

SUPREME COURT OF TENNESSEE

Judith Moore-Pennoyer v. State of Tennessee

515 S.W.3d 271 (Tenn. 2017) · No. E2015-01701-SC-R11-CV · Decided March 28, 2017

SUMMARY

The Tennessee Supreme Court held that a trial judge's secretarial assistant is an at-will employee. The assistant's employment may end at any time during the judge's term and automatically ends when the judge's service ends. Because the plaintiff remained employed through the end of the incumbent judge's term, the court held that the defendant did not tortiously interfere with her employment relationship and directed dismissal of the complaint.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark; Jeffrey S. Bivins, C.J.; Sharon G. Lee; Holly Kirby; Roger A. Page
JURISDICTION	Tennessee
DECIDED	March 28, 2017
DOCKET	E2015-01701-SC-R11-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Permission-to-appeal review under Tennessee Rule of Appellate Procedure 11 of an interlocutory appeal from the denial of a motion to dismiss a tortious-interference claim.
STANDARD OF REVIEW	The court accepted the complaint's factual allegations as true and reviewed de novo the trial court's legal conclusions concerning the adequacy of the complaint. The court also limited its review generally to matters embraced within the certified interlocutory appeal, subject to its supervisory authority under Tennessee Rule of Appellate Procedure 11.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion and binding precedent in Tennessee.
PARTIES	William T. Ailor v. Judith Moore-Pennoyer

TOPICS

employment at-will

intentional interference with contract

appellate procedure

standard of review

PRACTICE AREAS

employment law

torts

appellate procedure

QUESTIONS PRESENTED

1. Whether a trial judge's secretarial assistant is an at-will employee.
2. Whether the employment of a trial judge's secretarial assistant automatically terminates when the judge's service ends.
3. Whether Moore-Pennoyer stated a claim for tortious interference with an employment relationship against Ailor.

HOLDINGS

1. A trial judge's secretarial assistant is an at-will employee whose employment may be terminated at any time during the judge's term by either the judge or the assistant.
2. When a trial judge's service ends, the employment of that judge's secretarial assistant also ends; an incoming judge has no obligation to retain the outgoing judge's assistant.
3. Moore-Pennoyer failed to state a claim for tortious interference because no existing employment relationship remained after the end of Judge Wimberly's term, and Ailor neither terminated nor interfered with her at-will employment.

KEY QUOTATIONS

"Tennessee recognizes the employment-at-will doctrine as "the fundamental principle controlling the relationship between employers and employees." (at 7)

"Accordingly, we hold that when a trial judge's service ends, whether by term expiration, death, resignation, election defeat, or otherwise, the secretarial assistant's employment also ends." (at 10)

"By advising her that he would be hiring another person to fill the secretarial assistant position when his term began, Mr. Ailor neither fired the plaintiff nor interfered with her at-will employment relationship with Judge Wimberly." (at 11)

FACTUAL BACKGROUND

Judith Moore-Pennoyer served for approximately eighteen years as the secretarial assistant to Knox County Circuit Judge Harold Wimberly. After William T. Ailor defeated Judge Wimberly in the August 7, 2014 election, Ailor told Moore-Pennoyer before taking office that he had selected another person to serve as his secretarial assistant. Her employment ended on August 29, 2014, the final business day of Wimberly's term. Moore-Pennoyer alleged that Ailor tortiously interfered with her employment relationship, but the court concluded that the relationship automatically ended when Wimberly's service ended.

PROCEDURAL HISTORY

Moore-Pennoyer sued the State of Tennessee and William T. Ailor after Ailor, who had defeated the incumbent trial judge in an election, informed her that he would hire another secretarial assistant. The trial court dismissed the claims against the State but denied Ailor's motion to dismiss the individual-capacity tortious-interference claim, reasoning that he was not yet a state officer or employee before taking the oath of office. The Court of Appeals affirmed that ruling on Ailor's interlocutory appeal. The Tennessee Supreme Court granted permission to appeal, reframed the issues under its supervisory authority, reversed the Court of Appeals, vacated the trial court's judgment, and directed dismissal of the complaint against Ailor.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter a judgment granting Ailor's motion to dismiss Moore-Pennoyer's complaint and conduct any further proceedings consistent with the decision that may be necessary.

CASES CITED

- Brown v. Tennessee Title Loans, Inc., 328 S.W.3d 850, 854-55 (Tenn. 2010)
- Webb v. Nashville Area Habitat for Humanity, Inc., 346 S.W.3d 422, 426-27 (Tenn. 2011)
- Sneed v. City of Red Bank, 459 S.W.3d 17, 22 (Tenn. 2014)
- Tennessee Department of Mental Health & Mental Retardation v. Hughes, 531 S.W.2d 299, 300 (Tenn. 1975)
- Banks v. Elks Club Pride of Tennessee 1102, 301 S.W.3d 214, 227 n.16 (Tenn. 2010)
- In re Bridgestone/Firestone, 286 S.W.3d 898, 902 (Tenn. Ct. App. 2008)
- Yardley v. Hospital Housekeeping Systems, 470 S.W.3d 800, 804 (Tenn. 2015)
- Mason v. Seaton, 942 S.W.2d 470, 474 (Tenn. 1997)
- Williams v. City of Burns, 465 S.W.3d 96, 108 (Tenn. 2015)
- Barger v. Brock, 535 S.W.2d 337, 340-41 (Tenn. 1976)
- In re Bell, 344 S.W.3d 304, 313-14 (Tenn. 2011)
- Belmont v. Board of Law Examiners, 511 S.W.2d 461, 462-63 (Tenn. 1974)
- State v. Mallard, 40 S.W.3d 473, 481 (Tenn. 2001)
- Hughes v. Board of Professional Responsibility, 259 S.W.3d 631, 640 (Tenn. 2008)
- Petition of Burson, 909 S.W.2d 768, 773-74 (Tenn. 1995)
- Barland v. Eau Claire County, 575 N.W.2d 691, 704 (Wis. 1998)
- Trau-Med of America, Inc. v. Allstate Insurance Co., 71 S.W.3d 691, 701 (Tenn. 2002)
- Delzell v. Pope, 294 S.W.2d 690, 694 (Tenn. 1956)
- Ball v. Overton Square, Inc., 731 S.W.2d 536, 538 (Tenn. Ct. App. 1987)