.	Status	Opinion filed 4/20/20.
