

SUPREME COURT OF TENNESSEE

Jodi McClay v. Airport Management Services, LLC

McClay v. Airport Management Services, LLC, No. M2019-00511-SC-R23-CV (Tenn. Feb. 26, 2020) (Lee, J., dissenting) · No. M2019-00511-SC-R23-CV · Decided February 26, 2020

SUMMARY

Justice Sharon G. Lee dissents from the Tennessee Supreme Court's decision upholding Tennessee's statutory cap on noneconomic damages. The dissent argues that Tennessee Code Annotated section 29-39-102 violates the constitutional right to trial by jury by overriding a jury's determination of noneconomic damages in negligence actions.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Sharon G. Lee, Justice
JURISDICTION	Tennessee
DECIDED	February 26, 2020
DOCKET	M2019-00511-SC-R23-CV
DISPOSITION	other
PROCEDURAL POSTURE	Rule 23 certified question of law from the United States District Court for the Middle District of Tennessee concerning the constitutionality of Tennessee's statutory cap on noneconomic damages.
STANDARD OF REVIEW	Constitutional review of a statute and interpretation of the Tennessee Constitution; the dissent also discusses the constitutional deference owed to jury determinations of damages.
PRECEDENTIAL VALUE	dissenting opinion; nonbinding
PARTIES	Jodi McClay v. Airport Management Services, LLC

TOPICS

constitutional law damages appellate procedure statutory interpretation remedies

PRACTICE AREAS

constitutional law torts damages appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether Tennessee Code Annotated section 29-39-102 violates Article I, section 6 of the Tennessee Constitution by limiting a jury's award of noneconomic damages.
2. Whether the General Assembly may legislatively limit the amount of damages determined by a jury in a common-law negligence action without a constitutional amendment ratified by the voters.
3. Whether applying the statutory cap after a jury determines damages impermissibly invades the jury's constitutional role.

HOLDINGS

1. In the dissent's view, Tennessee Code Annotated section 29-39-102 is unconstitutional because it permits the legislature to override a jury's determination of noneconomic damages in a common-law negligence action.
2. In the dissent's view, the General Assembly may not diminish the constitutional jury-trial right by statute; any amendment to the Tennessee Constitution must proceed through the constitutional amendment and voter-ratification process.

KEY QUOTATIONS

"The Tennessee Constitution guarantees that the "right of trial by jury shall remain inviolate." (-1)

"Thus, the damages cap statute unconstitutionally takes away a citizen's right to trial by jury on noneconomic damages." (-1)

"Thus, if courts cannot require a party to accept a reduction in a jury's award of damages, then it stands to reason that the legislature cannot by statutory enactment preempt a jury's award." (-3)

"Such an argument pays lip service to the form of the jury but robs the institution of its function" (-8)

"allowing a trial judge, after considering the attendant circumstances and proof in a case, to offer a plaintiff the choice to avoid a new trial is a far cry from legislatively reversing a jury's assessment of the amount of damages" (-9)

FACTUAL BACKGROUND

The opinion addresses the legal effect of Tennessee's statutory cap on noneconomic damages rather than resolving a detailed underlying factual record. The statute generally limits noneconomic damages to \$750,000, or \$1,000,000 in catastrophic-injury cases. The dissent uses the severe injuries and large noneconomic-damages verdict in *Meals ex rel. Meals v. Ford Motor Co.* as an illustration of the statute's potential consequences.

PROCEDURAL HISTORY

The United States District Court for the Middle District of Tennessee certified a question of state law to the Tennessee Supreme Court. Justice Lee dissented from the Tennessee Supreme Court majority's conclusion that Tennessee Code Annotated section 29-39-102, which caps noneconomic damages, is constitutional.

DISPOSITION

other

CASES CITED

- Duran v. Hyundai Motor America, Inc., 271 S.W.3d 178, 210-11 (Tenn. Ct. App. 2008)
- Meals ex rel. Meals v. Ford Motor Co., 417 S.W.3d 414, 417-18, 424-25, 428 (Tenn. 2013)
- Johnson v. Nunis, 383 S.W.3d 122, 134, 136 (Tenn. Ct. App. 2012)
- Smartt v. NHC Healthcare/McMinnville, LLC, No. M2007-02026-COA-R3-CV, 2009 WL 482475, at *21 (Tenn. Ct. App. Mar. 10, 2009)
- Borne v. Celadon Trucking Services, Inc., 532 S.W.3d 274, 308-09 (Tenn. 2017)
- Crabtree Masonry Co. v. C & R Construction, Inc., 575 S.W.2d 4, 5 (Tenn. 1978)
- City of Chattanooga v. Rogers, 299 S.W.2d 660, 661 (Tenn. 1956)
- D. M. Rose & Co. v. Snyder, 206 S.W.2d 897, 901 (Tenn. 1947)
- Dynamic Motel Management, Inc. v. Erwin, 528 S.W.2d 819, 822 (Tenn. Ct. App. 1975)
- City of Chattanooga v. Ballew, 354 S.W.2d 806, 808-09 (Tenn. Ct. App. 1961)
- Walton ex rel. Walton v. Tullahoma HMA, LLC, 572 S.W.3d 180, 188 (Tenn. Ct. App. 2018)
- Long v. Mattingly, 797 S.W.2d 889, 896 (Tenn. Ct. App. 1990)
- Spence v. Allstate Insurance Co., 883 S.W.2d 586, 594 (Tenn. 1994)
- McCall v. Waer, 487 S.W.2d 308, 310 (Tenn. 1972)
- Hetzel v. Prince William County, Virginia, 523 U.S. 208, 211 (1998)
- Illustration Design Group, Inc. v. McCanless, 454 S.W.2d 115, 118 (Tenn. 1970)
- Cummings v. Beeler, 223 S.W.2d 913, 924 (Tenn. 1949)
- Derryberry v. State Board of Election Commissioners, 266 S.W. 102, 105 (Tenn. 1924)
- Lavin v. Jordon, 16 S.W.3d 362, 366, 368 (Tenn. 2000)
- Lindenberg v. Jackson National Life Insurance Co., 912 F.3d 348, 367-70 (6th Cir. 2018)
- Atlanta Oculoplastic Surgery, P.C. v. Nestlehutt, 691 S.E.2d 218, 222-23 (Ga. 2010)
- Hilburn v. Enerpipe Ltd., 442 P.3d 509, 516, 524 (Kan. 2019)
- Miller v. Johnson, 289 P.3d 1098, 1140 (Kan. 2012) (Beier, J., concurring in part and dissenting in part)
- Watts v. Lester E. Cox Medical Centers, 376 S.W.3d 633, 642-43 (Mo. 2012)
- Sofie v. Fibreboard Corp., 771 P.2d 711, 720-21, 724 (Wash. 1989)
- Dimick v. Schiedt, 293 U.S. 474, 487 (1935)
- Moore v. Mobile Infirmary Association, 592 So. 2d 156, 163-64 (Ala. 1991)
- State ex rel. Diehl v. O'Malley, 95 S.W.3d 82, 92 (Mo. 2003)
- Missouri Alliance for Retired Americans v. Department of Labor and Industrial Relations, 277 S.W.3d 670, 682 (Mo. 2009)
- Feltner v. Columbia Pictures Television, Inc., 523 U.S. 340, 353 (1998)

- Smith v. Gore, 728 S.W.2d 738, 747 (Tenn. 1987)
- Cavender v. Hewitt, 239 S.W. 767, 768 (Tenn. 1921)
- Estrin v. Moss, 430 S.W.2d 345, 350 (Tenn. 1968)

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