

SUPREME COURT OF TENNESSEE

Richard Moreno v. City of Clarksville

No. M2013-01465-SC-R11-CV · No. M2013-01465-SC-R11-CV · Decided September 18, 2015

SUMMARY

Justice Gary R. Wade dissents from the Tennessee Supreme Court's decision concerning whether Tennessee Code Annotated section 20-1-119 permits a plaintiff in a Claims Commission Act proceeding to sue a nonparty alleged to be comparatively at fault. The dissent concludes that a timely notice of claim functions as an original complaint initiating suit and that the statute should be construed broadly to permit the claim against the City of Clarksville. It criticizes the majority's interpretation as elevating technical formality over the remedial purpose of the statute.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Gary R. Wade, Justice
JURISDICTION	Tennessee
DECIDED	September 18, 2015
DOCKET	M2013-01465-SC-R11-CV
DISPOSITION	other
PROCEDURAL POSTURE	Richard Moreno appealed the dismissal of his claim against the City of Clarksville, brought under Tennessee Code Annotated section 20-1-119 after the State alleged in an amended answer that the City was comparatively at fault. The Tennessee Court of Appeals reversed the trial court, but the Tennessee Supreme Court majority reinstated the trial court's judgment; Justice Wade dissented.
STANDARD OF REVIEW	De novo review of statutory interpretation and the dismissal ruling
PRECEDENTIAL VALUE	Dissenting opinion; nonbinding
PARTIES	Richard Moreno v. City of Clarksville

TOPICS

statutory interpretation

civil procedure

appellate procedure

negligence

municipal law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a timely notice of claim filed under the Tennessee Claims Commission Act qualifies as an original complaint initiating a suit for purposes of Tennessee Code Annotated section 20-1-119(a).
2. Whether a plaintiff may invoke section 20-1-119(a)(2) to sue a comparative tortfeasor when the defendant's comparative-fault allegation is made in an amended answer in a Claims Commission proceeding.

HOLDINGS

1. Justice Wade would hold that a timely notice of claim is the functional equivalent of an original complaint initiating a suit because it commences the action, identifies the state defendant and jurisdictional basis, and states the factual basis and nature of the injury. Because this is a dissent, the proposed rule is not binding.
2. Justice Wade would conclude that Moreno was entitled to proceed against the City because he filed a timely notice of claim and sued the City within ninety days after the State's amended answer alleged the City's comparative fault. This proposed disposition would reverse the dismissal and permit the claim to be resolved on its merits.

KEY QUOTATIONS

“Tennessee law strongly favors the resolution of all disputes on their merits” (at 2)

“remedial statutes must “be given a broad and liberal construction in order to achieve this goal.”” (at 2)

“the majority’s interpretation of section 20-1-119(a) is patently hyper-technical.” (at 4)

“This claim should be resolved on its merits.” (at 5)

FACTUAL BACKGROUND

On December 24, 2009, a tree on state property fell onto Moreno's car in Clarksville and seriously injured him. He timely filed a notice of claim against the State on December 17, 2010, and the claim was later transferred to the Claims Commission. After Moreno filed the formal complaint, the State amended its answer sixteen months later to allege that City water runoff had eroded the ground around the tree and that the City was comparatively at fault. Moreno sued the City within the ninety-day period authorized by section 20-1-119(a)(2).

PROCEDURAL HISTORY

Moreno filed a timely notice of claim against the State after a tree fell on his car. After the claim was transferred to the Claims Commission, he filed a formal complaint, and the State later amended its answer to allege comparative fault by the City. Moreno then sued the City within the ninety-day period provided by section 20-1-119(a)(2). The trial court dismissed the claim, the Court of Appeals reversed, and the Supreme Court majority reinstated the dismissal.

DISPOSITION

other

REMAND INSTRUCTIONS

Justice Wade would reverse the dismissal and allow Moreno's claim against the City to proceed on the merits. The majority instead reinstated the trial court's judgment.

CASES CITED

- Glasgow's Lessee v. Smith, 1 Tenn. (1 Overt.) 144, 151 (1799)
- Henley v. Cobb, 916 S.W.2d 915, 916 (Tenn. 1996)
- Becker v. Ford Motor Co., 431 S.W.3d 588, 592 (Tenn. 2014)
- Eastman Chem. Co. v. Johnson, 151 S.W.3d 503, 507 (Tenn. 2004)
- Moreno v. City of Clarksville, No. M2013-01465-COA-R3-CV, 2014 WL 791935, at *3 (Tenn. Ct. App. Feb. 25, 2014)
- Mann v. Alpha Tau Omega Fraternity, 380 S.W.3d 42, 50 (Tenn. 2012)
- Grindstaff v. Bowman, No. E2007-00135-COA-R3-CV, 2008 WL 2219274, at *4 (Tenn. Ct. App. May 29, 2008)
- Shaffer v. Memphis Airport Auth., Serv. Mgmt. Sys., No. W2012-00237-COA-R9-CV, 2013 WL 209309, at *8 (Tenn. Ct. App. Jan. 18, 2013)
- Mills v. Fulmarque, Inc., 360 S.W.3d 362, 370 (Tenn. 2012)
- Henry v. Goins, 104 S.W.3d 475, 481 (Tenn. 2003)

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