



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**  
Grants & Denials List  
November 13, 2018 - November 16, 2018

**GRANTS**

<b>Style/Appeal Number</b>	<b>County/Trial Judge/ Trial Court No.</b>	<b>Intermediate Court</b>	<b>Supreme Court Action</b>
<b><u>Nashville</u></b>			
MELISSA MARTIN, ET AL. v. ROLLING HILLS HOSPITAL, LLC, ET AL. M2016-02214-SC-R11-CV	Williamson County Circuit Court Michael Binkley 2016-8	Dinkins, Richard H.: Reverse	Granted: Application of Matthew Karl, M.D., Rolling Hills Hospital, LLC, & Universal Health Services, Inc.  Order filed 11-16-18 (See Attached Order)
BONNIE HARMON, ET AL. v. HICKMAN COMMUNITY HEALTHCARE SERVICES, INC. M2016-02374-SC-R11-CV	Hickman County Circuit Court Deanna B. Johnson 14-CV-6	Dinkins, Richard H.: Reverse in Part McBrayer, W. Neal: Dissent	Granted: Application of Hickman Community Healthcare Services, Inc. d/b/a Hickman Community Hospital  Order filed 11-15-18 (See Attached Order)

**DENIALS**

<b>Style/Appeal Number</b>	<b>County/Trial Judge/ Trial Court No.</b>	<b>Intermediate Court</b>	<b>Supreme Court Action</b>
<b><u>Nashville</u></b>			
IN RE BLAKE A., ET AL M2016-01621-SC-R11-JV	Montgomery County Juvenile Court Tim Barnes MCJVPLCV110004197000	Dinkins, Richard H.: Reverse in Part	Denied: Application of mother, Jessica L.  Order filed 11-15-18
STATE OF TENNESSEE v. JOSE ORTIZ M2016-02457-SC-R11-CD	Montgomery County Circuit Court Jill Bartee Ayers 41301368	Ogle, Norma McGee: Affirm	Denied: Application of Jose Ortiz  Order filed 11-14-18
ESTATE OF DAVID LYONS v. LaTONY BAUGH, ET AL. M2017-00094-SC-R11-CV	Davidson County Chancery Court Claudia Bonnyman 15-691-I	McBrayer, W. Neal: Reverse	Denied: Application of Estate of David Lyons, opinion of COA designated "Not For Citation" accordance with SCT Rule 4(E)  Order filed 11-15-18 (See Attached Order)

SPECIALTYCARE IOM SERVICES, LLC v. MEDSURANT HOLDINGS, LLC, ET AL. M2017-00309-SC-R11-CV	Davidson County Chancery Court Carol L. McCoy 15-695-II	Armstrong, Kenny W.: Reverse in Part	Denied: Application of SpecialtyCare IOM Services, LLC  Order filed 11-15-18
TYLER JAMES REED v. STATE OF TENNESSEE M2017-00480-SC-R11-PC	Sumner County Criminal Court Dee David Gay 2010-CR-174, 2015-CR-353	Holloway Jr., Robert L.: Affirm	Denied: Application of Tyler James Reed  Order filed 11-14-18
JOHN R. JACKSON v. STATE OF TENNESSEE M2017-00787-SC-R11-PC	Montgomery County Circuit Court William R. Goodman, III 41100157	Wedemeyer, Robert W.: Affirm	Denied: Application of John R. Jackson  Order filed 11-14-18
STATE OF TENNESSEE v. PHILLIP DANIEL MORTON M2017-01083-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2012-D-3049	McMullen, Camille R.: Affirm	Denied: Application of Phillip Daniel Morton  Order filed 11-14-18
STATE OF TENNESSEE v. MICHAEL LEE HOGAN M2017-01115-SC-R11-CD	Dickson County Circuit Court David D. Wolfe 22CC-2015-CR-161	Wedemeyer, Robert W.: Affirm	Denied: Application of Michael Lee Hogan  Order filed 11-14-18

STATE OF TENNESSEE v. CHRISTOPHER  
RUSSELL  
M2017-01152-SC-R11-CD

Marion County Circuit Court  
Thomas W. Graham  
9847

Williams, John Everett: Affirm

Denied: Application of  
Christopher Eugene Russell  
  
Order filed 11-14-18

RICHARD KELLEY v. STATE OF TENNESSEE  
M2017-01157-SC-R11-PC

Montgomery County Circuit Court  
Jill Bartee Ayers  
41201018

Ogle, Norma McGee: Affirm

Denied: Application of Richard  
Thomas Kelley  
  
Order filed 11-14-18

STATE OF TENNESSEE v. MICHAEL A. FLIPPEN,  
JR.  
M2017-01288-SC-R11-CD

Montgomery County Circuit Court  
William R. Goodman, III  
2015-CR-935

Williams, John Everett: Affirm

Denied: Application of Michael A.  
Flippen, Jr.  
  
Order filed 11-14-18

TIMOTHY P. GUILFOY v. STATE OF TENNESSEE  
M2017-01454-SC-R11-ECN

Davidson County Criminal Court  
Monte Watkins  
2011-A-779

Thomas Jr., D. Kelly: Affirm

Denied: Application of Timothy P.  
Guilfoy  
  
Order filed 11-14-18

KATHERINE LOUISE HOLMES v. STATE OF TENNESSEE M2017-01479-SC-R11-PC	Davidson County Criminal Court Mark J. Fishburn 2012-A-90	Witt Jr., James Curwood: Affirm	Denied: Application of Katherine Louise Holmes  Order filed 11-14-18
STATE OF TENNESSEE v. ROBERT L. SMITH M2017-01569-SC-R11-CD	Bedford County Circuit Court Franklin L. Russell 18093, 18094	Holloway Jr., Robert L.: Affirm	Denied: Application of Robert L. Smith  Order filed 11-14-18
EDGAR RAY BETTIS v. STATE OF TENNESSEE M2017-01845-SC-R11-PC	Dickson County Circuit Court Larry J. Wallace 22CC-2014-CR-523	Williams, John Everett: Affirm	Denied: Application of Edgar Ray Bettis  Order filed 11-14-18
STATE OF TENNESSEE v. MICHAEL DEWAYNE WADE M2017-01884-SC-R11-CO	Davidson County Criminal Court Seth W. Norman 2015-C-1876	Witt Jr., James Curwood: Affirm	Denied: Application of Michael Dewayne Wade  Order filed 11-14-18
STATE OF TENNESSEE v. EUGENE DAVID SANDERS, JR. M2017-01916-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2012-C-2804	Holloway Jr., Robert L.: Affirm	Denied: Application of Eugene David Sanders, Jr.  Order filed 11-14-18

STATE OF TENNESSEE v. LARRY FRANKLIN  
MANN  
M2017-01929-SC-R11-CD

Grundy County Circuit Court  
Buddy D. Perry  
31CC1-2001-CR-1705

Williams, John Everett: Affirm

Denied: Application of Larry  
Franklin Mann  
  
Order filed 11-14-18

ESTATE OF JOYCE ELAINE MYERS ET AL. v.  
MICHAEL QUESTELL  
M2017-01954-SC-R11-CV

Warren County Circuit Court  
Larry B. Stanley, Jr.  
16-CV-592

Armstrong, Kenny W.: Affirm

Denied: Application of Angela  
Cathey, Annette Lewis, and  
Estate of Joyce Elaine Myers  
  
Order filed 11-15-18

KERRY V. COVINGTON v. STATE OF TENNESSEE  
M2017-02175-SC-R11-PC

Cheatham County Circuit Court  
Larry J. Wallace  
2014-CR-17354

Thomas Jr., D. Kelly: Dismiss

Denied: Application of Kerry V.  
Covington  
  
Order filed 11-14-18

JOSHUA L. CARTER v. STATE OF TENNESSEE  
M2017-02401-SC-R11-PC

Davidson County Criminal Court  
Mark J. Fishburn  
2011-B-1648, 2011-D-3013

Holloway Jr., Robert L.: Affirm

Denied: Application of Joshua L.  
Carter  
  
Order filed 11-14-18

KENNETH CAGE v. HARRIS E. DOWLEN M2018-01119-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 17C-2772	Dinkins, Richard H.: Dismiss	Denied: Application of Harris E. Dowlen  Order filed 11-15-18
EDWARD RONNY ARNOLD v. BOB OGLESBY M2018-01143-SC-R11-CV	Davidson County Circuit Court Thomas W. Brothers 17C133	Per Curiam: Case Dispositional Decision	Denied: Application of Edward Ronny Arnold  Order filed 11-15-18
VICKY LYNN BALLARD v. NOAH THOMAS BALLARD M2018-01217-SC-R11-CV	Wilson County General Sessions Court John Thomas Gwin 2016-DV-97	Per Curiam: Dismiss	Denied: Application of Noah Thomas Ballard  Order filed 11-15-18
PHEDREK T. DAVIS v. STATE OF TENNESSEE M2018-01559-SC-R11-PC	Davidson County Criminal Court Seth W. Norman 2003-D-2992	Holloway Jr., Robert L., Wedemeyer, Robert W., Woodall, Thomas T.: Case Dispositional Decision	Denied: Application of Phedrek T. Davis  Order filed 11-14-18
<b><u>Knoxville</u></b>			
MARLON DUANE KISER v. STATE OF TENNESSEE E2016-02359-SC-R11-ECN	Hamilton County Criminal Court Don W. Poole 295051	Ogle, Norma McGee: Affirm	Denied: Application of Marlon D. Kiser  Order filed 11-15-18

STATE OF TENNESSEE v. TIMOTHY PATE  
E2016-02566-SC-R11-PC

Carter County Criminal Court  
Stacy L. Street  
21543A

Thomas Jr., D. Kelly: Affirm

Denied: Application of Timothy Pate

Order filed 11-15-18

STATE OF TENNESSEE v. NEHAD SOBHI  
ABDELNABI  
E2017-00237-SC-R11-CD

Knox County Criminal Court  
Steven Wayne Sword  
100273A

Holloway Jr., Robert L.: Affirm

Denied: Application of Nehad Sobhi Abdelnabi

Order filed 11-15-18

STATE OF TENNESSEE v. DAMARKUS E. LOWE  
E2017-00435-SC-R11-CD

Knox County Criminal Court  
Steven Wayne Sword  
99837

Thomas Jr., D. Kelly: Affirm

Denied: Application of Demarkus Lowe

Order filed 11-15-18

JENNIFER WOMAC v. STATE OF TENNESSEE  
E2017-00660-SC-R11-PC

Meigs County Criminal Court  
Jeffery Hill Wicks  
2009-CR-55A

Witt Jr., James Curwood: Affirm

Denied: Application of Jennifer Nichols Womac

Order filed 11-15-18



ROBERT LEE HARRIS v. REGIONS FINANCIAL CORPORATION ET AL. E2017-00838-SC-R11-CV	Claiborne County Chancery Court Elizabeth C. Asbury 18853	Susano Jr., Charles D.: Affirm	Denied: Application of Robert Lee Harris  Order filed 11-14-18
IN RE ESTATE OF JAMES W SMALLING E2017-00900-SC-R11-CV	Carter County Chancery Court John C. Rambo P160078	Susano Jr., Charles D.: Affirm	Denied: Application of Thomas Edward Smalling  Order filed 11-15-18
STATE OF TENNESSEE v. ZIBERIA CARERO, ALIAS E2017-01095-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 102134, 107001	Glenn, Alan E.: Affirm	Denied: Application of Ziberia Carero  Order filed 11-15-18
STATE OF TENNESSEE v. JAMARCUS JACKSON E2017-01182-SC-R11-CD	Washington County Criminal Court Stacy L. Street 39612	Montgomery Jr., Robert H.: Affirm	Denied: Application of Jamarcus Lavelle Jackson  Order filed 11-15-18
STATE OF TENNESSEE v. LEE HAROLD CROMWELL E2017-01320-SC-R11-CD	Anderson County Circuit Court Paul G. Summers B6C00016	Dyer, J. Ross: Reverse in Part	Denied: Application of Lee Harold Cromwell  Order filed 11-15-18

GRADY EUGENE DUTTON v. TENNESSEE  
FARMERS MUTUAL INSURANCE COMPANY  
E2017-01322-SC-R11-CV

Hawkins County Circuit Court  
Alex E. Pearson  
CC16CV277

Swiney, D. Michael: Reverse

Denied: Application of Grady  
Eugene Dutton

Order filed 11-15-18

IN RE MAYA M. ET AL.  
E2017-01616-SC-R11-JV

Knox County 4th Circuit Court  
Gregory S. McMillan  
139271

McClarty, John W.: Affirm

Denied: Application of Brandi G.

Order filed 11-14-18

CORT DONDERO ET AL. v. ACCURAY  
INCORPORATED, ET AL.  
E2017-01741-SC-R11-CV

Hamilton County Circuit Court  
Ward Jeffrey Hollingsworth  
15C1366

Gibson, Brandon O.: Affirm

Denied: Application of Cort  
Dondero and Helene Dondero

Order filed 11-15-18

STATE OF TENNESSEE v. JAMES B. COBB  
E2017-01746-SC-R11-CD

Rhea County Circuit Court  
Thomas W. Graham  
2016-CR-45

Williams, John Everett: Affirm

Denied: Application of James B.  
Cobb

Order filed 11-15-18

KONAH EVANGELINE BUCKMAN v. MOUNTAIN  
STATES HEALTH ALLIANCE ET AL.  
E2017-01766-SC-R11-CV

Washington County Circuit Court  
James E. Lauderback  
36257

Gibson, Brandon O.: Affirm  
Swiney, D. Michael: Concur

Denied: Application of Konah  
Evangeline Buckman

Order filed 11-15-18

LITTLE HURRICANE PROPERTIES LLC v. RALPH  
CAFARO JR., ET AL.  
E2017-01781-SC-R11-CV

Cumberland County Chancery Court  
Ronald Thurman  
2017-CH-1267

Swiney, D. Michael: Affirm in Part

Denied: Application of Ralph  
Cafaro and Margetta Langlois

Order filed 11-15-18

BASHAN MURCHISON v. STATE OF TENNESSEE  
E2017-02143-SC-R11-PC

Sullivan County Criminal Court  
James F. Goodwin, Jr.  
C67272

Wedemeyer, Robert W.: Affirm

Denied: Application of Bashan  
Murchison

Order filed 11-15-18

JOHNNY COFFEY v. STATE OF TENNESSEE  
E2017-02206-SC-R11-CD

Bradley County Criminal Court  
Andrew M. Freiberg  
M-08-597

Thomas Jr., D. Kelly: Affirm

Denied: Application of Johnny W.  
Coffey

Order filed 11-15-18

KRISTIE M. SMITH v. STATE OF TENNESSEE  
E2017-02344-SC-R11-PC

Knox County Criminal Court  
G. Scott Green  
100561

McMullen, Camille R.: Affirm

Denied: Application of Kristie M.  
Smith

Order filed 11-15-18

IN RE AVA H.  
E2018-00042-SC-R11-PT

Knox County Juvenile Court  
Timothy E. Irwin  
169338

Swiney, D. Michael: Affirm

Denied: Application of father,  
Adam P.

Order filed 11-16-18

**Jackson**

STATE OF TENNESSEE v. ROGER REED  
W2017-00266-SC-R11-CD

Shelby County Criminal Court  
James M. Lammey  
16-02946

Witt Jr., James Curwood: Affirm

Denied: Application of Roger  
Reed

Order filed 11-16-18

DELORES CONLEY v. TENNESSEE FARMERS  
INSURANCE COMPANY  
W2017-00803-SC-R11-CV

Shelby County Circuit Court  
Robert Samuel Weiss  
CT-003609-15

Goldin, Arnold B.: Affirm

Denied: Application of Delores  
Conley

Order filed 11-16-18

RACRIS R. THOMAS v. STATE OF TENNESSEE  
W2017-00912-SC-R11-PC

Shelby County Criminal Court  
Lee V. Coffee  
11-07851

Glenn, Alan E.: Affirm

Denied: Application of Racris  
Thomas

Order filed 11-16-18

STATE OF TENNESSEE v. KEITH AUSTIN  
W2017-00927-SC-R11-CD

Shelby County Criminal Court  
Chris Craft  
15-02512

McMullen, Camille R.: Affirm

Denied: Application of Keith  
Austin

Order filed 11-15-18

STATE OF TENNESSEE v. JOHNNY LORENZO  
WADE  
W2017-00933-SC-R11-CD

Madison County Circuit Court  
Kyle Atkins  
14-337

Thomas Jr., D. Kelly: Affirm

Denied: Application of Johnny  
Lorenzo Wade

Order filed 11-15-18

CINDY TERRY v. JACKSON-MADISON COUNTY  
GENERAL HOSPITAL DISTRICT  
W2017-00984-SC-R11-CV

Madison County Circuit Court  
Kyle Atkins  
C12-186

Goldin, Arnold B.: Affirm in Part

Denied: Application of Cindy  
Terry

Order filed 11-16-18

STATE OF TENNESSEE v. CHRISTOPHER TALLEY  
W2017-01752-SC-R11-CD

Shelby County Criminal Court  
Glenn Ivy Wright  
14-05964

Wedemeyer, Robert W.: Affirm

Denied: Application of  
Christopher Talley

Order filed 11-16-18

STEVEN SKINNER v. STATE OF TENNESSEE  
W2017-01797-SC-R11-ECN

Shelby County Criminal Court  
James M. Lammey  
00-05699, 00-05700

Easter, Timothy L.: Affirm

Denied: Application of Steven  
Skinner

Order filed 11-16-18

STATE OF TENNESSEE v. ANDREA SPENCER W2017-02475-SC-R11-CD	Shelby County Criminal Court Lee V. Coffee 00-03985, 00-03986, 00-03987, 00-03988, 00-03989	Thomas Jr., D. Kelly: Affirm	Denied: Application of Andrea Spencer  Order filed 11-16-18
JERECO TYNES v. STATE OF TENNESSEE W2018-00005-SC-R11-PC	Shelby County Criminal Court James M. Lammey 10-02681	Witt Jr., James Curwood: Affirm	Denied: Application of Jereco A. Tynes  Order filed 11-16-18
STATE OF TENNESSEE v. MACK TRANSOU W2018-00157-SC-R11-CD	Madison County Circuit Court Roy B. Morgan, Jr. 97-572	Holloway Jr., Robert L.: Affirm	Denied: Application of Mack T. Transou  Order filed 11-15-18
STATE OF TENNESSEE v. DARREN LASHAUN BROWN W2018-00907-SC-R11-CD	Shelby County Criminal Court Chris Craft 06-08194	Per Curiam: Case Dispositional Decision	Denied: Application of Darren Brown  Order filed 11-15-18
UNITED SERVICES AUTOMOBILE ASSOCIATION v. HARRY RAY COLEMAN, JR. ET AL. W2018-01225-SC-R11-CV	Shelby County Chancery Court James R. Newsom CH-10-1641	Per Curiam: Case Dispositional Decision	Denied: Application of United Services Automobile Association  Order filed 11-16-18

DAVID JEFFREY STROUD ET AL. v. MEGAN  
SPRINGFIELD ET AL.  
W2018-01366-SC-R11-CV

Madison County Circuit Court  
Kyle Atkins  
C-16-301

Per Curiam: Case Dispositional  
Decision

Denied: Application of Acadia  
Insurance Company  
  
Order filed 11-16-18

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

11/15/2018

Clerk of the  
Appellate Courts

**ESTATE OF DAVID LYONS v. LaTONY BAUGH, ET AL.**

**Chancery Court for Davidson County  
No. 15-691-I**

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**No. M2017-00094-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Estate of David Lyons and the record before us, the application is denied.

The opinion of the Court of Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM



IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

11/15/2018

Clerk of the  
Appellate Courts

**BONNIE HARMON ET AL. v. HICKMAN COMMUNITY HEALTHCARE  
SERVICES, INC.**

**Circuit Court for Hickman County  
No. 14-CV-6**

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**No. M2016-02374-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Hickman Community Healthcare Services, Inc. d/b/a Hickman Community Hospital and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
11/16/2018  
Clerk of the  
Appellate Courts

**MELISSA MARTIN, ET AL. v. ROLLING HILLS HOSPITAL, LLC, ET  
AL.**

**Circuit Court for Williamson County  
No. 2016-8**

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**No. M2016-02214-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Matthew Karl, M.D. and the application for permission to appeal of Rolling Hills Hospital, LLC and Universal Health Services, Inc. and the record before us, the applications are granted.

In addition to the other issues stated in the applications for permission to appeal, the Court is particularly interested in briefing and oral argument addressing the following questions:

- 1) the proper role of prejudice in the substantial compliance analysis and determination; and,
- 2) the proper burden of production and/or proof with respect to the presence or absence of prejudice for purposes of the substantial compliance analysis and determination, including whether or not the Court should consider the adoption of a rebuttable presumption of prejudice where the pre-suit notice is not accompanied by a medical authorization which is facially compliant with HIPAA.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM