

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

John Doe,)	Civil Action No.
)	
Plaintiff,)	Judge:
v.)	
)	Magistrate Judge:
Metropolitan Government of Nashville and)	
Davidson County,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff John Doe¹ (“Plaintiff”), by and through his undersigned counsel, alleges as follows based upon his personal knowledge or upon information and belief:

NATURE OF THE ACTION

1. This is an employment discrimination action arising from Defendant’s unlawful denial of employment to Plaintiff based solely on his health status. Plaintiff lives with the human immunodeficiency virus (“HIV”) and was denied a previously offered position as a police officer because of his HIV status, even though he posed no significant risk to others and was otherwise qualified for the job for which he had applied. In this Complaint, Plaintiff challenges the legality of Defendant’s policies and practices that in effect categorically bar individuals living with HIV from serving in the Defendant’s police department, the Metropolitan Nashville Police Department (“Nashville PD”), despite medical advancements that render HIV status irrelevant to a person’s ability to perform the duties of a police officer in any capacity.

¹ Plaintiff John Doe has moved to proceed using this pseudonym, rather than his legal name, to protect his privacy and safety regarding his HIV status.

2. Defendant's unlawful actions constitute a violation of federal law including, but not limited to, the Americans with Disabilities Act of 1990 ("ADA"), the Civil Rights Act of 1991, and the Rehabilitation Act of 1973. As a result, Plaintiff is entitled to injunctive relief including, but not limited to, his right to be employed as a police officer with the Nashville PD and by the Metropolitan Government of Nashville and Davidson County ("Nashville" or the "Defendant"). Plaintiff is also entitled to monetary relief, in an amount to be determined at trial.

3. As described below, Plaintiff is a Tennessee native and decorated public servant. Plaintiff was first hired as a police officer with the Memphis Police Department ("Memphis PD") in 2017. Plaintiff is currently a police officer with the Tennessee Highway Patrol where he has been employed since 2022.

4. In 2019, Plaintiff was named the Memphis PD Officer of the Year, as well as the Officer of the Year at his assigned precinct.

5. In 2019, Plaintiff sought employment with the Defendant. His wife had obtained a new job in Nashville requiring the family to move from Memphis to Nashville.

6. Plaintiff applied to the Nashville PD in March 2019 and passed a preliminary background check, physical agility test, and a written test. On February 25, 2020, Plaintiff was offered a position with the Nashville PD contingent upon him passing a psychological evaluation and medical examination. Plaintiff passed the psychological evaluation. During his medical examination, Plaintiff submitted to a blood test, the results of which showed that he is an individual living with HIV.

7. Plaintiff first learned of his HIV status in 2015 and, since then, has aggressively and diligently received treatment. Plaintiff has been living with HIV ever since without any material health complications or progression towards acquired immunodeficiency syndrome ("AIDS").

8. Indeed, according to Plaintiff's healthcare providers, Plaintiff's HIV viral load is fully suppressed and un-transmittable, and he poses no threat of transmission to his co-workers or the community at large.

9. In a letter sent to Defendant, dated April 7, 2020, Plaintiff's primary care provider, Regional One Health, stated that Plaintiff's viral load "has been suppressed or undetectable the entire 3 years. Undetectable means un-transmittable. He does not propose [*sic*] any threat to co-workers or members of the community ... [h]e is compliant with his medication, and never misses any doses. He remains in great health, and this virus will not and has not ever effected [*sic*] his job performance or job duties I would strongly recommend him for any job without hesitation."

10. Despite Plaintiff's decorated career, devotion to public service, demonstrated ability to fully perform all duties required of a police officer, and inability to transmit HIV to co-workers or community members, Defendant rescinded Plaintiff's offer of employment upon learning that Plaintiff was living with HIV and did so without engaging in the legally required individualized inquiry and individualized assessment or offering Plaintiff any accommodation.

11. Rather, Defendant unabashedly indicated that the Nashville PD simply has a policy that if a person is living with HIV, then Defendant will not employ that person as a police officer. And this is the end of the inquiry. Defendant's stated policy is a violation of federal law and must be enjoined.

12. Defendant's conduct has harmed Plaintiff and violated his right to be free from disability-based discrimination. Plaintiff is entitled to both injunctive and monetary relief, as described below.

PARTIES

13. Plaintiff is a resident and domiciliary of Smyrna, Tennessee. Plaintiff is a person living with HIV and is therefore living with a disability as defined under the ADA and Rehabilitation Act. He is protected from unlawful discrimination based on his HIV-positive status.

14. Nashville is a political subdivision of the State of Tennessee. The Nashville PD is an agency of Nashville.

15. Defendant is an employer within the meaning of 42 U.S.C. §§ 12111(5) and covered entities within the meaning of 42 U.S.C. § 12111(2) and 29 C.F.R. § 1630.2(b).

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JURISDICTION AND VENUE

16. This Court has jurisdiction over this action under 42 U.S.C. § 12117(a) and § 2000e-5(f), 28 U.S.C. §§ 1331 and 1345.

17. This Court has authority to grant a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 and authority to grant equitable relief and monetary damages pursuant to 42 U.S.C. § 12117.

18. Venue is proper in this district under 28 U.S.C. § 1391 and 42 U.S.C. § 2000e-2 5(f)(3) because Defendant is located in this judicial district and the events and omissions giving rise to this action occurred in this judicial district.

STATEMENT OF FACTS

Plaintiff's HIV Status

19. In 2015, Plaintiff learned that he has HIV. At all relevant times, Plaintiff has been living with HIV.

20. Plaintiff is Black. The CDC estimates that, as of 2019, although Black people accounted for 13% of the U.S. Population, they comprise 40% of people living with HIV.² According to the Tennessee Department of Health, the rate of Black males living with an HIV diagnosis is 6.2 times that of White males.³

21. Plaintiff is an individual with a disability within the meaning of 42 U.S.C. § 12102 because he has HIV, a physical impairment that “substantially limits immune function.” 29 C.F.R. § 1630.2(j)(3)(iii).

22. Plaintiff is also an individual with a disability within the meaning of the ADA because Defendant regarded Plaintiff as having a disability when they withdrew his conditional offer of employment based on his perceived impairment. 42 U.S.C. § 12102(3).

23. Plaintiff's HIV is well-controlled with medication. Plaintiff diligently takes his medication and has not experienced any side-effects or adverse consequences from his medication.

² <https://www.cdc.gov/nchhstp/newsroom/fact-sheets/hiv/black-african-american-factsheet.html>.

³ <https://www.tn.gov/health/health-program-areas/statistics/health-data/hiv-data.html>.

He also takes his medication at the required time intervals without the need for any special breaks or other accommodation.

24. According to Plaintiff's healthcare providers, Plaintiff's viral load is, and during all relevant times was, fully suppressed.

25. Accordingly, Plaintiff's HIV does not present a significant risk to the health or safety of himself or others in performance of his duties as a police officer. Per the CDC, when a person achieves viral suppression, it is virtually impossible to transmit HIV. In other words, there is no dispositive evidence in the existing record that Plaintiff is unqualified to perform the essential functions of a police officer for the Nashville PD.

Plaintiff's Law Enforcement Career with the Memphis PD

26. Plaintiff has long been devoted to a life of public service in public safety. For more than a decade, Plaintiff has worked in positions related to law enforcement.

27. Plaintiff first began his career in law enforcement when he enrolled in the Memphis PD police academy in 2011. Unfortunately, Plaintiff suffered a foot injury just a few weeks before graduation, which put his dreams on hold.

28. Plaintiff remained employed by the Memphis PD by serving as a clerk at the Memphis impound lot while his foot healed. Once healed, he resumed his training in the Memphis PD police academy.

29. In January of 2018, Plaintiff graduated from the Memphis PD police academy. He subsequently served as a field training officer for eighty (80) days until he began working shifts as a patrolman for two (2) years.

30. In October of 2019, Plaintiff identified, chased, and apprehended multiple suspects that were wanted for their alleged involvement in the murder of a University of Memphis professor.

31. Plaintiff received multiple awards for his heroism including Officer of the Year for Memphis PD and his local precinct.

32. Plaintiff was also interviewed and appeared on the local news to discuss his courageous acts.

33. After two (2) years as a patrolman, Plaintiff volunteered for Memphis PD's crisis intervention team ("CIT"). CIT officers respond to crisis calls that place officers face-to-face with complex issues relating to mental illness, including gun violence.

34. Plaintiff was subsequently promoted to a Police 2 function within the Memphis PD. As part of this promotion, Plaintiff received a raise, which he used to help pay for his master's degree.

35. By any measure, Plaintiff has been a model officer and a credit to each police department and community he has served.

Plaintiff's Application to the Nashville PD and Defendant's Rejection of his Application on Account of Plaintiff's HIV Status

36. In 2019, Plaintiff's wife obtained a new job in Nashville and the family decided to move to the Nashville suburbs.

37. In September of 2019, Plaintiff applied to the Nashville PD so he could stop commuting between Memphis and Nashville and be closer to his family, including his wife and daughter. A copy of the job posting is attached hereto as Exhibit A.

38. Upon review of his application, on February 25, 2020, Plaintiff received an offer from the Nashville PD on the condition that he pass a medical examination.

39. Plaintiff then met with Dr. Gill Wright ("Dr. Wright"), a physician with the Metropolitan Public Health Department to whom he was referred for the medical examination in connection with his application for employment with the Nashville PD.

40. As part of the medical examination, Plaintiff was required to undergo a blood test. He was not informed of the purpose for the bloodwork or what was being tested as part of the bloodwork.

41. When the analysis of his bloodwork was complete, a nurse called Plaintiff to inform him that he was HIV positive. Plaintiff explained to the nurse that he was aware of the diagnosis, and that his virus had been undetectable, or un-transmittable, for over five (5) years, as described in Regional One Health's letter.

42. On March 12, 2020, the Nashville PD sent Plaintiff a rejection letter (the “Rejection Letter”) withdrawing his prior offer of employment. The explanation stated simply that, “The Civil Service Medical Officer’s report states you are not recommended to attend the Police Academy. All applications for the position of Police Officer Trainee must meet or exceed the medical standards set forth in the United States Army Induction Standards, 40-501.”⁴ The Rejection Letter informed Plaintiff of his appeal rights. The Rejection Letter is attached hereto as Exhibit B.

43. The Rejection Letter also stated, “Applicants who do not meet the physical standards of Army Regulation 40-501 may file a request with the Civil Service Commission for a waiver. The applicant must submit any additional medical evaluations to the examining physician at the Health Department.”

44. Plaintiff called the Nashville PD to discuss the Rejection Letter. During the call, a representative of the Nashville PD informed Plaintiff that while he could appeal the decision set forth in the Rejection Letter, his application would ultimately be denied due to his HIV status.

45. Plaintiff subsequently appealed the decision by requesting a medical waiver, as instructed in the Rejection Letter, and explained that his diagnosis does not affect his ability to act as a police officer, as he is currently an active police officer in Tennessee.

46. In a letter dated April 7, 2020, Plaintiff’s primary care provider of three (3) years at Regional One Health substantiated that Plaintiff’s viral load has been “undetectable” and “untransmittable” for all three (3) of those years (the “Regional Health Letter”). The Regional Health Letter stated that Plaintiff “does not propose [*sic*] any threat to co-workers or members of the community” and that the “virus will not and has not ever effected [*sic*] his job performance or job duties.” The Regional Health Letter also stated that “[Plaintiff] is compliant with his medication, and never misses any doses. He remains in great health, and this virus will not and has not ever

⁴ In July 2022, Nashville implemented four (4) Charter amendments, including an amendment to Charter Section 8.208, which removed the requirement that an appointee meet physical standards as set forth by the United States Army or Navy.

affected job performance or job duties.” The Regional Health Letter is attached hereto as Exhibit C.

47. On April 14, 2020, the Civil Service Commission (the “Commission”) met and denied Plaintiff’s medical waiver claims notwithstanding the medical evidence to the contrary and Plaintiff’s exemplary qualifications for performing the functions of his job as a police officer.

48. The Commission stated that Plaintiff’s blood results show he is HIV positive.

49. In support of its decision, the Commission cited Dr. Wright’s medical statement that “Plaintiff cannot perform all the safety sensitive functions of the job without placing [others] at increased risk” and claimed that “no reasonable accommodations are available.” Dr. Wright’s medical statement is attached hereto as Exhibit D.

50. The Commission cited no objective scientific or medical evidence in support of its opinion that Plaintiff posed a risk to others because of his HIV status and was therefore not entitled to a medical waiver.

51. The Commission also made no individualized findings about how Plaintiff’s HIV status affected his ability to serve as a police officer.

52. Defendant’s rescission of their offer to employ Plaintiff as a police officer also forced Plaintiff to find alternative employment with a different law enforcement agency in Tennessee.

53. As a result of Defendant’s rescission of their offer to employ Plaintiff as a police officer, Plaintiff experienced lost wages, emotional pain and suffering, stress, anxiety, loss of enjoyment of life, humiliation, inconvenience, and other monetary and dignitary harms.

PLAINTIFF’S EXHAUSTION OF AVAILABLE ADMINISTRATIVE REMEDIES

54. Defendant’s conduct in rescinding Plaintiff’s employment offer with the Nashville PD based on Plaintiff’s status as a person living with HIV is a violation of Plaintiff’s rights under the ADA, the Civil Rights Act of 1991, and the Rehabilitation Act.

55. On August 6, 2020, Plaintiff filed a timely Charge of Discrimination with the U.S. Equal Opportunity Employment Commission (“EEOC”) alleging that Defendant’s rescission of

Plaintiff's employment offer with the Nashville PD constituted unlawful discrimination under federal law.

56. In response to Plaintiff's Charge of Discrimination, Defendant denied that Plaintiff's disability "does not prevent him from performing the duties of a police officer with [Nashville PD]." A copy of Defendant's position statement is attached hereto as Exhibit E.

57. On December 22, 2021, the EEOC issued a Determination of Probable Cause to Plaintiff, stating that the "evidence obtained during the course of the investigation establishes reasonable cause to believe that [Nashville PD] discriminated against [Plaintiff] when he was immediately disqualified for employment after his disability was revealed during a post-hiring medical examination. Respondent failed to engage in the interactive process to address any accommodation available to Charging Party. As a result, [Nashville PD's] job offer was rescinded, and he was denied employment by Respondent because of his disability in violation of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA)." A copy of the EEOC Determination of Probable Cause is attached hereto as Exhibit F.

58. On April 25, 2023, the U.S. Department of Justice issued Plaintiff a Notice of Right to Sue letter. Plaintiff received the Notice letter on April 25, 2023. This suit is timely commenced within 90 days of Plaintiff's receipt of the Notice letter.

59. Plaintiff has exhausted all administrative remedies available to him. All conditions precedent to the initiation of this suit have been fulfilled.

CAUSES OF ACTION

COUNT 1: VIOLATION OF TITLE I OF THE AMERICANS WITH DISABILITIES ACT

(42 U.S.C. § 12111 et seq.)

60. Plaintiff realleges and reincorporates herein by reference each and every foregoing allegation of the Complaint as if they were repeated in full herein.

61. The ADA provides that "[n]o covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring,

advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a).

62. The ADA defines “covered entity” as “an employer, employment agency, labor organization, or joint labor-management committee.” 42 U.S.C. § 12111(2).

63. The ADA defines “qualified individual” as “an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.” 42 U.S.C. § 12111(8).

64. The ADA defines “disability” as “(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” 42 U.S.C. § 12102(1).

65. The ADA regulations define a “physical or mental impairment” as defined as (1) “[a]ny physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or (2) [a]ny mental or psychological disorder, such as an intellectual disability..., organic brain syndrome, emotional or mental illness, and specific learning disabilities.” 29 C.F.R. § 1630.2(h).

66. The ADA defines “major life activities” to include, the “operation of a major bodily function, including ... functions of the immune system [and] normal cell growth.” 42 U.S.C. § 12102(2)(B).

67. “The term ‘substantially limits’ shall be construed broadly in favor of expansive coverage” and “is not meant to be a demanding standard.” 29 C.F.R. § 1630.2(j)(1)(i). “An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.” *Id.* § 1630.2(j)(1)(ii). In addition, the “determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures.” *Id.* § 1630.2(j)(1)(vi).

68. Being HIV positive, even if asymptomatic, is a disability for purposes of the ADA. 28 C.F.R. § 36.104. HIV is a chronic medical condition and an “impairment that substantially limits [a] major life activit[y],” 42 U.S.C. § 12102(1)(A), specifically, ”the operation of a major bodily function, . . . the immune system.” 42 U.S.C. § 12102(2)(B).

69. Title I of the ADA, 42 U.S.C. §§ 12111-12117, and its implementing regulation, 29 C.F.R. Part 1630, prohibit covered entities, such as Defendant, from discriminating against qualified individuals on the basis of disability in regard to the discharge of employees and other terms, conditions, and privileges of employment.

70. Under the ADA, the term “discriminate against a qualified individual on the basis of disability” includes “utilizing standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability.” 42 U.S.C. § 12112(b)(3)(A).

71. Plaintiff is a qualified individual with a disability within the meaning of the ADA who during all relevant time periods could perform the essential functions of a police officer with or without accommodation. 42 U.S.C. § 12111(8); 29 C.F.R. § 1630.2(m).

72. Defendant failed to engage in an individualized assessment of Plaintiff’s ability to serve as a police officer. Among the many deficiencies in their assessment is any meaningful consideration of how Plaintiff’s viral suppression eliminated both any transmission risk and any deterioration in his health that might affect his ability to perform the essential functions of the job.

73. Defendant knowingly discriminated against Plaintiff in violation of 42 U.S.C. § 12112(a) and 29 C.F.R. § 1630.4 by withdrawing Plaintiff’s conditional offer of employment as a police officer on the basis of his HIV disability.

COUNT 2: VIOLATION OF THE REHABILITATION ACT OF 1973

(29 U.S.C.A. § 794)

74. Plaintiff realleges and reincorporates herein each and every foregoing allegation of the Complaint as if they were repeated in full herein.

75. The Rehabilitation Act of 1973 (“Rehabilitation Act”) “prohibits discrimination against the disabled in federally funded programs.” *Andrews v. State of Ohio*, 104 F.3d 803, 806 (6th Cir. 1997).

76. The Nashville PD is a federally funded program.

77. Plaintiff is a qualified individual with a disability within the meaning of the Rehabilitation Act. 29 U.S.C. § 706(8).

78. “By statute, ADA standards govern Rehabilitation Act claims of employment discrimination.” *Holiday v. City of Chattanooga*, 206 F.3d 637, 642 n.1 (6th Cir. 2000) (citing *Andrews*, 104 F.3d at 807).

79. Because Defendant violated Title I of the ADA, they also violated the Rehabilitation Act by denying Plaintiff employment because of his disability.

80. Defendant had knowledge of his federally protected rights under the Rehabilitation Act and acted with deliberate indifference by denying Plaintiff employment because of his disability.

81. As a direct and proximate result of the Defendant’s unlawful conduct, Plaintiff has and will continue to suffer great harm, including but not limited to lost wages and benefits, humiliation, mental anguish, and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Enjoin and permanently restrain Defendant from refusing to employ individuals with disabilities, including persons with HIV;
2. Place Plaintiff in the position of police officer with the same salary and seniority that he would have occupied but for the Defendant’s conduct, or award him front pay in lieu thereof;
3. Award Plaintiff all lost wages, bonuses, benefits, and other compensation that he would have received but for Defendant’s unlawful conduct;

4. Award Plaintiff compensatory damages for his emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life caused by Defendant's unlawful conduct, in amounts to be determined at trial;

5. Award Plaintiff punitive damages against Defendant;

6. Award Plaintiff his attorneys' fees and costs against Defendant;

7. Award Plaintiff prejudgment and post-judgment interest on any damage and attorneys' fees award;

8. Require an annual mandatory training for all of Defendant's employees, including those in management positions. The training shall describe the requirements of the ADA in hiring, retention, promotion, and discharge and describe the requirements of the ADA with respect to the terms, conditions, compensation, and privileges of employment, including specific information concerning the ability of persons living with HIV to perform the services and functions provided by Defendant; and

9. Grant such other additional relief as this Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Electronically filed on: July 21, 2023

Respectfully submitted,

/s/John T. Winemiller

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**pro hac vice* motions forthcoming

** admission pending (swearing in scheduled for July 24, 2023)

COUNSEL FOR JOHN DOE, PLAINTIFF

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EXHIBIT A



Police Officer 2

Class Code:
07356

Bargaining Unit: Fraternal Order of Police

METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY
Established Date: Jun 30, 1980
Revision Date: Sep 11, 2006

SALARY RANGE

\$66,185.22 - \$86,356.69 Annually

FLSA:

Non-Exempt

JOB OBJECTIVE:

Performs law enforcement work, such as enforcing state and local laws and traffic regulations, controlling traffic flow, and transporting prisoners. Performs related duties as required.

JOB DESCRIPTION:

MAJOR JOB RESPONSIBILITIES

Performs law enforcement duties.

- Patrols an assigned area, either in an automobile or on foot.

- Responds to radio messages or telephone instructions and appears at scenes of disorder or crime.

- Notes and reports traffic hazards.

- Removes objects from streets that may obstruct traffic.

- Investigates and prepares reports on accidents, offenses, and damage to property.

- Intervenes in private or public disputes to protect the public and maintain order.

- Makes arrests, issues citations, gives verbal warnings, and directs traffic.

- Assists with receiving, searching, booking, fingerprinting, and supervising prisoners.

- Writes case reports and maintains a log of activities.

- Appears in court as the arresting officer.

- Transports prisoners.

May relieve a superior officer as needed.

SUPERVISION EXERCISED/SUPERVISION RECEIVED

This is a non-supervisory classification.

Receives general supervision and reports to a Police Sergeant or a senior officer, who evaluates daily activities and is consulted on unusual or complex matters.

WORKING ENVIRONMENT/PHYSICAL DEMANDS

Employee works in a law enforcement environment which requires physical stamina and exposure to hazardous and stressful situations. May be required to work varying shifts and weekends.

EMPLOYMENT STANDARDS:

EDUCATION AND EXPERIENCE

At least sixty (60) semester hours of course work from an accredited college or university with an overall Grade Point Average of 2.0 ("C" Average) or above

OR

High school diploma or GED plus one of the following:

- At least sixty (60) semester hours of course work from an accredited college or university with an overall Grade Point Average of 2.0 ("C" Average) or above
- at least two (2) years active military duty (Honorable Discharge)
- at least two (2) years as a full-time, certified (Tennessee P.O.S.T. Certification or equivalent State certification) active law enforcement officer *
- 5 years responsible work experience

NOTE: Requires successful completion of Metro Nashville Police Training Academy

***Active law enforcement officer means a permanent, full time, uniformed law enforcement officer functioning in a patrol capacity, determined from documentation or certification submitted to the Police Department.**

No other substitution.

PERFORMANCE STANDARDS

NOTE: As with all other sworn positions within the Police Department, the employee must maintain the knowledge, skills, and physical and emotional capabilities to function in the role of a Police Officer and in all other sworn positions of lesser rank.

Knowledge of federal, state, and local laws and ordinances.

Knowledge of departmental rules, policies, and procedures.

Knowledge of crime prevention and law enforcement policies and procedures.

Knowledge of police codes and radio transmission procedures.

Knowledge of court room procedures.

Knowledge of the procedures used in searching, booking, fingerprinting, and transporting prisoners.

Skill in making observations, taking note of and remembering details.

Ability to read and understand laws, regulations, police literature, and departmental rules, policies and procedures.

Ability to analyze situations and adopt quick, effective, and reasonable courses of action.

Ability to follow written and oral instructions.

Ability to communicate effectively, both orally and in writing.
Ability to write clear and accurate reports.
Ability to operate motor vehicles safely.
Ability to use firearms correctly.
Ability to remember names, faces, and details of incidents, and have keen observation skills.
Ability to establish and maintain effective working relationships.

LICENSES REQUIRED

Valid Driver License
Police Commission and P.O.S.T. Certification

PHYSICAL REQUIREMENTS

- A. Far visual acuity must be at least 20/20 in the better eye and 20/30 in the other eye binocular corrected with contact lenses or spectacles. Far visual acuity uncorrected must be at least 20/100 binocular for wearers of hard contacts or spectacles. Successful long-term soft contact lens wearers shall not be subject to the uncorrected criterion. Applicants must have worn soft contacts for at least six months prior to the employment physical.*
- B. Must have normal color vision.
- C. Must pass a medical examination with standards set out in the Metropolitan Charter.

***NOTE: The Civil Service Commission may, at the request of the Chief** of Police, allow an applicant admission to the Metropolitan Police Department Training Academy, provided the applicant's overall uncorrected vision is 20/20, and has previously demonstrated the ability to complete the curriculum prescribed by the Metropolitan Police Department.

NOTE ON CLASSIFICATIONS:

Employees in this classification may be eligible to target to the Police Officer 3 classification provided all of the criteria of Policy 7.2 B-II, Police Officer 3 Advancement Policy, are met.

Employees resigning after May 14, 1991, and requesting re-employment, will be required to meet the minimum educational requirement. Employees returning from disability pension will not be required to meet the minimum requirement.

Candidates with accreditations earned in a foreign institute are encouraged to apply.

Note: Per Metro Ordinance No. SO94-1078. All employees of the Metropolitan Government shall be residents of the State of Tennessee or become residents of the state within six (6) months of employment as a prerequisite to employment with the Metropolitan Government.

SUPPLEMENTAL INFORMATION:

We are an equal opportunity employer that values diversity at all levels. All individuals, regardless of personal characteristics, are encouraged to apply.

Metro Nashville Government respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on business operations.

Requests for ADA accommodation for the recruitment process should be directed to Human Resources at 615-862-6640.

EXHIBIT B

REDACTED



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

John Cooper, Mayor

Steve Anderson
Chief of Police

3/12/2020

[REDACTED]
[REDACTED]
[REDACTED]

Dear MR. [REDACTED],

Thank you for applying and competing for the position of Police Officer Trainee with the Metropolitan Nashville Police Department.

On 2/25/2020 you were given a conditional offer of employment based on successfully passing the medical examination. The Civil Service Medical Officer's report states you are not recommended to attend the Police Academy. All applicants for the position of Police Officer Trainee must meet or exceed the medical standards set forth in the United States Army Induction Standards, 40-501

If you would like to obtain additional information concerning this disqualification please contact the Metro Occupational Health Clinic at (615) 340-0406.

Under Civil Service Rules, Section 7.3-B.1. Applicants who do not meet the physical standards of Army Regulation 40-501 may file a request with the Civil Service Commission for a waiver. The applicant must submit any additional medical evaluations to the examining physician at the Health Department. The examining physician at the Health Department will make a written report to the Commission to review these records. The Commission will consider each applicant on a case-by-case basis to assess the individual's ability to perform the essential functions of a Police Officer Trainee safely and effectively."

This waiver request must be made in writing, and received by the Director of Human Resources within fourteen (14) days from the date of this letter.

Contact Information:

Metro Human Resources
Director Shannon Hall
404 James Robertson Pkwy
10th Floor
Nashville, TN 37201

This decision does not preclude you from applying for this or other positions within the Metropolitan Government in the future. You may reapply for the Police Officer Trainee position after six months from the date of this letter. Reapplying for the position does not guarantee that you will be selected just that your candidacy can be considered again at that time.

Thank you for applying for the position of Police Officer Trainee with the Metropolitan Nashville Police Department. We wish you the best of luck in your future employment endeavors.

Sincerely,

Sgt. Clifton Knight
MNPD Recruitment



EXHIBIT C

REDACTED

880 Madison Ave
Memphis, TN 38103
(901)545-7185



April 07, 2020



To Whom It May Concern:

I have been Mr. [REDACTED] primary care provider for the past 3 years. His viral load has been suppressed or undetectable the entire 3 years. Undetectable means un-transmittable. He does not pose any threat to co-workers or members of the community. His current anti-viral medication is Biktarvy. He is compliant with his medication, and never misses any doses. He remains in great health, and this virus will not and has not ever effected his job performance or job duties. He always keeps his scheduled appointments and with his virus being controlled (asymptomatic, undetectable, and suppressed) he only needs to visit the office every 5 months for routine labs and medication refills. I would strongly recommend him for any job without hesitation.

Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads 'Alicia Barber NP'.

Alicia Barber NP

Name: [REDACTED]

1 of 1

DOB: [REDACTED]

EXHIBIT D

REDACTED

MEDICAL WAIVER RECOMMENDATIONS CIVIL SERVICE COMMISSION

Meeting Date: April 14, 2020

1. Identification:

Last Name:

[REDACTED]

Date of Birth:

[REDACTED]

First Name:

[REDACTED]

Department:

POLICE

MI:

[REDACTED]

Job Title:

Police Applicant

2. Recommendation Of Civil Service Medical Examiner:

Approve

Medical Denial

3. Diagnosis:

AR 40-501 2-30 (A) HIV positive

4. Explanation of Recommendation:

Medical records received and reviewed. Diagnosis of HIV. Lab results indicate that patient is HIV positive. Patient did not indicate this condition during his physical examination or in his medical forms. The results were discovered with the lab results. Please note disclaimer statement on page 2.

5. Comments/Other Recommendations:

A medical waiver will not be supported for this applicant.

6. Attachments:

CSME Report

Medical Records

Other

**Gill Wright III MD,
FAAFP, MMM**

Digitally signed by Gill Wright III
MD, FAAFP, MMM
Date: 2020.03.30 11:22:11 -05'00'

Page 2 of Waiver Form:

The above recommendation is based on a reasonable degree of medical certainty, current evidence-based medical literature as applicable, and consideration of all of the individual's unique medical information available at the time of the recommendation. If more information becomes available at a later date, such information may or may not change the recommendation. The recommendation is determined after individually applying the current departmental guidelines, as mandated by the Metro Charter. It is my medical opinion that the individual cannot perform all of the safety sensitive functions of the job without placing them, other employees and/or the public at increased risk, and no reasonable accommodations are available that will allow them to safely perform the functions.

EXHIBIT E

REDACTED

CHARGE: I am a Police officer with the city of Memphis, TN. I applied for an open position with the city of Nashville, TN.

RESPONSE: Upon information and belief, it is admitted that Mr. [REDACTED] was a police officer in Memphis, Tennessee, at the time of his application with MNPDP. Further, it is admitted Mr. [REDACTED] applied for a position as a police officer with MNPDP.

CHARGE: I have a disability, and during the hiring process I disclosed my disability. My disability does not prevent me to perform the duties of the position I was applying for.

RESPONSE: It is admitted that Mr. [REDACTED] has a disability. It is denied that Mr. [REDACTED] disclosed his disability during the MNPDP application process. Further, Mr. [REDACTED] did not disclose his disability during his physical examination with the Metropolitan Government Civil Service Medical Examiner or in his medical forms. Mr. [REDACTED] disability was discovered as a result of routine lab work performed during the physical exam for MNPDP applicants. Further, it is denied that Mr. [REDACTED] disability does not prevent him from performing the duties of a police officer with MNPDP.

CHARGE: I provided the agency with my doctor's statement that I do not need an accommodation and that I am capable of performing the duties of the job. After I disclosed my disability, I was told that I would not be hired.

RESPONSE: The above described information was not provided to MNPDP. However, it is possible that medical information was received by the Civil Service Medical Examiner, Dr. Gill Wright, that is not available to MNPDP or the EEOC without a medical release.

{N0376801.1}

CHARGE: I appeal the decision and the city physician permanently disqualified me for the position.

RESPONSE: On February 25, 2020, Mr. [REDACTED] was offered a tentative offer of employment by MNPD, contingent upon successful completion of a medical examination by the Metropolitan Government Civil Service Medical Examiner. Mr. [REDACTED] then underwent a physical examination performed by Dr. Gill Wright at the Metropolitan Health Department. As a result of blood lab work routinely performed as part of an MNPD applicant's physical, it came to light Mr. [REDACTED] has a disability. Mr. [REDACTED] did not disclose this disability. It was discovered through blood test results.

Per Section 8.208 of the Metropolitan Charter (attached), all candidates for employment with the MNPD "shall meet the physical requirements for admission to either the United States Army or Navy at the time of appointment and again at the close of the working probationary period." Mr. [REDACTED] disability renders him unfit for duty under these physical requirements in the Metropolitan Charter. As such, Dr. Wright, could not recommend Mr. [REDACTED] for employment with the MNPD, as it would violate the Metropolitan Charter.

Mr. [REDACTED] appealed the initial determination that he was not eligible for employment with MNPD and sought a medical waiver from the Civil Service Commission. Civil Service Rule 7.3(B)(1) states:

Appeal of disqualification for the following reasons shall be considered by the Civil Service Commission. 1. Applicants who are given a tentative offer of employment will be sent for a physical exam to be performed by a physician designated by the Director of the Health Department. Applicants who do not meet the physical standards of Army Regulation 40-501 may file a request with the

Civil Service Commission for a waiver. The applicant must submit any additional medical evaluations to the examining physician at the Health Department. The examining physician at the Health Department will make a written report to the Commission to review these records. The Commission will consider each applicant on a case-by-case basis to assess the individual's ability to perform the essential functions of a Police Officer safely and effectively.

Dr. Wright did not support Mr. [REDACTED] request for a waiver in his report to the Civil Service Commission (attached). Dr. Wright explained in his report to the Civil Service Commission that “[Dr. Wright] individually applied the current departmental guidelines, as mandated by the Metro Charter.” Dr. Wright further, explained that due to Mr. [REDACTED] disability, “the individual cannot perform all of the safety sensitive functions of the job without placing them, other employees and/or the public at increased risk, and no reasonable accommodations are available that will allow them to safely perform the functions.”

The Civil Service Commission reviewed the information pertaining to Mr. [REDACTED] appeal and voted to deny a medical waiver in this case.

CHARGE: I escalated my appeal to the Mayor and at the civil service meeting, the Civil Service Commission sided with the medical profession and denied me the job because of my disability.

RESPONSE: Admitted. See above response for further explanation.

CHARGE: I believe that I have been discriminated against because of my disability in violation of the Americans with Disabilities Act Amendments Act of 2008.

RESPONSE: Metro emphatically denies it discriminated against Mr. [REDACTED] due to his disability. Per the Metropolitan Charter, Mr. [REDACTED] is not qualified for the position of a police

officer with the MNPD. The Civil Service Medical Examiner has opined that Mr. [REDACTED] cannot perform the duties and responsibilities of a MNPD police officer without placing others at an increased risk of harm, and no reasonable accommodation is available to safely perform the position of police officer.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
Robert E. Cooper, Jr, #10934
Director of Law

Phylinda Ramsey

Phylinda Ramsey, #29545
Cynthia E. Gross, #25720
Assistant Metropolitan Attorneys
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219-6300
[REDACTED]

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

John Doe

(b) County of Residence of First Listed Plaintiff Rutherford
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John T. Winemiller, Merchant & Gould P.C.
800 S. Gay Street, Ste 2150, Knoxville TN 37929

DEFENDANTS

Metropolitan Government of Nashville and Davidson County

County of Residence of First Listed Defendant Davidson
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Americans with Disabilities Act of 1990 ("ADA"), the Civil Rights Act of 1991, and the Rehabilitation Act of 1973

Brief description of cause:

Employment discrimination action arising from Defendant's unlawful denial of employment to Plaintiff based solely on his health status

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Jul 21, 2023

/s/ John T. Winemiller

FOR OFFICE USE ONLY

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee



John Doe

Plaintiff

v.

Metropolitan Government of Nashville and Davidson County

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Director of Law at the Department of Law
Metropolitan Courthouse, Suite 108
Nashville, TN 37201
(615) 862.6341

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John T. Winemiller
Merchant & Gould P.C.
800 S. Gay Street, Suite 2150
Knoxville, TN 37929

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: