

Supreme Court Appeals
Pending Cases
6-10-26

1.	Style	Associated Press et al. v. Kenneth Nelsen, et al.
2.	Docket Number	M2026-00150-SC-R10-CV
3.	Lower Court Decision Links	Associated Press COA Order
4.	Lower Court Summary	N/A
5.	Status	Application granted 4/8/26. Appellate record filed 6/4/26.
6.	Issue(s)	As stated in the Applicant's Rule 10 Application: <ol style="list-style-type: none"> 1. Does the First Amendment require Tennessee to allow media witnesses to see preparatory and post-execution procedures? 2. Do TDOC execution protocols comply with Tenn. Code Ann. § 40-23-116(a), which gives media witnesses the right to be "present at the carrying out of the death sentence"? 3. Can media plaintiffs interfere with this Court's unconditional execution orders by asking trial courts to condition executions on expanded media viewing access?

1.	Style	State of Tennessee v. Anthony Cornelius Baylis
2.	Docket Number	E2023-00886-SC-R11-CV
3.	Lower Court Decision Links	AnthonyCorneliusBaylisOpinion.pdf
4.	Lower Court Summary	Defendant, Anthony Cornelius Baylis, appeals his Monroe County Circuit Court jury conviction of trafficking a person for a commercial sex act, arguing that the trial court erred in denying his motion for judgment of acquittal; that the trial court erred in affirming his conviction as the thirteenth juror; that the trial court erred by denying his motion to dismiss the indictment for lack of the grand jury foreperson's signature attesting that witnesses were sworn; that the trial court erred by admitting certain testimony; that the State wrongfully commented on Defendant's election to not testify; and that the trial court erred by imposing a fully-incarcerative sentence. Discerning no reversible error, we affirm.
5.	Status	Heard 12/3/25 SCALES at Bryan College in Dayton.
6.	Issue(s)	As stated in the application: <ol style="list-style-type: none"> 1. Whether there was insufficient evidence to convict Mr. Baylis of trafficking for a

commercial sex act where testimony elicited at trial showed Mr. Baylis used neither coercion or deception, nor could a rational trier of fact find that Mr. Baylis believed the adult undercover officer was actually a minor or that Mr. Baylis intended or attempted to force her into sexual slavery?

2. Whether the actus rei for trafficking for a commercial sex act and promoting prostitution are too similar and cause a lack of uniformity of decision among lower courts in the application of these statutes, which ultimately resulted in an erroneous conviction in the trial court and affirmation of that conviction by the appellate court, and whether this confusion causes a lack of notice to defendants accused of these crimes?

3. Whether the trial court erred in permitting TBI Agent Jamesena Walker to give improper opinion testimony as a lay witness to the meaning of everyday language in a manner that did not aid the jury in determining ultimate issues of fact?

4. Whether the trial court erred in allowing the State to comment in closing argument, in violation of the Fifth Amendment, on Mr. Baylis's decision not to testify by implying that he should have explained why he had knowledge of the "hourly rate" for prostitution?

5. Whether the trial court erred in ordering an eight-year sentence of confinement rather than split confinement under the facts alleged, where a mandatory prison sentence was not required?

1.	Style	State of Tennessee v. Torrian Seantel Bishop
2.	Docket Number	W2023-00713-SC-R11-CD
3.	Lower Court Decision Links	BishopTorrianSeantelOPN.pdf BishopTorrianSeantel2OPN.pdf
4.	Lower Court Summary	The Tennessee Supreme Court remanded this case for reconsideration in light of State v. Andre JuJuan Lee Green, --- S.W.3d ---, No. M2022-00899-SC-R11-CD, 2024 WL 3942511 (Tenn. 2024). See State v. Torrian Seantel Bishop, No. W2023-00713-CCA-R3- CD, 2024 WL 1564346, (Tenn. Crim. App. Apr. 11, 2024) (Bishop I), case remanded (Tenn. Aug. 27, 2024). This court concluded in the previous appeal that the certified question was dispositive of the case and that the officers had probable cause to search the Defendant's car because an officer smelled the odor of marijuana. Upon further review, we conclude that the certified question is not dispositive of the case because our supreme court in Andre JuJuan Lee Green made clear that a trial court must apply a totality of the circumstances analysis when determining whether an officer has probable cause to conduct a warrantless search of a car. --- S.W.3d ---, 2024 WL 3942511, at *6. Upon consideration of the certified question and our supreme court's holding in Andre JuJuan Lee Green, we conclude that we are without jurisdiction to consider the certified question presented. The appeal is dismissed.
5.	Status	Heard 10/1/25 in Nashville.
6.	Issue(s)	As stated in the Appellant's Rule 11 application: Under existing case law, if an officer purports to smell marijuana during a routine traffic stop, this alone may be used to establish probable cause, thus enabling the officer to conduct a warrantless search of the vehicle. This "plain smell" exception to the

warrant requirement was the result of marijuana’s unique smell and illegal nature. Now, however, the Tennessee General Assembly has legalized hemp, a substance that is derived from the same plant as marijuana and thus has the same smell that once distinguished marijuana from all legal substances. In the face of this change to the criminal code and the legalization of hemp, does the smell of cannabis still provide an officer with probable cause to search a vehicle, or must some other standard be adopted?

1.	Style	Shirley Buckley et al. v. Jackson Radiology Associates, P.A., et al.
2.	Docket Number	W2023-01777-SC-R11-CV
3.	Lower Court Decision Links	BuckleyShirleyOPN.pdf
4.	Lower Court Summary	This is a healthcare liability/wrongful death case. Appellees, healthcare providers, alleged that appellant abused the discovery process in failing to make her expert available for deposition within the time set by the trial court’s scheduling order. Appellant moved for amendment of the scheduling order and for continuance of the trial date. The trial court denied appellant’s motions and granted appellees’ motion to exclude appellant’s expert. The exclusion of appellant’s expert resulted in the trial court granting appellees’ motion for summary judgment, thus dismissing appellant’s lawsuit. Under the circumstances, the trial court’s exclusion of appellant’s expert (and the resulting dismissal of her lawsuit) was too harsh a punishment. Vacated and remanded.
5.	Status	Heard 5/27/26 SCALES at Cookeville.
6.	Issue(s)	As stated in the Appellant’s Rule 11 application: Do trial judges in Tennessee have the authority to enforce their scheduling orders and control their dockets by using the means expressly set forth in the Tennessee Rules of Civil Procedure, which includes exclusion of an expert witness, when there is a clear violation of an order, or must trial judges also find “contumacious, intentional, blatant, or egregious” conduct to exclude an expert witness or otherwise enforce an order?

1.	Style	Emily Elizabeth Buckner v. Complete Wellness Chiropractic Center, et al.
2.	Docket Number	E2024-00698- SC-R11-CV
3.	Lower Court Decision Links	EmilyBucknerOPN.pdf EmilyBucknerSeparateOPN.pdf EmilyBucknerDIS/OPN.pdf
4.	Lower Court Summary	This healthcare liability case comes before the court on appeal from the trial court’s granting of a Rule 12.02(6) motion to dismiss for failure to state a claim upon which relief can be granted. The defendants asserted that the plaintiff failed to comply with Tennessee Code Annotated section 29-26-121, part of Tennessee’s Health Care Liability Act. The trial court found that the plaintiff failed to establish that unsigned medical authorizations attached to the complaint were sufficient to satisfy the mandatory requirements of section 29-26-121 and dismissed the case. The plaintiff appealed. Upon our review, we reverse the judgment of the trial court.

5. Status Heard 5/6/26 at Knoxville.
6. Issue(s) As stated in the Appellant's Rule 11 application:
- Whether the trial court correctly dismissed the Plaintiff's health care liability action when there is no proof in the record that Plaintiff provided HIPPA-compliant authorizations along with her pre-suit notice, as required by T.C.A. § 29-26-121.

1. Style State of Tennessee v. William Tony Burrell
2. Docket Number E2023-01404-SC-R11-CD
3. Lower Court Decision Links [WilliamTonyBurrellOPN.pdf](#)
4. Lower Court Summary Defendant, William Tony Burrell, was indicted for driving under the influence (DUI), possession of a handgun while under the influence, possession of a handgun by a convicted felon, and violation of the implied consent law. After Defendant's motion to suppress evidence obtained against him during a traffic stop that led to his arrest was denied by the trial court, Defendant entered into negotiated guilty pleas to one count of DUI and one count of possession of a handgun while under the influence. Pursuant to the plea agreement, the parties reserved a certified question of law for appeal under Tennessee Rule of Criminal Procedure 37(b)(2). After review, we conclude that we do not have jurisdiction to address the certified question because the certification did not meet the requirements of Rule 37(b)(2) and *State v. Preston*, 759 S.W.2d 647 (Tenn. 1988), and we dismiss the appeal.
5. Status Heard 10/1/25 in Nashville.
6. Issue(s) As set forth in the Appellant's Rule 11 application:
- Whether the Defendant's certified question of law met the requirements of Tennessee Rule of Criminal Procedure 37(b) as set out by the Tennessee Supreme Court in *State v. Preston*, 759 S.W.2d 647 (Tenn. 1988). The Defendant's certified question of law was:
- Whether or not an unreasonable seizure occurred when the arresting officer blocked the Defendant's vehicle into a parking spot based solely on an uncorroborated, anonymous caller, who allegedly reported reckless driving regarding an unknown vehicle and driver.

1. Style Christopher Todd Cain, et al. v. Board of Professional Responsibility of the Supreme Court of Tennessee
2. Docket Number E2025-01393-SC-R3-BP
3. Lower Court Decision Links N/A
4. Lower Court N/A

Summary

5. Status Notice of Appeal filed 9/12/25. Fully briefed.
6. Issue(s) N/A

1. Style The Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health System v. UnitedHealthcare Plan of the River Valley, Inc. d/b/a AmeriChoice
2. Docket Number M2022-01543-SC-R11-CV
3. Lower Court Decision Links [Chattanooga-HamiltonCoHospitalAuthorityOPN.pdf](#)
4. Lower Court Summary An out-of-network hospital sued a TennCare managed care organization (“MCO”), seeking additional payment for healthcare services rendered to the MCO’s members. The MCO moved for summary judgment on the hospital’s claims for payment for post-stabilization services provided to both existing and retroactive members. With respect to the existing members, the MCO argued that the hospital could not show that the MCO had a legal obligation to pay for the post-stabilization services at issue. So the hospital could not establish that the MCO was unjustly enriched. The trial court agreed and summarily dismissed these claims. It also certified the dismissal as final. We vacate the dismissal and remand for further proceedings.
5. Status Heard 2/12/26 at Nashville.
6. Issues(s) Applicant AmeriChoice states the following issue:
- Can a healthcare provider pursue payment from a TennCare managed care organization on a theory of unjust enrichment when the provider is not entitled by law to payment?
- Respondent Erlanger re-states AmeriChoice’s issue and presents two additional issues:
1. To recover on its claim of unjust enrichment, must Erlanger show that AmeriChoice had a separate legal obligation to pay under its risk agreement?
 2. Does a federal regulation, 42 C.F.R. § 422.113, require hospitals to furnish payers with some notice of stabilization from the treating physician as a prerequisite to payment for post-stabilization care?
 3. If so, did the trial court nonetheless err in ignoring substantial record evidence showing AmeriChoice knew, or at least had adequate notice, that it was approving post-stabilization care?
- In addition to the issues raised, the Court requests that the parties address in their briefing the elements of an unjust enrichment claim and whether AmeriChoice satisfied its burden at summary judgment by affirmatively negating an essential element of Erlanger’s claims or demonstrating that Erlanger’s evidence at summary judgment was insufficient to establish its claims. See *Rye v. Women’s Care Ctr. of Memphis*,

MPLLC, 477 S.W.3d 235, 264 (Tenn. 2015).

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| 1. | Style | State of Tennessee v. Gavin Allen Clark |
| 2. | Docket Number | M2023-01427-SC-R11-CD |
| 3. | Lower Court Decision Links | Majority Opinion - M2023-01427-CCA-R3-CD.pdf
Separate Opinion - M2023-01427-CCA-R3-CD.pdf |
| 4. | Lower Court Summary | <p>A Coffee County Grand Jury indicted the Defendant, Gavin Allen Clark, with first-degree felony murder by aggravated child abuse (count one), first-degree felony murder by child neglect (count two), aggravated child abuse (count three), and aggravated child neglect (count four). Following a jury trial, the Defendant was convicted of the lesser-included offense of reckless homicide in counts one and two, and he was convicted as charged in counts three and four of aggravated child abuse and aggravated child neglect. He received an effective sentence of twenty-three years in confinement. In this appeal as of right, the Defendant raises the following issues for review: (1) as an issue of first impression in Tennessee, whether the verdict is defective for ambiguity because within each count the jury simultaneously convicted and acquitted; (2) whether the trial court erred in failing to act or serve as the thirteenth juror; (3) whether the evidence was sufficient to sustain his conviction of aggravated child neglect; (4) whether the trial court erred in deciding the McDaniel motions when the trial judge employed an erroneous legal standard and conducted an arbitrary hearing; (5) whether the trial court erred in permitting witnesses to testify about the Defendant's callous demeanor; (6) whether the trial court erred in denying the motion to suppress data from the Defendant's cell phone; (7) whether the State engaged in prosecutorial misconduct in closing argument; (8) whether the State violated the Defendant's speedy trial rights; and (9) whether the cumulative effect of the errors requires reversal. 1 Upon review, we conclude that the verdicts returned by the jury in this case were ambiguous because they purport to simultaneously convict and acquit the Defendant. As such, the verdicts are unenforceable and cannot be given full effect. Under the circumstances of this case, we also conclude that the Defendant's convictions are not barred from retrial based on double jeopardy principles, and we remand for a new trial. We further conclude that the trial court failed to fulfill its duty as the thirteenth juror, which also mandates reversal of the Defendant's convictions, and remand for a new trial. We address the Defendant's remaining issues in the event of further appellate review.</p> |
| 5. | Status | Application granted 4/27/26. Motion for extension to file Appellant's brief granted and due 6/26/26. |
| 6. | Issues(s) | <p>As stated in the Appellant's Rule 11 application:</p> <ol style="list-style-type: none"> 1. Whether the jury's guilty verdicts were ambiguous. 2. Whether the remedy for an ambiguous verdict is retrial on the original indictment. 3. Whether the trial court's supposed failure to act as the thirteenth juror required automatic reversal. |

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| 1. | Style | Kendall Collier ex rel Chayce C. v. Periculis Roussis, M.D. et al. |
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2. Docket Number E2022-00636-SC-R11-CV
3. Lower Court Decision Links [KendallCollierOPN.pdf](#)
4. Lower Court Summary This appeal concerns juror misconduct. Chayce Collier (“Chayce”), a minor, by and through his parent and next friend, Kendall Collier (“Plaintiff”), sued Periclis Roussis, M.D. (“Dr. Roussis”), Fort Sanders Perinatal Center, and Fort Sanders Regional Medical Center (“the Hospital”) (“Defendants,” collectively) in the Circuit Court for Knox County (“the Trial Court”) alleging health care liability in Chayce’s delivery. A major issue at trial was whether Dr. Roussis fell below the standard of care by failing to administer epinephrine to Plaintiff when she had an anaphylactic reaction during labor. The jury found for Defendants. However, it emerged that a juror had gone home and looked at the warning on an epipen which said that epinephrine should only be used when the potential benefit justifies the potential risk to the fetus. The juror shared this information with the rest of the jury. Plaintiff filed a motion for a new trial, which the Trial Court first granted and then denied. Plaintiff appeals. Under Tenn. R. Evid. 606(b), jurors may not be asked what effect, if any, that extraneous information had on them. Instead, courts look to the extraneous information itself to determine whether there is a reasonable possibility that it altered the verdict. We hold that there is a reasonable possibility that the extraneous information shared with the jury in this case altered the verdict, and Defendants failed to rebut the presumption of prejudice. The Trial Court applied an incorrect legal standard and thereby abused its discretion in denying Plaintiff’s motion for a new trial. We reverse the judgment of the Trial Court and remand for further proceedings consistent with this Opinion.
5. Status Heard 9/4/25 in Knoxville.
6. Issue(s) As stated in the Appellant’s Rule 11 application:
1. Did the Court of Appeals apply the incorrect legal standard of review in holding that there was a possibility that a juror’s conduct altered the jury’s verdict?
 2. Did the Court of Appeals incorrectly apply improper inference and speculation in determining that the alleged juror misconduct possibly affected the jury’s verdict?
 3. Did the Court of Appeals incorrectly apply the framework for determining the “probable objective effect” of a juror’s statement on the jury’s verdict when the Court of Appeals only concluded that the juror’s statement was possibly a “tiebreaker”?

1. Style Erik Cooper v. Tennessee Board of Professional
2. Docket Number E2026-00518-SC-R3-BP
3. Lower Court Decision Links N/A
4. Lower Court Summary N/A

5. Status Notice of Appeal filed 4/9/26.
6. Issue(s) N/A

1. Style Virginia Curtis ex rel Bruce Allen Curtis v. Tiffany L. Sharp et al.
2. Docket Number E2023-01583-SC-R11-CV
3. Lower Court Decision Links [VirginiaCurtisOPN.pdf](#)
4. Lower Court Summary This is a healthcare liability/wrongful death case. Appellees, healthcare providers, alleged that appellant abused the discovery process in failing to make her expert available for deposition within the time set by the trial court's scheduling order. Appellant moved for amendment of the scheduling order and for continuance of the trial date. The trial court denied appellant's motions and granted appellees' motion to exclude appellant's expert. The exclusion of appellant's expert resulted in the trial court granting appellees' motion for summary judgment, thus dismissing appellant's lawsuit. Under the circumstances, the trial court's exclusion of appellant's expert (and the resulting dismissal of her lawsuit) was too harsh a punishment. Vacated and remanded.
5. Status Heard 5/6/26 at Knoxville.
6. Issue(s) As stated in the Appellant's Rule 11 application:
1. Is a HIPAA authorization facially valid when it includes all six (6) "core elements," as set forth in HIPAA and in Stevens v. Hickman?
 2. Does the investigatory function under Tennessee Code Annotated Section 29-26-121(a) ("Section 121(a)") include oral communications between each health care provider that will be named as a defendant in an HCLA?
 3. Whether service of the mandatory pre-suit notice to providers, required under Section 121(a)(1), in accordance with the provisions on personal service or service by mail in Section 121(c), entitles an HCLA plaintiff to the 120-day extension of the statute of the limitations, regardless of the content of the notice?
 4. Is an HCLA plaintiff required to cite to or specifically reference Section 121(f) in her HIPAA authorizations in order to be afforded its protections?
 5. May an Appellate Court rely on the statements of counsel made during oral arguments as though they were evidence and part of the record on appeal, when such statements were not evidence and were not part of the record on appeal?
 6. Whether Applicant's original pre-suit HIPAA authorizations failed to "substantially comply" with Section 121(a)(2)(E) by inclusion of the "Limiting Language"?
 7. Whether Applicant is entitled to the 120-day extension to the 1-year Statute of Limitations, as provided in Section 121(c)?

1. Style In re Nathaniel D.

2.	Docket Number	E2025-00081-SC-R11-PT
3.	Lower Court Decision Links	InReNathielDOPN.pdf InReNathielDSeparateOPN.pdf
4.	Lower Court Summary	This is a parental rights termination case. Nathaniel D. (“the Child”) is the minor child of Haleigh D. (“Mother”) and Richard L. (“Father”). Mother later married Zachary D. (“Stepfather”). Meanwhile, Father sought to be a part of the Child’s life. In an agreed order of paternity, the Juvenile Court for Knox County (“the Juvenile Court”) stated that “any and all issues related to Custody, visitation, and child support are reserved and referred to the Custody Magistrate.” The issue of child support remained unaddressed. Ultimately, Mother and Stepfather (“Petitioners,” collectively) filed a petition in the Chancery Court for Knox County (“the Trial Court”) seeking to terminate Father’s parental rights. The Trial Court terminated Father’s parental rights on the sole ground of abandonment by failure to support. Father appeals. It is uncontested that Father failed to pay any support even though he had the means to do so. However, Father has successfully asserted and proven by a preponderance of the evidence that his failure to support was not willful. We reverse.
5.	Status	Heard 5/6/26 at Knoxville.
6.	Issue(s)	As stated in the application: Does the existence of an order “reserving” child support absolve a parent of his or her obligation to support despite the knowledge of the obligation to pay child support, ability to pay child support and complete absence of any payment of child support, especially where there is no evidence that the obligor relied on the reservation of the amount of support in asserting it was not “willful?”

1.	Style	Fred C. Dance v. BPR
2.	Docket Number	M2024-01757-SC-R3-BP
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard 11/5/25 on briefs. Supplemental briefs filed 2/23/26.
6.	Issue(s)	N/A

1.	Style	State of Tennessee v. Rebecca M. Davis
2.	Docket Number	W2024-00943-SC-R11-CD
3.	Lower Court Decision Links	DavisRebeccaMOPN.pdf
4.	Lower Court Summary	Defendant, Rebecca M. Davis, appeals her convictions for one count of aggravated child abuse of a child eight years of age or less, one count of aggravated child neglect of a child eight years of age or less, and two counts of aggravated child endangerment of child eight years of age or less. After a sentencing hearing, Defendant received an effective sentence of fifteen years’ incarceration. On appeal, Defendant argues that (1) the trial court erred by

denying her motion for judgments of acquittal for aggravated child endangerment and aggravated child neglect of a child eight years of age or less; (2) the trial court erred by not merging her convictions for aggravated child endangerment with her respective convictions for aggravated child abuse of a child eight years of age or less and aggravated child neglect of a child eight years of age or less; and (3) the trial court violated her due process rights by allowing the State to comment on and elicit testimony regarding her prearrest, post-Miranda silence. After review, we reverse the trial court's denial of Defendant's motion for judgment of acquittal for her aggravated child neglect conviction but otherwise affirm the judgments of the trial court.

5. Status Application granted 3/30/26. Appellant's brief filed 5/29/26. Motion for extension to file Appellee's brief granted and due 7/29/26.

6. Issue(s) As stated by applicant:

A. Whether a court [CCA] may properly find sufficient evidence of aggravated child endangerment based upon a defendant's failure to protect a child from acts of abuse when the indictment, the State's election of offenses, and the jury instructions all specified that the defendant failed to protect the child from acts of neglect, and the court [CCA] has found that there is no proof that any act of neglect caused the child's injuries.

B. Whether a trial court's constitutional errors are harmless beyond a reasonable doubt when the State exploited the errors to establish the central theme of its prosecution, the errors supplied an improper basis from which the jury could infer the defendant's guilt, and there was significant exculpatory evidence relevant to essential elements of the offenses.

1.	Style	BPR v. Valerie Wyber Epstein.
		E2025-02000-SC-R3-BP
2.	Docket Number	N/A
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	Notice of appeal filed 12/13/25. Record filed 4/1/26. Appellant's brief filed 5/1/26; Appellee's brief filed 6/1/26.
5.	Status	N/A
6.	Issue(s)	N/A

1.	Style	Dennis Etheredge et al. v. Estate of Doris Etheredge
2.	Docket Number	M2024-00916-SC-R11-CV

3. Lower Court Decision Links [EtheredgeDennisOPN.pdf](#)
4. Lower Court Summary
 This is the second appeal arising from this declaratory judgment action. The defendant died during the pendency of this action. After a suggestion of the defendant's death was filed with the trial court, the defendant's probate estate was substituted as the defendant. More than one year after the defendant's death, the defendant's estate filed a motion to dismiss on the ground the plaintiffs failed to properly revive the action against the defendant's estate as required by Tennessee Code Annotated § 30-2-320. The trial court agreed and dismissed the action on the ground the plaintiffs did not follow the procedures of Tennessee Code Annotated § 30-2-320 because they filed "neither an order of revivor nor the complaint [from] this case in the Decedent's probate proceeding, In re Estate of Doris Etheredge, Putnam Co. Probate Court No. 20739 at any time, much less within one (1) year of the Decedent's date of death." We affirm.
5. Status
 Application granted 2/26/26. Appellant's brief filed 4/13/26; Appellee's brief filed 5/13/26. Notice of appeal filed 11/22/24.
6. Issue(s)
 1) In ruling that Revivor Statute is not limited to claims seeking monetary relief, the Appellate Decision extends the Claims Statute and Revivor Statute beyond any Tennessee precedent;
- 2) In relying upon precedent which holds that compliance with the Claims Statute is jurisdictional to rule that compliance with the Revivor Statute is jurisdictional, the Appellate Decision conflicts with this Court's 2013 analysis in Estate of Brown which advises that a failure to comply with the Claims Statute does not divest a court of subject matter jurisdiction but rather implicates the statute of limitations;
- 3) In ruling that a court cannot render enforcement and execution in a declaratory judgment action, the Appellate Decision conflicts with this Court's precedent and Tenn. Code Ann. § 29-14-110, which authorizes a court to grant additional relief whenever necessary or proper in a declaratory judgment action; and
- 4) In dismissing Appellants' Complaint with prejudice for lack of subject matter jurisdiction, the Appellate Decision conflicts with this Court's precedent holding that a dismissal for lack of subject matter jurisdiction is not a decision on the merits.

1. Style Preston Garner et al. v. Southern Baptist Convention et al.
2. Docket Number E2024-00100-SC-R11-CV
3. Lower Court Decision Links [PrestonGarnerOPN.pdf](#)
4. Lower Court Summary
 The appellees filed suit against the appellants for defamation, defamation by implication, false light invasion of privacy, and loss of consortium. The appellants moved to dismiss the case, arguing that the ecclesiastical abstention doctrine barred the trial court from exercising subject matter jurisdiction. They also filed petitions seeking to have the case dismissed pursuant to the Tennessee Public Participation Act ("TPPA"). The trial court denied in part the motions to dismiss for lack of subject matter jurisdiction, finding that the ecclesiastical abstention doctrine does not apply to this case. It also denied the TPPA petitions, finding that the TPPA does not apply to this case. Alternatively, it found that the appellees satisfied their prima facie burden under the TPPA burden-shifting

framework. We conclude that the trial court erred in finding that the TPPA does not apply to this case and reverse that portion of the judgment. Finding no other error, we otherwise affirm the judgment of the trial court.

5. Status Heard 1/8/26 in Knoxville.
6. Issue(s) As stated by the Applicants:
1. Whether the First Amendment bars civil courts from exercising jurisdiction to adjudicate tort claims over a religious association's internal communications about a sensitive matter of church governance regarding ecclesiastical affiliation and church leadership.
 2. Whether the Tennessee Public Participation Act sets an enhanced evidentiary standard at the prima facie stage.
 3. Whether truth is an absolute defense to a defamation claim.
 4. Whether Tennessee courts should, for the first time, import the "special relationship" exception to the publicity requirement of false light invasion of privacy.

1. Style Jospheen Guirguis, et al. v. Metropolitan Government of Nashville and Davidson County
2. Docket Number M2024-01310-SC-R11-CV
3. Lower Court Decision Links [GuirguisJospheenOPN.pdf](#)
4. Lower Court Summary The plaintiffs were injured by gunfire when the police were called to their residence to stop a domestic incident and burglary in progress. The plaintiffs sued the defendant city, arguing that their employee police officers were negligent in failing to adhere to department policies and rules. Some years after the case had been filed, the city filed a motion for summary judgment on the basis that the claims involved civil rights and that the city's governmental immunity was not removed under the Tennessee Governmental Tort Liability Act. The trial court agreed and granted the city's motion, dismissing the case. Discerning no reversible error, we affirm.
5. Status Heard 5/28/26 at Nashville.
6. Issue(s) As stated in the Appellants' rule 11 application:
- Whether a claim against a municipality, the gravamen of which is unequivocally that of negligence, can be barred by governmental immunity because a ruling subsequently renders possible a suit against municipal employees who have never been sued

1. Style April Hawthorne v. Morgan & Morgan Nashville, PLLC, et al.
2. Docket Number W2023-01186-SC-R11-CV
3. Lower Court Decision Links [HawthorneAprilOPN.pdf](#)

4. Lower Court Summary This is an appeal from a trial court's decision to grant class action certification. Discerning no abuse of discretion in the trial court's decision to certify the class at issue, we affirm.
5. Status Heard 4/8/26 at Jackson.
6. Issue(s) As stated in the Appellant's Rule 11 application:

1. The trial court expressly and impermissibly stated that it was applying a motion to dismiss standard – accepting all allegations as true and drawing all doubts in favor of plaintiff – to Ms. Hawthorne's class certification motion. That is legally incorrect. As Tennessee and federal courts evaluating class certification motions have repeatedly explained, Rule 23 does not set forth a mere pleadings standard but, rather, requires that the trial court conduct a rigorous analysis of the evidentiary and legal issues. Despite that clear legal error, the Court of Appeals affirmed. In so doing, it compounded the trial court's error by applying an abuse of discretion standard to the trial court's erroneous conclusions of law and presumptions of fact. Should the Court of Appeals' opinion be reversed, both to clarify the correct legal standard and where, following a de novo review using that standard, it is clear that Ms. Hawthorne could not meet her burden under Rule 23?

2. Any class certification analysis starts with the threshold question of standing: the named plaintiff or plaintiffs must have standing, and therefore representative capacity, to pursue the claims at issue. For the underlying Galilee Class, the Court of Appeals correctly determined that meant there must be a class representative with a relationship to each defendant funeral home – i.e., a relationship (and therefore duty) giving rise to that claim. Wofford, 528 S.W.3d at 542; see also Prado-Steiman, 221 F.3d at 1280. The Court of Appeals in this case disregarded that requirement and, in the process, created a split of authority in the Tennessee courts, finding that a class representative could establish standing based entirely on the alleged existence of an injury and commonality of damages. Should the Court of Appeals' opinion be reversed, where standing relies on a connection between the injury and specific conduct that caused that injury, rather than situational similarity and shared damages?

3. A class representative's most important role is to fairly and adequately advance the right and interests of the class. That is also true of class counsel. And, that cannot happen if there exists a conflict of interest in that representation. Here, Ms. Hawthorne claims that lead class counsel for the Galilee Class failed to properly advise class members of settlement offers and negligently failed to secure more advantageous settlements with 11 funeral home defendants over the course of the Galilee trial. But, at least one of her current attorneys was also responsible, pursuant to court order, for representing the entire Galilee Class, including advising the Galilee Class about settlement negotiations, and for participating in those negotiations. Other of the attorneys currently representing Ms. Hawthorne collected substantial attorneys fees for work either representing the Galilee Class or acting as experts on behalf of the Galilee Class. Yet, instead of initiating litigation against all of the attorneys responsible for representing the Galilee Class, Ms. Hawthorne – via her counsel – has elected to sue only Ms. Barnett and her firm. Should the Court of Appeals' opinion be reversed, where the court declined to evaluate those conflict issues and instead found Ms. Hawthorne's proposed class counsel satisfied the "adequacy" test because proposed class counsel have class action experience and are members in good standing of the Tennessee bar?

In addition to addressing the issues raised in the application, the Court directed the parties to address the following issues in their briefs and at oral argument:

(1) what effect, if any, Case v. Wilmington Trust, N.A., 703 S.W.3d 274 (Tenn. 2024), has on Plaintiff’s standing to bring this putative class action; and

(2) whether certification of the proposed class is warranted under Tennessee Rule of Civil Procedure 23.02

(3) and is consistent with Walker v. Sunrise Pontiac-GMC Truck, Inc., 249 S.W.3d 301 (Tenn. 2008).

1.	Style	State of Tennessee v. Jay Junior Heifner
2.	Docket Number	E2024-01517-SC-R11-CD
3.	Lower Court Decision Links	Heifner CCA OPN
4.	Lower Court Summary	Defendant, Jay Junior Heifner, appeals the Knox County Criminal Court’s revocation of the three-year term of probation imposed for his 2021 guilty-pleaded conviction of theft, arguing that the trial court was without jurisdiction to revoke his probation because the violation warrant was void and that the trial court erred by ordering that he serve the balance of his sentence in confinement. We conclude that because the affidavit in support of the violation warrant failed to comply with the statutory and rule-based requirements, the affidavit was void, the violation warrant was void, and the ensuing revocation proceeding was void. Accordingly, the judgment of the trial court is reversed, and the case is remanded to the trial court to determine whether, in the absence of a validly issued probation violation warrant, Defendant’s term of probation has expired.
5.	Status	Application granted 5/21/26. Motion for extension to file appellant’s brief granted and due 7/22/26.
6.	Issue(s)	As stated in the State’s application: I. Is a probation violation warrant “invalid” when the supporting affidavit does not comply with the statutory and procedural rules governing arrest warrants? II. Does an invalid probation violation warrant render subsequent probation revocation proceedings “void”?

1.	Style	State of Tennessee v. James R. Holley
2.	Docket Number	W2024-00748-SC-R11-CV
3.	Lower Court Decision Links	HolleyJamesROPN.pdf
4.	Lower Court Summary	The Defendant, James R. Holley, appeals the Henderson County Circuit Court’s denial of his request for alternative sentencing after his guilty pleas to eight counts involving drugs, weapons, and traffic offenses. Based on our review, we conclude that the Defendant failed to provide this court with an adequate appellate record. Accordingly, his

appeal is dismissed.

5. Status Heard 11/5/25 in Jackson.

6. Issue(s) As stated in the Appellant's Rule 11 application:

1. Whether the record reflected adequate evidence to conduct a meaningful review of the Appellant's case.

2. Whether the record contained adequate evidence to show a clear clerical error as to Count 5.

3. Whether the record contained adequate evidence to show an improper sentence as for Count 8.

In addition to the issues raised in the application, the Court requests that the parties also address the following issues in their briefs and at oral argument:

(1) whether, as argued by the parties, the application of the statutory enhancement factors found in Tenn. Code Ann. § 40-35-114 is appropriate in determining manner of service of a sentence, and

(2) whether the Court of Criminal Appeals' sua sponte dismissal of the appeal is contrary to this Court's decision in *State v. Bristol*, 654 S.W.3d 917 (Tenn. 2022).

1. Style Industrial Boiler & Mechanical Co., Inc. v. Tyler Andrew Evatt et al.

2. Docket Number E2024-00952-SC-R11-CV

3. Lower Court Decision Links [IndustrialBoilerOPN.pdf](#)

4. Lower Court Summary The plaintiff in this non-compete dispute raised several causes of action in the operative complaint but later filed a notice of voluntary nonsuit as to one of the claims within the suit. The defendants did not object at the time but nearly two years later filed a motion to dismiss the entire suit. The defendants asserted that Tennessee Rule of Civil Procedure 41.01 does not allow plaintiffs to dismiss one or more but fewer than all of the claims in a lawsuit. The trial court agreed and dismissed the plaintiff's remaining claims without prejudice. The plaintiff appeals. We reverse.

5. Status Application granted 2/26/26. Fully briefed.

6. Issue(s) As stated by the applicant:

1. Whether the Court of Appeals erred when it reversed the ruling of the Trial Court which dismissed the entirety of Industrial Boiler's action even though Industrial Boiler purported to voluntarily dismiss only one of the claims within the action pursuant to Tenn. R. Civ. P. 41.01.

2. Whether this case should be remanded to the Court of Appeals to determine whether the dismissal of the entire action is with prejudice or without prejudice because all applicable statutes of limitation have 18 expired.

1.	Style	Jamesway Construction, Inc. v. David W. Salyers, P.E.
2.	Docket Number	M2023-01704-SC-R11-CV
3.	Lower Court Decision Links	JameswayConstructionOPN.pdf JameswayConstructionSEPOPn.pdf
4.	Lower Court Summary	The plaintiff appeals from the dismissal of its claim concerning the Water Quality Control Act (“WQCA”), codified at Tennessee Code Annotated section 69-3-101, et seq. We now affirm the dismissal due to the applicable statute of limitations.
5.	Status	Heard 11/5/25 in Jackson.
6.	Issue(s)	As stated in the Appellant’s Rule 11 application: The Water Act provides that an administrative appeal must be filed within 30 days of an initial order. The UAPA provides that an administrative appeal must be filed within 15 days of an initial order. Did the Court of Appeals err in holding that the UAPA provision prevails over the Water Act provision by discounting duly enacted but uncodified legislation expressly providing that the Water Act provision shall govern in the event of such a conflict?

1.	Style	Leslie K. Jones v. Tennessee State University
2.	Docket Number	M2024-01008-SC-R11-CV
3.	Lower Court Decision Links	LeslieKJonesOPN.pdf
4.	Lower Court Summary	Leslie K. Jones (“Mr. Jones”), an at-will support staff employee of Tennessee State University (“TSU”), appeals the termination of his employment. His at-will employment agreement provided for fourteen days-notice prior to termination of his employment. When he received a termination notice on March 1, 2012, Mr. Jones filed a grievance. TSU responded advising Mr. Jones that he could not grieve his termination because he was terminated under the terms of his at-will employment agreement “without cause.” Following extensive delays and a declaratory judgment action in a related proceeding, TSU was ordered to afford Mr. Jones a grievance hearing pursuant to Tenn. Code Ann. § 49-8- 117(a)(1). Following an evidentiary hearing, the Hearing Officer found that “[TSU] was not obligated to provide a reason for termination under the terms of the employment contract;” nevertheless, he found that good cause for his termination had been established. Therefore, the Hearing Officer ruled that his termination should be upheld. After TSU’s President upheld the Hearing Officer’s decision, Mr. Jones filed a petition seeking judicial review pursuant to Tennessee Code Annotated § 4-5-322. The chancellor affirmed and dismissed the petition with prejudice. Mr. Jones appeals. On appeal, TSU insists that its compliance with the notice provision of the employment agreement is the substantial and material evidence needed to uphold the Hearing Officer’s ruling. We disagree. As this court explained in <i>Lawrence v. Rawlins</i> , No. M1997-00223-COA-R3-CV, 2001 WL 76266, at *3 (Tenn. Ct. App. Jan. 30, 2001), “[w]hen the General Assembly enacted Tenn. Code Ann. § 49-8-117 in 1993, it modified the employment-will-relationship between the educational institutions in the . . . State

University and Community College System [which includes TSU] and their ‘support staff.’” The statute requires these educational institutions to establish a grievance procedure for their support staff, which “must cover employee complaints relating to adverse employment actions[.]” Tenn. Code Ann. § 49-8- 117(b)(2)(A). Finding that Mr. Jones’s employment could only be terminated “for cause” or as part of “a bona fide reduction in force,” neither of which was the basis of Mr. Jones’s termination, we reverse the judgment of the chancery court and the Hearing Officer and remand with instructions for the Hearing Officer to, inter alia, ascertain the relief and benefits Mr. Jones is entitled to receive.

5.	Status	Heard 5/28/26 at Nashville.
6.	Issue(s)	As stated in the Applicant’s Rule 11 application: When an administrative hearing officer’s decision is supported by two independent bases, may a reviewing court reverse when it concludes that one basis was error without addressing the second basis or the evidence supporting it?
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7.	Style	Board of Professional Responsibility of the Supreme Court of Tennessee v. Loring Justice
8.	Docket Number	E2025-01449-SC-R3-BP
9.	Lower Court Decision Links	N/A
10.	Lower Court Summary	N/A
11.	Status	Notice of Appeal filed 9/22/25. Appellant’s brief filed 4/21/26; Appellee’s brief filed 5/21/26. Motion for extension to file reply brief granted and due 6/11/26.
12.	Issue(s)	N/A
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1.	Style	Danielle Lowe, ex rel. Beau Christopher Lowe et al. v. Bridgestone Americas Tire Operations, LLC
2.	Docket Number	M2023-01774-SC-R11-CV
3.	Lower Court Decision Links	DanielleLoweOPN.pdf
4.	Lower Court Summary	This is a premises liability/wrongful death case. Decedent, an employee of appellee’s independent contractor, died when the suspension system that was used to lift and turn tire molds failed, and the mold fell onto decedent. The trial court denied appellee’s motion for summary judgment on the question of workers’ compensation exclusivity, but it granted appellee’s motion for summary judgment on the question of duty. Because disputed material facts concerning appellee’s duty to decedent preclude summary judgment, we reverse the trial court’s grant of the motion on that question. We affirm the trial court’s denial of summary judgment on the workers’ compensation exclusivity

question.

5. Status Heard 12/3/25 SCALES at Bryan College in Dayton.
6. Issue(s) As stated in the Appellant's Rule 11 application:
1. Whether the Court of Appeals erred in affirming, without discussion or analysis, the trial court's conclusory finding that disputed material facts precluded summary judgment with respect to two dispositive issues relating to the workers' compensation exclusivity rule, Tenn. Code Ann. § 50-6-108.
 2. Whether the Court of Appeals erred in affirming the trial court's denial of Defendant's motion for summary judgment under the workers' compensation exclusivity rule when:
 - a. The Court of Appeals expressly found that Defendant had the right to control the procedures that Mr. Lowe used to perform his work;
 - b. There is no genuine dispute that the work that Mr. Lowe performed was part of Defendant's regular business; and
 - c. There is no genuine dispute that the work that Mr. Lowe performed was the same type of work usually performed by Defendant's employees.
 3. Whether the Court of Appeals court erred in its application of *Blair v. Campbell*, 924 S.W.2d 75 (Tenn. 1996), and in reversing the trial court's grant of summary judgment to Defendant.

1. Style Jedidiah Charles McKeehan v. Board of Professional Responsibility
2. Docket Number E2025-01543-SC-R3-BP
3. Lower Court Decision Links N/A
4. Lower Court Summary N/A
5. Status Notice of Appeal filed 10/2/25. Fully briefed.
6. Issue(s) N/A

1. Style Robin M. McNabb v. Gregory Harrison
2. Docket Number E2025-01097-SC-R11-CV
3. Lower Court Decision Links [McNabb v. Harrison COA OPN](#)

4. Lower Court Summary This election contest action is before this Court for the second time on appeal. The plaintiff, Robin M. McNabb, initially sought a judgment declaring the August 2022 election for Lenoir City Municipal Court Judge void because the defendant, Gregory H. Harrison, who had received the greatest number of votes, did not meet the one-year “district” residency requirement set forth in Article VI, Section 4 of the Tennessee Constitution. After the trial court dismissed Ms. McNabb’s complaint and this Court affirmed the dismissal, our Supreme Court reversed those decisions upon holding that Article VI, Section 4 required a candidate to have been a resident of the municipality for at least one year prior to the election. *McNabb v. Harrison*, 710 S.W.3d 653 (Tenn. 2025) (“*McNabb I*”). On remand, the trial court declared the election void. Mr. Harrison subsequently filed a motion to set aside that order predicated on a newly enacted statute, Tennessee Code Annotated § 16-18-206, which provides that the *McNabb I* decision “shall apply prospectively and shall be enforced beginning with the next regularly scheduled election for any affected municipal judgeship after May 21, 2025.” See Tenn. Code Ann. § 16-18-206(c). Ms. McNabb filed a response opposing Mr. Harrison’s motion, and she filed a motion to amend her complaint wherein she requested that she be declared the “winner” of the August 2022 election. The trial court granted Mr. Harrison’s motion to set aside the order and denied Ms. McNabb’s motion to amend her complaint. The trial court found, inter alia, that Ms. McNabb had failed to properly raise a constitutional challenge to § 16-18-206. Ms. McNabb has appealed. Upon thorough review, we determine that Ms. McNabb sufficiently raised a constitutional challenge to § 16-18-206. We therefore reverse the trial court’s finding that Ms. McNabb did not raise a constitutional challenge, vacate the trial court’s grant of Mr. Harrison’s motion to set aside, and remand for the trial court to consider the constitutionality of § 16-18-206 and to reconsider Mr. Harrison’s motion to set aside. However, we affirm the trial court’s finding that under the precepts of § 16-18-206, Mr. Harrison was the de facto Lenoir City Municipal Court Judge.
5. Status Application granted 5/21/26.
6. Issue(s) As stated in the Appellant’s Rule 11 application:
1. Can a trial court rule on an issue that is only contained in an amended complaint that is not the operative pleading?

1. Style Metropolitan Government of Nashville and Davidson County v. Bill Lee, et al.
2. Docket Number M2023-01678-SC-R11-CV
3. Lower Court Decision Links [Metro v Lee OPN.pdf](#)
4. Lower Court Summary In this dispute, the trial court found that certain subsections of 2023 Tennessee Public Acts, chapter 488, violated the home rule amendment and the equal protection guarantee found in the Tennessee Constitution. The defendants, who are officials of the State of Tennessee, have appealed the trial court’s ruling. Following our thorough review, we affirm the trial court’s determination that section two of the act is unconstitutional. However, we reverse the trial court’s determination that sections two, six, seven, eight, and nine of the Act violate the equal protection guarantee found in the Tennessee Constitution. We therefore also reverse the trial court’s elision of sections six, seven, eight, and nine from the statute.

5. Status Heard 2/12/26 in Nashville. Supplemental briefing ordered by the court on 6/9/26 and due 6/23/26.

6. Issue(s) The application for permission to appeal presents the question of “Whether 2023 Tennessee Public Acts, chapter 488, § 2, violates the Local Legislation Clause of the Tennessee Constitution’s Home Rule Amendment.” With respect to that issue, the Court requests that the parties address in their briefing whether the Court of Appeals erred in determining that Subsection 2(1)(C) of the Act cannot be elided.

The Court also requests that the parties address in their briefing whether the trial court erred in determining that Section Two of the Act violates the Anti-Ripper Clause in the Home Rule Amendment.

1. Style Metropolitan Government of Nashville and Davidson County, et al. v. Bill Lee, et al.

2. Docket Number M2024-01182-SC-R11-CV

3. Lower Court Decision Links [Metro v Lee OPN.pdf](#)
[Metro v Lee SEP OPN.pdf](#)

4. Lower Court Summary A three-judge panel was convened in this case to determine the constitutionality of 2023 Tennessee Public Chapter 21. While the case was pending, the trial court temporarily stayed implementation of subsection 1(b) of the legislation, the result of which was that the deadlines contained therein were rendered moot. In considering competing summary judgment motions, the trial court unanimously ruled that subsection 1(a) of the act was not also moot. In a divided decision, however, the trial court concluded that the legislation violated two provisions of the Tennessee Constitution: the home rule amendment and a clause exempting metropolitan governments from a twenty-five-member cap on county legislative bodies. Both parties appeal. We affirm the trial court’s ruling that subsection 1(a) is not moot. We reverse, however, its conclusion that the statute is barred by either constitutional provision at issue.

5. Status Heard 2/12/26 in Nashville. Supplemental briefing ordered by the court on 6/9/26 and due 6/23/26.

6. Issue(s) As stated by Metro, with the Individual Plaintiffs joining in Issues 1 and 3:

1. Are Metro Nashville’s constitutional challenges to Subsection 1(a) of the Act justiciable following the expiration of Subsection 1(b)’s implementation provisions?

2. May the General Assembly, by statute, limit the size of metropolitan councils to twenty members consistent with the Exemption Clause in Article VII, Section 1 of the Tennessee Constitution, which exempts metropolitan governments from the constitutional and statutory limitations applicable to other county legislative bodies?

3. Insofar as Subsection 1(a) imposes an independent mandate for Metro Nashville to reduce its metropolitan council size to no more than twenty members, does Subsection 1(a) violate the Local Legislation Clause in Article XI, Section 9 of the Tennessee Constitution?

In its answer, the State restates these issues as:

1. Whether the Court of Appeals correctly interpreted § 1(a) of 2023 Tenn. Pub. Acts, ch. 21, to impose ongoing legal obligations on all metropolitan governments.
2. Whether the Court of Appeals correctly held that the Exemption Clause in Article VII, § 1 does not prevent statutory restrictions on consolidated governments.
3. Whether the Court of Appeals correctly concluded that § 1(a)'s restriction on metropolitan councils throughout the State complies with the Local Legislation Clause in Article XI, § 9.

1.	Style	City of Milan, Tennessee, et al. v. Frederick H. Agee
2.	Docket Number	W2024-00200-SC-R11-CV
3.	Lower Court Decision Links	CityofMilanOPN.pdf
4.	Lower Court Summary	This appeal arises from a dispute between two municipalities and the district attorney general responsible for prosecuting cases in the jurisdiction in which the municipalities lie. The district attorney general threatened to cease the prosecution of cases in the courts of the municipalities and stated that he would only continue to do so if the municipalities provided an additional assistant attorney general position for his office or funding for such a position. The district attorney general justifies his threat by citing Tennessee Code Annotated section 8-7-103(1), which he asserts requires municipalities to fund additional prosecutorial personnel in order for his duty to prosecute cases in municipal court to be triggered. The municipalities filed a complaint for writ of mandamus and later amended their claims to include a request for declaratory judgment. The trial court ordered that the municipalities were entitled to a declaratory judgment “that they ha[d] provided ‘sufficient personnel’” to the district attorney general and that he could not avoid the responsibility of prosecuting cases “by invoking Tenn. Code Ann. § 8-7-103(6).” The trial court also determined that the district attorney general had a “clear statutory mandate” and issued a “peremptory writ of mandamus” compelling the district attorney general to comply with the statute. The district attorney general appeals. Finding that Tennessee Code Annotated section 8-7-103(1)’s “personnel requirement” does not refer to prosecutorial personnel, we affirm in part and reverse in part.
5.	Status	Heard 4/8/26 at Jackson.
6.	Issue(s)	As stated in the Appellant’s Rule 11 Application: Tennessee Code Annotated § 8-7-103 sets out the duties of the State’s elected district attorneys. One of those duties is to “prosecut[e] cases in a municipal court where the municipality provides sufficient personnel to the district attorney general for that purpose.” Tenn. Code Ann. § 8-7-103(1). The General Assembly also made clear, just a few subsections later, that district attorneys “[s]hall have discretion in the performance of duties and responsibilities in the allocation of resources . . . , any other law notwithstanding.” Id. § 8-7-103(6).

When a municipality staffs its court with judges, clerks, and bailiffs, but provides neither

prosecutorial personnel nor funding to the district attorney, must that district attorney nevertheless prosecute cases in that municipality's court?

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| 1. | Style | State of Tennessee v. Brent Paul Moon |
| 2. | Docket Number | M2023-01192-SC-R11-CD |
| 3. | Lower Court Decision Links | MoonBrentPaul.OPN |
| 4. | Lower Court Summary | The Defendant, Brent Paul Moon, appeals the trial court's revocation of his effective three-year probationary sentence for felony evading arrest, simple possession of methamphetamine, and driving on a revoked license. On appeal, the Defendant argues that his right to a speedy trial was violated and, as such, the probation violation should be dismissed. Next, he contends that the trial court erred by admitting hearsay statements at the revocation hearing because no "good cause" existed for the statements' entry and that the statements were not reliable. Lastly, he claims the trial court erred by revoking his probation and running the revocation sentence consecutively to the sentence for his new criminal convictions. After review, we affirm the judgments of the trial court but remand for correction of a clerical error on the Defendant's judgment form for simple possession of methamphetamine. |
| 5. | Status | Heard 5/27/26 SCALES at Cookeville. |
| 6. | Issue(s) | As stated in the appellant's rule 11 application: <ol style="list-style-type: none"> 1. For a probation revocation, does the issuance of the warrant trigger the defendant's right to a speedy trial? If so, was the right violated? 2. The statute Tennessee Code Annotated § 40-35-310(a) only allows for a judge to stack a revocation on top of a new charge if he finds that the defendant actually committed the "conduct . . . that resulted in a conviction[.]" . . . Did the trial court violate the statute by running a revocation consecutive to new charges, without finding the Defendant guilty of the same criminal conduct embodied in said charges? |

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| 1. | Style | State of Tennessee v. Jeffrey Tate and Steven J. Ogle |
| 2. | Docket Number | E2023-01737-SC-R11-CD |
| 3. | Lower Court Decision Links | JeffreTateandStevenOgleOPN.pdf |
| 4. | Lower Court Summary | Defendants, Jeffrey August Tate and Steven Ogle, were indicted in separate cases for multiple counts of theft of property and home construction fraud involving separate victims. Before trial, both Defendants filed motions to dismiss the home construction fraud counts in their respective indictments, alleging that a portion of the home construction fraud statute, Tennessee Code Annotated section 39-14-154(b)(1), was unconstitutionally vague on its face, and Defendant Tate also argued that the statute was vague as applied to him. Following a joint hearing on both Defendants' motions, the trial court concluded that the home construction fraud statute is unconstitutionally vague on its face. The State |

appealed both Defendants' cases pursuant to Tennessee Rule of Appellate Procedure 3(c), and this court consolidated the appeals. We conclude that the State does not have an appeal as of right pursuant to Rule 3(c) because the record does not reflect that the substantive effect of the trial court's order resulted in the dismissal of the indictments. Accordingly, we dismiss the appeals

5. Status Heard 10/1/25 on briefs.
6. Issue(s) As stated in the Appellant's Rule 11 Application:
1. Whether the State has a right of appeal under Tenn. R. App. P. 3(c) when the trial court dismisses some, but not all, counts of an indictment.
 2. Whether the State has a right of appeal under Tenn. R. App. P. 3(c) when the trial court enters an order declaring a criminal statute facially unconstitutional, effectively dismissing counts of an indictment brought under that statute, even if the court does not enter a separate dismissal order or judgment.

In addition to addressing the issues raised in the application, the Court directed the parties to address the following issues in their briefs and at oral argument:

(1) whether the Court of Criminal Appeals abused its discretion by dismissing the State's appeal for lack of jurisdiction without giving the parties notice and an opportunity to be heard on that issue, see *State v. Bristol*, 654 S.W.3d 917, 927 (Tenn. 2022); and

(2) whether, if the State is not entitled to an appeal as of right under Tennessee Rule of Appellate Procedure 3(c), the Court of Criminal Appeals should have treated the notice of appeal as an application for extraordinary appeal under Tennessee Rule of Appellate Procedure 10.

1. Style Shanika Pack et al. v. Physicians Quality Care, PLLC et al.
2. Docket Number W2025-01570-SC-R11-CV
3. Lower Court Decision Links [ShanikaPack Order](#)
4. Lower Court Summary Rule 9 application denied.
5. Status Application granted 2/27/26. Fully briefed.
6. Issue(s) As stated by the applicant:

Whether in a healthcare liability action filed before September 29, 2023 (the date of this Court's decision in *Crotty v. Flora*, 676 S.W.3d 589 (Tenn. 2023)), the plaintiff's full, undiscounted medical bills are both admissible and substantive proof of the reasonable value of the plaintiff's medical expenses, where the plaintiff pays, in part, for his medical insurance.

1. Style State of Tennessee v. Ginny Elizabeth Parker

2.	Docket Number	M2022-00955-SC-R11-CD
3.	Lower Court Decision Links	GinnyParkerOPN.pdf
4.	Lower Court Summary	The Defendant, Ginny Elizabeth Parker, was convicted following a bench trial of five counts of forgery, for which she received an effective six-year sentence to serve. On appeal, the Defendant argues that: (1) the evidence is insufficient to support her forgery convictions, specifically regarding whether she acted without authorization; (2) the trial court shifted the burden of service of medical records pursuant to Tennessee Code Annotated section 24-7-122(c) from the State to the Defendant; (3) the trial court erroneously admitted proof of a PayPal account that was linked to the victims' bank account; (4) she is entitled to relief based on cumulative error; and (5) her sentence is grossly disproportionate to her offenses, in violation of the Eighth Amendment to the United States Constitution and article I, section 16 of the Tennessee Constitution. Following our review, we affirm the judgments of the trial court.
5.	Status	Heard 5/28/25 at Cookeville SCALES.
6.	Issue(s)	The Court limits its review to the following issue: Whether the evidence is sufficient to sustain the defendant's convictions for forgery.

1.	Style	Connie Reguli v. BPR
2.	Docket Number	M2024-00153-SC-R3-BP
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard 5/29/25 on-briefs.
6.	Issue(s)	N/A

1.	Style	Connie Reguli v. BPR
2.	Docket Number	M2025-00454-SC-R3-BP
3.	Lower Court Decision Links	N/A
4.	Lower Court Summary	N/A
5.	Status	Notice of appeal filed 4/1/25. Record filed 9/3/25. Appellant's brief filed 11/10/25. Appeal stayed by order filed 12/16/25.

6. Issue(s) N/A

1. Style Saint Claude Renel, et al. v. Drexel Chemical Company

2. Docket Number W2023-01693-SC-R11-CV

3. Lower Court Decision Links [SaintClaudeRenelOPN.pdf](#)
[SaintClaudeRenelDIS.pdf](#)

4. Lower Court Summary The Plaintiffs in this case, who live in the Dominican Republic, were allegedly injured by toxic herbicides used in the sugar cane industry. Following the Plaintiffs' filing of a lawsuit against the Defendant, a Tennessee corporation, pursuant to the Tennessee Products Liability Act, the Defendant moved to dismiss the case on several grounds. Although the trial court rejected the viability of a number of these defenses asserted by the Defendant at the motion to dismiss stage, the trial court concluded that the case should be dismissed on the basis that "the TPLA does not have extraterritorial application." The trial court also opined that, "even if a case were to proceed in Tennessee, the applicable law would be the law of the Dominican Republic" but noted that the Plaintiffs "have only set forth a specific claim under the TPLA." For the reasons stated herein, we affirm the trial court's dismissal of the case.

5. Status Application granted 11/25/25. Fully briefed.

6. Issue(s) As stated by Applicant:

Did the Court of Appeals err by affirming the Shelby County Circuit Court's dismissal of the Complaint based on its finding that the Tennessee Products Liability Act, Tenn. Code Ann. § 29-28-101 et seq ("TPLA") could not be applied extraterritorially, solely on the basis that the TPLA does not expressly apply extraterritorially, while ignoring Appellants' argument that the Shelby County Circuit Court erred in its conclusion under the second prong of the framework established in *RJR Nabisco, Inc. v. Eur. Cmty.*, that, based on the allegations in the Complaint, the TPLA can be applied domestically in this case.

A. Did the Court of Appeals' reliance on *Williaford v. Holiday Inns, Inc.*, deprive Appellants of a full and fair consideration of their arguments on appeal under circumstances where those arguments involved a question of first impression in Tennessee of an important question of law?

In conjunction with the issues raised in the application, the Court directs the parties to address the following question encompassed by the issue presented: What framework should Tennessee courts use in determining whether a statute applies extraterritorially and whether a presumption against extraterritoriality applies under Tennessee law.

1. Style Christopher Rogers v. Frank Strada et al.

2. Docket Number M2024-01575-SC-R11-CV

3. Lower Court Decision Links [ChristopherRogersOPN.pdf](#)

4. Lower Court Summary This is an action for declaratory judgment filed by an inmate to correct his sentence expiration date. The inmate was sentenced to life in prison for first-degree murder, and

his sentence was governed by the release eligibility provision in Tennessee Code Annotated § 40-35-501(h)(1). The State agreed that § 40-35-501(h)(1) entitled the inmate to apply credits for good behavior and program performance to reduce his parole eligibility date, but the parties disagreed on whether the inmate could also apply his credits to reduce the length of his sentence, to advance his sentence expiration date. The trial court entered judgment for the inmate. The court reasoned that the sentence credit statute, Tennessee Code Annotated § 41-21-236, applies to all inmates unless otherwise specified and that the General Assembly had not specifically prohibited the application of credits to the expiration date of life sentences for first-degree murder. We agree with the trial court and affirm its judgment.

5. Status Application granted 2/26/26. Appellants' brief filed 4/29/26. Motion for extension to file Appellee's brief granted and due 6/29/26.
6. Issue(s) As stated by the applicant:
 - I. Whether a "sentence of imprisonment for life" under Tenn. Code Ann. § 40-35-501(h)(1) expires at the end of "life" or at "sixty years," as stated in *Brown v. Jordan*, 563 S.W.3d 196, 200 (Tenn. 2018).
 - II. Whether a "sentence of imprisonment for life" under Tenn. Code Ann. § 40-35-501(h)(1), if construed to be a determinate sentence of sixty years, may expire before sixty years through the application of sentence reduction credits.

1. Style Brenda Sands v. Robert Williard et al.
2. Docket Number W2024-00772-SC-R11-CV
3. Lower Court Decision Links [SandsBrendaOPN.pdf](#)
4. Lower Court Summary The Plaintiff, who was injured by tripping on a sidewalk, filed suit against the private property owners and city but failed to properly serve the city. In their original answer, the private property owners asserted the city's comparative fault but not in express terms. The Plaintiff voluntarily dismissed the city as a defendant. In an amended answer, the private property owners expressly asserted comparative fault against the city. The Plaintiff promptly amended her complaint to add the city as a defendant under Tennessee Code Annotated section 20-1-119, which provides a plaintiff 90 days after the filing of an answer asserting comparative fault against a non-party to add that non-party as a defendant, even if doing so would otherwise be barred by a statute of limitations. The city asserted this was not in accordance with the statute because the private property owners asserted comparative fault against the city in the original answer. The trial court determined that, although the original answer did raise comparative fault of the city, this did not trigger the 90-day window under the statute because the city was a party at the time. The trial court concluded that the amended answer was timely filed within 90 days of the filing of the first answer alleging comparative fault against a non-party, which was the amended answer. The city appeals. We affirm.
5. Status Heard 4/8/26 at Jackson.
6. Issue(s) As stated by Applicant:

Whether, under Tenn. Code Ann. § 20-1-119, an added defendant's status as a party is determined when the plaintiff amends her complaint, as the court of appeals held in Townes v. Sunbeam Oster Co. and Queen's Tree Surgery, Inc. v. Metropolitan Government of Nashville and Davidson County, or when the answer raising the added defendant's comparative fault is filed, as the court of appeals held in Scales v. H.G. Hill Realty Co., LLC and this case.

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| 1. | Style | SH Nashville, LLC et al. v. FWREF Nashville Airport, LLC |
| 2. | Docket Number | M2023-01147-SC-R11-CV |
| 3. | Lower Court Decision Links | SHNASHVILLEOPN.pdf |
| 4. | Lower Court Summary | This appeal arises out of a contract for the sale of a hotel property near the Nashville airport. After numerous amendments to the purchase and sale agreement, the seller declared the prospective buyer to be in default, sold the property to a different buyer, and retained over 18 million dollars in earnest money. The prospective buyer filed suit against the seller for a declaratory judgment that the liquidated damages provision in the contract was unenforceable and for conversion. The trial court dismissed the conversion claim and ruled in favor of the seller on summary judgment. We have concluded that the trial court erred in its disposition of both causes of action. |
| 5. | Status | Heard 10/1/25 in Nashville. |
| 6. | Issue(s) | As stated in the Appellant's Rule 11 Application: <ol style="list-style-type: none"> 1. Under the prospective approach adopted by this Court to review liquidated damages provisions, does the defaulting party have the burden to show that a liquidated damages provision is unenforceable if the party seeking to enforce the provision has presented an agreement with clear and unambiguous terms on the reasonableness of damages and that damages would be difficult if not impossible to ascertain? 2. In a real estate contract where the liquidated damages are a percentage of the purchase price, must the parties' agreement contain a "metric for calculating the amount of liquidated damages or an explanation of the basis for the amounts provided" at the time of entering into the contract? 3. Under Rule 56 of the Tennessee Rules of Civil Procedure, is presentation of the parties' express agreement as to liquidated damages by the non-defaulting party sufficient to show it is entitled to summary judgment on a declaratory judgment claim such that the burden shifts to the defaulting party to present evidence of why the liquidated damages are not reasonable or must the non-breaching party present evidence extrinsic to the agreement regarding the reasonableness of the estimated damages? |

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| 1. | Style | Derry M. Thomspson, et al. v. Timothy A. Graham, et al. |
| 2. | Docket Number | E2024-00568-SC-R11-CV |
| 3. | Lower Court | ThompsonDerryOPN.pdf |

Decision Links

4. Lower Court Summary This appeal stems from a trial court’s order enforcing a settlement agreement regarding a long-running business divorce. However, because the appellants’ notice of appeal is untimely, this Court lacks subject matter jurisdiction, and the appeal must be dismissed.
5. Status Application granted 10/9/25. Fully briefed. TBH on-briefs.
6. Issue(s) Three issues presented by Applicants:

1. Whether the Court of Appeals improperly failed to consider whether a trial court’s order taxing all costs against one party affects the substantive rights or obligations of that party when the settlement agreement previously enforced by the trial court provided such costs are to be split equally.

2. Whether the Court of Appeals improperly denied Defendants’ requests for remand to seek relief under Tenn. R. Civ. P. 60.02 as a matter of fact and law by enhancing Defendants’ burden and applying a heightened standard from that established by this Court in *Spence v. Allstate Ins. Co.*, 883 S.W.2d 586 (Tenn. 1994).

3. Whether the Court of Appeals improperly neglected to consider Defendants’ indisputably timely appeal of the Trial Court’s Order taxing all costs against them.

In addition to the issues raised in the application, the Court, pursuant to Tennessee Rule of Appellate Procedure 13(b), directs the parties to address the following issue:

Whether judgment in this case was effectively entered pursuant to Tennessee Rule of Civil Procedure 58 on March 18, 2024, even though the clerk’s certificate of service was dated March 20, 2024.

1. Style *Tri-State Insurance Company of Minnesota a/s/o Campus Chalet, Inc. v. East Tennessee Sprinkler Company, Inc.*
2. Docket Number E2024-00599-SC-R11-CV
3. Lower Court Decision Links [Tri-StateInsuranceCoOPN](#)
4. Lower Court Summary This appeal stems from a dispute over a purportedly defective sprinkler system which malfunctioned, causing significant damage to Campus Chalet, Inc. (“Campus Chalet”). East Tennessee Sprinkler Company, Inc. (“ETS”) installed the system in 1992 and remained contractually responsible for subsequent inspections, testing, and maintenance of the system. On October 5, 2023, Campus Chalet’s insurance carrier filed a complaint in the Circuit Court for Washington County (the “trial court”), against ETS, alleging that the sprinkler system malfunctioned and caused significant damage to Campus Chalet. ETS filed a motion to dismiss, arguing that the complaint was time-barred by a statute of repose. The trial court granted ETS’s motion, and this appeal followed. Because we agree with the appellant that the negligence and breach of contract claims are based on ongoing failures to inspect, test, and maintain the system, we reverse.
5. Status Heard 1/8/26 in Knoxville.
6. Issue(s) As stated in the Appellant’s Rule 11 application:
1. Whether the Court of Appeals erred in finding that Plaintiff sufficiently stated a

cause of action for negligence and breach of contract under Tenn. Code Ann. § 28-3-202 where the cause of Plaintiff’s claim for damages—as pleaded in the Complaint—arose from the allegedly improper design and construction of an improvement to real property in 1992.

2. Whether the Court of Appeals erred in finding that Plaintiff sufficiently stated a cause of action for negligence and breach of contract where no duty was adequately pleaded.

3. Whether the Trial Court’s award of attorney’s fees to Defendant under Tenn. Code Ann. § 20-12-119 should be affirmed.

1.	Style	In re Nick Charles Vergos
2.	Docket Number	W2024-00610-SC-R11-CV
3.	Lower Court Decision Links	Vergos COA OPN
4.	Lower Court Summary	Because the Shelby County Probate Court had no subject-matter jurisdiction over this breach of contract case, we vacate the probate court’s order and remand with instruction to transfer the matter to the Shelby County Chancery Court.
5.	Status	Application granted 6/2/26. Briefing schedule suspended until further order of the Court.
6.	Issue(s)	As stated by the Appellant in the Rule 11 application: 1. Whether the Court of Appeals erred by finding that the Shelby County Probate Court lacked subject matter jurisdiction over this matter?

1.	Style	Anthony Washington v. Tennessee Department of Correction, et al.
2.	Docket Number	M2024-01475-SC-R11-CV
3.	Lower Court Decision Links	anthony.washington.opn_.pdf
4.	Lower Court Summary	An inmate filed a petition for declaratory judgment against the Commissioner of the Tennessee Department of Corrections (“TDOC”). The action was filed in Wayne County Chancery Court instead of Davidson County Chancery Court as required by Tenn. Code Ann. § 4-5-225(a). The trial court found that venue in Wayne County Chancery Court was not proper and that it was not in the interest of justice to transfer venue to Davidson County because Defendant neither had paid any portion of the filing fee, pursuant to Tenn. Code Ann. § 41-21-807, nor had he named the agency, TDOC, as a party to the action as required by Tenn. Code Ann. § 4-5-225(a). The trial court, therefore, dismissed the inmate’s petition. We find that the inmate had not failed to comply with the partial filing fee payment because the trial court had not assessed the initial filing fee to be paid. However, the trial court was correct that the inmate had failed to include TDOC as a party to the action as required by Tenn. Code Ann. § 4-5-225(a). Upon consideration of the appellee’s argument concerning the timeliness of the inmate’s notice of appeal, we

hold that we have subject matter jurisdiction over this appeal. Although we disagree with the trial court's conclusion regarding the inmate's compliance with Tenn. Code Ann. § 41-21-807, we affirm the trial court's judgment dismissing the inmate's action because the inmate failed to name TDOC as a party to the action.

5. Status Both applications granted 3/3/26. TDOC's brief filed 5/4/26. Motion for extension to file Appellee's brief granted and due 7/6/26.
6. Issue(s) As stated in the State's application:
- I. Whether a "sentence of imprisonment for life" under Tenn. Code Ann. § 40-35-501(h)(1) expires at the end of "life" or at "sixty years," as stated in *Brown v. Jordan*, 563 S.W.3d 196, 200 (Tenn. 2018).
- II. Whether a "sentence of imprisonment for life" under Tenn. Code Ann. § 40-35-501(h)(1), if construed to be a determinate sentence of sixty years, may expire before sixty years through the application of sentence reduction credits
- As stated in Washington's application:
- I. What is the determinate sentence length for a life sentence under the Criminal Reform Act of 1989:
- Is it 36 years;
 - Is it 60 years; or
 - Is it from the sentence commencement date until death?
- II. Are the Sentence reduction Credits awarded under T.C.A. § 41-21-236, Applied:
- To both the expiration date and the release eligibility date; or
 - Solely towards the expiration date, so that both are affected as directed by statute;
- III. Whether the lower court was faced with genuine issues of material facts, under Rule 56 Summary Judgment, that were and are in dispute, before rendering a decision?
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1. Style Sarah Elizabeth Woodruff v. Ford Motor Company
2. Docket Number E2023-00889-SC-R11-CV
3. Lower Court Decision Links [Woodruff vs. Ford Motor Co OPN](#)
4. Lower Court Summary After a tragic motor vehicle accident caused her husband's death and her minor child's serious injuries, the plaintiff filed this products liability action against several manufacturers and sellers. We granted the instant interlocutory appeal in which the defendant requests review — based on the Tennessee Supreme Court's majority opinion in *Carolyn Coffman, et al. v. Armstrong International, Inc., et al.*, 615 S.W.3d 888 (Tenn. 2021) — of the trial court's denial of its motion for relief from unfavorable summary judgment orders. We reverse the trial court.
5. Status Heard 9/4/25 in Knoxville.
6. Issue(s) As stated in the Appellant's Rule 11 Application:
- Whether this Court's holding in *Coffman v. Armstrong International, Inc.*, 615 S.W.3d

888 (Tenn. 2021), means that manufacturers in Tennessee have no legal duty to adequately warn about the uses and misuses of their own products if the harm to be warned against happens to involve interplay with another manufacturer’s product.

2. Whether the subject seat belt extender was defective or unreasonably when it left Ford’s control within the meaning of section 29-28-105(a), when Ford failed to reasonably communicate the danger of misusing the subject extender to restrain children, and when Ford had pre-sale notice and knowledge that consumers were misusing the product to restrain children riding in booster seats.

1.	Style	Sarah Elizabeth Woodruff ex rel Ethan Woodruff et al. v. Ford Motor Company et al.
2.	Docket Number	E2023-00488-SC-R11-CV
3.	Lower Court Decision Links	Woodruff vs Ford Motor Co OPN
4.	Lower Court Summary	After a tragic motor vehicle accident caused her husband’s death and her minor child’s serious injuries, the plaintiff filed this products liability action against several manufacturers and sellers. The plaintiff appeals from the trial court’s order granting summary judgment in favor of Dorel Juvenile Group, Inc., a booster seat manufacturer. Based on the Tennessee Supreme Court’s majority opinion in Carolyn Coffman, et al. v. Armstrong International, Inc., et al., 615 S.W.3d 888 (Tenn. 2021), and the relevant provisions of the Tennessee Products Liability Act, we affirm the trial court.
5.	Status	Heard 9/4/25 in Knoxville.
6.	Issue(s)	As stated in the Appellant’s Rule 11 Application: Whether Coffman v. Armstrong International, Inc., 615 S.W.3d 888, 897 (Tenn. 2021), defeats Plaintiff’s claim against Dorel for failing to warn of the dangers associated with using a seat belt extender to install the subject booster seat, when Dorel negligently and recklessly instructed consumers to “contact your dealer for a seat belt extender” if “your vehicle belt is too short.”

7.	Style	Mark T. Young, Individually and d/b/a Mark T. Young & Associates v. Bonnie Young Davidson
8.	Docket Number	E2025-01385-SC-R3-CV
9.	Lower Court Decision Links	N/A
10.	Lower Court Summary	N/A
11.	Status	Heard 5/28/26 at Nashville.
12.	Issue(s)	N/A