

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED 06/19/2019 Clerk of the Appellate Courts
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JODI MCCLAY v. AIRPORT MANAGEMENT SERVICES, LLC

**Rule 23 Certified Question of Law
from the United States District Court
for the Middle District of Tennessee**

No. 3:17-cv-00705

No. M2019-00511-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on March 20, 2019, by the United States District Court for the Middle District of Tennessee. Briefs have now been filed pursuant to Rule 23, Section 7(A), and, upon consideration of the certification order and the briefs filed by the parties, this Court accepts certification of the following questions of law:

- (1) Does the non-economic damages cap in civil cases imposed by Tenn. Code Ann. § 29-39-102 violate a plaintiff's right to a trial by jury, as guaranteed in Article I, section 6, of the Tennessee Constitution?
- (2) Does the non-economic damages cap in civil cases imposed by Tenn. Code Ann. § 29-39-102 violate Tennessee's constitutional doctrine of separation of powers between the legislative branch and the judicial branch?
- (3) Does the non-economic damages cap in civil cases imposed by Tenn. Code Ann. § 29-39-102 violate the Tennessee Constitution by discriminating disproportionately against women?

Pursuant to Tennessee Supreme Court Rule 23, Section 7(B), this Court desires to have oral argument by the parties and the State of Tennessee.

Document received by the TN Court of Appeals.

Center for Urological Treatment, PLC, a defendant in *Yebuah, et al. v. Center for Urological Treatment, PLC*, No. M2018-01652-COA-R3-CV, which is currently pending before the Court of Appeals, has filed a motion requesting permission to file a brief as amicus curiae and to participate in oral argument. Center for Urological Treatment, PLC may file a brief as amicus curiae within five days from the date of this Order, but may not participate in oral argument unless a party agrees to share its allotted time. The parties and the State may file a response to the amicus curiae brief within 14 days after the filing of such brief.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

It is so ORDERED.

PER CURIAM