



McClay v. Airport Management Services, LLC, 596 S.W. 3d 686 (Tenn. 2020)

Topics Covered: Professional Liability, Tort Reform

Outcome: Favorable

Issue

The issue in this case was whether the \$750,000 statutory cap on noneconomic damages in Tenn. Code Ann. § 29-39-102, is constitutional.

AMA Interest

The AMA supports caps on non-economic damages in medical malpractice lawsuits. Also, the AMA opposes abusive lawsuits against physicians.

Case Summary

While she was at the Nashville Airport, a heavy wooden panel fell on Jodi McClay's foot. McClay then sued, alleging that the airport was negligent and had injured her. A jury found in her favor and awarded her \$444,500 in future medical expenses and \$930,000 for noneconomic damages.

The defendant asked the district court to apply the state's cap of \$750,000 on noneconomic damage awards. In response, McClay challenged the constitutionality of the cap, asserting that the cap denied her right to trial by jury, violated separation of powers, and unfairly discriminated against women. The district court then certified the issue to the Tennessee Supreme Court, which, in a split decision, affirmed the constitutionality of the cap on damages.

AMA Involvement

The Litigation Center and the Tennessee Medical Association filed an *amicus* brief to support the cap on noneconomic damages.

Tennessee Supreme Court Brief