



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
March 23, 2020 - March 27, 2020

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Knoxville</u>			
TALAT PARVEEN ET AL. V. ACG SOUTH INSURANCE AGENCY LLC ET AL. E2018-01759-SC-R11-CV	Washington County Circuit Court James E. Lauderback 36261	Swiney, D. Michael: Reverse	Granted : Application of Jeffrey Norris and ACG South Insurance Agency, LLC Order filed 3-26-20 (See Attached Order)
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	Granted: Application of Mallinckrodt LLC, Endo Pharmaceuticals, Inc., Teva Pharmaceuticals USA, Inc., and Endo Health Solutions, Inc. Order filed 3-26-20 (See Attached Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			

STATE OF TENNESSEE v. KYLE ALEX BATIZ M2017-02065-SC-R11-CD	Montgomery County Circuit Court William R. Goodman, III 63CC1-2014-CR-817	Glenn, Alan E.: Affirm	Denied: Application of Kyle Alex Batiz, Opinion of the Court of Criminal Appeals designated "Not For Citation" accordance with SCT Rule 4(E) Order filed 3-26-20 (See Attached Order)
SAMUEL C. CLEMMONS ET AL. v. JOHNNY NESMITH M2017-02521-SC-R11-CV	Williamson County Chancery Court Michael Binkley 43480	Dinkins, Richard H.: Affirm	Denied: Application of Samuel C. Clemmons, and Shannon N. Clemmons Order filed 3-26-20 (See Attached Order)
SHAUNEILLE SHARIFA v. WELLS FARGO/ASC M2018-00178-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 16C1869	Goldin, Arnold B.: Affirm	Denied: Application of Shauneille Sharifa Order filed 3-26-20
STATE OF TENNESSEE v. BRANDON E. BANKS M2018-00264-SC-R11-CD	Davidson County Criminal Court Monte Watkins 2015-C-1517	Dyer, J. Ross: Affirm Ogle, Norma McGee: Concur in Part/Dissent in Part	Denied: Application of Brandon Eric Banks Order filed 3-26-20

STATE OF TENNESSEE v. LARRY BURT SEXTON M2018-00874-SC-R11-CD	Lawrence County Circuit Court Robert L. Jones 33355	Ogle, Norma McGee: Affirm	Denied: Application of Larry B. Sexton Order filed 3-26-20
STATE OF TENNESSEE v. MATT D. POLK M2018-01251-SC-R11-CD	Dickson County Circuit Court David D. Wolfe 22CC-2016-CR-53	Williams, John Everett: Affirm	Denied: Application of Matt D. Polk Order filed 3-26-20
101 CONSTRUCTION COMPANY v. LAWRENCE B. HAMMET, II ET AL. M2018-01321-SC-R11-CV	Davidson County Chancery Court Louis W. Oliver 15-1268-III	Stafford, J. Steven: Reverse	Denied: Application of Lawrence B. Hammet II, and Todd & Floyd PLC (Nashville) Order filed 3-26-20
STATE OF TENNESSEE v. JOSEPH L. WARE M2018-01326-SC-R11-CD	Davidson County Criminal Court Angelita Blackshear Dalton 2017-A-754	McMullen, Camille R.: Affirm in Part	Denied: Application of Joseph Lovell Ware Order filed 3-26-20

KALYN MARIE POLOCHAK v. STATE OF
TENNESSEE
M2018-01524-SC-R11-PC

Overton County Criminal Court
David A. Patterson
2011-CR-45

Witt Jr., James Curwood: Affirm

Denied: Application of Kalyn
Marie Polochak

Order filed 3-26-20

CORNERSTONE FINANCIAL CREDIT UNION v.
JOSHUA MUNDY
M2018-01624-SC-R11-CV

Davidson County Circuit Court
Hamilton V. Gayden, Jr.
18C1640

Dinkins, Richard H.: Affirm in Part

Denied: Application of
Cornerstone Financial Credit
Union

Order filed 3-25-20

PORSCHA J. MEDARIES v. STATE OF
TENNESSEE
M2018-01656-SC-R11-PC

Davidson County Criminal Court
Cheryl A. Blackburn
2015-B-1238

Williams, John Everett: Affirm

Denied: Application of Porscha J.
Medaries

Order filed 3-26-20

STATE OF TENNESSEE v. DONALD LEE HARRIS
M2018-01680-SC-R11-CD

Davidson County Criminal Court
Cheryl A. Blackburn
2013-D-3164

Witt Jr., James Curwood: Affirm in
Part

Denied: Application of Donald
Lee Harris

Order filed 3-26-20

STATE OF TENNESSEE v. WILBERT LAMARI LOTTIE, III M2018-01700-SC-R11-CD	Bedford County Circuit Court Forest A. Durard, Jr. 18546	Holloway Jr., Robert L.: Affirm	Denied: Application of Wilbert Lamari Lottie, III Order filed 3-26-20
JOHNATHAN ROBERT LEONARD v. STATE OF TENNESSEE M2018-01737-SC-R11-PC	Marshall County Circuit Court Franklin L. Russell 15-CR-110, 18-CR-101	Williams, John Everett: Vacate	Denied: Application of Johnathan Robert Leonard Order filed 3-26-20
GERALD BROWN v. WADDELL WRIGHT ET AL. M2018-01743-SC-R11-CV	Davidson County Chancery Court Ellen H. Lyle 17-805-III	Clement Jr., Frank G.: Affirm in Part	Denied: Application of Gerald Brown Order filed 3-25-20
E SOLUTIONS FOR BUILDINGS, LLC v. KNESTRICK CONTRACTOR, INC., ET AL. M2018-02028-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 15-62-IV	Goldin, Arnold B.: Affirm in Part	Denied: Application of Knestrick Contractor, Inc. Order filed 3-26-20
SHEILA LONG PLESS v. ROBERT EUGENE PLESS M2018-02047-SC-R11-CV	Williamson County Chancery Court Joseph A. Woodruff 45152	Stafford, J. Steven: Affirm	Denied: Application of Sheila Long Pless Order filed 3-26-20

NATHANIEL P. CARSON v. STATE OF
TENNESSEE
M2019-00042-SC-R11-ECN

Davidson County Criminal Court
Mark J. Fishburn
2009-A-260

Williams, John Everett: Affirm

Denied: Application of Nathaniel
P. Carson

Order filed 3-26-20

STATE OF TENNESSEE v. BECKY JO BURLISON
M2019-00148-SC-R11-CD

Davidson County Criminal Court
Monte Watkins
2014-D-3015

Williams, John Everett: Reverse

Denied: Application of Becky Jo
Burlison

Order filed 3-26-20

STATE OF TENNESSEE v. GEARY N. JACKSON
SR.
M2019-00180-SC-R11-CD

Wilson County Criminal Court
Brody N. Kane
2018-CR-450

Holloway Jr., Robert L.: Affirm

Denied: Application of Geary N.
Jackson, Sr.

Order filed 3-26-20

B. NATHAN HUNT ET AL. v. DAVID LOWERY ET
AL.
M2019-00203-SC-R11-CV

Montgomery County Circuit Court
Ross H. Hicks
63CC1-2017-CV-1882

Bennett, Andy D.: Reverse

Denied: Application of B. Nathan
Hunt, as Administrator Ad Litem
for the Estate of Waltraud
Elisabeth LeMonte

Order filed 3-26-20

WILLIE LEE HUGHES, JR. v. STATE OF TENNESSEE M2019-00248-SC-R11-PC	Williamson County Circuit Court Michael Binkley CR-170485	Holloway Jr., Robert L.: Affirm	Denied: Application of Willie Lee Hughes, Jr. Order filed 3-26-20
STATE OF TENNESSEE v. DOUGLAS MARSHALL MATHIS M2019-00279-SC-R11-CO	Houston County Circuit Court Larry J. Wallace 4352	Easter, Timothy L.: Affirm	Denied: Application of Douglas Marshall Mathis Order filed 3-26-20
DAVID ALLEN BINKLEY v. STATE OF TENNESSEE M2019-00389-SC-R11-PC	Montgomery County Circuit Court William R. Goodman, III 63CC1-2017-CR-488	Williams, John Everett: Affirm	Denied: Application of David Allen Binkley Order filed 3-26-20
CHAD V. HUGHES v. EREK K. HAMBRECK ET AL. M2019-01973-SC-R11-CV	Davidson County Circuit Court Hamilton V. Gayden, Jr. 17C1493	Per Curiam: Case Dispositional Decision	Denied: Application of Mid-Century Insurance Company Order filed 3-25-20
<u>Knoxville</u>			
STATE OF TENNESSEE v. NIKIA BOWENS E2017-02075-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 105992, 106786	Holloway Jr., Robert L.: Affirm	Denied: Application of Nikia Bowens Order filed 3-26-20

STATE OF TENNESSEE v. JASON KANE IVEY
E2017-02278-SC-R11-CD

Knox County Criminal Court
Steven Wayne Sword
107008

Holloway Jr., Robert L.: Affirm

Denied: Application of Jason
Kane Ivey

Order filed 3-26-20

STATE OF TENNESSEE v. JONATHAN ADDAIR
E2018-00799-SC-R11-CD

Sullivan County Criminal Court
James F. Goodwin, Jr.
S67-410

Wedemeyer, Robert W.: Affirm

Denied: Application of Jonathan
Addair

Order filed 3-26-20

STATE OF TENNESSEE v LARRY CHARLES
HEFNER, JR.
E2018-01164-SC-R11-CD

Knox County Criminal Court
Bobby R. McGee
111177

Holloway Jr., Robert L.: Affirm

Denied: Application of Larry
Charles Hefner, Jr.

Order filed 3-26-20

STATE OF TENNESSEE v. CHRISTOPHER LEVI
PARKER
E2018-01306-SC-R11-CD

Hamilton County Criminal Court
Barry A. Steelman
291602

McMullen, Camille R.: Affirm

Denied: Application of
Christopher Levi Parker

Order filed 3-26-20

STATE OF TENNESSEE v. JUSTIN RYAN JOHNSON, ALIAS E2018-01457-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 108649, 110295	Woodall, Thomas T.: Affirm	Denied: Application of Justin Ryan Johnson Order filed 3-26-20
STATE OF TENNESSEE v. KHYREE THOMPSON E2018-01481-SC-R11-CD	Hamilton County Criminal Court Don W. Poole 296577	Easter, Timothy L.: Affirm	Denied: Application of Khyree Thompson Order filed 3-25-20
STATE OF TENNESSEE v. CURTIS LOGAN LAWSON E2018-01566-SC-R11-CD	Knox County Criminal Court G. Scott Green 110461	Easter, Timothy L.: Affirm McMullen, Camille R.: Concur in Part/Dissent in Part	Denied: Application of Curtis Logan Lawson Order filed 3-25-20
STATE OF TENNESSEE v. RONALD TURNER E2018-01642-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 105481, 105636	Ogle, Norma McGee: Affirm	Denied: Application of Ronald James Turner Order filed 3-26-20
STATE OF TENNESSEE v. NORMAN LEE FOLLIS E2018-01667-SC-R11-CD	Anderson County Circuit Court Donald Ray Elledge B2C00092A	Easter, Timothy L.: Affirm	Denied: Application of Norman Lee Follis Order filed 3-26-20

RANDY B. DALTON v. STATE OF TENNESSEE
E2018-01827-SC-R11-PC

Grainger County Circuit Court
James L. Gass
5641, 5782, 5783

Wedemeyer, Robert W.: Affirm

Denied: Application of Randy B. Dalton

Order filed 3-26-20

FLOYD RODNEY BURNS v. STATE OF TENNESSEE
E2018-02174-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Eastern Division)
T20161418

Frierson II, Thomas R.: Affirm

Denied: Application of State of Tennessee

Order filed 3-26-20

IN RE ESTATE OF J D BUSH
E2018-02192-SC-R11-CV

Knox County Chancery Court
John F. Weaver
67241-1

Armstrong, Kenny W.: Dismiss

Denied: Application of Thomas K. Bush

Order filed 3-25-20

ALAN OVERTON v. TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
E2019-01053-SC-R11-CV

Knox County Chancery Court
Gregory S. McMillan
190612-3

Goldin, Arnold B.: Affirm

Denied: Application of Alan Lee Overton

Order filed 3-26-20

FLORA JEANNE GORDON v. CHERIE FELPS
HARWOOD, JOHN ALONZO FELTS AND BETTY
J. FELTS REVOCABLE LIVING TRUST
AGREEMENT AND ANILATE PEST SERVICES,
LLC
E2019-02067-SC-R11-CV

Hamilton County Circuit Court
Ward Jeffrey Hollingsworth
15C371

Per Curiam: Case Dispositional
Decision

Denied: Application of Flora
Jeanne Gordon
Order filed 3-26-20

CAY PARTNERS, LLC v. ROBERT R. CARL ET AL.
E2019-02076-SC-R10-CV

Knox County Circuit Court
Deborah C. Stevens
3-284-16

Per Curiam: Case Dispositional
Decision

Denied: Application of Robert R.
Carl and Baker, Donelson,
Bearman, Caldwell, & Berkowitz
Order filed 3-26-20

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
03/26/2020
Clerk of the
Appellate Courts

JOHNNY NESMITH v. SAMUEL C. CLEMMONS, ET. AL.

**Chancery Court for Williamson County
No. 43480**

No. M2017-02521-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Samuel C. Clemmons, and Shannon N. Clemmons and the record before us, the application is denied.

In his Rule 11 answer, Plaintiff has stated that he seeks an award of attorneys' fees before this Court. The promissory note states, "[i]t is expressly understood and agreed by Makers [Defendants] that if it is necessary to enforce payment of this note through an attorney or by suit, the Makers [Defendants] shall pay reasonable attorney[s'] fees and all costs of collection." Pursuant to the language of the promissory note and because of the outcome of this Rule 11 application, we have determined that Plaintiff is entitled to recover his attorneys' fees incurred in responding to this Rule 11 application and remand to the trial court for a determination of the amount.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED
03/26/2020
Clerk of the
Appellate Courts

JARED EFFLER, ET AL. V. PURDUE PHARMA L.P., ET AL.

**Circuit Court for Campbell County
No. 16596**

No. E2018-01994-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Mallinckrodt LLC, Endo Pharmaceuticals, Inc., Teva Pharmaceuticals USA, Inc., and Endo Health Solutions, Inc. and the record before us, the application is granted. In addition, the Motion of the International Association of Defense Counsel for leave to file brief as amicus curiae 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

03/26/2020

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. KYLE ALEX BATIZ

**Circuit Court for Montgomery County
No. 63CC1-2014-CR-817**

No. M2017-02065-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Kyle Alex Batiz 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 KNOXVILLE

FILED
03/26/2020
Clerk of the
Appellate Courts

**TALAT PARVEEN ET AL. v. ACG SOUTH INSURANCE AGENCY, LLC
ET AL.**

**Circuit Court for Washington County
No. 36261**

No. E2018-01759-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Jeffrey Norris and ACG South Insurance Agency, LLC and the record before us, the application is granted. Further, the motion filed by American Property Casualty Insurance Association, Independent Insurance Agents of Tennessee, Inc., and Tennessee Farmers Mutual Insurance Company for leave to file an amicus brief in support of the application for permission to appeal of Jeffrey Norris and ACG South Insurance Agency, LLC is granted and the brief accompanying the motion is to be filed.

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

PER CURIAM