

Supreme Court Appeals
Pending Cases
3-5-25

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| 1. | Style | State of Tennessee v. Antonio Demetrius Adkisson a/d/a Antonio Demetrius Turner, Jr. |
| 2. | Docket Number | W2022-01009- SC-R11-CD |
| 3. | Lower Court Decision Links | https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/AdkissonAntonioOPN.pdf https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/AdkissonAntonioDIS.pdf |
| 4. | Lower Court Summary | A Gibson County jury convicted the defendant, Antonio Demetrius Adkisson a/k/a Antonio Demetrius Turner, Jr., of two counts of second-degree murder, for which he received an effective sentence of twenty years in confinement. On appeal, the defendant contends (1) that the juvenile court erred in transferring the defendant to circuit court and (2) that the trial court erred in failing to suppress the defendant's statement. After reviewing the record and considering the applicable law, we affirm the judgments of the trial court. |
| 5. | Status | Fully briefed. TBH 5/28/25 at Cookeville SCALES. |
| 6. | Issue(s) | <p>As stated in the Appellant's Rule 11 Application:</p> <p>1. Whether the Juvenile Court lacked probable cause to bind the case over to the Circuit Court[.] Close question.</p> <p>2. Whether the Circuit Court erred in not suppressing Defendant's statement based on violations of Miranda and voluntariness of confession.</p> <p>3. Is the standard of review of a juvenile court bindover order, as it relates to the probable cause clause in T.C.A. § 37-1-134(a)(4)(A) (probable cause to believe the child committed the delinquent act), de novo as suggested by the dissent or abuse of discretion as used by the majority[?]</p> |

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| 1. | Style | State of Tennessee v. Hayden Jennings Berkebile |
| 2. | Docket Number | E2022-01700-SC-R11-CD |
| 3. | Lower Court Decision Links | https://tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20-%202024-06-07%20-%20State%20of%20Tennessee%20v.%20Hayden%20Jennings%20Berkebile%20-%20E2022-01700-CCA-R3-CD.pdf https://tncourts.gov/sites/default/files/OpinionsPDFVersion/Separate%20Opinion%20-%20State%20of%20Tennessee%20v.%20Hayden%20Jennings%20Berkebile%20-%20E2022-01700-CCA-R3-CD.pdf |
| 4. | Lower Court Summary | In this case of first impression, we consider whether a defendant can be convicted of criminally negligent homicide when he incites, encourages or coerces another person |

to commit suicide and whether the State of Tennessee has territorial jurisdiction over a defendant when he affirmatively reaches out to Tennessee via electronic means. A Knox County jury convicted Defendant, Hayden Jennings Berkebile, of criminally negligent homicide after the victim, Grace Anne Sparks, shot and killed herself for Defendant's sexual pleasure while on a video call with Defendant. Defendant argues on appeal that: (1) the evidence is insufficient to support his conviction because (a) the State did not prove that Defendant's actions were the proximate cause of the victim's death, and (b) the negligent homicide statute as construed here violates the First Amendment to the United States Constitution; (2) the State did not establish territorial jurisdiction over Defendant because he was in Indiana at the time of the victim's death and only communicated with her electronically; (3) the trial court erred in admitting an alleged hearsay statement by the investigator; (4) the trial court erred in allowing the jury to utilize a transcript of Defendant's interrogation that contained inaccurate transcriptions; (5) cumulative error requires a new trial; and (6) the trial court erred in denying judicial diversion because it relied on evidence not in the record. After reviewing the parties' briefs and oral arguments, the record, and the relevant law, we affirm in all respects.

5. Status Application granted 2/21/25.
6. Issue(s)
 1. Did the State's proof fail to establish, beyond a reasonable doubt, that [Defendant's] words constituted an act that was the proximate cause of her death?
 2. Did the State establish territorial jurisdiction for the charged crime based on nothing more than [Defendant's] out-of-state words and electronic messages?

1. Style Alan C. Cartwright v. Thomason Hendrix, P.C., et al.
2. Docket Number W2022-01627- SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/CartwrightAlanC5OPN.pdf>
4. Lower Court Summary Appellants, lawyers and their law firms, appeal the trial court's denial of their petition to dismiss this lawsuit under the Tennessee Public Protection Act. On appeal, we conclude that the trial court erred in concluding that Appellants failed to establish that this claim relates to the protected right to petition. As such, we reverse the judgment of the trial court and remand for further proceedings.
5. Status Application granted 8/28/24. Fully briefed. TBH 4/9/25 at Jackson
6. Issue(s) As stated in the Appellant's Rule 11 Application:

Whether the Tennessee Public Participation Act (TPPA) applies to this legal malpractice action.

1. Style Payton Castillo v. David Lloyd Rex, M.D. et al.
2. Docket Number E2022-00322-SC-R11-CV

3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Casillo%20v.%20Rex%2C%20M.D.%20Opinion%20UNSIGNED.pdf>
4. Lower Court Summary The plaintiff filed this healthcare liability action against several healthcare providers following the death of her husband. We granted this interlocutory appeal in which the defendants request review of the trial court’s denial of their motion for a protective order to prohibit further inquiry into a meeting held between the defendant hospital and the decedent’s family. We affirm the trial court.
5. Status Heard 9/5/24 at Knoxville.
6. Issues(s) As certified by the trial court and answered by the Court of Appeals:
1. Whether statements made by representatives of Memorial in a CANDOR meeting, which are based on information obtained in a QIC meeting are privileged pursuant to Tennessee Code Annotated section 68-11-272.
 2. Whether testimony from representatives of Memorial regarding statements made in a CANDOR meeting, which are based on information obtained in a QIC proceeding constitutes “direct or indirect discovery” of QIC activities as prohibited by Tennessee Code Annotated section 68-11- 272.

1. Style Brian Coblentz, et al. v. Tractor Supply Company
2. Docket Number M2023-00249-SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20-%20M2023-00249-COA-R3-CV.pdf>
<https://tncourts.gov/sites/default/files/OpinionsPDFVersion/Separate%20Opinion%20-%20M2023-00249-COA-R3-CV.pdf>
4. Lower Court Summary A sales representative for a product vendor was injured while in a Tractor Supply store performing his job. The sales representative received workers’ compensation benefits from his employer, a hardware product company, and then proceeded with a tort case against Tractor Supply. We agree with the trial court’s conclusion that Tractor Supply was the sales representative’s statutory employer within the meaning of Tenn. Code Ann. § 50-6-113(a) and, therefore, his recovery from his employer was his exclusive remedy. Therefore, we affirm the trial court’s grant of summary judgment in favor of Tractor Supply.
5. Status Heard 2/12/25 at Nashville.

6. Issues(s) (1) Under what circumstances, if any, does a retailer assume workers' compensation liability (and, in turn, quid pro quo tort immunity) for a vendor employee's injuries occurring at the retailer's store?
- (2) Do the actions of the vendor's employee in this case—inventorying and ordering merchandise and straightening the vendor's merchandise display—make the retailer a “principal contractor,” thereby immunizing it from tort claims brought by the vendor's employee?

1. Style Vanessa Colley v. John S. Colley
2. Docket Number M2021-00731- SC-R11-CV
3. Lower Court Decision Links https://www.tncourts.gov/sites/default/files/m2021-731_-_opinion_-_colley.pdf
4. Lower Court Summary Appellant/Husband voluntarily nonsuited his post-divorce lawsuit involving issues of alimony and the parties' alleged settlement of an IRS debt. Appellee/Wife moved for an award of her attorney's fees on alternative grounds, i.e., the abusive lawsuit statute, Tenn. Code Ann. § 29-41-106; the parties' MDA; and Tennessee Code Annotated section 36-5- 103(c). The trial court granted Wife's motion and entered judgment for her attorney's fees and costs. The trial court specifically held that Husband's lawsuit was not abusive, and Wife does not raise this as an issue on appeal. As such, we conclude that she is not entitled to her attorney's fees under the abusive lawsuit statute. As to her claim for attorney's fees and costs under the MDA and Tennessee Code Annotated section 36-5-103(c), both grounds require that Wife be a “prevailing party” in the underlying lawsuit. Because Husband took a voluntary nonsuit, neither party prevailed in the action, and Wife is not entitled to her attorney's fees and costs. Reversed and remanded.
5. Status Heard 10/4/23 at Nashville.
6. Issue(s) As stated in the Appellant's Rule 11 Application:
1. Is a defendant who defends against a lawsuit that seeks to modify a court-ordered Marital Dissolution Agreement and secures a judgment of dismissal, without prejudice, following the plaintiff's voluntary nonsuit a “prevailing party” within the meaning of Tenn. Code Ann. § 36-5-103(c)?
2. When “contract language is interpreted according to its plain terms and ordinary meaning,” *see BSG, LLC v. Check Velocity, Inc.*, 395 S.W.3d 90, 93 (Tenn. 2012), is a defendant who secures a judgment of dismissal, without prejudice, following a plaintiff's voluntary nonsuit a “prevailing party” within the meaning of a contractual fee-shifting provision when the term “prevailing party” is not otherwise defined?

1. Style Kendall Collier ex rel Chayce C. v. Periculis Roussis, M.D. et al.
2. Docket Number E2022-00636-SC-R11-CV

3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Kendall%20Collier%20vs.%20Periculis%20Roussis%20M.D.%20et%20al.%20%28unsigned%29.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 Application granted 6/21/24. Fully briefed. TBH 5/7/25 at Knoxville.
6. Issue(s) (1) What is the proper analytical framework and standard of proof for determining whether a new trial is warranted in a civil case based on a juror’s consideration of extraneous prejudicial evidence?
- (2) Applying the correct analytical framework and burden of proof, is Plaintiff entitled to a new trial based on the jury’s consideration of information on an Epi-Pen label (as relayed by a juror) that was not introduced at trial?

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 Notice of appeal filed 11/22/24.
6. Issue(s) N/A

1. Style Ashley Denson ex rel. Bobbie J. Denson v. Methodist Medical Center of Oak Ridge et

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| | al. |
| 2. Docket Number | E2023-00027-SC-R11-CV |
| 3. Lower Court Decision Links | https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/E2023-27%20Maj..pdf https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/E2023-27%20Dis..pdf |
| 4. Lower Court Summary | This appeal arises from a health care liability action following the death of Ashley Denson from a cardiac event she suffered after being treated and released from Methodist Medical Center. Ms. Denson was unmarried and had two minor children at the time of her death. The statutorily-required pre-suit notice listed Ms. Denson’s mother, Bobbie J. Denson, as the claimant authorizing notice. The minor children were not identified anywhere in the notice. The subsequent complaint was filed by “ASHLEY DENSON, Deceased, by and through her Next Friend and Mother BOBBIE JO DENSON, and BOBBIE JO DENSON, Individually.” The body of the complaint lists, for the first time, Ashley Denson’s children, and states that Bobbie Denson “brings this action individually, and on behalf of Plaintiff, decedent’s surviving minor children ... as Grandmother and Legal Guardian.” The defendants filed motions to dismiss, challenging Bobbie Denson’s standing to bring the action and contending that the pre-suit notice failed to comply with the requirements of the Tennessee Health Care Liability Act. ¹ The trial court initially granted the motions to dismiss but reversed course after the plaintiff filed a motion to reconsider. We hold that, although Grandmother has standing, the pre-suit notice does not comply with the requirements of the Tennessee Health Care Liability Act. The judgment of the trial court is ultimately affirmed in part and reversed in part. |
| 5. Status | Heard 2/12/25 at Nashville. |
| 6. Issue(s) | As certified by the trial court and accepted by the Court of Appeals: Did Plaintiff Bobbie Joe Denson substantially comply with the presuit notice requirement regarding identification of the “claimant” pursuant to T.C.A. § 29-26- 21(a)(2)(B) when she did not indicate in the presuit notice that she was acting on behalf of the decedent’s surviving minor children? |

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| 1. Style | Emergency Medical Care Facilities, P.C. v. BlueCross BlueShield of Tennessee, Inc., et al. |
| 2. Docket Number | M2021-00174-SC-R11-CV |
| 3. Lower Court Decision Links | https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20M2021-00174-COA-R3-CV.pdf |
| 4. Lower Court Summary | Plaintiff appeals the trial court’s decision to dismiss its class action allegations against two defendants on the basis of collateral estoppel. Specifically, the trial court ruled that while a prior determination that Appellant was not entitled to class action certification was not a final judgment on the merits, due to a dismissal of that case without prejudice, the ruling was “sufficiently firm” to have preclusive effect, citing the <i>Restatement (Second) Of Judgments</i> . Because Tennessee law requires a final adjudication on the merits for a judgment to be entitled to preclusive effect, we reverse. |
| 5. Status | Heard 5/29/24 in Nashville. |

6. Issue(s) If a plaintiff's motion for class certification is denied in the trial court and that denial is affirmed on interlocutory appeal, can the plaintiff on remand voluntarily nonsuit its claims, file a new putative class action in another trial court asserting the same claims against the same defendants, and relitigate the previously determined class-certification issue in the new action?

1. Style Alice Cartwright Garner, et al. v. Thomason, Hendrix, Harvey, Johnson & Mitchell, PLLC, et al.
2. Docket Number W2022-01636- SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/GarnerAlice-CartwrightOPN.pdf>
4. Lower Court Summary In this case, the plaintiffs sued the former attorneys of her opponent in a multitude of unsuccessful actions involving family trusts. In their complaint, the plaintiffs argued that they were damaged by the tortious conduct of the attorneys under the tort of another doctrine. The defendant-attorneys filed a petition to dismiss under the Tennessee Public Protection Act. The trial court denied the motion to dismiss on the basis that the act was inapplicable. We reverse and remand for further proceedings.
5. Status Application granted 8/28/24. Fully briefed. TBH 4/9/25 at Jackson.
6. Issue(s) Did the Court of Appeals err in reversing the trial court and holding that Defendants had made a prima facie showing that this action is related to Defendants' exercise of the right to petition?

1. Style Daryl A. Gray v. Board of Professional Responsibility of the Supreme Court of Tennessee
2. Docket Number W2023-01265-SC-R3-BP
3. Lower Court Decision Links N/A
4. Lower Court Summary N/A
5. Status Heard 5/22/24 on-briefs.
6. Issue(s) N/A

1. Style Brett W. Houghton, et al. v. Malibu Boats, LLC
2. Docket Number E2023-00324-SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Houghton%20vs.%20Malibu%20Boats%20%28unsigned%20opinion%29.pdf>

4. Lower Court Summary This appeal concerns standing and subject matter jurisdiction. Brett and Ceree Houghton (“Plaintiffs”) were the sole shareholders of Great Wakes Boating, Inc. (“GWB”), a Malibu Boats, LLC (“Defendant”) dealership. Defendant ended its dealership agreement with Plaintiffs, and GWB failed. Plaintiffs sued Defendant in the Circuit Court for Loudon County (“the Trial Court”) for intentional misrepresentation, fraudulent concealment, and promissory fraud. The jury awarded Plaintiffs \$900,000 in damages for loss of equity in certain real property owned by GWB. Defendant filed a motion for judgment notwithstanding the verdict and/or for a new trial. At a hearing on the motion, Defendant argued for the first time that Plaintiffs lacked standing. The Trial Court agreed and entered an order dismissing Plaintiffs’ complaint for lack of subject matter jurisdiction, deeming the other issues in Defendant’s motion moot. Plaintiffs appeal. We hold that Defendant’s challenge to Plaintiffs’ standing went to the merits and did not implicate subject matter jurisdiction. Defendant’s challenge to Plaintiffs’ standing is waived as untimely raised. We reverse the judgment of the Trial Court and remand for further proceedings consistent with this Opinion.
5. Status Heard 1/8/25 at Knoxville. Supplemental authorities filed 2/10/25 and 2/13/25.
6. Issue(s) In *Keller v. Estate of McRedmond*, 495 S.W.3d 852 (Tenn. 2016), this Court held that a shareholder does not have “standing” to sue in an individual capacity for injury to the shareholder’s corporation. The principal question presented in this appeal is whether Keller’s shareholder-standing rule is jurisdictional or whether it is subject to a defendant’s waiver and/or forfeiture?

1. Style Jamesway Construction, Inc. v. David W. Salyers, P.E.
2. Docket Number M2023-01704-SC-R11-CV
3. Lower Court Decision Links <https://tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20-%20M2023-01704-COA-R3-CV.pdf>
<https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Separate%20Opinion%20-%20M2023-01704-COA-R3-CV.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 Application granted 2/21/25.
6. Issue(s) 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 James B. Johnson v. BPR

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| 2. | Docket Number | M2024-00452-SC-R3-BP |
| 3. | Lower Court Decision Links | N/A |
| 4. | Lower Court Summary | N/A |
| 5. | Status | Notice of appeal filed 3/26/24. Heard 2/12/25 at Nashville on-briefs. |
| 6. | Issue(s) | N/A |

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| 1. | Style | State of Tennessee v. Randall Corey Johnson (In re: Nashville Banner) |
| 2. | Docket Number | M2024-00959-SC-R10-CO |
| 3. | Lower Court Decision Links | https://ctrack.tncourts.gov/ctrack/document/documentUpload.do?doView&tableListID=169&itemID=1381486 |
| 4. | Lower Court Summary | N/A |
| 5. | Status | Application granted 11/21/24. Appellant's brief filed 1/27/25. TBH 5/29/25 at Nashville. |
| 6. | Issue(s) | What is the proper procedural vehicle to appeal denial of an intervenor's motion to unseal a judicial disqualification motion? Did the trial court apply the correct legal standards in its (1) order to seal records and (2) order denying the motion to unseal? |

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| 1. | Style | Annie J. Jones, by and through her Conservatorship, Joyce Sons a/k/a Calisa Joyce Sons v. Life Care Centers of America d/b/a Life Care Center of Tullahoma |
| 2. | Docket Number | M2022-00471-SC-R11-CV |
| 3. | Lower Court Decision Links | https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20M2022-00471-COA-R3-CV.pdf |
| 4. | Lower Court Summary | This appeal arises from an incident in which the nude body of a resident at an assisted living facility was exposed on a video call via telephone when an employee of the healthcare facility engaged in a personal call while assisting the resident in the shower. The resident, by and through her conservator/daughter ("Plaintiff"), sued the owner and operator of the healthcare facility, Life Care Centers of America d/b/a Life Care Center of Tullahoma ("Defendant"), asserting a claim of "Negligence Pursuant to the Tennessee Medical Malpractice Act" and a generalized claim for invasion of privacy with allegations of "Gross Negligence, Willful, Wanton, Reckless, Malicious and/or Intentional Misconduct." Relying on the undisputed fact that the resident was unaware and never informed that the incident occurred, Defendant moved for summary judgment due to the lack of a cognizable injury or recoverable damages. Plaintiff opposed the motion, |

contending that actual damages were not an essential element of her claims and, in the alternative, moved to amend the complaint to specifically assert a claim for invasion of privacy based on intrusion upon the resident's seclusion and a claim for negligent supervision. The trial court summarily dismissed the complaint on the ground "that damages for invasion of privacy . . . cannot be proven as it would be impossible to suffer from personal humiliation, mental anguish or similar damages since [the resident] is unaware that the incident happened" and denied the motion to amend the complaint on the basis of futility. Plaintiff appealed. We have determined that the gravamen of the complaint states a claim for invasion of privacy based upon the distinct tort of intrusion upon seclusion. We have also determined that actual damages are not an essential element of a claim for invasion of privacy based on the distinct tort of intrusion upon seclusion. Thus, Defendant was not entitled to summary judgment. Moreover, granting leave to amend the complaint would not have been futile. Accordingly, we reverse the trial court's decision to summarily dismiss the complaint, reverse the decision to deny the motion to amend the complaint, and remand with instruction to reinstate the complaint, grant the motion to amend the complaint, and for further proceedings consistent with this opinion.

5. Status Heard 2/21/24 in Nashville.

6. Issue(s) As stated by Applicant:

1. In Tennessee, does a cause of action for invasion of privacy for intrusion upon seclusion survive the death of the individual whose privacy was invaded?

2. Is Tenn. Code Ann. § 20-5-102 a "particular" type of statute that provides an exception to § 652I of the Restatement (Second) of Torts (1977, adopted by The Supreme Court in 2001 in *West v. Media Gen. Convergence, Inc.*)?

1. Style State of Tennessee v. Ronald Matthew Lacy

2. Docket Number E2022-01442-SC-R11-CD

3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20-%202024-09-27%20-%20State%20of%20Tennessee%20v.%20Ronald%20Matthew%20Lacy%20-%20E2022-01442-CCA-R3-CD.pdf>

4. Lower Court Summary A Loudon County jury convicted the Defendant, Ronald Matthew Lacy, of theft of property over \$60,000. The Defendant, a Kentucky resident, entered into a transaction for the sale of a car with a Tennessee resident, but with the intent not to perform as promised and to misappropriate the money instead. The trial court sentenced him to ten years, which was suspended after service of eleven months and twenty-nine days in confinement. On appeal, the Defendant argues that the evidence was legally insufficient to support his conviction. He also asserts that the trial court lacked territorial jurisdiction and that the case should be addressed as a civil matter. Alternatively, the Defendant contends that he is entitled to a new trial because his trial counsel failed to provide effective assistance. Upon our review, we respectfully affirm the judgment of the trial court.

5. Status Application granted 2/21/25.

6. Issue(s) 1. Whether the State of Tennessee had territorial jurisdiction in Loudon County Criminal Court to prosecute a Kentucky defendant for a theft offense that was purportedly commenced or consummated via emails and text messages

sent by the Kentucky defendant to the Tennessee victim.

2. Whether the evidence supported the conviction for theft of property over \$60,000.

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| 1. | Style | Matthew Long v. Chattanooga Fire and Police Pension Fund |
| 2. | Docket Number | E2022-01151-SC-R11-CV |
| 3. | Lower Court Decision Links | https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Long%20vs.%20Chattanooga%20Fire%20and%20Police%20Pension%20Fund%20COA%20%28unsigned%29.pdf |
| 4. | Lower Court Summary | Petitioner/Appellee Matthew Long (“Long”) applied for disability pension benefits due to Post-Traumatic Stress Disorder (“PTSD”) caused by various traumatic events he experienced during his time as a firefighter with the Chattanooga Fire Department (“CFD”). The Board of Trustees (the “Board”) for Respondent/Appellant Chattanooga Fire and Police Pension Fund (the “Fund”) denied Long’s application. Long filed a Petition for Writ of Certiorari with the Chancery Court for Hamilton County (the “trial court”) seeking a reversal of the Board’s decision. Finding that the Board’s decision was arbitrary and capricious, the trial court reversed the denial of Long’s application. The trial court also denied a motion to alter or amend filed by the Fund. Following thorough review, we affirm the judgment of the trial court. |
| 5. | Status | Heard 1/8/25 in Knoxville. |
| 6. | Issue(s) | <p>As stated in the Appellant’s Rule 11 Application:</p> <ol style="list-style-type: none"> 1. Has Tennessee’s Uniform Administrative Procedures Act abrogated or limited the traditional common-law doctrine that pension statutes and plans must be construed liberally for applicants for benefits? 2. When does Tennessee Code Annotated § 27-9-114(a) require municipal civil service boards to follow the Uniform Administrative Procedures Act’s contested-case procedures in their own administrative proceedings? <p>In addition to other issues properly raised, the Court would like the parties to address the following issues:</p> <p>Does the Pension Fund’s Disability Policy and/or the City Charter and Code of Ordinances require a court to review the Board’s interpretation of the Policy under a deferential standard of review?</p> <p>Does the Board’s interpretation of the Policy survive judicial review under the correct standard of review?</p> |

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| 1. | Style | Robin M. McNabb v. Gregory Harrison |
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2. Docket Number E2022-01577-SC-R11-CV
3. Lower Court Decision Links [https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/McNabb v. Harrison COA Opinion %28electronic signature%29 0.pdf](https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/McNabb%20v.%20Harrison%20COA%20Opinion%20electronic%20signature%29%200.pdf)
4. Lower Court Summary
This case involves an election contest filed by the plaintiff based on the defendant's residency eligibility for the office of Lenoir City Municipal Court Judge. Following a hearing, the trial court determined that the defendant had complied with article VI, section 4 of the Tennessee Constitution because the clause required, *inter alia*, that he be a resident within the judicial district, not necessarily within the city limits, to preside over the municipal court, which has concurrent jurisdiction with a general sessions court. The plaintiff has appealed. Upon review, we determine that the language of article VI, section 4 of the Tennessee Constitution requiring a judge elected to an inferior court to have been a resident of the "district or circuit" to which he or she is assigned means, under these circumstances, that the Lenoir City Municipal Judge must have been a resident of Loudon County for at least one year prior to the judge's election because the Lenoir City Municipal Court has concurrent jurisdiction with the Loudon County General Sessions Court. Accordingly, inasmuch as the defendant had been a resident of Loudon County for at least one year prior to the election, we affirm the trial court's dismissal of the plaintiff's election contest. However, we modify the trial court's judgment to state that the defendant complied with the residency requirement at issue because he had been a resident of Loudon County for at least one year rather than because he had been a resident of the Ninth Judicial District for the prescribed time period.
5. Status Heard 9/5/24 in Knoxville. Supplemental brief filed 9/6/24 by Appellee. Supplemental brief filed by Appellant 9/25/24.
6. Issue(s) Article VI, Section 4 of the Tennessee Constitution requires judges of inferior courts to "be elected by the qualified voters of the district or circuit to which they are assigned" and to be a resident "of the circuit or district [for] one year." Does this provision require a municipal judge exercising concurrent general sessions jurisdiction to be a resident of the city that elects her to serve (as McNabb claims), the county in which the city sits (as the Court of Appeals concluded), or the modern-day multi-county judicial district in which the city sits (as the Chancery Court and Attorney General concluded)?

1. Style State of Tennessee v. Ginny Elizabeth Parker
2. Docket Number M2022-00955-SC-R11-CD
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20%2818%29.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 Fully briefed. TBH 5/28/25 at Cookeville SCALES.
6. Issue(s) Whether the evidence is sufficient to sustain the defendant's convictions for forgery.

7. Style State of Tennessee v. Pervis Tyrone Payne
8. Docket Number W2022-00210-SC-R11-CD
9. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/PaynePervisTy-roneOPN.pdf>
10. Lower Court Summary In this case of first impression, the State appeals the trial court's sentencing hearing order that the Defendant's two life sentences be served concurrently after he was determined to be ineligible for the death penalty due to intellectual disability pursuant to Tennessee Code Annotated section 39-13-203(g) (Supp. 2021) (subsequently amended). The State argues that the consecutive alignment of the Defendant's original sentences remained final and that the trial court lacked jurisdiction to consider manner of service. The Defendant responds that the trial court had jurisdiction to sentence him, including determining the manner of service of his sentences, and did not abuse its discretion in imposing concurrent life sentences. After considering the arguments of the parties, the rules of statutory construction, and other applicable legal authority, we conclude that the trial court properly acted within its discretion in conducting a hearing to determine the manner of service of the Defendant's life sentences. Accordingly, the judgments of the trial court are affirmed.
11. Status Heard 11/6/24 at Jackson.
12. Issue(s) As stated in the Appellant's Rule 11 Application:

Whether a trial court lacks jurisdiction to reconsider the consecutive alignment of a defendant's original sentences after a determination of intellectual disability pursuant to a petition under Tenn. Code Ann. § 39-13-203(g).

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 Fully briefed. TBH 5/29/25 on-briefs.
6. Issue(s) N/A

1. Style State of Tennessee v. William Rimmel, III
2. Docket Number M2022-00794-SC-R11-CD
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%202022-794-CCA.pdf>
4. Lower Court Summary Defendant, William Rimmel, III, was indicted by the Marion County Grand Jury for one count of aggravated assault, two counts of reckless endangerment, one count of false imprisonment, one count of vandalism over \$2,500, and one count of burglary of an automobile. The charge of false imprisonment was dismissed prior to trial. A jury found Defendant guilty of attempted aggravated assault, reckless endangerment, attempted reckless endangerment, vandalism under \$1,000, and attempted burglary of an automobile. Following a sentencing hearing, the trial court denied Defendant's request for judicial diversion and imposed an effective sentence of two years on probation following service of 11 months and 29 days in confinement. On appeal, Defendant contends that the evidence was insufficient to support his convictions, that the trial court abused its discretion in denying Defendant's request for an alternative sentence and in ordering consecutive sentencing, that his convictions should be vacated due to the State's failure to preserve evidence, and that the trial court gave confusing jury instructions. Based on the record, the briefs, and oral arguments, we affirm the judgments of the trial court but remand for entry of a judgment in Count 4 and amended judgment in Count 3, reflecting that those counts were dismissed, and for entry of corrected judgments in Counts 5 and 6.
5. Status Heard 5/22/24 SCALES docket in Cookeville.
6. Issue(s) As stated in the Appellant's Rule 11 Application:

A. Whether the convictions for attempted aggravated assault with a handgun and reckless endangerment with a handgun where the victim is unaware of the handgun conflict with the Supreme Court's opinion and other opinions of the Court of Criminal Appeals that the victim must be reasonably in fear of imminent bodily injury?

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1. Style Elliott James Schuchardt v. BPR
 2. Docket Number E2024-00812-SC-R3-BP
 3. Lower Court Decision Links N/A
 4. Lower Court Summary N/A
 5. Status Notice of Appeal filed 6/3/24. Appellant's brief filed 12/20/24. Appellee's motion for extension to file brief granted and due 4/17/25.
 6. Issue(s) N/A

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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 <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/E-SIGNED-M2023-1147-COA-SH%20NASHVILLE.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 Application granted 2/26/25.
6. Issue(s) As stated in the Appellant’s Rule 11 Application:
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?

1. Style Heather Smith v. Blue Cross Blue Shield of Tennessee
2. Docket Number E2022-01058-SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/E2022-1058.pdf>
4. Lower Court Summary This appeal concerns a claim of retaliatory discharge. Heather Smith (“Smith”), then an at-will employee of BlueCross BlueShield of Tennessee, Inc. (“BlueCross”), declined to take a Covid-19 vaccine. Smith emailed members of the Tennessee General Assembly expressing her concerns and grievances about vaccine mandates. BlueCross fired Smith after it found out about her emails. Smith sued BlueCross for common law retaliatory discharge in the Chancery Court for Hamilton County (“the Trial Court”). For its part, BlueCross filed a motion to dismiss for failure to state a claim. After a hearing, the Trial Court granted BlueCross’s motion to dismiss. Smith appeals. We hold that Article I, Section 23 of the Tennessee Constitution, which guarantees the right of citizens to petition the government, is a clear and unambiguous statement of public policy representing an exception to the doctrine of employment-at-will. Smith has alleged enough at this stage to withstand

BlueCross's motion to dismiss for failure to state a claim. We reverse the Trial Court and remand for further proceedings consistent with this Opinion.

5. Status Heard 5/22/24 SCALES docket in Cookeville.
6. Issue(s) As stated in the Appellant's Rule 11 Application:

Whether the Court of Appeals erred when it created a new public policy exception to the employment-at-will doctrine not recognized by or otherwise linked to action by the Tennessee General Assembly.

1. Style State of Tennessee v. Shenessa Sokolosky
2. Docket Number M2022-00873-SC-R11-CD
3. Lower Court Decision Links [Majority Opinion - M2022-00873-CCA-R3-CD.pdf \(tncourts.gov\)](#)
4. Lower Court Summary The Defendant, Shenessa L. Sokolosky, appeals from the Smith County Criminal Court's probation revocation of her two consecutive eleven-month, twenty-nine-day sentences for her guilty-pleaded misdemeanor convictions for drug possession and possession of drug paraphernalia. On appeal, the Defendant contends that the trial court abused its discretion by revoking her probation. We dismiss the Defendant's appeal pursuant to the mootness doctrine.
5. Status Heard 2/12/25 at Nashville.
6. Issue(s) A. Whether the trial court's orders should be reversed and vacated because the original probation violation warrant against Ms. Sokolosky should have been dismissed and because the State failed to prove that Ms. Sokolosky violated the conditions of her probation.

B. Whether the issue is moot because Ms. Sokolosky has completed her sentence.

1. Style Tinsley Properties, LLC et al. v. Grundy County, Tennessee
2. Docket Number M2022-01562-SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Majority%20Opinion%20-%20M2022-01562-COA-R3-CV.pdf>
4. Lower Court Summary This case concerns the validity of a county resolution prohibiting quarries and rock crushers "within five thousand (5,000) feet of a residence, school, licensed daycare facility, park, recreation center, church, retail, commercial, professional or industrial establishment." The plaintiff landowners argued that the county failed to comply with the requirements in Tennessee's county zoning statute, Tennessee Code Annotated § 13-7-101 to -115. In the alternative, they argued that state law expressly preempted local regulation of quarries. However, the county argued that it was exercising its authority to protect its citizens' health, safety, and welfare under the county powers statute, Tennessee Code Annotated § 5-1-118.

The trial court granted summary judgment to the county on the ground that it had no comprehensive zoning plan. This appeal followed. We affirm.

5. Status Application granted 6/27/24. Fully briefed. TBH 5/29/25 at Nashville.
6. Issue(s) (1) Do a county's "police powers" set forth in Tenn. Code Ann. § 5-1-118 authorize Grundy County to adopt a resolution prohibiting quarries within 5,000 feet of certain sensitive locations?

(2) Is the County's quarry resolution tantamount to a zoning regulation that must be adopted in compliance with state statutory procedures for zoning regulations?

1. Style State of Tennessee v. Ambreia Washington
2. Docket Number W2022-01201- SC-R11-CD
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/WashingtonAmbreiaOPN.pdf>
4. Lower Court Summary The Defendant, Ambreia Washington, was convicted by a Madison County Circuit Court jury of unlawful possession of a weapon by a convicted felon, a Class B felony; resisting arrest, a Class B misdemeanor; and driving with a canceled, suspended or revoked license (second offense), a Class A misdemeanor, for which he received an effective fifteen-year sentence. *See* T.C.A. §§ 39-17-1307 (2018) (subsequently amended) (unlawful possession of weapon), 39-16-602 (2018) (resisting arrest), 55-50-504 (2020) (canceled, suspended or revoked license). On appeal, the Defendant contends that the trial court erred in denying his motion to suppress, failing to dismiss the indictment due to missing evidence, admitting certain photographs into evidence at trial, and denying a motion for a mistrial as a result of prosecutorial misconduct. The Defendant also contends that the cumulative nature of the errors warrant relief. We affirm the judgments of the trial court.
5. Status Heard 12/4/24 SCALES at Austin Peay
6. Issue(s) Whether the trial court erred by declining to suppress a handgun seized from a car driven by the defendant, when the illegal nature of the firearm was not immediately apparent to the officer under the plain view doctrine, the investigation into the defendant's criminal history went beyond the scope of the officer's community caretaking function, and the officer failed to give Miranda warnings before inquiring into the defendant's status as a convicted felon.

1. Style Sarah Elizabeth Woodruff v. Ford Motor Company
2. Docket Number E2023-00889-SC-R11-CV
3. Lower Court Decision Links <https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Wood%20ruff%20vs.%20Ford%20Motor%20Co.%20COA%20Opinion.pdf>
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.

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| 5. | Status | Application granted 10/24/24. Fully briefed. TBH 5/7/25 at Knoxville. |
| 6. | Issue(s) | As stated in the Appellant's Rule 11 Application: <ol style="list-style-type: none"> 1. Whether this Court's holding in <i>Coffman v. Armstrong International, Inc.</i>, 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. |

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| 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 | https://www.tncourts.gov/sites/default/files/OpinionsPDFVersion/Sarah%20Elizabeth%20Woodruff%20vs.%20Ethan%20Woodruff%20et%20al.%20COA%20Opinion.pdf |
| 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 <i>Carolyn Coffman, et al. v. Armstrong International, Inc., et al.</i> , 615 S.W.3d 888 (Tenn. 2021), and the relevant provisions of the Tennessee Products Liability Act, we affirm the trial court. |
| 5. | Status | Application granted 10/24/24. Fully briefed. TBH 5/7/25 at Knoxville. |
| 6. | Issue(s) | As stated in the Appellant's Rule 11 Application: <p>Whether <i>Coffman v. Armstrong International, Inc.</i>, 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."</p> |