

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

AMY FROGGE, JILL SPEERING, and §
FRAN BUSH, individually, and in their §
official capacities as members of the §
Metropolitan Nashville Board of §
Public Education, §

Plaintiffs, §

v. §

Case No.: 20-420-IV (III)

SHAWN JOSEPH, §

and §

THE METROPOLITAN GOVERNMENT §
OF NASHVILLE AND DAVIDSON §
COUNTY, acting by and through §
THE METROPOLITAN NASHVILLE §
BOARD OF PUBLIC EDUCATION, §

Defendants. §

AGREED FINAL ORDER

This case came before the Court upon remand from the Court of Appeals for resolution of the issue of attorney's fees on appeal. *See Frogge v. Joseph*, No. M2020-01422-COA-R3-CV, 2022 WL 2197509, at *19 (Tenn. Ct. App. June 20, 2022) ("We conclude that Plaintiffs qualify as prevailing parties within the meaning of 42 U.S.C. § 1988 and are entitled to an award of reasonable attorney's fees incurred on appeal related to their constitutional claims. The trial court must determine a reasonable amount of fees on remand.") (citing *Murrell v. Bd. of Admin. City of Memphis Pension & Ret. Sys.*, No. W2020-00187-COA-R3-CV, 2021 WL 1233500, at *5 (Tenn. Ct. App. Mar. 31, 2021) *perm. app. denied* (Tenn. Sept. 22, 2021)). As evidenced by the signatures of adversary

counsel below, the Parties represent that they have settled and compromised all outstanding issues related to attorney's fees, costs, and pre- and post-judgment interest on the original judgment. Accordingly, the Parties stipulate that **JUDGMENT SHALL ISSUE** for the Plaintiffs against the Defendants in the amount of **ONE HUNDRED AND TEN THOUSAND DOLLARS AND NO CENTS (\$110,000.00)** pursuant to 42 U.S.C. § 1988(b), payable to the Law Office of Daniel A. Horwitz IOLTA by the Metropolitan Government within thirty (30) days of entry of this order, for which execution may issue if necessary.

This order constitutes a final judgment in Case No.: 20-420-IV. The Clerk shall enter judgment pursuant to Tenn. R. Civ. P. 58. Court costs are taxed to the Defendants, for which execution may issue if necessary.

IT IS SO ORDERED.

ENTERED this the ____ day of _____, 2022.


CHANCELLOR ELLEN HOBBS LYLE

APPROVED FOR ENTRY BY:

/s/ Daniel A. Horwitz

Daniel A. Horwitz, BPR#032176

Lindsay Smith, BPR #035937

HORWITZ LAW, PLLC

4016 Westlawn Dr.

Nashville, TN 37209

daniel@horwitz.law

lindsay@horwitz.law

(615) 739-2888

Counsel for Plaintiffs

/s/ J. Brooks Fox (w/ permission—DAH)

J. Brooks Fox, BPR #16096

Metropolitan Courthouse, Suite 108

P.O. Box 196300

Nashville, TN 37219

brook.fox@nashville.gov

Counsel for Defendant Metro Government, acting by and through the Metropolitan Board of Education

/s/ Charles W. Cagle (w/ permission—DAH)

Charles W. Cagle, BPR #013738

Katherine Kimmel, BPR #038320

424 Church St., Suite 2500

P.O. Box 198615

Nashville, TN 37219

CCagle@lewisthomason.com

kkimmel@lewisthomason.com

Counsel for Defendant Shawn Joseph

Respectfully submitted,

By: /s/ Daniel A. Horwitz
Daniel A. Horwitz, BPR#032176
Lindsay Smith, BPR #035937
HORWITZ LAW, PLLC
4016 Westlawn Dr.
Nashville, TN 37209
daniel@horwitz.law
lindsay@horwitz.law
(615) 739-2888

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 20 th day of July, 2022, a copy of the foregoing was sent via the Court's electronic filing system and/or via email to the following parties:

J. Brooks Fox, BPR #16096
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, TN 37219
brook.fox@nashville.gov

*Counsel for Defendant Metro Government, acting by and through the
Metropolitan Board of Education*

Charles W. Cagle, BPR #013738
Katherine Kimmel, BPR #038320
424 Church St., Suite 2500
P.O. Box 198615
Nashville, TN 37219
CCagle@lewisthomason.com
kkimmel@lewisthomason.com

Counsel for Defendant Shawn Joseph

By: /s/ Daniel A. Horwitz