



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
March 12, 2018 - March 16, 2018

GRANTS

| Style/Appeal Number | County/Trial Judge/ Trial Court No. | Intermediate Court | Supreme Court Action |
|--|---|-----------------------------------|---|
| <u>Nashville</u> | | | |
| STATE OF TENNESSEE v. BRANDON LEE CLYMER M2016-01124-SC-R11-CD | Davidson County Criminal Court Steve R. Dozier 2015-A-314 | Montgomery Jr., Robert H.: Affirm | Denied: Application of Brandon Lee Clymer Order filed 3-14-18 |
| ALISA ELDRIDGE v. LEE SAVAGE M2016-01373-SC-R11-CV | Overton County Circuit Court Jonathan L. Young 2010-CV-49 | Clement Jr., Frank G.: Affirm | Denied: Application of Alisa Leigh Eldridge Order filed 3-15-18 |
| STATE OF TENNESSEE v. JOHN DAVID SMARTT M2016-01407-SC-R11-CD | Warren County Circuit Court Larry B. Stanley, Jr. F-14190 | Woodall, Thomas T.: Affirm | Denied: Application of John David Smartt Order filed 3-16-18 |

CRAIG ROBERT NUNN v. TENNESSEE
DEPARTMENT OF CORRECTION, ET AL.
M2016-01518-SC-R11-CV

Davidson County Chancery Court
Russell T. Perkins
10-1583-IV

Gibson, Brandon O.: Affirm in Part

Denied: Application of Craig
Robert Nunn

Order filed 3-15-18

STATE OF TENNESSEE v. ZACHARY EVERETT
DAVIS
M2016-01579-SC-R11-CD

Sumner County Criminal Court
Dee David Gay
754-2014

Holloway Jr., Robert L.: Affirm
Thomas Jr., D. Kelly: Concur

Denied: Application of Zachery
Everett Davis, Opinion of Court
of Criminal Appeals designated
"Not For Citation " accordance
with Supreme Court Rule 4(E)

Order filed 3-14-18 (See Attached
Order)

GEORGE METZ, ET AL. v. METROPOLITAN
GOVERNMENT OF NASHVILLE AND DAVIDSON
COUNTY, TN, ET AL.
M2016-02031-SC-R11-CV

Davidson County Chancery Court
Carol L. McCoy
16-507-II

Swiney, D. Michael: Affirm

Denied: Application of George
Metz, Marilyn Metz, Aubrey
Pearson, Jr., Jacqueline Pearson,
Berry Wright, and Evelyn Wright

Order filed 3-15-18

JOE MITCHELL v. STATE OF TENNESSEE
M2016-02044-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Middle Division)
T20160698

Swiney, D. Michael: Affirm

Denied: Application of Joe Clark
Mitchell

Order filed 3-15-18

ERIC DEMOND MCCATHERN v. STATE OF
TENNESSEE
M2016-02143-SC-R11-PC

Davidson County Criminal Court
Cheryl A. Blackburn
2009-C-2600

Williams, John Everett: Affirm

Denied: Application of Eric
Demond McCathern, Opinion of
the Court of Criminal Appeals
designated "Not For Citation"
with Supreme Court Rule 4(E)

Order filed 3-14-18(See Attached
Order)

TENNESSEE CLUTCH AND SUPPLY, INC. v.
AUTO-OWNERS (MUTUAL) INSURANCE
COMPANY
M2016-02195-SC-R11-CV

Davidson County Chancery Court
Claudia Bonnyman
16-0049-I

Clement Jr., Frank G.: Reverse

Denied: Application of
Tennessee Clutch and Supply,
Inc.

Order filed 3-15-18

METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY, TENNESSEE v.
TELEPORT COMMUNICATIONS AMERICA, LLC
M2016-02222-SC-R11-CV

Davidson County Chancery Court
Russell T. Perkins
02-679-I, 02-749-III

Swiney, D. Michael: Affirm

Denied: Application of
Metropolitan Government of
Nashville and Davidson County

Order filed 3-16-18

JOSEPH NEWTON v. STATE OF TENNESSEE
M2016-02240-SC-R11-PC

Davidson County Criminal Court
Seth W. Norman
2010-D-2957

Williams, John Everett: Affirm

Denied: Application of Joseph
Newton

Order filed 3-14-18

STATE OF TENNESSEE v. CHRISTOPHER JERALD
CROWLEY
M2016-02263-SC-R11-CD

Davidson County Criminal Court
Mark J. Fishburn
2013-A-678

Thomas Jr., D. Kelly: Affirm

Denied: Application of
Christopher Jerald Crowley

Order filed 3-16-18

STATE OF TENNESSEE v. TARIS C. FRAZIER
M2016-02397-SC-R11-CD

Rutherford County Circuit Court
David M. Bragg
F-73323

Glenn, Alan E.: Affirm

Denied: Application of Taris C.
Frazier

Order filed 3-14-18

MIKE BREEN, ET AL. v. JANICE C. SHARP
M2016-02415-SC-R11-CV

Stewart County Chancery Court
David D. Wolfe
CH-14-CV-74

Clement Jr., Frank G.: Affirm

Denied: Application of Janice
Sharp

Order filed 3-15-18

KENNETH KRASOVIC v. STATE OF TENNESSEE
M2016-02458-SC-R11-PC

Grundy County Circuit Court
Thomas W. Graham
4985

Williams, John Everett: Affirm

Denied: Application of Kenneth
Krasovic

Order filed 3-14-18

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| <p>IN RE ESTATE OF BILL MORRIS M2016-02557-SC-R11-CV</p> | <p>Franklin County Chancery Court Jeffrey F. Stewart 19721</p> | <p>Armstrong, Kenny W.: Affirm</p> | <p>Denied: Application of Gary Lee Morris and Pamela Jean Morris Order filed 3-15-18</p> |
| <p>STATE OF TENNESSEE v. CHRISTOPHER D. LINSEY M2017-00059-SC-R11-CD</p> | <p>Montgomery County Circuit Court William R. Goodman, III CC15-CR-544</p> | <p>Holloway Jr., Robert L.: Affirm</p> | <p>Denied: Application of Christopher D. Linsey Order filed 3-14-18</p> |
| <p>PRISCILLA BROOKE WILSON v. PATRICK SHANE PHILLIPS M2017-00097-SC-R11-CV</p> | <p>Marion County Circuit Court J. Curtis Smith 16894</p> | <p>Bennett, Andy D.: Reverse</p> | <p>Denied: Application of Patrick Shane Phillips Order filed 3-15-18</p> |
| <p>STATE OF TENNESSEE v. ERIC TODD WHITAKER, JR. M2017-00143-SC-R11-CD</p> | <p>Williamson County Circuit Court Joseph Woodruff I-CR048746</p> | <p>Montgomery Jr., Robert H.: Affirm</p> | <p>Denied: Application of Eric Todd Whitaker, Jr. Order filed 3-14-18</p> |
| <p>GLENN R. FUNK v. SCRIPPS MEDIA, INC., ET AL. M2017-00256-SC-R11-CV</p> | <p>Davidson County Circuit Court William B. Acree 16C-333</p> | <p>Bennett, Andy D.: Reverse</p> | <p>Granted: Application of Glenn R. Funk Order filed 3-15-18 (See Attached</p> |

Order)

JAMES MCKINLEY CUNNINGHAM v. STATE OF
TENNESSEE
M2017-00348-SC-R11-PC

Grundy County Circuit Court
Larry B. Stanley, Jr.
6751

Easter, Timothy L.: Affirm

Denied: Application of James
McKinley Cunningham

Order filed 3-14-18

SEBASTIAN VALENTINO v. STATE OF
TENNESSEE
M2017-00448-SC-R11-PC

Davidson County Criminal Court
Cheryl A. Blackburn
2015-I-930

Thomas Jr., D. Kelly: Affirm

Denied: Application of Sabastian
Valentino

Order filed 3-14-18

METROPOLITAN DEVELOPMENT AND
HOUSING AGENCY v. NASHVILLE DOWNTOWN
PLATINUM, LLC
M2017-00450-SC-R11-CV

Davidson County Circuit Court
Kelvin D. Jones
09C-3638

Goldin, Arnold B.: Affirm

Denied: Application of Nashville
Downtown Platinum, LLC

Order filed 3-15-18

JEWELL WAYNE SMITH, JR. v. STATE OF
TENNESSEE
M2017-00538-SC-R11-PC

Robertson County Circuit Court
William R. Goodman, III
2011-CR-690

Montgomery Jr., Robert H.: Affirm

Denied: Application of Jewell
Wayne Smith, Jr.

Order filed 3-16-18

STATE OF TENNESSEE v. JESSE CHARLES GERG
M2017-00601-SC-R11-CD

Davidson County Criminal Court
Cheryl A. Blackburn
2016-I-841

Dyer, J. Ross: Affirm

Denied: Application of Jesse
Charles Gerg

Order filed 3-14-18

CLAUDE GARRETT v. STATE OF TENNESSEE
M2017-00995-SC-R11-PC

Davidson County Criminal Court
Seth W. Norman
92-B-961

Easter, Timothy L., Holloway Jr.,
Robert L., Per Curiam, Wedemeyer,
Robert W.: Case Dispositional
Decision

Denied: Application of Claude
Garrett

Order filed 3-16-18

GREGORY EIDSON v. BLAKE MOHAMED
M2017-02321-SC-R11-CV

Davidson County Circuit Court
Amanda Jane McClendon
17C16

Per Curiam: Case Dispositional
Decision

Denied: Application of Gregory
Stephen Eidson

Order filed 3-15-18

Knoxville

KIMBERLY VAN FLOYD, ET AL. v. LISA A.
SHIRLEY AKINS, ET AL.
E2015-01737-SC-R11-CV

Monroe County Chancery Court
Jerri Bryant
16698

Susano Jr., Charles D.: Affirm

Denied: Application of Lisa A.
Shirley Akins

Order filed 3-15-18

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| STATE OF TENNESSEE v. PASCASIO MARTINEZ E2016-01401-SC-R11-CD | Knox County Criminal Court G. Scott Green 105827 | Thomas Jr., D. Kelly: Affirm | Denied: Application of Pascasio Martinez Order filed 3-15-18 |
| STATE OF TENNESSEE v. DERRICK RICHARDSON E2016-02293-SC-R11-ECN | Hamilton County Criminal Court Barry A. Steelman 298242 | Holloway Jr., Robert L.: Affirm | Denied: Application of Derrick Richardson Order filed 3-15-18 |
| STATE OF TENNESSEE v. CHARLES TIMOTHY KRAUSS, ALIAS E2016-02329-SC-R11-CD | Knox County Criminal Court Bobby R. McGee 107838 | Glenn, Alan E.: Affirm | Denied: Application of Charles Timothy Krauss Order filed 3-16-18 |
| R.B.E PLLC ET AL. v. EMERGENCY COVERAGE CORPORATION E2016-02378-SC-R11-CV | Knox County Circuit Court Kristi M. Davis 2-540-15 | Susano Jr., Charles D.: Affirm | Denied: Application of R.B.E. PLLC and David Michael Serrano Order filed 3-16-18 |
| RANDY WAYNE JOHNSON v. STATE OF TENNESSEE E2017-00075-SC-R11-PC | Carter County Criminal Court Lisa Rice 22378, 22386 | Witt Jr., James Curwood: Affirm | Denied: Application of Randy Wayne Johnson Order filed 3-14-18 |

STATE OF TENNESSEE v. ERIC DEWAYNE
FINLEY
E2017-00482-SC-R11-CD

Hamilton County Criminal Court
Barry A. Steelman
296149, 299584

McMullen, Camille R.: Affirm

Denied: Application of Eric
Dewayne Finley

Order filed 3-14-18

STATE OF TENNESSEE v. DANIEL SHARP
E2017-00614-SC-R11-CD

Blount County Circuit Court
Tammy M. Harrington
C-21230

Montgomery Jr., Robert H.: Affirm

Denied: Application of Daniel
Sharp

Order filed 3-14-18

STATE OF TENNESSEE v. JOSHUA MICHAEL
STEWART
E2017-00864-SC-R11-CD

Knox County Criminal Court
Steven Wayne Sword
104396

Montgomery Jr., Robert H.: Affirm

Denied: Application of Joshua
Michael Stewart

Order filed 3-14-18

EARL D CRAWFORD, JR. v. STATE OF
TENNESSEE
E2017-01336-SC-R11-PC

Bradley County Criminal Court
Andrew M. Freiberg
16-CR-538

Witt Jr., James Curwood: Affirm

Denied: Application of Earl David
Crawford

Order filed 3-14-18

HIGHLANDS PHYSICIANS, INC. v. WELLMONT
HEALTH SYSTEM
E2017-01549-SC-R11-CV

Sullivan County (Kingsport) Law Court
E. G. Moody
C41368C

Gibson, Brandon O.: Affirm in Part

Granted: Application of
Wellmont Health System

Order filed 3-14-18 (See Attached
Order)

KATHERINE D CHANEY v. TEAM
TECHNOLOGIES INC.
E2018-00248-SC-R9-WC

Hamblen County Circuit Court
Thomas J. Wright
15-CV-009

Granted: Application of Team
Technologies, Inc.

Order filed 3-15-18 (See Attached
Order)

Jackson

STATE OF TENNESSEE v. BRANDON VANCE
W2016-01015-SC-R11-CD

Shelby County Criminal Court
Paula L. Skahan
15-00211

Woodall, Thomas T.: Affirm

Denied: Application of Brandon
Vance

Order filed 3-16-18

STATE OF TENNESSEE v. RICHARD CRAWFORD
W2016-01230-SC-R11-CD

Shelby County Criminal Court
James C. Beasley, Jr.
11-02621

McMullen, Camille R.: Affirm

Denied: Application of Richard
Crawford

Order filed 3-16-18

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| VERRINA M. SHIELDS v. WILSON & ASSOCIATES PLLC, ET AL. W2016-01330-SC-R11-CV | Shelby County Chancery Court Jim Kyle CH-16-0783-2 | Gibson, Brandon O.: Dismiss | Denied: Application of Verrina M. Shields Bey Order filed 3-16-18 |
| VINCENT SIMS v. STATE OF TENNESSEE W2016-02412-SC-R11-PD | Shelby County Criminal Court Chris Craft P-25898 | Per Curiam: Case Dispositional Decision | Denied: Application of Vincent Sims Order filed 3-15-18 |
| MARCUS PARRAM v. STATE OF TENNESSEE W2016-02477-SC-R11-PC | Madison County Circuit Court Kyle Atkins C-13-1 | Glenn, Alan E.: Affirm | Denied: Application of Marcus Parram Order filed 3-16-18 |
| ALICE MARIE CHERQUI v. MOSHE LAOR W2016-02502-SC-R11-CV | Madison County Chancery Court James F. Butler 69732 | Goldin, Arnold B.: Affirm | Denied: Application of Moshe Laor Order filed 3-16-18 |
| JAMES CLARK JR. v. STATE OF TENNESSEE W2017-00196-SC-R11-ECN | Shelby County Criminal Court James M. Lammey 91-07308, 91-07309, 91-07310, | Holloway Jr., Robert L.: Affirm | Denied: Application of James W. Clark, Jr. Order filed 3-16-18 |

91-07311, 91-07312, 91-07313,
91-07314

KONDAUR CAPITAL CORPORATION v. KEITH
FINLEY ET AL.
W2017-00430-SC-R11-CV

Shelby County Circuit Court

CT-004976-13

Per Curiam: Case Dispositional
Decision

Denied: Application of Keith
Finley

Order filed 3-16-18

ANTHONY HOLDER, ET AL. v. SHELBY COUNTY
TENNESSEE
W2017-00609-SC-R11-CV

Shelby County Circuit Court
Valerie L Smith
CT-001752-14

Goldin, Arnold B.: Affirm

Denied: Application of Shelby
County, Tennessee

Order filed 3-15-18

STATE OF TENNESSEE v. TORRY HOLLAND
W2017-00691-SC-R11-CD

Shelby County Criminal Court
Lee V. Coffee
12-00532, 13-00791

Witt Jr., James Curwood: Affirm

Denied: Application of Torry
Holland

Order filed 3-16-18

JIMMY L. SMITH v. MIKE PARRIS, WARDEN
W2017-00918-SC-R11-HC

Lake County Circuit Court
R. Lee Moore, Jr.
17-CR-10357

Holloway Jr., Robert L.: Affirm

Denied: Application of Jimmy
Lavon Smith

Order filed 3-15-18

SAMMIE LEE TAYLOR v. STATE OF TENNESSEE
W2017-01220-SC-R11-PC

Shelby County Criminal Court
James M. Lammey
P-19190

Per Curiam: Case Dispositional
Decision

Denied: Application of Sammie
Lee Taylor

Order filed 3-16-18

CHARLES RICE v. STATE OF TENNESSEE
W2017-01719-SC-R11-PD

Shelby County Criminal Court
Chris Craft
01-00035

Per Curiam: Case Dispositional
Decision

Denied: Application of Charles
Rice

Order filed 3-15-18

TIMOTHY ARMSTRONG v. STATE OF
TENNESSEE
W2017-02141-SC-R11-PC

Dyer County Circuit Court
R. Lee Moore, Jr.
C94-2

Per Curiam: Case Dispositional
Decision

Denied: Application of Timothy
Armstrong

Order filed 3-16-18

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

03/15/2018

Clerk of the
Appellate Courts

KATHERINE D. CHANEY v. TEAM TECHNOLOGIES, INC.

**Circuit Court for Hamblen County
No. 15-CV-009**

No. E2018-00248-SC-R9-WC

ORDER

Upon consideration of the Rule 9 application for interlocutory appeal of Team Technologies, Inc. and the record before us, the application is granted. In addition to the issue stated in the Rule 9 application, the parties are directed to address in their briefs and at oral argument the following issue:

Whether the Court should revisit the holding in *Vanderbilt University v. Russell*, 556 S.W.2d 230, 231 (Tenn. 1977), that Tennessee's Workers' Compensation Law provides a remedy for any disability resulting from an employer's breach of a duty to render aid to an employee who has suffered an illness or injury in the course of, but not arising out of, his or her employment.

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

03/14/2018

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ZACHARY EVERETT DAVIS

**Criminal Court for Sumner County
No. 754-2014**

No. M2016-01579-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Zachary Everett Davis and the record before us, the application is denied.

The opinion of the Court of Criminal 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
03/15/2018
Clerk of the
Appellate Courts

GLENN R. FUNK v. SCRIPPS MEDIA, INC. ET AL.

**Circuit Court for Davidson County
No. 16C-333**

No. M2017-00256-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Glenn R. Funk 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

03/14/2018

Clerk of the
Appellate Courts

HIGHLANDS PHYSICIANS, INC. v. WELLMONT HEALTH SYSTEM

**Circuit Court for Sullivan County
No. C41368C**

No. E2017-01549-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal filed on behalf of Wellmont Health System, and the record before us, the application is granted for the limited purpose of vacating in part the judgment of the Court of Appeals and remanding the case to the trial court for further proceedings consistent with this order.

In our review of class certification, this Court is required to examine the record to determine if the trial court conducted a rigorous analysis of the Rule 23 requirements before certifying a class. Although the trial court concluded that class certification is maintainable under Rule 23.02(2), the resulting certification order contained no findings related to the considerations enumerated in *Meighan v. U.S. Sprint Communications Co.*, 924 S.W.2d 632 (Tenn. 1996) (indicating that class certification under Rule 23.02(2) is appropriate only in cases in which injunctive or declaratory relief is the predominant relief sought) and *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 361-362 (2011) (authorizing certification of a class under this subdivision only when the certifying court considers whether the claims for monetary relief are incidental to the requested injunctive or declaratory relief). We, therefore, vacate the portion of the judgment of the Court of Appeals that affirmed the trial court's finding that certification is appropriate under Rule 23.02(2). The balance of the judgment of the Court of Appeals, concluding that the trial court correctly determined that the prerequisites of Rule 23.01 had been met and that class certification was appropriate under Rule 23.02(3), is affirmed in all respects.

On remand, should the plaintiff choose to simultaneously proceed under Rules 23.02(2) and 23.02(3), the trial court is directed to make further findings and conclusions as to whether certification is appropriate under Rule 23.02(2) in light of the cited authority. In the alternative, should the plaintiff choose to proceed with class certification only under Rule 23.02(3), no further action of the trial court is required.

In addition, "HPI's Motion for Expedited Ruling on Wellmont's Application for Leave to Appeal" is denied as moot.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

03/14/2018

Clerk of the
Appellate Courts

ERIC DEMOND MCCATHERN v. STATE OF TENNESSEE

**Criminal Court for Davidson County
No. 2009-C-2600**

No. M2016-02143-SC-R11-PC

ORDER

Upon consideration of the application for permission to appeal of Eric Demond McCathern and the record before us, the application is denied.

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

PER CURIAM