

SUPREME COURT OF TENNESSEE

Larry Sneed v. The City of Red Bank, Tennessee

459 S.W.3d 17 (Tenn. 2014) · No. E2012-02112-SC-R11-CV · Decided December 2, 2014

SUMMARY

The Tennessee Supreme Court held that the Tennessee Human Rights Act is an independent and specific statute that governs age-discrimination claims against governmental entities, rather than the Governmental Tort Liability Act. The court further held that the THRA affords plaintiffs a right to a jury trial on such claims filed in chancery court. The court reversed the Court of Appeals, vacated the transfer to circuit court, and remanded the case to the chancery court.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark; Sharon G. Lee; Gary R. Wade; Jeffrey S. Bivins; Holly M. Kirby
JURISDICTION	Tennessee
DECIDED	December 2, 2014
DOCKET	E2012-02112-SC-R11-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal by permission under Tennessee Rule of Appellate Procedure 11 from the Court of Appeals' reversal of the chancery court's ruling concerning transfer of a Tennessee Human Rights Act claim and the availability of a jury trial.
STANDARD OF REVIEW	Statutory construction is reviewed de novo without a presumption of correctness. In an interlocutory appeal, review is limited to matters clearly embraced within the issues certified by the trial and intermediate appellate courts.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Larry Sneed v. City of Red Bank, Tennessee

TOPICS

[employment discrimination](#)[statutory interpretation](#)[interlocutory appeal](#)[civil procedure](#)[municipal law](#)

PRACTICE AREAS

employment law

employment discrimination

civil rights

municipal law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Governmental Tort Liability Act governs a Tennessee Human Rights Act age-discrimination claim against a governmental entity.
2. Whether a plaintiff who files a Tennessee Human Rights Act claim against a governmental entity in chancery court has a statutory right to a jury trial.

HOLDINGS

1. The Tennessee Human Rights Act is an independent and specific statutory scheme that removes governmental immunity and supplies its own remedies; therefore, the Governmental Tort Liability Act does not govern a THRA age-discrimination claim against a governmental entity.
2. *Young v. Davis* is overruled to the extent it may be interpreted as holding that the Governmental Tort Liability Act governs all statutory claims against governmental entities.
3. A plaintiff who files a THRA claim in chancery court has a statutory right to a jury trial on disputed material facts under Tennessee Code Annotated section 21-1-103, including when the defendant is a governmental entity.

KEY QUOTATIONS

“We reject the analysis Young applied and overrule it to the extent it may be interpreted as holding that the GTLA governs all statutory claims against governmental entities.” (at 17)

“Applying Cruse, we hold that the THRA is an independent and specific statute, which removed governmental immunity and which controls the adjudication of THRA claims.” (at 17)

“We further hold that the provisions of the THRA clearly establish legislative intent to afford a right to trial by jury to persons who bring THRA claims against governmental entities in chancery court.” (at 17)

“For all the reasons stated herein, we hold that the GTLA does not govern Mr. Sneed’s THRA claim and that the Legislature has afforded a statutory right to trial by jury, as described in Tennessee Code Annotated section 21-1-103, on THRA claims filed in chancery court.” (at 33)

FACTUAL BACKGROUND

Larry Sneed was discharged from his position as Chief of Police for the City of Red Bank on July 2, 2010, after approximately seven years in the position. He filed suit alleging multiple common-law and statutory claims, including statutory retaliatory discharge under the Tennessee Public Protection Act and age discrimination under the Tennessee Human Rights Act. After partial summary judgment, the case proceeded only on those two claims against Red Bank.

PROCEDURAL HISTORY

Sneed filed suit in the Hamilton County Chancery Court alleging, among other claims, statutory retaliatory discharge under the Tennessee Public Protection Act and age discrimination under the Tennessee Human Rights Act. After partial summary judgment, only those two statutory claims against the City remained. The chancery court transferred the claims to circuit court and ordered a bench trial on the TPPA claim, relying on *Young v. Davis*, while preserving a jury trial for the THRA claim. The Court of Appeals held that the Governmental Tort Liability Act governed the THRA claim and required a bench trial. The Tennessee Supreme Court granted permission to appeal, reversed the Court of Appeals, vacated the transfer order, and remanded to chancery court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Appeals is reversed, the chancery court's order transferring the THRA claim to circuit court is vacated, and the matter is remanded to the Chancery Court for Hamilton County for further proceedings consistent with the opinion. The chancery court may reconsider the treatment of the TPPA claim under Tennessee Rule of Civil Procedure 54.02.

CASES CITED

- *Young v. Davis*, No. E2008-01974-COA-R3-CV, 2009 WL 3518162 (Tenn. Ct. App. Oct. 30, 2009)
- *Cruse v. City of Columbia*, 922 S.W.2d 492 (Tenn. 1996)
- *University of Tennessee of Chattanooga v. Farrow*, No. E2000-02386-COA-R9-CV, 2001 WL 935467 (Tenn. Ct. App. Aug. 16, 2001)
- *Tennessee Department of Mental Health & Mental Retardation v. Hughes*, 531 S.W.2d 299 (Tenn. 1975)
- *Banks v. Elks Club Pride of Tennessee* 1102, 301 S.W.3d 214 (Tenn. 2010)
- *In re Bridgestone/Firestone*, 286 S.W.3d 898 (Tenn. Ct. App. 2008)
- *In re Estate of Tanner*, 295 S.W.3d 610 (Tenn. 2009)
- *Carter v. Quality Outdoor Products, Inc.*, 303 S.W.3d 265 (Tenn. 2010)
- *Perrin v. Gaylord Entertainment Co.*, 120 S.W.3d 823 (Tenn. 2003)
- *State v. Pope*, 427 S.W.3d 363 (Tenn. 2013)
- *Thurmond v. Mid-Cumberland Infectious Disease Consultants, PLC*, 433 S.W.3d 512 (Tenn. 2014)
- *Johnson v. Hopkins*, 432 S.W.3d 840 (Tenn. 2013)
- *Lucius v. City of Memphis*, 925 S.W.2d 522 (Tenn. 1996)
- *Jenkins v. Loudon County*, 736 S.W.2d 603 (Tenn. 1987)
- *J.S. Haren Co. v. City of Cleveland*, No. E2002-01327-COA-R3-CV, 2003 WL 21276662 (Tenn. Ct. App. May 30, 2003)
- *Fretwell v. Chaffin*, 652 S.W.2d 755 (Tenn. 1983)
- *Crowe v. John W. Harton Memorial Hospital*, 579 S.W.2d 888 (Tenn. Ct. App. 1979)
- *Cooper v. Rutherford County*, 531 S.W.2d 783 (Tenn. 1975)

- Johnson v. Oman Construction Co., 519 S.W.2d 782 (Tenn. 1975)
- Chapman v. Sullivan County, 608 S.W.2d 580 (Tenn. 1980)
- Simpson v. Sumner County, 669 S.W.2d 657 (Tenn. Ct. App. 1983)
- Plasti-Line, Inc. v. Tennessee Human Rights Commission, 746 S.W.2d 691 (Tenn. 1988)
- Sanders v. Traver, 109 S.W.3d 282 (Tenn. 2003)
- Kirby v. Macon County, 892 S.W.2d 403 (Tenn. 1994)
- Reagan v. City of Knoxville, 692 F. Supp. 2d 891 (E.D. Tenn. 2010)
- Rooks v. Chattanooga Electric Power Board, 738 F. Supp. 1163 (E.D. Tenn. 1990)
- Anderson v. Save-A-Lot, Ltd., 989 S.W.2d 277 (Tenn. 1999)
- Parker v. Holiday Hospitality Franchising, Inc., No. E2013-00727-SC-R11-CV, 2014 WL 4494265 (Tenn. Sept. 12, 2014)
- Wilson v. Rubin, 104 S.W.3d 39 (Tenn. Ct. App. 2002)
- Farmer v. Tennessee Department of Safety, 228 S.W.3d 96 (Tenn. Ct. App. 2007)
- Cunningham v. Williamson County Hospital District, 405 S.W.3d 41 (Tenn. 2013)
- Lynn v. City of Jackson, 63 S.W.3d 332 (Tenn. 2001)
- Webster v. Tennessee Board of Regents, 902 S.W.2d 412 (Tenn. Ct. App. 1995)
- Doyle v. Frost, 49 S.W.3d 853 (Tenn. 2001)
- Helms v. Tennessee Department of Safety, 987 S.W.2d 545 (Tenn. 1999)
- Patten v. State, 426 S.W.2d 503 (Tenn. 1968)
- Newport Housing Authority v. Ballard, 839 S.W.2d 86 (Tenn. 1992)
- State ex rel. Wolfenbarger v. Moore, No. E2008-02545-COA-R3-CV, 2010 WL 520995 (Tenn. Ct. App. Feb. 12, 2010)
- Moore v. Mitchell, 329 S.W.2d 821 (Tenn. 1959)
- Ashe v. State ex rel. Shriver, 518 S.W.2d 360 (Tenn. 1975)
- Discover Bank v. Morgan, 363 S.W.3d 479 (Tenn. 2012)
- Hannah v. Pitney Bowes, Inc., 739 F. Supp. 1131 (E.D. Tenn. 1989)
- Sledge v. Phillips, No. 89-367-II, 1990 WL 62852 (Tenn. Ct. App. May 16, 1990)
- Thompson v. Memphis City School Board of Education, 395 S.W.3d 616 (Tenn. 2012)
- Freeman Industries v. Eastman Chemical Co., 172 S.W.3d 512 (Tenn. 2005)
- Regnier v. Metropolitan Government of Nashville, No. M2004-00351-COA-R3-CV, 2006 WL 1328937 (Tenn. Ct. App. May 11, 2006)
- Mountjoy v. City of Chattanooga, No. E2001-02017-COA-R3-CV, 2002 WL 707467 (Tenn. Ct. App. Apr. 23, 2002)
- Woods v. Herman Walldorf & Co., 26 S.W.3d 868 (Tenn. Ct. App. 1999)
- Roberson v. University of Tennessee, 829 S.W.2d 149 (Tenn. Ct. App. 1992)
- Lorillard v. Pons, 434 U.S. 575 (1978)

