

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

LEONARD SMITH,)
) Claim No. 0546-GL-23-0308604-001
 Claimant,)
)
 vs.)
)
 STATE OF TENNESSEE,)
) Regular Claims Docket
 Defendant.)

TRIAL ORDER AND MEMORANDUM

This claim is pending before the Middle Division of the Tennessee Claims Commission. A trial was conducted on January 13-14, 2026. Trial transcripts were filed with the Clerk of the Claims Commission on February 9, 2026, and the trial exhibits were entered into the record on February 24, 2026. The Tribunal now issues this Order and Memorandum.

PROCEDURAL HISTORY

On November 7, 2023, Claimant Leonard Smith submitted a Claim for Damages (the “Claim”) to the Tennessee Division of Claims and Risk Management.

On November 8, 2023, the Claim was transferred to the Claims Commission pursuant to Tenn. Code Ann. § 9-8-402(c). The Claim included a formal Complaint. On December 8, 2023, the State of Tennessee (the “State”) filed an Answer to Claimant’s Complaint.

On June 24, 2024, Claimant filed an Amended Complaint (the “Complaint”), which generally asserts Claimant Leonard Smith is an inmate at Riverbend Maximum Security Institution (“Riverbend”). Smith works as an inmate plumber and electrician.

On March 26, 2023, he suffered a workplace injury. More specifically, his hand was mangled by a drain cleaning machine, known as an auger. The machine’s operating manual

requires leather work gloves. Claimant asserts he was given cloth gloves with the fingers and palms coated in rubber. The Complaint alleges there was a preexisting kink in the machine's cable, making it dangerous to use, and Smith was not provided with proper training to operate the auger. The Complaint further alleges the State had knowledge of the kink in the machine's cable and failed to fix it. As a result of the accident, Claimant sustained injuries to his first, second, and third finger on his right hand, which partially mangled the middle and ring finger, including fractures with exposed bone with soft tissue lacerations. Smith was transported to Vanderbilt Medical Center's Emergency Department for treatment. He was released and scheduled for a follow-up visit in three to five days. Subsequently he was taken to the wrong hospital, and the follow-up appointment was delayed several weeks. The Complaint asserts Claimant continues to suffer from pain due to the injury and permanent damage. The Complaint alleges negligence pursuant to Tenn. Code Ann. § 9-8-307(a)(1)(C) for negligent maintenance of a dangerous condition on State controlled real property, and Tenn. Code Ann. § 9-8-307(a)(1)(E) for negligent care, custody or control by failing to provide safety gloves, training, and to provide access to appropriate medical care. Claimant seeks \$300,000.00, and related damages.

On July 10, 2024, the State filed an Answer to the Amended Complaint (the "Answer"). The State admits Claimant is an inmate at Riverbend and was injured but denies negligence or liability. The State asserts an affirmative defense of comparative fault.

On August 5, 2025, the Tribunal entered an Order Setting Trial for January 13-14, 2026. The State filed a Pre-Trial Brief on January 9, 2026. On January 12, 2026, Claimant filed a Pre-Trial Brief. Also on January 12, 2026, the parties filed Pre-Trial Stipulations.

On February 9, 2026, the State filed a Post-Trial Brief, Claimant filed a Post-Trial Brief, and the Trial Transcripts were filed with the Clerk of the Claims Commission. On February 24, 2026, the trial exhibits were entered into the record.

AGREED STIPULATIONS OF FACT AND EXHIBITS

The Pre-Trial Stipulations filed on January 12, 2026, admitted the following facts:

1. Claimant Leonard Smith is an inmate in the custody of the Tennessee Department of Corrections (TDOC) and is currently incarcerated at Riverbend Maximum Security Institution (RMSI) in Davidson County.
2. On March 26, 2023, Shift Commander Robert Mosley or Yard Officer John Artrip authorized Mr. Smith and another inmate, Justin Conrad, who are both inmate maintenance workers at RMSI, to complete maintenance work on a clogged drain.
3. No work order exists regarding the clogged drain on March 26, 2023.
4. Shift Commander Mosley or Yard Officer Artrip authorized the release of an auger for that purpose on March 26, 2023.
5. An auger is a tool that cleans clogs out of drainpipes. A spinning cable feeds into the drain to clear the clog. The auger has a lever that controls the direction of the cable (feed or retract) and a foot pedal that controls the speed of the cable.
6. There is no tool log or other documentation at RMSI that documents the use of the auger.
7. The only auger that was available for use by inmate maintenance on that day was the auger stored in the Boiler Room of Building 14.
8. Counselor Shaska Webb and Sergeant Domingo Castillo were physically present in Unit 6 at RMSI on March 26, 2023, at the time Mr. Smith and Mr. Conrad were operating the auger.
9. The auger's operating manual called for use of leather work gloves and instructed that rubber gloves should only be worn under them. See Ex. 3 to Amend. Compl. at 3 ("Only wear RIDGID drain cleaning gloves or mitts ("gloves"). . . Only wear rubber or latex gloves under RIGID drain cleaner gloves.") (all emphasis in original); see also id. at 7 ("Always wear safety glasses, RIDGID drain cleaning gloves, and other appropriate protective equipment when inspecting your drain cleaner. For extra protection from chemicals and bacteria on the equipment, wear latex, rubber or other liquid barrier gloves under the RIDGID drain cleaning gloves.") (emphasis in original).
10. Before March 26, 2023, RMSI had never ordered Ridgid brand drain cleaning gloves, but had ordered leather gloves.

11. Neither Mr. Smith nor Mr. Conrad ever were provided Ridgid brand drain cleaning gloves and were not wearing them while operating the auger.
12. Mr. Conrad was wearing leather gloves; Mr. Smith was wearing gloves with rubber palms.
13. The auger's operating manual warns that kinked cables "may cause striking or crushing injuries." Id. at 2, 3.
14. A kinked auger cable renders the auger unsafe to use.
15. The cable was already kinked when Mr. Smith and Mr. Conrad began work on March 26, 2023.
16. Other inmate maintenance workers had warned Mr. Smith that the cable was kinked and to be careful.
17. When using the auger on March 26, 2023, Mr. Smith's right hand became caught in the auger cable.
18. Mr. Smith's middle and ring fingers were nearly amputated, including fractures with exposed bone with soft tissue lacerations.
19. Mr. Smith was then transported from RMSI to Vanderbilt University Medical Center's Emergency Department at the recommendation of Riverbend's medical unit and treated.
20. Mr. Smith was released from Vanderbilt's Emergency Department with instructions to follow up with Vanderbilt's hand clinic in three-to-five days.
21. The State scheduled Mr. Smith's follow-up appointment for May 31, 2023.
22. On May 31, 2023, the State transported Mr. Smith to the wrong medical facility.
23. Thus, Mr. Smith's follow-up appointment at Vanderbilt did not occur until July 5, 2023.
24. No orders were placed for a new auger cable between January 1, 2022, and January 1, 2024.
25. Another inmate, Merl Medley, was previously injured while operating an auger when his beard got caught in the cable.
26. The State has a legal obligation to act reasonably toward the individuals in its custody and to exercise due care to ensure their reasonable safety.
27. Mr. Smith never received formal training on how to use the auger; he only received training from other inmates, including Mr. Conrad.

The Pre-Trial Stipulations filed on January 12, 2026 stipulated the admission of the following exhibits, which were moved into the record at trial:

1. Medical Records of Leonard Smith (Def_RFP_0026–86, Smith_RFP_0016–223)
2. Administrative Policies and Procedures State of Tennessee Department of Correction (Def_RFP_0201–27)

3. RIDGID K-750 Drain Cleaner Manual in English (Smith_RFP_224–43)
4. Procurement Request Forms (Feb. 11, 2022; May 9, 2022; Sept. 14, 2022; Mar. 17, 2023) (Def_RFP_0007–16)
5. Injury Images (Smith_RFP_1064–67, Def_RFP_0021)
6. Auger work orders (Def_RFP_0003–06)
7. Leonard Smith Grievance paperwork (Def_RFP_0112–21)

Prior to testimony at trial, Claimant moved for the admission of the following exhibits into the trial record without an objection from the State:

8. Pretrial Stipulation
9. Defendant’s Answer to Claimant’s Amended Complaint
10. Defendant’s Responses to Claimant’s First Set of Interrogatories
11. Defendant’s Supplemental Response to Claimant’s First Set of Interrogatories
12. Defendant’s Responses to Claimant’s First Request for Production
13. Defendant’s Responses to Claimant’s Second Set of Interrogatories
14. Defendant’s Supplemental Responses to Plaintiff’s Second Set of Interrogatories
15. Defendant’s Response to Claimant’s Second Request for Production of Documents¹

TRIAL FINDINGS OF FACT

Pursuant to Tenn. Code Ann. § 9-8-403(a)(1) and (j), the Tribunal makes the following findings of fact based on the trial testimony.²

¹ Despite the relative simplicity of this personal injury case, the trial exhibits unnecessarily exceed more than 1,300 pages. Nearly all the exhibits were admitted by stipulation or consent, and only a handful of pages were referenced by any witness at trial. It is unclear to the Tribunal why several hundred pages of medical records and discovery responses were offered into the record, other than to superfluously create a voluminous record. As the Tennessee Court of Appeals has explained on several occasions, “[J]udges are not like pigs, hunting for truffles’ that may be buried in the record”. *Cartwright v. Jackson Cap. Partners, Ltd. P’ship*, 478 S.W.3d 596, 616 (Tenn. Ct. App. 2015) citing *Flowers v. Bd. of Professional Responsibility*, 314 S.W.3d 882, 899 n. 35 (Tenn. 2010) (citation omitted). The Tribunal declines to hunt through exhibits that were not referenced by a witness nor identified with specificity as to relevancy to determine what may be buried in the record.

² The Tribunal has only included testimony relevant for findings of fact and conclusions of law. The parties stipulated to a considerable number of facts. Accordingly, the Tribunal has omitted

Testimony of Justin Conrad

Justin Conrad is an inmate at Riverbend. He has an inmate job as a maintenance repairman, generally doing plumbing, electrical, concrete, and related work. He regularly uses an auger, around two to three times a week.

On March 26, 2023, a drain was clogged and security staff notified him that sewage was coming out of the floor in a housing unit, which caused the inmates to become upset and aggressive. It was his job as inmate maintenance to fix the sewage problem. After assessing the issue, he notified shift command that he would need an auger, which was brought to him.³ He was aware the auger had a kink in the line because he had used the same auger two or three days prior. He felt comfortable using the auger even with knowledge of the kink. He and Smith had used the auger together two or three times.

That day while he was using the auger with Smith, he was in the front guiding the cable into the sewer line. There is a clutch which operates the cable, moving forward and backwards and he had told Smith to be careful because the auger had a kink in it. When Conrad attempted to push it in the top, the cable started to bow, and when that occurs, the clutch is used to “settle” the cable. Smith was operating the speed and should slow the speed if the cable bowed or used his hand to guide the cable to calm it down. When Conrad told Smith to back off the speed, the cable bowed, causing the cable to whip out. Smith pushed on the cable, and it wrapped his arm up almost like a candy cane.

redundant and repetitive testimony, unless such inclusion is necessary for context of the testimony of an individual witness.

³ Trial testimony indicates there are three (3) different size augers that inmates commonly used at the prison, plus a larger gas-powered auger used by non-inmate maintenance workers. For purposes of this trial, the general term “auger” refers to the motorized auger that injured Smith, unless specifically noted otherwise.

Conrad testified that he told security staff about the kink in the cable but does not remember who. He testified that he told his boss, Amy Rafferty, but is not sure if that was before or after the incident. Conrad wears cowhide leather gloves to operate the auger. He did not notice if Smith was wearing gloves before they started working together. He also knows not to touch the line with a rubber grip glove. He received his leather gloves from Amy Rafferty and keeps them at work Monday through Friday but keeps them in his cell on the weekends. No officer confiscated his leather gloves. The Tribunal finds Conrad's testimony to be credible.

Testimony of Merl Medley

Merl Medley is an inmate at Riverbend. He works maintenance, including plumbing. He did not witness the injury to Smith. The Tribunal finds Medley's testimony to be speculative, and not directly relevant. The Tribunal declines to place any weight on the testimony.⁴

Testimony of Douglas Mathis

Douglas Mathis is an inmate at Riverbend. He works as a compound maintenance man, which involves a lot of plumbing. He did not witness the injury to Smith. The Tribunal did not find Mathis' testimony to be directly relevant to the issues. The Tribunal declines to place any weight on the testimony, except his brief testimony related to observing Smith's use of his hand after the injury and observing Smith having pain in his hand, which the Tribunal finds credible.

⁴ Medley, Mathis, and Hanebutt all testified in very general terms that a kink in the auger line had been reported to maintenance. However, the testimony was unclear as to whether it was reported before or after Smith's injury, inconsistent about who/when it was reported, did not provide specific details, and/or contains hearsay. The Tribunal finds the testimony to be vague, generalized, not entirely relevant, lacking specificity, and having some credibility issues. Therefore, the Tribunal places no weight on the testimony.

Testimony of Rick Hanebutt

Rick Hanebutt is an inmate at Riverbend. He is Smith's cellmate. He is a special projects maintenance worker, which involves plumbing. There are three different power augers available at Riverbend depending on the job required. The big auger got a kink in the line shortly after it replaced an old unit. He has been using augers since 2008 and has not seen a manual. A manual is not kept with the auger. He is aware that gloves should be worn while using the auger. His and Smith's leather gloves, issued for work, were kept in their cell, until they were taken by security. Hanebutt testified a pair of leather gloves stayed with the auger, but those gloves were also taken by security. He observed Smith rubbing his hand, dropping things from his hand, and having pain when the weather changes. The Tribunal finds the testimony by Hanebutt included in this order to be credible, except as referenced in footnote 4.

Testimony of Leonard Smith

Leonard Smith is an inmate at Riverbend. He is a maintenance worker and compound electrician. He occasionally works on plumbing. He has been a maintenance worker for seven or eight years. He received no formal training from the prison. He learned about maintenance from observing other inmates.

The auger that injured him is a one horsepower motor with a three-quarter inch cable. He has used an auger of that size about ten (10) times. He has not received any official training and learned from Conrad. He never used the big auger as the primary operator. He was always the secondary or assistant operator with Conrad. He did not know whether a manual for the auger existed. He did not know how to do a safety inspection and had not received training on personal protective equipment for the auger.

The large auger was primarily used on the higher security side of the prison, and the kink occurred on the higher security side about a month after the auger replaced an older one. He had leather work gloves, which were taken by security staff. He later obtained a pair of heavy duty, rubber type gloves from maintenance staff to use with the auger on the day he was hurt. He thought it was safe to use those gloves with the auger. On the day he was injured, inmates came to his cell because sewage was in their cell. There were no staff within the prison that could fix the problem that day. If it was an emergency, there are maintenance personnel available who can be called. The problem did not appear to be an emergency. The gloves with the auger were taken by security. He was aware the auger had been damaged but was unaware whether it had been fixed before his injury. He does not remember much about the actual accident or what Conrad was doing while operating the auger. He also does not recall putting his hand on the cable.

After the incident, he was taken to Vanderbilt Trauma and received stitches. At Vanderbilt, he overheard someone tell the prison transportation officer to bring him back in three to five days to check alignment and nerve damage. Meanwhile, he was treated at the prison until his follow-up appointment with Vanderbilt. He would go to the prison clinic three or four times a day for pain medications. He also went to physical therapy two different times for eight times each, for a total of sixteen (16) physical therapy appointments.

Smith testified about Exhibit 5, which is an image of his injured hand. He has suffered from mental health and sometimes has panic attacks and anxiety. He testified that since that day his hand remains in pain, with lots of stinging and tingling, with a baseline of 6 out of 10. It is difficult for him to maintain his grip, and things are harder now because he is right-handed. Things such as holding a spoon and brushing his teeth are difficult. However, he remains a

maintenance worker. He can still grip tools but does not have as good of a control of the tools anymore. He testified his inmate pay has decreased from 75 cents an hour to 59 cents an hour. The Tribunal finds Smith's testimony included in this order to be credible.

Deposition testimony

Following the conclusion of live testimony, Claimant moved for the admission of the depositions⁵ of Rusty Moore, Amy Rafferty, Chris Johnson, Gregory Nichols, and Linda Stokes pursuant to Tenn. Rule of Civil Procedure 32.

Rusty Moore

Rusty Moore is the Assistant Safety Director at TDOC. He investigated Smith's injury, starting with Amy Rafferty, who is the fire and safety contact at the facility. He then spoke with the inmates involved in the incident, Conrad and Smith. He did not speak with any maintenance employees at Riverbend until after his investigation was concluded.

He determined that Smith was utilizing the wrong gloves to complete the task, and smooth leather gloves should have been used while running the auger machine, but those gloves

⁵ The collective depositions are approximately 470 pages (longer than the transcript for two (2) days of live trial testimony). The majority of the deposition transcripts were designated or counter designated. The Tribunal notes that while the Tennessee Rules of Civil Procedure allow the use of a party opponent deposition for any purpose at trial, **live testimony is strongly preferred**. It is substantially more difficult to determine relevancy, objections, credibility, and the appropriate weight to place on voluminous deposition testimony that has been selectively designated, often without the full context. Moreover, in this case, the parties designated extensively from the deposition testimony of Amy Rafferty, Chris Johnson, and Gregory Nichols; and then those witnesses testified live at trial, which requires the Tribunal to review, cross reference, and consolidate deposition testimony with trial testimony, most of which contained essentially the same testimony. The dual testimony was repetitive, redundant, and not an efficient use of time. Courts have time constraints due to caseloads. It is exceptionally inefficient to hear live testimony, then spend hours reading transcripts containing essentially the same testimony. The Tribunal strongly encourages the parties to not overly rely on deposition testimony at trial, especially when witnesses are available to testify. In the future, the Tribunal will exercise its inherent authority to limit redundant and dual testimony.

were taken away by security. The grippy texture of the gloves Smith was using contributed to his hand being caught in the cable. Smith should have stopped using the auger when he noticed the kink and notified someone and not forced the cable into the drain. The Tribunal finds the testimony to be credible.

Amy Rafferty

Amy Rafferty is the Fire and Safety Officer at Riverbend.⁶ Her job includes inspecting buildings for code compliance, fire drills, safety protocols, and making sure work crews use personal protective equipment (“PPE”). She keeps an inventory of PPE available, including various gloves for the different jobs inmates have. Inmates can also request certain PPE. All direct supervisors can order PPE. Smith has requested she order gloves, glasses, and suntan lotion for working outside. Around the time of the incident, she was unaware that security confiscated the gloves. Rafferty testified the auger owner’s manual (Ex. 3), indicates using Ridgid brand gloves to protect hands from the rotating cable. She did not order Ridgid brand gloves, but she had ordered leather gloves for use with the auger.

Work orders are submissions for broken and damaged items needing repairs. Rafferty does not create work orders, just customer requests. The process for a work order starts with entering a customer request, and is sent to the maintenance supervisor, who transitions it to a work order. She only has visibility of customer requests she enters and does not see requests from maintenance employees. She enters customer requests about every other day. Staff and inmates can request that she enter a customer request.

⁶ Amy Rafferty was called as a live witness at trial by the State. The Tribunal has combined the deposition testimony and trial testimony into a single section.

The requests include leaking toilets, sinks, and general wear of cells. She checks monthly to confirm if the requests are completed. She normally does not receive requests for heavy machinery, such as the auger, which is normally ordered through the maintenance supervisor. She received a customer request from Linda Stokes for a work order for the auger for a cable after the incident. The Tribunal finds Rafferty's testimony to be credible.

Chris Johnson

Chris Johnson is the facility manager at Riverbend.⁷ He testified about the work order process. His job entails overseeing the day-to-day operations of any repairs, maintenance staff, and inmate maintenance workers. He has been with the department since 2004. The PPE required for an auger is safety glasses and either leather gloves or what is called an "ugly" glove – a thick, rubber glove, knotted rubber on the glove. The purpose of the gloves is to prevent a hand from getting caught in the metal spring. If someone is operating the control levels on the machine, a mechanic or work glove is sufficient.

The auger was kept in building 14 of the boiler room, which is the maintenance shop, outside the secure perimeter of the fence. If an inmate needs the auger, a member of the security team would retrieve from building 14. A singular pair of gloves were kept with the auger, but he was unaware if the gloves were issued on the day of the injury. Inmate maintenance workers can have leather gloves, but not the specific pair of gloves for the auger because of the security aspect, which could be used to breach the razor wire of the prison.

⁷ Chris Johnson was called as a live witness at trial by the State. The Tribunal has combined the deposition testimony and trial testimony into a single section.

An inmate can send a request to the maintenance department for repairs to an unsafe machine. They can also make a request on their overtime slips when an inmate works on a job or get staff to submit a request. He was not notified that the auger was kinked and unsafe, until after Smith was injured when Linda Stokes submitted a work request. If he knew the cable was kinked and unsafe, he would have replaced it. It is less expensive than getting a contractor. Someone from maintenance is on call 24/7, and an inmate can request assistance if something is unsafe or they need PPE. When a work request is made to repair equipment, he removes the machine from service until the repair is made. He did not know the auger was kinked before the incident. He agrees the State has a duty to provide inmates with the appropriate PPE. Johnson testified the auger manual indicates using Ridgid brand gloves. A thick leather glove can be used to operate the machine and a Ridgid specific brand is not required.

A photo of gloves used by inmates for the purpose of working with the auger machine was admitted as Exhibit 26. A rubber palm glove would not be the correct glove to operate the rotational portion of the cable. Exhibit 27 was admitted as the photo of the rubber gloves.

He agrees that a kinked cable is a dangerous condition, which may cause injuries, but no notice of the kink was submitted prior to the injury indicating the auger was damaged. The Tribunal finds the testimony of Chris Johnson to be credible.

Gregory Nichols

Gregory Nichols is the State Facilities Management and Maintenance Administrator (“FMM”).⁸ He oversees maintenance and operations at all State prison facilities. His office is

⁸ Gregory Nichols was called as a live witness at trial by the State. The Tribunal has combined the deposition testimony and trial testimony into a single section.

located at the Central Office in the Rachel Jackson Building, and he travels between the State facilities. He has worked for the department since 2006. He started as a correctional officer, then maintenance electrician, facility supervisor, FMM regional administrator, then State administrator over the FMM group. At the time of Smith's incident, he was the regional director and Chris Johnson reported to him.

For inmates seeking a prison job, they work with the inmate job coordinator and fill out something like an application indicating their skills, then those skills are matched with available job assignments. Prior to incarceration, some inmates have backgrounds in construction, were certified HVAC techs, maintenance electricians, certified plumbers, and carpenters. For maintenance worker applications, the staff tries to verify if inmates have any license or paperwork for on-the-job training. Specifically for the auger, it is about a 30-minute process to inform someone how to work and go through the steps on the manual. The department offers monthly training to staff and inmates related to PPE and safety measures. It is not mandatory training. Leather gloves are necessary PPE to work with the cable on the auger, but not to operate the foot switch or clutch. Nichols himself has used the auger about 100 times.

All inmate workers have an assigned toolbox and can keep gloves in the toolbox. Nichols testified the auger manual (Exhibit 3) indicates gloves are necessary for the rotating cable. He has no knowledge of Smith's training. Smith has been in the prison system since the 1980s. Smith was not a maintenance plumber. He is a maintenance electrician. He would not receive any training on running the auger. The manual indicates operating the auger is a one-person job. The Tribunal finds Nichols testimony to be credible.

Linda Stokes

Linda Stokes is a sergeant at Riverbend.⁹ She has worked at Riverbend for 14 years. She is responsible for Unit 6. She has not supervised nor observed inmates using the auger machine. If the inmates need the auger, she calls the shift command to get approval. Sometimes the maintenance team comes to observe inmates using the auger; but at other times they do not because some inmates have been using it for years. She is not familiar with the training inmate maintenance workers receive for these types of machines.

She is familiar with Smith. He has been doing maintenance since she met him. He has been a reliable maintenance worker. She was not working on March 26, 2023, when Smith was injured. She was not told the cable was kinked before the accident.

Ms. Stokes informs Amy Rafferty if work orders are needed. After Smith informed her, the auger had a kink, she emailed Amy Rafferty. Then Ms. Rafferty let Chris Johnson know. She does not personally know what is required for PPE, and someone would have told her to include PPE in the message. She does not recall talking with anyone about gloves related to the situation and she does not know what gloves are required. She saw Smith with gloves but did not know his gloves had been confiscated. She has never confiscated gloves.

She observed Smith in pain after the injury, and she observed his bandages. She witnessed Smith massaging his hands. He would not use his fingers like before and they hurt. When Smith was telling her about his hand, she called medical and encouraged him to go, but she does not know whether he went. The Tribunal finds Ms. Stokes' testimony to be credible.

⁹ Linda Stokes was served with service of process to testify but was not available because her husband had a serious medical condition requiring surgery. The parties stipulated to her deposition being admissible as proof at trial.

APPLICABLE LAW

The State of Tennessee, as a sovereign government, is immune from lawsuits unless it consents to be sued. *See generally Stewart v. State*, 33 S.W. 3d 785, 790 (Tenn. 2000). As set forth in Article 1, Section 17, the Tennessee Constitution authorizes the General Assembly to create exceptions to the rule of immunity. The Tennessee General Assembly enacted the Claims Commission Act in 1984, which waives sovereign immunity under Tennessee Code Ann. § 9-8-307. The Claims Commission only has jurisdiction to hear the claims specified in Tenn. Code Ann. § 9-8-307(a). *Id.*

Under the Claims Commission Act, the State can be held liable under Tenn. Code Ann. § 9-8-307(a)(1)(C) for negligently creating or maintaining dangerous conditions on state-controlled property.¹⁰ The Claims Commission Act also permits claims against the State for the negligent care, custody, or control of persons pursuant to Tenn. Code Ann. § 9-8-307(a)(1)(E).¹¹

¹⁰ The Amended Complaint seeks liability under T.C.A. §§ 9-8-307(a)(1)(C), which waives sovereign immunity for “negligently created or maintained dangerous conditions on state controlled real property. A claimant under subdivision (a)(1)(C) must establish the foreseeability of the risks and that notice was given to the proper state officials at a time sufficiently prior to the injury for the state to have taken appropriate measures.” Here, the subject event involves a piece of machinery that injured Smith, specifically an auger, which is not real property. In addition, there was insufficient proof at trial that the clogged sewer line constituted a negligently created or a dangerous condition, nor was there sufficient proof established actual notice was given to the proper state official prior to the events that occurred to have taken appropriate measures. Therefore, that cause of action is not viable and is not addressed further. *See M.R.D. v. Univ. of Tennessee at Knoxville*, 689 S.W.3d 286, 837 (Tenn. Ct. App. 2003).

¹¹ The Complaint asserts the State failed to provide access to appropriate medical care following Smith’s injury pursuant to Tenn. Code. Ann. § 9-8-307(a)(1)(E). The record indicates the opposite is true. Smith specifically received appropriate medical care. He was immediately taken to a trauma center following his accident, received regular medical care in prison, including pain medications, and extensive physical therapy. While the record indicates he was once mistakenly taken to the wrong hospital for a follow up appointment, the appointment was subsequently rescheduled. The record does not support the assertion the State failed to provide access to

A claim may be brought by an inmate in the Claims Commission for negligent care, custody, or control, pursuant to Tenn. Code. Ann. § 9-8-307(a)(1)(E). *See Vetrano v. State*, No. M2015-02474-COA-R3-CV, 2017 WL 3411921, at *1, 5 (Tenn. Ct. App. Aug. 8, 2017). “Prison officials have a duty to exercise ordinary and reasonable care for the protection of persons in their custody.” *Id.* at *3, quoting *Cockrum v. State*, 843 S.W.2d 433, 436 (Tenn. Ct. App. 1992). “Mere proof of injury is insufficient.” *Vetrano*, 2017 WL 3411921, at *3. “Inmates must establish that prison officials failed to exercise reasonable care to prevent a foreseeable injury.” *Id.*, citing *Cockrum*, 843 S.W.2d at 438. In Tennessee, “jail officials, while not insurers of their prisoners’ safety, have a duty to exercise ordinary and reasonable care to protect the life and health of the persons in their custody.” *Cannon v. Loudon Cnty.*, 199 S.W.3d 239, 242 (Tenn. App. 2005) (citing *Cockrum v. State*, 843 S.W.2d 433, 436 (Tenn. App.1992)).

CONCLUSIONS OF LAW

“In order to establish a prima facie claim of negligence...a plaintiff must establish the following essential elements: ‘(1) a duty of care owed by defendant to plaintiff; (2) conduct below the applicable standard of care that amounts to a breach of that duty; (3) and injury or loss; (4) cause in fact; and (5) proximate, or legal, cause.’” *Giggers v. Memphis Hous. Auth.*, 277 S.W.3d 359, 364 (Tenn. 2009), quoting *McCall v. Wilder*, 913 S.W.2d 150, 153 (Tenn. 1995); *see also Begley v. State*, 162 S.W.3d 535, 543 (Tenn. Ct. App. 2004); *Dobson v. State*, 23 S.W.3d 324, 330 (Tenn. Ct. App. 1999). “A plaintiff must prove that the negligence of the

appropriate medical care. Moreover, Claimant failed to comply with the Tennessee Health Care Liability Act and did not have any medical providers or experts testify at trial for duty, breach, causation, permanency of injury, or damages related to the alleged failure to provide adequate medical care. Therefore, that cause of action is not viable and is not addressed further. *See Newman v. State*, 586 S.W.3d 921, 926 (Tenn. Ct. App. 2019).

defendant more likely than not caused the injury.” *Puller v. Roney*, 2019 WL 624658, *4 (Tenn. Ct. App. Feb. 13, 2019), citing *Kilpatrick v. Bryant*, 868 S.W.2d 594, 598 (Tenn. 1993). “Cause in fact may be shown by direct or circumstantial evidence.” *Id.* “Where proof of causation is made by circumstantial evidence, the evidence must be such that it tends to exclude any other cause, in other words, it must be proven more likely than not.” *Id.* quoting *Jenkins v. Big City Remodeling*, 515 S.W.3d 843, 852 (Tenn. 2017); see also *Cartee v. Morris*, 2019 WL 4232936, at *3 (Tenn. Ct. App. Sept. 6, 2019). A “defendant’s conduct is the cause in fact of the plaintiff’s injury if, as a factual matter, it directly contributed to the plaintiff’s injury.” *Hale v. Ostrow*, 166 S.W.3d 713, 718 (Tenn. 2005). A court must ask “whether the plaintiff’s injury would have happened ‘but for’ the defendants’ act.” *Id.* A court “will not presume negligence simply because an accident occurred. A plaintiff must be able to prove causation.” *Puller*, 2019 WL 624658 at *5 quoting *Lurks v. City of Newbern*, 2017 WL 384429 (Tenn. Ct. App. Jan. 26, 2017).

Here, if the State employs inmates to perform work, it owes a duty of care to validate whether an inmate is qualified to operate the machinery or receives adequate training. The State owes a duty of care to ensure inmates have appropriate PPE to operate machinery. The State acknowledged that duty at trial, and accordingly, the first element is satisfied. See generally *Tipton v. State*, 1991 WL 214712 (Tenn. Ct. App., Oct. 25, 1991); *Grasty v. State*, 1988 WL 9818 (Tenn. Ct. App., Feb. 11, 1988); *Lewis v. State*, 73 S.W.3d 88 (Tenn. Ct. App., 2001).

The State breached the duty of care by either allowing Smith to assist with the operation of the auger and/or failing to validate whether Smith was qualified to operate the auger. Smith has been in the prison system since the 1980s. He has been a maintenance worker and compound electrician for seven or eight years. The State’s representative testified that inmate workers are

identified through an inmate job coordinator. Staff determine if inmates have any license or paperwork to verify their skills or provide on-the-job training. Here, there was no testimony from the State that Smith had any license or on-the-job training, other than training from other inmates. Smith testified credibly that he received no formal training from the prison. He mostly learned about maintenance from observing other inmates. Smith's training was observing Conrad using the auger and assisting him using an auger about ten (10) times. He never used the auger as the primary operator and was the secondary or assistant operator. Here, it does not appear to the Tribunal the inmate that trained Smith was duly qualified to train him. Nor was there testimony of regular inspections or cleaning of the auger, as required by the manual. An inspection of the auger would have likely determined the cable needed to be replaced. In addition, the manual indicates a single person can operate the auger, but it was commonplace at the prison to have two (2) inmates jointly operate the auger, which may have contributed to the injury. It appears to the Tribunal that inmates regularly used the auger without the proper training to operate the machine. The State breached a duty of care by allowing Smith to operate and/or assist with the operation of an auger without sufficient training or knowledge.

In addition, the State breached the duty of care to ensure Smith had appropriate PPE to operate the auger. While Smith was issued leather gloves as PPE, those were taken by security.¹² While there was conflicting testimony related to whether inmates could obtain replacement PPE and/or whether PPE was located with the auger, it is clear to the Tribunal the inmates using the

¹² At trial, Claimant's proof focused extensively on whether the State purchased "Ridgid" brand gloves, but there was no testimony that specific brand provides any more, or less, protection than a standard pair of leather work gloves. Johnson testified credibly that a thick leather glove can be used to operate the machine and a Ridgid specific brand is not required. The Tribunal declines to find the State owed a duty, or breached a duty, to purchase a specific brand of gloves.

auger did not have proper understanding of the PPE required to operate the auger. Accordingly, the State breached its duty of care related to providing proper PPE.

There is no dispute that an injury occurred to Smith while operating the auger.

As to cause in fact and proximate cause, as an inmate, Smith is only allowed to work with the permission of the State. The injury was caused by the failure to provide validated or proper training, and failure to provide proper PPE, which is reasonably foreseeable or anticipated by a person of ordinary intelligence and prudence. *See Hale v. Ostrow*, 166 S.W.3d 713, 719 (Tenn. 2005). The injury would not have occurred but for Smith being allowed to operate the auger, and without the proper PPE. Accordingly, the remaining elements of negligence are satisfied. *See generally Tipton*, 1991 WL 214712 (Tenn. Ct. App., Oct. 25, 1991); *Grasty*, 1988 WL 9818 (Tenn. Ct. App., Feb. 11, 1988); and *Lewis*, 73 S.W.3d 88 (Tenn. Ct. App., 2001).

DAMAGES

The purpose of damages is to compensate the injured person for the harms and losses caused by the Defendant's conduct and the goal is to make the injured person whole with a sum of money. *See Overstreet v. Shoney's Inc.*, 4 S.W.3d 694, 703 (Tenn. App. Ct., 1999).

Tennessee law applies comparative fault, which provides for the apportionment of fault between plaintiffs and defendants. *See generally McIntyre v. Balentine*, 833 S.W.2d 52 (Tenn. 1992). Smith had been a maintenance worker for seven or eight years. He occasionally assisted other inmates with plumbing and used an auger that size about ten times. He had working familiarity with the auger. Pursuant to the Stipulations filed by the parties, the cable was already kinked when Smith and Conrad began work on March 26, 2023. Other inmate maintenance workers warned Smith the cable was kinked and to be careful. Conrad told Smith to be careful

because the auger had a kink in it. While Smith testified there was pressure to fix the clog in the sewer, an inmate can send a request to the maintenance department for repairs to an unsafe machine. There were non-inmate maintenance personnel available who could be called. Someone from maintenance is on call 24/7, and an inmate can request assistance if something is unsafe or they need PPE. Smith previously requested gloves, glasses, and suntan lotion from Amy Raffery for working outside, demonstrating his knowledge that PPE was available and could be requested. Considering the totality of the circumstances, the Tribunal apportions fault eighty percent (80%) to the State and twenty percent (20%) to Smith. *See Lewis v. State*, 73 S.W.3d 88 (Tenn. Ct. App. 2001).

As to damages, Claimant had no expert testify.

Claimant had no medical provider testify.

The State paid Smith's medical expenses and prescription costs. The State paid Smith's physical therapy expenses. Claimant has no out-of-pocket medical expenses and there is no evidence that Smith will incur out-of-pocket medical expenses in the future.

Likewise, there was no evidence that Smith lost any wages outside the prison system or would have future lost wages. While Smith testified his inmate maintenance decreased from 75 cents an hour to 59 cents an hour, the testimony was not clear the decrease was exclusively related to the injury or to other factors. In addition, there was no testimony about the number of hours worked, the number of hours paid at the decreased rate, or the anticipated months or years Smith would remain an inmate worker. There was no testimony that Claimant sustained any other type of economic damage. The Tribunal finds economic damages are too speculative, and insufficient testimony was provided to support any award of economic damages.

The categories of non-economic damage include past and future pain and suffering, permanent impairment, and past and future ability to enjoy life. *See Johnson v. Nunis*, 383 S.W.3d 122, 128 (Tenn. Ct. App. 2012); *Rippy v. Cintas Corp. Servs.*, 2010 WL 3633469, at *1 (Tenn. Ct. App. Sept. 17, 2010).

The Court *In re Est. of Lehman* noted, “the amount of damages to be awarded is a factual question.” *Id. citing Rinehart v. State*, 1994 WL 126803, at *3 (Tenn. Ct. App. Apr. 13, 1994); *see also Knowles v. State*, 49 S.W.3d 330 (Tenn. Ct. App. 2001).

As for permanent impairment, while Smith testified his hand does not function as well as before but he also continues to perform his inmate work inside the prison. He received sixteen (16) sessions of physical therapy, which allowed him to return to his prison job. There was no expert medical testimony to establish a percentage of impairment or permanency of impairment. Permanency must be proven by expert medical testimony except in the most obvious cases. *Arias v. Duro Standard Prods. Co.*, 303 S.W.3d 256, 264 (Tenn. 2010) citing *Thomas v. Aetna Life & Cas. Co.*, 812 S.W.2d 278, 283 (Tenn. 1991). Here, the limited testimony related to permanent impairment was speculative. The Tribunal declines to award permanent impairment damages.

As for pain and suffering, such damages are not easily quantified and do not lend themselves to easy valuation. *See Duran v. Hyundai Motor Am., Inc.*, 271 S.W.3d 178, 210 (Tenn. Ct. App. 2008) (*citing Pomeroy v. Ill. Cent. R.R. Co.*, No. W2004–01238–COA–R3–CV, 2005 WL 1217590, at * 19 (Tenn. Ct. App. May 19, 2005).

At the conclusion of trial, the Tribunal directed the parties to focus post-trial briefs on the issues of non-economic damage, specifically pain and suffering.

The Tribunal carefully reviewed all the cases cited by the parties. While not reported cases, the Tribunal finds the following cases to be persuasive authority. In *Grasty v. State*, 1988 WL 9818 (Tenn. Ct. App., Feb. 11, 1998), an inmate worker severed his thumb while performing a job. The Claims Commission awarded \$4,500.00 in pain and suffering, which the State asserts is \$12,329.00 in present-day value. In the recent case of *Hood v. State*, 2024 WL 1435307 (Tenn. Ct. App., Apr. 3, 2024), a Claimant required surgery with plates and screws, causing significant pain, was unable to do basic tasks without assistance, and had months of physical therapy. The Claims Commission awarded \$45,000.00 in pain and suffering, which was affirmed by the Court of Appeals. The opinion noted that “[d]amages for pain and suffering include both the physical and mental discomfort caused by an injury.” *Id.* at *8, citing *Palanki ex rel. Palanki v. Vanderbilt Univ.*, 215 S.W.3d 380, 388 (Tenn. Ct. App. 2006).

The Tribunal also considered various other cases addressing pain and suffering claims before the Claims Commission, and considered by Tennessee appellate courts, including, but not limited to *Waller v. State* 2006 WL 2956515 (Tenn. Ct. App., Oct. 16, 2006); *In re Estate of Lehman*, 2012 WL 1925560 (Tenn. Ct. App., May 25, 2012); *Stevens v. State*, 2018 WL 1128476 (Tenn. Ct., Feb. 28, 2018); *Rinehart v. State*, 1994 WL 126803 (Tenn. Ct. App., April 13, 1994); *Tipton v. State*, 1991 WL 214712 (Tenn. Ct. App., Oct. 25, 1991); *Dunlap v. State*, 1992 WL 43296 (Tenn. Ct. App., March 10, 1992); *Burr v. State*, 1987 WL 15842 (Tenn. Ct. App., Aug. 21, 1987); *Muse v. State*, 1997 WL 791468 (Tenn. Ct. App., Dec. 29, 1997); *State v. Wright*, 1990 WL 192721 (Tenn. Ct. App., Dec. 5, 1990).

Here, the Tribunal has carefully considered the record to award Claimant Twenty Thousand Dollars and No/00 (\$20,000.00) for past pain and suffering, Twenty Thousand Dollars

and No/00 (\$20,000.00) for future pain and suffering, Five Thousand Dollars and No/00 (\$5,000.00) for loss of ability to enjoy life-past, and Five Thousand Dollars and No/00 (\$5,000.00) for loss of ability to enjoy life-future, for total non-economic damages of Fifty Thousand Dollars and No/00 (\$50,000.00), which is apportioned eighty percent (80%) to the State of Tennessee, for total damages against the State of Tennessee in favor of Claimant Leonard Smith of Forty Thousand Dollars and No/00 (\$40,000.00).

IT IS, THEREFORE ORDERED that this Order shall constitute a FINAL JUDGMENT adjudicating all claims. It is so **ORDERED**.

/s/ James A. Haltom

JAMES A. HALTOM

Commissioner (Judge)

Claims Commission, Middle Division

Sitting as Trial Court of Record

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

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This 25th of March, 2026.



PAULA MERRIFIELD
Administrative Clerk
Tennessee Claims Commission