



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**  
Grants & Denials List  
February 17, 2020 - February 21, 2020

**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>			
STATE OF TENNESSEE v. YODELKIS CONTRERAS M2017-02210-SC-R11-CD	Bedford County Circuit Court Franklin L. Russell 15505	Witt Jr., James Curwood: Affirm	Granted: Application of Yodelkis Contreras  Order filed 2-21-20 (See Attached Order)
MELANIE LEMON v. WILLIAMSON COUNTY SCHOOLS ET AL. M2018-01878-SC-R11-CV	Williamson County Circuit Court Joseph A. Woodruff 2017-320	Clement Jr., Frank G.: Affirm in Part	Granted: Application of Williamson County Schools  Order filed 2-20-20 (See Attached Order)
<b><u>Knoxville</u></b>			
CAROLYN COFFMAN ET AL. v. ARMSTRONG INTERNATIONAL, INC. ET AL. E2017-01985-SC-R11-CV	Knox County Circuit Court William T Ailor 2-485-14	Susano Jr., Charles D.: Vacate	Granted: Application of Clark Reliance Company, et al. Denied: Application of Daniel International Corporation and John Crane, Inc.

Order filed 2-20-20 (See Attached Order)

CLARISSA BIDWELL EX REL JAMES BIDWELL ET AL. v. TIMOTHY A STRAIT MD ET AL.  
E2018-02211-SC-R11-CV

Hamilton County Circuit Court  
Kyle E. Hedrick  
17-C-832

Susano Jr., Charles D.: Vacate

Granted: Application of Timothy Alexander Strait, and Jeffrey Colburn

Order filed 2-20-20 (See Attached Order)

## DENIALS

### Style/Appeal Number

### County/Trial Judge/ Trial Court No.

### Intermediate Court

### Supreme Court Action

#### Nashville

STATE OF TENNESSEE v. TRENELL LAMAR  
COPELAND  
M2017-02427-SC-R11-CD

Davidson County Criminal Court  
Steve R. Dozier  
2009-C-2680

Woodall, Thomas T.: Affirm

Denied: Application of Trenell Lamar Copeland

Order filed 2-19-20

ARNOLD RAY PARKER v. WILLIAM H. CLAYTON  
M2017-02556-SC-R11-CV

Perry County Circuit Court  
Michael Binkley  
2015-CV-8

Bennett, Andy D.: Affirm

Denied: Application of William H. Clayton

Order filed 2-20-20

STATE OF TENNESSEE v. TEVIN MANTEZ  
HARRIS  
M2018-00638-SC-R11-CD

Robertson County Circuit Court  
Jill Bartee Ayers  
2013-CR-776

Ogle, Norma McGee: Affirm

Denied: Application of Tevin  
Mantez Harris

Order filed 2-21-20

BILLY PERDUE ET AL. v. GREG KNEEDLER ET  
AL.  
M2018-00722-SC-R11-CV

Sumner County Chancery Court  
Louis W. Oliver  
2015-CV-82

Goldin, Arnold B.: Affirm

Denied: Application of Michael  
Arthur and Under the Sun  
Natural Foods

Order filed 2-19-20

JESSICA HARTMANN v. BRIAN HARTMANN  
M2018-00891-SC-R11-CV

Montgomery County Circuit Court  
Ted A. Crozier  
11756C

Dinkins, Richard H.: Reverse

Denied: Application of Jessica  
Hartmann

Order filed 2-19-20

STATE OF TENNESSEE v. JOHN C. MURRAY  
M2018-01150-SC-R11-CD

Wilson County Criminal Court  
Brody N. Kane  
16-CR-142

Montgomery Jr., Robert H.: Affirm

Denied: Application of John  
Calvin Murray

Order filed 2-19-20

<p>NATIONWIDE INVESTMENTS LLC v. PINNACLE BANK M2018-01180-SC-R11-CV</p>	<p>Davidson County Circuit Court Thomas W. Brothers 17C2661</p>	<p>Goldin, Arnold B.: Affirm</p>	<p>Denied: Application of Nationwide Investments, LLC and Charles Edward Walker  Order filed 2-19-20</p>
<p>RACHEL KAY BOND v. STATE OF TENNESSEE M2018-01324-SC-R11-PC</p>	<p>Lawrence County Circuit Court Stella L. Hargrove 34613</p>	<p>Williams, John Everett: Affirm</p>	<p>Denied: Application of Rachel Kay Bond  Order filed 2-19-20</p>
<p>STATE OF TENNESSEE EX REL. RACHEL BETH HAYNES v. ALLAN VINCENT DAUGHERTY M2018-01394-SC-R11-CV</p>	<p>Rutherford County Circuit Court (CIVIL) Diana Benson Burns 57095</p>	<p>Clement Jr., Frank G.: Reverse</p>	<p>Denied: Application of State of Tennessee, ex. rel. Rachel Beth Haynes; Opinion of the COA is designated "Not For Citation" accordance with SCT Rule 4(E)  Order filed 2-19-20 (See Attached Order)</p>
<p>JOHN MARK PORTER v. BETSY HILLIS PORTER M2018-01411-SC-R11-CV</p>	<p>Warren County General Sessions Court William M. Locke 9236</p>	<p>McGee, Carma Dennis: Vacate</p>	<p>Denied: Application of Betsy Hillis Porter  Order filed 2-19-20</p>

STATE OF TENNESSEE v. DEREK WYCHE  
M2018-01586-SC-R11-CD

Davidson County Criminal Court  
Monte Watkins  
2015-C-2231

McMullen, Camille R.: Affirm in Part

Denied: Application of Derek  
Wyche

Order filed 2-19-20

STATE OF TENNESSEE v. JONATHAN DAVID  
SCHELFE  
M2018-01604-SC-R11-CD

Sumner County Criminal Court  
Dee David Gay  
659-2012, 681-2012

McMullen, Camille R.: Affirm

Denied: Application of Jonathan  
Schelfe

Order filed 2-19-20

STATE OF TENNESSEE v. TODD SAMUEL  
ADCOCK  
M2018-01623-SC-R11-CD

Cheatham County Circuit Court  
David D. Wolfe  
17993

Thomas Jr., D. Kelly: Affirm

Denied: Application of Todd  
Samuel Adcock

Order filed 2-21-20

GABRIEL C. TORRES v. STATE OF TENNESSEE  
M2018-01629-SC-R11-PC

Robertson County Circuit Court  
William R. Goodman, III  
74CC2-2011-CR-659

Montgomery Jr., Robert H.: Affirm

Denied: Application of Gabriel C.  
Torres

Order filed 2-20-20

JENNIFER DOE v. AUSTIN DAVIS M2018-02001-SC-R11-CV	Davidson County Circuit Court Thomas W. Brothers 16C-505	Clement Jr., Frank G.: Dismiss Bennett, Andy D.: Dissent	Denied: Application of Austin Davis  Order filed 2-20-20
SANTERIAUS D. LAVENDER v. STATE OF TENNESSEE M2018-02204-SC-R11-PC	Davidson County Criminal Court Mark J. Fishburn 2013-B-1428	Easter, Timothy L.: Affirm	Denied: Application of Santeriaus D. Lavender  Order filed 2-19-20
STATE OF TENNESSEE v. RONNIE THOMAS BAKER M2018-02221-SC-R11-CD	Davidson County Criminal Court Angelita Blackshear Dalton 2017-B-1381	Easter, Timothy L.: Affirm	Denied: Application of Ronnie Thomas Baker  Order filed 2-20-20
THOMAS J. ELSTEN, JR. v. JEFFREY COKER ET AL. M2019-00034-SC-R11-CV	Sumner County Circuit Court Joe Thompson 2017-CV-446	Clement Jr., Frank G.: Affirm	Denied: Application of Thomas J. Elsten  Order filed 2-19-20
JEFF NIBLOCK v. THE STAGE ON BROADWAY M2019-00758-SC-R11-CV	Davidson County Circuit Court Thomas W. Brothers 18C2449	Per Curiam: Case Dispositional Decision	Denied: Application of Jeffrey B. Niblock  Order filed 2-21-20

STATE OF TENNESSEE v. JOHN J. KRATOCHVIL  
M2019-00896-SC-R11-CD

Davidson County Criminal Court  
Angelita Blackshear Dalton  
2009B1893

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

Denied: Application of John  
Joseph Kratochvil  
  
Order filed 2-19-20

SONYA P. WILLIAMS v. SHELBY COUNTY  
BOARD OF EDUCATION  
M2019-01992-SC-R23-CV

U.S. District Court, Western District (West.  
Div.)  
Thomas L. Parker  
217-cv-02050-TLP-jay

Declined: Rule 23 Certified  
Question of Law  
  
Order filed 2-21-20 (See Attached  
Order)

**Knoxville**

STATE OF TENNESSEE v. MISSY DANIELLA  
LANE  
E2017-01907-SC-R11-CD

Cocke County Circuit Court  
Ben W. Hooper, II  
5824

Woodall, Thomas T.: Affirm

Denied: Application of Missy  
Daniella Lane  
  
Order filed 2-19-20

ABRAHAM ASLEY AUGUSTIN v. BRADLEY  
COUNTY SHERIFF'S OFFICE ET AL  
E2018-00281-SC-R11-CV

Bradley County Circuit Court  
Lawrence Howard Puckett  
V-16-082

Stafford, J. Steven: Affirm in Part

Denied: Application of Bradley  
County Sheriff  
  
Order filed 2-19-20

MALIK HARDIN v. STATE OF TENNESSEE E2018-00676-SC-R11-PC	Knox County Criminal Court Bobby R. McGee 109057PC	Ogle, Norma McGee: Affirm	Denied: Application of Malik Hardin  Order filed 2-20-20
STATE OF TENNESSEE v. TEROS ANDERSON. SWEENEY E2018-00685-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 105506	Williams, John Everett: Affirm	Denied: Application of Teros Anderson Sweeney  Order filed 2-19-20
HAROLD FRANCIS BUTLER, III v. STATE OF TENNESSEE E2018-00914-SC-R11-PC	Hamilton County Criminal Court Don W. Poole 299585	Ogle, Norma McGee: Affirm	Denied: Application of Harold Francis Butler, III  Order filed 2-19-20
STATE OF TENNESSEE v. KEVIN WAGGONER E2018-01065-SC-R11-CD	Union County Criminal Court E. Shayne Sexton 5019	Williams, John Everett: Affirm	Denied: Application of Kevin Waggoner  Order filed 2-19-20
STATE OF TENNESSEE v. HOWARD MELTON E2018-01281-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 106609	Easter, Timothy L.: Affirm	Denied: Application of Howard F. Melton  Order filed 2-21-20



STATE OF TENNESSEE v. FRAZIER LEE SAVAGE  
E2018-01307-SC-R11-CD

Knox County Criminal Court  
Bobby R. McGee  
106159, 112214

Montgomery Jr., Robert H.: Affirm

Denied: Application of Frazier  
Lee Savage

Order filed 2-21-20

STATE OF TENNESSEE v. RONNIE WILSON  
E2018-01362-SC-R11-PC

Jefferson County Circuit Court  
O. Duane Slone  
12701

Thomas Jr., D. Kelly: Affirm

Denied: Application of Ronnie  
Wilson

Order filed 2-20-20

DENITA MCMAHAN v. CITY OF CLEVELAND,  
TENNESSEE  
E2018-01719-SC-R11-CV

Bradley County Circuit Court  
J. Michael Sharp  
V-14-096

Clement Jr., Frank G.: Affirm

Denied: Application of Denita  
McMahan

Order filed 2-20-20

SMARTBANK v. SANDRA STEPHENS  
E2018-01900-SC-R11-CV

Hamilton County Chancery Court  
Jeffrey M. Atherton  
08-0976

Armstrong, Kenny W.: Affirm

Denied: Application of Sandra  
Stephens

Order filed 2-20-20

JARED EFFLER, ET AL. V. PURDUE PHARMA L.P., ET AL. E2018-01994-SC-R11-CV	Campbell County Circuit Court John D. McAfee 16596	Swiney, D. Michael: Reverse	Denied: Application of Mallinckrodt LLC, Endo Pharmaceuticals, Inc., Teva Pharmaceuticals USA, Inc. & Endo Health Solutions, Inc.  Order filed 2-21-20
STATE OF TENNESSEE v. DIONTAE SMARTT E2018-02013-SC-R11-CD	Hamilton County Criminal Court Don W. Poole 294713	Holloway Jr., Robert L.: Affirm	Denied: Application of Diontae Smartt  Order filed 2-19-20
STATE OF TENNESSEE v. ROSHAUN COLBERT E2018-02062-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 104464	Holloway Jr., Robert L.: Affirm	Denied: Application of Roshawn Colbert  Order filed 2-19-20
BREWCO LLC, ET AL. v. MARTHA R SCENT E2018-02133-SC-R11-CV	Scott County Circuit Court John D. McAfee 8247	Frierson II, Thomas R.: Affirm	Denied: Application of Brewster Builders, Inc., and Brewco, LLC  Order filed 2-19-20

STATE OF TENNESSEE v. HENRY NICHOLAS BROWN E2018-02135-SC-R11-CD	Roane County Criminal Court Jeffery Hill Wicks 2017-CR-377	McMullen, Camille R.: Affirm	Denied: Application of Henry Nicholas Brown  Order filed 2-19-20
TERESA M. DAFFRON, AS DAUGHTER, NEXT OF KIN TO THE ADMINISTRATOR OF THE ESTATE OF WILEY E. DAFFRON v. MEMORIAL HEALTH CARE SYSTEM, INC. E2018-02199-SC-R11-CV	Hamilton County Circuit Court Ward Jeffrey Hollingsworth 15C1011	Swiney, D. Michael: Affirm	Denied: Application of Teresa M. Daffron, and the Estate of Wiley E. Daffron  Order filed 2-21-20
RUBY DIANE BARRON v. BRUCE JOSEPH BARRON E2018-02257-SC-R11-CV	Hamilton County Chancery Court Pamela A Fleenor 17-0585	Susano Jr., Charles D.: Modify in Part	Denied: Application of Ruby Diane Barron  Order filed 2-20-20
TAMALA TEAGUE v. GARNETT KIDD ET AL. E2019-00330-SC-R11-CV	Polk County Chancery Court Jerri Bryant 2017-CV-25	Susano Jr., Charles D.: Affirm McClarty, John W.: Dissent	Denied: Application of Tamala Teague  Order filed 2-19-20

MARGETTA LANGLOIS v. LITTLE HURRICANE  
PROPERTIES LLC  
E2019-01476-SC-R11-CV

Cumberland County Chancery Court  
Ronald Thurman  
2017-CH-1267

Per Curiam: Case Dispositional  
Decision

Denied: Application of Margetta  
Langlois

Order filed 2-21-20

**Jackson**

KELVIN BROWN v. STATE OF TENNESSEE  
W2019-00054-SC-R11-PC

Shelby County Criminal Court  
J. Robert Carter, Jr.  
16-04431

Holloway Jr., Robert L.: Affirm

Denied: Application of Kelvin  
Brown

Order filed 2-19-20

FRED ERBY v. STATE OF TENNESSEE  
W2019-01956-SC-R11-CO

Shelby County Criminal Court  
James M. Lammey  
19-04492, 19-08700

Dismissed: Application of Fred  
Erby

Order filed 2-21-20

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**FILED**

02/20/2020

Clerk of the  
Appellate Courts

**CLARISSA BIDWELL EX REL JAMES BIDWELL ET AL.  
v. TIMOTHY A STRAIT MD ET AL.**

**Circuit Court for Hamilton County  
No. 17-C-832**

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**No. E2018-02211-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Timothy Alexander Strait, and Jeffrey Colburn 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**  
02/20/2020  
Clerk of the  
Appellate Courts

**CAROLYN COFFMAN ET AL. v. ARMSTRONG INTERNATIONAL, INC.  
ET AL.**

**Circuit Court for Knox County  
No. 2-485-14**

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**No. E2017-01985-SC-R11-CV**

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**ORDER**

Upon consideration of the applications for permission to appeal and the record before us, the applications of Clark Reliance Company, Jerguson Gage and Valve Division; Armstrong International, Inc.; DeZurik, Inc.; Flowserve Corporation f/k/a The Duriron Company, Inc.; Ingersoll-Rand Company; The William Powell Company; and Fisher Controls International, LLC are granted. The application of Neles-Jamesbury, Inc. and Metso Automation USA, Inc. is granted with respect to the third question presented for review, and denied with respect to the first and second questions presented for review. These applicants are collectively referred to as the “Equipment Defendants.” The parties are directed to address the following issue:

Whether the Court of Appeals erred in holding that the Equipment Defendants had a duty to warn of the dangers associated with the post-sale integration of asbestos-containing materials manufactured and sold by others.

The applications of Daniel International Corporation and John Crane, Inc. are denied.

The Clerk of the Court 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**  
02/21/2020  
Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. YODELKIS CONTRERAS**

**Circuit Court for Bedford County  
No. 15505**

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**No. M2017-02210-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Yodelkis Contreras and the record before us, the application is granted.

This cause shall be set for oral argument on the Court's May 28, 2020 docket in Nashville. No extensions of time for the filing of briefs in this matter will be allowed. In addition to the issues raised by Mr. Contreras, the Court requests that the parties address the following issues:

1) Whether Mr. Contreras's sentence had expired before the trial court revoked his probation.

2) Whether the general tolling provisions announced in *State v. Shaffer*, 45 S.W.3d 553 (Tenn. 2001), apply to the unique circumstances of this case in which the defendant was illegally placed on probation, the State had notice of the illegality and an opportunity to correct it but chose not to do so, and the State failed to serve the probation violation warrant even though the defendant was incarcerated.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
02/19/2020  
Clerk of the  
Appellate Courts

**STATE OF TENNESSEE, EX REL. RACHEL BETH HAYNES v. ALLAN  
VINCENT DAUGHERTY**

**Circuit Court for Rutherford County  
No. 57095**

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**No. M2018-01394-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of the State of Tennessee, ex. rel. Rachel Beth Haynes 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 because of the Court of Appeals majority’s constitutional analysis, which was unnecessary to the resolution of the appeal and, therefore, should not have been undertaken. See Hancock v. Board of Professional Responsibility, 447 S.W.3d 844, 45 (Tenn. 2014).

PER CURIAM



IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
02/20/2020  
Clerk of the  
Appellate Courts

**MELANIE LEMON v. WILLIAMSON COUNTY SCHOOLS ET AL.**

**Circuit Court for Williamson County  
No. 2017-320**

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**No. M2018-01878-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Williamson County Schools and the record before us, the application is granted. Further, the Tennessee School Boards Association's motion for leave to file an amicus curiae brief in support of the Williamson County Schools' Rule 11 application is also granted.

The Clerk of the Court 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**

<b>FILED</b> 02/21/2020 Clerk of the Appellate Courts
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**SONYA P. WILLIAMS v. SHELBY COUNTY BOARD OF EDUCATION**

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

**No. 217-cv-02050-TLP-jay**

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**No. M2019-01992-SC-R23-CV**

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**ORDER**

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on November 7, 2019, by the United States District Court for the Western 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 certification of the following questions of law:

- 1) Is a teacher whose position was abolished and who was terminated from her employment with the school system due to a reduction in force under the provisions of Tennessee Code Annotated § 49-5-511(b)(1)—(3) entitled to backpay damages when the school board fails to act as the final decision-maker on her termination as required by § 49-5-511(b)(1), or when the board does not provide the teacher notice under § 49-5-511(b)(2), or when the board does not place a qualified teacher on a reemployment list as provided for in § 49-5-511(b)(3)?
- 2) Is the Teacher Tenure Act, Tennessee Code Annotated § 49-5-511(b)(1), violated when the school board votes on the dismissal of teachers terminated under a reduction in force policy during a certain time frame, when some of those teachers' names are listed on the resolution but the plaintiff's name was not listed due to an error?
- 3) Are the provisions of Tennessee Code Annotated § 49-5-511(b)(2)—(3), requiring "written notice of dismissal" and "place[ment] on a list for reemployment," mandatory or directory?

Further, the Motion to Strike Respondent's Reply Brief filed by Petitioner, Shelby County Board of Education is also denied.

PER CURIAM