



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
June 17, 2019 - June 21, 2019

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
JODI MCCLAY v. AIRPORT MANAGEMENT SERVICES, LLC M2019-00511-SC-R23-CV	U.S. District Court, Middle District Eli Richardson 3-17-CV-0705		Accepts Certification: (See Attached Order) Order filed 6-19-19
<u>Knoxville</u>			
JOSHUA KELLER v. JANICE CASTEEL ET AL. E2017-01020-SC-R11-CV	Bradley County Chancery Court Jerri Bryant 2012-CV-117	McClarty, John W.: Reverse	Granted: Application of Janice Casteel, City of Cleveland, Tennessee, and Steve Haun Order filed 6-19-19 (See Attached Order)
EAST TENNESSEE PILOT'S CLUB INC. v. KNOX COUNTY TENNESSEE ET AL. E2018-00649-SC-R11-CV	Knox County Chancery Court John F. Weaver 187187-1	McClarty, John W.: Affirm	Granted: Application of East Tennessee Pilot's Club, Inc. Order filed 6-19-19 (See Attached Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
JEROME MAURICE TEATS v. STATE OF TENNESSEE M2017-00855-SC-R11-PC	Davidson County Criminal Court Steve R. Dozier 2009-D-2955	Ogle, Norma McGee: Affirm	Denied: Application of Jerome Maurice Teats Order filed 6-20-19
MCKAYLA TAYLOR v. MIRIAM'S PROMISE ET AL. M2017-01908-SC-R11-CV	Putnam County Circuit Court Amy V. Hollars 2017-CV-123	Clement Jr., Frank G.: Affirm	Denied: Application of McKayla Alexis Taylor, Opinion of the Court of Appeals designated "Not For Citation" accordance with Supreme Court Rule 4(E) Order filed 6-20-19(See Attached Order)
STATE OF TENNESSEE v. DONALSON WELLS CARTER, AKA DONALDSON W. CARTER M2017-02057-SC-R11-CD	Davidson County Criminal Court Steve R. Dozier 2017-A-9	Williams, John Everett: Affirm	Denied: Application of Donalson Wells Carter Order filed 6-19-19

COREY GILBERT v. STATE OF TENNESSEE M2017-02071-SC-R11-PC	Montgomery County Circuit Court William R. Goodman, III 40901308	Easter, Timothy L.: Affirm	Denied: Application of Corey D. Gilbert Order filed 6-19-19
STATE OF TENNESSEE v. LARRY JOE CARROLL, AKA LARRIE CARROLL M2017-02508-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2017-B-1319	Holloway Jr., Robert L.: Affirm	Denied: Application of Larry Joe Carroll Order filed 6-19-19
GREGORY WEBSTER ET AL. EX REL SHAKIA W. v. METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE ET AL. M2018-00106-SC-R11-CV	Davidson County Circuit Court Kelvin D. Jones 15C1587	Bennett, Andy D.: Affirm	Denied: Application of Gregory Webster and Suzette Webster, ex rel. Shakia W. Order filed 6-20-19
THOMAS LEE CAREY, JR. v. STATE OF TENNESSEE M2018-00292-SC-R11-PC	Davidson County Criminal Court Mark J. Fishburn 2010-A-254	Witt Jr., James Curwood: Affirm	Denied: Application of Thomas Lee Carey, Jr. Order filed 6-19-19

ROBERT EUGENE HULAN ET AL. v. COFFEE
COUNTY BANK
M2018-00358-SC-R11-CV

Coffee County Circuit Court
Vanessa Jackson
41665

Bennett, Andy D.: Affirm

Denied: Application of Robert
Eugene Hulan and Sherry Renee
Hulan

Order filed 6-20-19

STATE EX REL. CANDICE McQUEEN v.
METROPOLITAN NASHVILLE BOARD OF
PUBLIC EDUCATION ET AL.
M2018-00506-SC-R11-CV

Davidson County Chancery Court
William E. Young
17-1131-II

Bennett, Andy D.: Affirm

Denied: Application of
Metropolitan Nashville Board of
Public Education

Order filed 6-20-19

ROYALTON WOODS HOMEOWNER
ASSOCIATION, INC. v. PHILLIP SOHOLT ET AL.
M2018-00596-SC-R11-CV

Maury County Chancery Court
Stella L. Hargrove
15-562

Clement Jr., Frank G.: Affirm in Part

Denied: Application of Phillip
Soholt, and Denise Soholt

Order filed 6-20-19

DAVID WI v. STATE OF TENNESSEE
M2018-00671-SC-R11-PC

Montgomery County Circuit Court
William R. Goodman, III
63CC1-2016-CR-292

Easter, Timothy L.: Affirm in Part

Denied: Application of David Wi

Order filed 6-19-19

HOME BUILDERS ASSOCIATION OF MIDDLE
TENNESSEE v. METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY
M2018-00834-SC-R11-CV

Davidson County Chancery Court
William E. Young
17-0386-II

Dinkins, Richard H.: Other

Denied: Application of Home
Builders Association of Middle
Tennessee

Order filed 6-20-19

UNITTA SUE NEWMAN v. STATE OF
TENNESSEE
M2018-00948-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Middle Division)
T20150375

Bennett, Andy D.: Reverse

Denied: Application of Unitta Sue
Newman

Order filed 6-20-19

MARK ROSS ET AL. v. ORION FINANCIAL
GROUP, INC. ET AL.
M2018-00991-SC-R11-CV

Williamson County Chancery Court
Joseph A. Woodruff
39132

Armstrong, Kenny W.: Affirm

Denied: Application of Mark Ross

Order filed 6-20-19

BROWN BROS, INC. ET AL. v. CATERPILLAR,
INC.
M2019-00568-SC-R23-CV

U.S. District Court, Eastern District (West.
Div.)
Pamela L. Reeves
1-18-cv-00103

Declined Certification: (See
Attached Order)

Order filed 6-20-19

Knoxville

MICHAEL MORTON v. KNOX COUNTY
SHERIFF'S DEPARTMENT, ET AL.
E2017-02077-SC-R11-CV

Knox County Circuit Court
Kristi M. Davis
1-383-16

McClarty, John W.: Affirm

Denied: Application of Knox
County, Tennessee, Tennessee
Department Of Safety and
Homeland Security, and Knox

			County Sheriff Order filed 6-19-19
ANGELA M. GREENE v. STATE OF TENNESSEE E2017-02257-SC-R11-PC	McMinn County Criminal Court Sandra Donaghy 15-CR-316	Ogle, Norma McGee: Affirm	Denied: Application of Angela M. Greene Order filed 6-20-19
WELLS FARGO BANK, N.A. v. WILLIAM S. LOCKETT, JR. ET AL. E2018-00129-SC-R11-CV	Knox County Circuit Court Kristi M. Davis 1-128-12	McClarty, John W.: Affirm	Denied: Application of William S. Lockett, Jr., and Dawn Lockett Order filed 6-19-19
BRANCH BANKING AND TRUST COMPANY v. WAYNE R. HILL ET AL. E2018-00232-SC-R11-CV	Sevier County Chancery Court Telford E. Forgety, Jr. 16-3-118	Frierson II, Thomas R.: Affirm	Denied: Application of Wayne R. Hill, Cornelia D. Hill, and Rainbow Ridge Resort, LLC Order filed 6-19-19
TIMOTHY CLAYTON THOMPSON v. STATE OF TENNESSEE E2018-00403-SC-R11-PC	Knox County Criminal Court Bobby R. McGee 90379	Thomas Jr., D. Kelly: Affirm	Denied: Application of Timothy Clayton Thompson Order filed 6-19-19

STATE OF TENNESSEE v. STEPHEN RICHARD
MAYES
E2018-00612-SC-R11-CD

Knox County Criminal Court
G. Scott Green
102696

Wedemeyer, Robert W.: Affirm

Denied: Application of Stephen
Richard Mayes

Order filed 6-19-19

STATE OF TENNESSEE v. WILLIAM EARL CLARK,
JR.
E2018-00675-SC-R11-CD

Knox County Criminal Court
Bobby R. McGee
103908B

Ogle, Norma McGee: Affirm

Denied: Application of William
Clark Jr.

Order filed 6-19-19

STATE OF TENNESSEE v. SHARLES JOHNSON
E2018-00810-SC-R11-CD

Knox County Criminal Court
Bobby R. McGee
105144

Witt Jr., James Curwood: Affirm

Denied: Application of Sharles
Johnson

Order filed 6-19-19

JASON PERRY v. STATE OF TENNESSEE
E2018-00824-SC-R11-PC

Knox County Criminal Court
G. Scott Green
110129

Witt Jr., James Curwood: Affirm

Denied: Application of Jason
Perry

Order filed 6-19-19

STATE OF TENNESSEE v. KRYSTAL GAIL
JENKINS
E2018-01335-SC-R11-CD

Bradley County Criminal Court
Andrew M. Freiberg
11-CR-542B

Glenn, Alan E.: Affirm

Denied: Application of Krystal
Gail Jenkins
Order filed 6-19-19

TRAVIS HEWITT ET AL. v. KARIN MCCLAIN
E2018-02170-SC-R11-CV

Knox County Chancery Court
Clarence E. Pridemore, Jr.
192210-2

Per Curiam: Dismiss

Denied: Application of Travis
Hewitt and Dustin Hewitt
Order filed 6-19-19

Jackson

STATE EX REL. HEAVENNEY GROESSE v.
CHRISTOPHER LEE SUMNER
W2016-01953-SC-R11-JV

Shelby County Juvenile Court
Dan H. Michael
Y0195

Frierson II, Thomas R.: Affirm

Denied: Application of
Christopher Lee Sumner
Order filed 6-20-19

STATE OF TENNESSEE v. TROY LEE
SPRINGFIELD
W2017-01013-SC-R11-CD

Madison County Circuit Court
Donald H. Allen
15-360

Woodall, Thomas T.: Affirm

Denied: Application of Troy
Springfield
Order filed 6-21-19

IN RE WILLARD R. SPARKS REVOCABLE TRUST
2004
W2017-01497-SC-R11-CV

Shelby County Probate Court
Kathleen N. Gomes
D-2608

Gibson, Brandon O.: Affirm

Denied: Application of David M.
Johnson and Brian T. Sparks
Order filed 6-21-19

STATE OF TENNESSEE v. STANLEY OWENS
W2017-02188-SC-R11-CD

Shelby County Criminal Court
Carolyn W. Blackett
15-03349

Ogle, Norma McGee: Affirm

Denied: Application of Stanley
Owens

Order filed 6-21-19

STATE OF TENNESSEE v. JOHNNY JENKINS
W2017-02222-SC-R11-CD

Shelby County Criminal Court
Glenn Ivy Wright
17-00858

Dyer, J. Ross: Affirm in Part

Denied: Application of Johnny
Lee Jenkins

Order filed 6-20-19

RICO VALES v. STATE OF TENNESSEE
W2017-02361-SC-R11-PC

Shelby County Criminal Court
Carolyn W. Blackett
12-01881

Woodall, Thomas T.: Affirm

Denied: Application of Rico Vales

Order filed 6-21-19

STATE OF TENNESSEE v. SIRANTHONY
WILLIAMS
W2018-00413-SC-R11-CD

Shelby County Criminal Court
John Wheeler Campbell
17-00620

Ogle, Norma McGee: Affirm

Denied: Application of
Siranthy Williams

Order filed 6-21-19

JEFFERY SMITH ET AL. v. METHODIST
HOSPITALS OF MEMPHIS ET AL.
W2018-00435-SC-R11-CV

Shelby County Circuit Court
Felicia Corbin Johnson
CT-004846-00

Davies, Robert E. Lee: Affirm

Denied: Application of Jeffery
Smith and Brenda K. Smith

Order filed 6-21-19

STATE OF TENNESSEE v. WILLIAM SCOTT
HUNLEY
W2018-00648-SC-R11-CD

Madison County Circuit Court
Roy B. Morgan, Jr.
17-154

Williams, John Everett: Affirm

Denied: Application of William
Scott Hunley

Order filed 6-21-19

ALEJANDRO VASQUEZ v. STATE OF TENNESSEE
W2018-00692-SC-R11-PC

Lake County Circuit Court
R. Lee Moore, Jr.
16-CR-10177

Glenn, Alan E.: Affirm

Denied: Application of Alejandro
Vasquez

Order filed 6-21-19

J.W. SMITH, ET AL. v. TIMBERPRO INC., ET AL.
W2018-00878-SC-R11-CV

Carroll County Circuit Court
Donald E. Parish
13-CV-76

Gibson, Brandon O.: Affirm in Part

Denied: Application of Woodland
Equipment, Inc.

Order filed 6-21-19

STATE OF TENNESSEE v. SEPTIAN VALENTINE
W2018-01018-SC-R11-CD

Lake County Circuit Court
R. Lee Moore, Jr.
12-CR-9808, 15-CR-10088, 16-
CR-10195

McMullen, Camille R.: Affirm

Denied: Application of Septian
Jamarquis Valentine

Order filed 6-20-19

GEORGE W. BROWN ET AL. v. MARKESHA C.
ECHOLS ET AL.
W2018-01240-SC-R11-CV

Shelby County Circuit Court
Valerie L Smith
CT-004626-16

Goldin, Arnold B.: Vacate

Denied: Application of George W.
Brown and Diane Brown

Order filed 6-20-19

VIRGINIA COX WEEKS EXECUTRIX OF THE
ESTATE OF MARY JO COCHRAN v. STEPHEN J.
LINDSEY DDS
W2019-00149-SC-R11-CV

Shelby County Circuit Court
James F. Russell
CT-003798-16

Per Curiam: Case Dispositional
Decision

Denied: Application of Stephen J.
Lindsey

Order filed 6-20-19

FARMINGTON GLEN COUNCIL OF COOWNERS
INC. v. BANK OF AMERICA NA ET AL.
W2019-00356-SC-R11-CV

Shelby County Circuit Court
Rhynette N. Hurd
CT-001846-17

Per Curiam: Case Dispositional
Decision

Denied: Application of Gregory
Krog, Jr.

Order filed 6-21-19

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED
06/20/2019
Clerk of the
Appellate Courts

BROWN BROS, INC. ET AL. v. CATERPILLAR, INC.

**Rule 23 Certified Question of Law
from the United States District Court
for the Eastern District of Tennessee**

No. 1-18-cv-00103

No. M2019-00568-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on March 29, 2019, by the United States District Court for the Eastern District of Tennessee. Briefs have now been filed pursuant to Section 7, and, upon consideration of the certification order and the briefs filed by the parties, this Court declines to answer the following certified question of law:

May an employer, suing a third party under the assignment provision of Tenn. Code Ann. § 50-6-112(d)(2), recover the full amount of damages the employee could have recovered if she had sued on her own behalf? Or, should the employer's recovery be limited to those workers' compensation benefits actually paid or payable by the employer?

Upon thorough review, the Court finds that the certified question is not one which "will be determinative of the cause" as required by Rule 23, Section 1. Accordingly, the Court declines the certification.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

06/19/2019

Clerk of the
Appellate Courts

**EAST TENNESSEE PILOT'S CLUB, INC. v. KNOX COUNTY,
TENNESSEE ET AL.**

**Chancery Court for Knox County
No. 187187-1**

No. E2018-00649-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of East Tennessee Pilot's Club, Inc. 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 KNOXVILLE

FILED
06/19/2019
Clerk of the
Appellate Courts

JOSHUA KELLER v. JANICE CASTEEL ET AL.

**Chancery Court for Bradley County
No. 2012-CV-117**

No. E2017-01020-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Janice Casteel, City of Cleveland, Tennessee, and Steve Haun 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 06/19/2019 Clerk of the Appellate Courts
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JODI MCCLAY v. AIRPORT MANAGEMENT SERVICES, LLC

**Rule 23 Certified Question of Law
from the United States District Court
for the Middle District of Tennessee**

No. 3:17-cv-00705

No. M2019-00511-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on March 20, 2019, by the United States District Court for the Middle District of Tennessee. Briefs have now been filed pursuant to Rule 23, Section 7(A), and, upon consideration of the certification order and the briefs filed by the parties, this Court accepts certification of the following questions of law:

- (1) Does the non-economic damages cap in civil cases imposed by Tenn. Code Ann. § 29-39-102 violate a plaintiff's right to a trial by jury, as guaranteed in Article I, section 6, of the Tennessee Constitution?
- (2) Does the non-economic damages cap in civil cases imposed by Tenn. Code Ann. § 29-39-102 violate Tennessee's constitutional doctrine of separation of powers between the legislative branch and the judicial branch?
- (3) Does the non-economic damages cap in civil cases imposed by Tenn. Code Ann. § 29-39-102 violate the Tennessee Constitution by discriminating disproportionately against women?

Pursuant to Tennessee Supreme Court Rule 23, Section 7(B), this Court desires to have oral argument by the parties and the State of Tennessee.

Center for Urological Treatment, PLC, a defendant in *Yebuah, et al. v. Center for Urological Treatment, PLC*, No. M2018-01652-COA-R3-CV, which is currently pending before the Court of Appeals, has filed a motion requesting permission to file a brief as amicus curiae and to participate in oral argument. Center for Urological Treatment, PLC may file a brief as amicus curiae within five days from the date of this Order, but may not participate in oral argument unless a party agrees to share its allotted time. The parties and the State may file a response to the amicus curiae brief within 14 days after the filing of such brief.

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

It is so ORDERED.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

06/20/2019

Clerk of the
Appellate Courts

MCKAYLA TAYLOR v. MIRIAM'S PROMISE ET AL.

**Circuit Court for Putnam County
No. 2017-CV-123**

No. M2017-01908-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of McKayla Alexis Taylor 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