

IN THE CIRCUIT COURT  
FOR DAVIDSON COUNTY TENNESSEE

ADAM THOMAS,	)	
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	Case No. _____
NASHVILLE FIRE DEPARTMENT,	)	
	)	
DEFENDANT.	)	
	)	
	)	

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**COMPLAINT**

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Plaintiff Adam Thomas (“Plaintiff” or “Mr. Thomas”), by and through counsel of record, files his *Complaint* against the Nashville Fire Department, and alleges as follows:

**I. INTRODUCTION**

1. This is a civil action to make whole the Plaintiff for denial and interference with the exercise of rights guaranteed by the Tennessee Public Protection Act and Tennessee common law, including the right to refuse to participate in or to refuse to remain silent about illegal activities, and the right to comply with public policy by reporting the illegal coercion of medical care, without retaliation. This action brings suit under the Tennessee Public Protection Act (TPPA), T.C.A. § 50-1-304, for Defendant’s violations of the Act, and under Tennessee common law pursuant to Chism v. Mid-South Milling Co., 762 S.W.2d 552, 556 (Tenn.1988).

**II. PARTIES**

2. Plaintiff, at all times relevant to this Complaint, resided and worked in Nashville, TN.

3. Defendant Nashville Fire Department is headquartered in Davidson county at 63 Hermitage Avenue in Nashville TN 37210.
4. Valid service of process may be obtained on Defendant at the department of law for the government of Nashville and Davidson county at 1 public square, Suite 108, Department of Law, Nashville TN 37201.

### **III. JURISDICTION AND VENUE**

5. Plaintiff Adam Thomas is domiciled in Davidson County, Tennessee. Plaintiff's address is 315 Buckeye Place, Lebanon, TN 37087.
6. Defendant, Nashville Fire Department, is headquartered in Davidson County at 63 Hermitage Avenue in Nashville, TN 37210.
7. Venue is proper in Davidson County under T.C.A. § 20-4-101(a). Defendant resides in Davidson County, and the events giving rise to this cause of action occurred in Davidson County.

### **V. STATEMENT OF FACTS**

8. Plaintiff has been a paramedic for over eight years.
9. For the two years prior to becoming a paramedic, Plaintiff was an Advanced EMT.
10. Plaintiff worked as a paramedic for Goodlettsville fire department from 2018 until 2021.
11. From 2021-2022, Plaintiff contracted with the state department overseas.
12. After returning home, Plaintiff worked with Goodlettsville fire department from 2022 until the present.
13. Plaintiff began working with Defendant as a paramedic in October of 2023.

14. Plaintiff was a model employee for Defendant with no disciplinary record prior to being coerced into resignation by Defendant.
15. Plaintiff received three awards for outstanding performance as a paramedic during his six months working for Defendant. On December 11<sup>th</sup>, 2023, Centennial hospital gave Plaintiff an award for saving a patient who called after having a heart attack at a nearby hotel. On that same date, Plaintiff received an award for helping a woman deliver her child in her home. And on Thanksgiving day in 2023, Plaintiff received an award for delivering twins.
16. On January 23, 2024, Defendant responded to a call for an inmate needing medical attention at the Davidson county jail.
17. The inmate had high blood pressure because he had been unable to take his blood pressure medication since being incarcerated.
18. Upon arriving at the scene, Plaintiff was informed that the inmate was refusing medical treatment.
19. One reason the inmate gave for refusing medical treatment was that he would make bail in about twenty minutes, and his family was coming to pick him up.
20. The nurse at the scene explicitly stated to the patient that he had no right to refuse care and transport due to his status as an inmate.
21. Plaintiff informed the nurse that he believed the inmate had the right to refuse care.
22. The nurse responded to Plaintiff and said “absolutely not” and that he has no authority to make medical and transport decisions not because he is mentally incompetent, but because he is an inmate.
23. Plaintiff eventually acquiesced to the nurse’s demands and transported the inmate to the hospital.

24. After dropping off the patient at the hospital, Plaintiff called his direct supervisor, District Chief Hal Bowden, and asked him if inmates at the jail have the right to refuse care.
25. Chief Bowden said he did not know if inmates have the right to refuse care.
26. Chief Bowden then told Plaintiff he would call his supervisor and ask if inmates have the right to refuse care.
27. Chief Bowden then told Plaintiff to document everything thoroughly in his report.
28. After the call, Plaintiff double checked the relevant laws to confirm his belief that the inmate did have authority to refuse care.
29. Tennessee Corrections Institute guidelines Rule 1400-01.13 states in relevant part: “Informed consent standards of the jurisdiction shall be observed and documented for inmate care in a language understood by the inmate. In the case of minors, the informed consent of a parent, guardian, or a legal custodian applies when required by law. Inmates routinely have the right to refuse medical interventions.”
30. Upon confirming the coerced treatment was illegal, while at the hospital, Plaintiff informed the patient of his findings and apologized that his wishes were not met.
31. For the last call for Plaintiff’s 11 hour shift, he and his partner received another call to the Davidson county jail.
32. Again, the patient was refusing care, and the nurse insisted he did not have the right to refuse care.
33. While the nurse and Plaintiff were arguing over if the inmate had the right to refuse care, a lieutenant with the Sheriff’s office stepped in and said “we are conservators of the patient, you have to take him.”
34. Plaintiff responded and said “you are not conservators. You are custodians.”

35. The Sheriff responded and said “you do not know what you’re doing.”
36. The Sheriff then said part of their contract with the Nashville Fire Department was that NFD was required to transport every inmate for whom they call NFD to transport.
37. The Sheriff then said if you do not transport the patient, we will call your supervisor and get someone to come who will transport the patient.
38. The Plaintiff insisted the Sheriff cannot coerce care.
39. The Sheriff went on to say we have always done this, that we have been doing it this way for years.
40. Plaintiff responded and said “well you’ve been doing something illegal for years.”
41. Plaintiff then attempted to call Chief Bowden again, but was unable to get ahold of him.
42. The patient then interjected into the argument and said “if you all will just shut up, I will go ahead and go to the hospital.” Consequently, Plaintiff and his partner went ahead and transported the patient.
43. Plaintiff texted Chief Bowden at 5:21am to tell him one of the lieutenants tried to say they were conservators of the inmate, to which Chief Bowden replied “yeah no.” Exhibit A. Text Messages at 5.
44. Also at approximately 5:21am Plaintiff texted Chief Bowden several of the laws and regulations he looked up after the call, to which Chief Bowden responded: “I think you are right on this. Until they can provide documentation that states otherwise, the prisoners have certain rights. Same as any refusal, we have to assess them. If they have capacity, then they can make decisions. The only time where that may not apply is on specific psychiatric situations....or maybe if there is a safety issue toward the staff and other prisoners.” Id.

45. Plaintiff completed his report after his shift ended on January 23<sup>rd</sup>, 2024. He stayed after his shift to complete his report.
46. While finishing his report, Plaintiff received a call from Chief Joaquin Toon.
47. Chief Toon told Plaintiff “I don’t know if inmates have the right to refuse care.” Exhibit A at 8 (at 9:42am on January 24<sup>th</sup> Plaintiff told Chief Bowden Chief Toon wasn’t sure whether inmates could refuse care).
48. Chief Toon also told Plaintiff he would ask Chief Fred Smith to contact metro legal and ask. Id.
49. Metro legal told Chief Smith that inmates have the right to refuse care.
50. Plaintiff heard nothing further from Chief Toon or Chief Smith until a meeting with Chief Toon, Chief Smith, and two other chiefs one week later.
51. Plaintiff’s report thoroughly documented the argument he had with the nurse regarding the first inmate. Exhibit B. Copy of Plaintiff’s Report.
52. Plaintiff’s report also included the relevant laws indicating he believed he, his department, and the sheriff’s office, were violating the law in forcing the inmate to receive care. Id.
53. Plaintiff’s report also indicated he apologized to the patient for violating his rights. Id.
54. The filing number for Plaintiff’s report is FFD240123011279.
55. On January 26<sup>th</sup>, 2024, Plaintiff came in to work Kristy Farrell’s shift for her. In return, Kristy Farrell was going to work for Plaintiff on February 16<sup>th</sup>, 2024. This is called “shift swapping” and is common practice in the Nashville Fire Department.
56. After arriving at work on January 26<sup>th</sup>, Plaintiff’s mother called Plaintiff in a panic saying someone need to go help Plaintiff’s grandfather. Specifically, Plaintiff’s grandfather had been suffering from psychiatric symptoms and seemed ready to put down his perfectly healthy four year old dog believing it was terminally ill.

57. Plaintiff called the chief on duty at that time, Chief William Boehm, and asked what his options were.
58. Plaintiff did not insist on leaving, but just asked what his options were if he were to leave for the emergency.
59. Chief William Boehm told Plaintiff. "Just leave."
60. Plaintiff then asked "if I leave on emergency leave, will the person I'm covering for get in trouble?"
61. Plaintiff also asked if Kristy Farrell would lose a vacation day.
62. Chief William Boehm responded and said "no, nothing will happen to them."
63. Plaintiff went on to ask if the chief needed him to stay until his relief arrived.
64. Chief William Boehm responded and said "no, just go home."
65. The chief went on to say he wasn't sure how he was going to put it into the system, but he would make sure no negative repercussions came upon Plaintiff or Kristy Farrell.
66. Approximately three days later, on January 29<sup>th</sup>, 2024, Plaintiff found out Kristy Farrell was speaking negatively of him on a group text thread because she had been told Plaintiff was a no-show to her shift.
67. Upon information and belief, Chief William Boehm's promise of no repercussions for the emergency leave was overruled by Chief Fred Smith.
68. Chief Fred Smith told Plaintiff that Plaintiff cannot be paid for the day he left, and that Kristy Farrell would have to lose a vacation day.
69. Plaintiff also learned Chief William Boehm was the one called Kristy Farrell and told her Plaintiff was a no-show, and forbid her from working the shift she promised to work for Plaintiff on February 16<sup>th</sup>.

70. Chief Boehm therefore directly went against what he had told Plaintiff.
71. One to two days after finding out about the misinformation given to Kristy Farrell, Plaintiff walked into a meeting that had been called with him and four Chiefs: Chief Fred Smith, Chief Brooke Haas, Chief Joaquin Toon, and Chief Tim Lankford.
72. Throughout the meeting, only Chiefs Smith and Toon spoke.
73. In the meeting, Chiefs Toon and Smith focused on three things: 1 – Plaintiff’s already scheduled time off for the month of February, 2 – Plaintiff’s alleged failure to show up Kristy Farrell’s shift on January 26<sup>th</sup>, 2024, and 3 – Plaintiff’s report regarding the incident at the jail on January 23<sup>rd</sup>, 2024.
74. Regarding Plaintiff’s time off in February, Plaintiff’s time off had already been approved in the system. Chiefs Smith and Toon attempted to make Plaintiff feel like it “looked bad” to take all that time off. They did not point to any policies violated by Plaintiff for taking off his earned time off.
75. Plaintiff also emphasized to the Chiefs that while he took vacation time for the month of February, he specifically swapped shifts with someone for February 16<sup>th</sup> because that was the one day in February he absolutely had to miss work.
76. Plaintiff is a veteran of the Marine Corps. Every year for the previous fourteen years he had met with his platoon in Arlington cemetery to honor their fellow platoon member who was killed in action on February 18<sup>th</sup>, 2010. His platoon always gathers at his grave to honor his memory the closest weekend to his passing. Plaintiff even went to the grave site twice during COVID by himself when he and his whole platoon could not gather together. That day is therefore a sacred day to Plaintiff and one he took extra measures to ensure he would be covered at work. Exhibit C. Pictures of Plaintiff at friend’s grave site since 2010.



77. Regarding the swapped shift on January 26<sup>th</sup>, for which Kristi was supposed to work for him for his trip to Arlington cemetery, Plaintiff again explained what happened. He confronted the Chiefs with the fact that Kristy Farrell was told he was a no show, when he did in fact show up, a call had actually been run that day, and he had been given permission from his chief to leave.
78. The Chiefs did not deny what happened on January 26<sup>th</sup>.
79. The Chiefs did not deny Plaintiff was given assurance by the chief on duty no repercussions would come upon him or Kristy Farrell for leaving for emergency leave.
80. The Chiefs also did not deny Kristy Farrell was told Plaintiff was a no-show, and that she was not allowed to work Plaintiff's February 16<sup>th</sup> shift.
81. Chief Smith simply said it was "not their policy" to give Kristy Farrell her vacation day back that had been taken from her, and that it was not "their policy" to now allow her to work Plaintiff's shift on February 16<sup>th</sup>.
82. There is no policy on point for either of these responses given by the Chiefs.
83. The Chiefs then discussed Plaintiff's report about the incident at the jail.
84. Chief Smith told Plaintiff "you're trying to pick a fight with the Sheriff's office."
85. Chief Toon told Plaintiff the Sheriff's office had requested Plaintiff's report.
86. Upon information and belief, the reason he Sheriff's office requested the report is because they had filed a complaint against the NFD.
87. Chief Toon told Plaintiff "there's no way I can give this [Plaintiff's report] to the Sheriff's office."
88. Chief Toon told Plaintiff "who do you think you are, quoting TCA codes in your report? Do you think you're a lawyer?"

89. Chief Toon also said to Plaintiff “I can’t believe you would tell a patient his rights were violated. It’s not your job to inform patients about their rights.”
90. Plaintiff disagreed with Chief Toon, and said it absolutely is his job to inform patients of their rights, especially when he believes a patient’s rights are being violated.
91. Chief Toon also told Plaintiff he should not have documented what Plaintiff saw as a violation of the patient’s right to refuse care because it had nothing to do with patient care.
92. Plaintiff again disagreed with Chief Toon, emphasizing that that patient consent to treatment is a vital piece of patient care.
93. Chief Toon also stated angrily to Plaintiff “you’ve documented too much. They wouldn’t even need you to testify because everything they need is right here in this report.”
94. Chief Toon chastised Plaintiff for mentioning in his report that he filed a special report with the department. Chief Toon went on to say that all the information in Plaintiff’s report should have only been in the special report.
95. Chief Toon also said “never document that you filed a special report with the department because if you do, that makes the special report discoverable if it goes to court.”
96. Chief Toon and Chief Smith told Plaintiff “you were right, the patient should have been able to refuse, but I can’t believe you documented this.”
97. Despite Plaintiff’s description of how important it was he be in Arlington on February 16<sup>th</sup>, and the Chiefs not denying what happened with the swap with Kristy Farrell, they still insisted he needed to find coverage for the February 16<sup>th</sup> shift.
98. Plaintiff said he would try, but all his coworkers were unwilling to swap with him after being under the belief he had not shown up for his swapped shift with Kristy Farrell.
99. The meeting lasted roughly two hours.

100. The next day, Plaintiff left for his scheduled time off.

101. On February 14<sup>th</sup>, Plaintiff texted Chief Hal Bowden saying he was unable to find coverage for February 16<sup>th</sup>. Exhibit A at 10.

102. Chief Hal Bowden responded and said “for the record, no one blames you for having to leave the shift that day (January 26<sup>th</sup>). I strongly suggest that you find coverage if you are not coming in.” Id.

103. Plaintiff responded that he was unable to find coverage, and that he suspected it was because everyone believed he was a no show for Kristi’s shift. He also further emphasized he would never have left on January 26<sup>th</sup> if he had not been assured there would be no repercussions for himself or Kristi. Id.

104. On February 26<sup>th</sup> or 27<sup>th</sup>, Chief Smith called Plaintiff and said “since you didn’t honor your shift we are going to have to part ways. You can resign or I can fire you.”

105. Plaintiff said if those are his options, he would elect to resign so he did not have a termination on his work history.

106. Chief Smith said okay, please send a resignation letter and make it effective immediately.

107. After further thought Plaintiff did not want to resign immediately, but wanted his resignation date to be set for March 1<sup>st</sup> to 1) receive the vacation day he had scheduled for February 28<sup>th</sup> and 2) to resign after the expiration of his six month probationary period, to prevent Defendant from using the fact that Plaintiff was still in his probationary period when he left as an excuse for their illegal termination of Plaintiff.

108. Accordingly, Plaintiff submitted his resignation papers with March 1<sup>st</sup> marked as his date of resignation. Exhibit D. Separation papers.

109. When Plaintiff received a copy of his papers back from Defendant, his resignation date had been changed to February 29<sup>th</sup>.
110. Plaintiff emailed and said he had put his last date as March 1<sup>st</sup>.
111. Defendant responded by email and said payroll is issued on February 29<sup>th</sup>.
112. Plaintiff responded and said "Understood. Payroll aside, however, I am an employee until March 1st and my record should reflect that as my end of service date. Thank you."
113. Defendant then changed Plaintiff's resignation date to March 1<sup>st</sup>.
114. Plaintiff alleges Defendant wanted him to resign immediately to avoid paying him for a vacation shift on February 29<sup>th</sup>.
115. Plaintiff also alleges Defendant wanted him to resign before March 1<sup>st</sup> because his six month probationary period expired on February 29<sup>th</sup>, and if Plaintiff resigned prior to the expiration of his probationary period, Defendant believed it could help excuse their illegal treatment of Plaintiff.
116. Plaintiff knows other employees have missed more than one shift and not been terminated.
117. Plaintiff specifically received a text message from another paramedic, Cherish Kuhn, which read: "I have had a no show and you're allowed two...I did that [had a no show] on probation and all I received was a write-up." Exhibit A at 2.
118. After leaving employment with Defendant, Plaintiff continued to work part time for Goodlettsville Fire Department.
119. Plaintiff has spoken with former coworkers, and has been told no official memorandum or training has been offered to educate NFD paramedics on the laws of consent for inmates in general, or at the Davidson county jail.

## **VI. CAUSES OF ACTION**

## Count 1

### Violation of the Tennessee Public Participation Act – Retaliatory Termination

120. Plaintiff restates and incorporates herein the above paragraphs in their entirety.
121. Plaintiff was constructively terminated. His supervisor told him “you can either resign or I can fire you.” Plaintiff had no option of remaining as an employee of Defendant.
122. The Tennessee Public Participation Act protects employees who are terminated for refusing to participate in, or for refusing to remain silent about, illegal activities.
123. Under Tennessee Law and all relevant Tennessee rules and procedures, it is illegal to coerce a mentally competent inmate to accept medical treatment.
124. Defendant terminated Plaintiff’s employment solely because Plaintiff refused to remain silent about the crime of forcing inmates to receive medical transport from Davidson county jails. Specifically, for extensively documenting the illegal activity in his report from the day of the incident on January 23<sup>rd</sup>, 2024.
125. Defendant’s claim that Plaintiff was terminated for failing to come to work on February 16<sup>th</sup> was a pretextual excuse for terminating Plaintiff for his refusal to remain silent about Defendant’s illegal coercive treatment of Davidson county jail inmates.
126. Defendant, despite knowing February 16<sup>th</sup> was a sacred day for him, actively orchestrated their pretextual reason for terminating plaintiff, falsely promising Plaintiff no repercussions for leaving for a family emergency on January 26<sup>th</sup>, and by lying to Kristy Farrell telling her Plaintiff was a no show. Moreover, by failing to correct the lie, Defendant caused Plaintiff’s coworkers to be unwilling to swap shifts with Plaintiff and cover his February 16<sup>th</sup> shift, out of fear he would not show up to cover their shift, and they would lose a vacation day.

127. As a direct and proximate result of Defendant's unlawful termination of Plaintiff in violation of the TPPA, Plaintiff suffered and continues to suffer emotional pain, professional and personal embarrassment, humiliation, loss of enjoyment of life, inconvenience, and lost earnings and benefits.
128. As a result, Plaintiff is entitled to recover his damages, including lost wages and benefits, compensatory and punitive damages, attorneys' fees, costs, interest, reinstatement front pay and benefits, and any other legal and equitable relief to which he may be entitled.

## **Count 2**

### **Violation of Tennessee Common Law Retaliatory Discharge**

129. Plaintiff restates and incorporates herein the above paragraphs in their entirety.
130. Tennessee law recognizes that allowing mentally competent inmates the right to refuse medical care is a statutory right.
131. Tennessee law, guidelines, and other administrative procedures recognizes that allowing mentally competent inmates the right to refuse medical care represents a clear and definitive statement of public policy.
132. Plaintiff had a permissive duty to report Defendant's conduct.
133. It is Tennessee's public policy and law that employees must be able to exercise their rights without fear of reprisal or penalty from an employer.
134. Plaintiff engaged in protected activity when he drafted his report documenting the coercion of care upon an inmate on January 23<sup>rd</sup>, 2024.
135. After engaging in protected activity, Plaintiff was constructively terminated by Defendant. His supervisor told him "you can either resign or I can fire you." Plaintiff had no option of remaining as an employee of Defendant.

136. Defendant's sole motivation for terminating Plaintiff's employment was Plaintiff's compliance with statutory law and clear public policy.
137. Defendant's claim that Plaintiff was terminated for failing to come to work on February 16<sup>th</sup> was a pretextual excuse for terminating Plaintiff for his refusal to remain silent about Defendant's illegal coercive treatment of Davidson county jail inmates.
138. Defendant, despite knowing February 16<sup>th</sup> was a sacred day for him, actively orchestrated their pretextual reason for terminating plaintiff, falsely promising Plaintiff no repercussions for leaving for a family emergency on January 26<sup>th</sup>, and by lying to Kristy Farrell telling her Plaintiff was a no show. Moreover, by failing to correct the lie, Defendant caused Plaintiff's coworkers to be unwilling to swap shifts with Plaintiff and cover his February 16<sup>th</sup> shift, out of fear he would not show up to cover their shift, and they would lose a vacation day.
139. As a direct and proximate result of Defendant's unlawful retaliatory termination of Plaintiff, Plaintiff suffered and continues to suffer emotional pain, professional and personal embarrassment, humiliation, loss of enjoyment of life, inconvenience, and lost earnings and benefits.
140. As a result, Plaintiff is entitled to recover his damages, including lost wages and benefits, compensatory and punitive damages, attorneys' fees, costs, interest, reinstatement front pay and benefits, and any other legal and equitable relief to which he may be entitled.

#### **VII. RELIEF REQUESTED**

Plaintiff respectfully requests:

141. Injunctive relief including, at a minimum, a memorandum issued to all staff at the Nashville Fire Department detailing inmates' legal right to refuse care.
142. Back pay and damages for lost benefits, insurance, and actual damages;

143. Compensatory damages for embarrassment, humiliation, stress, anxiety, inconvenience, and loss of enjoyment of life;
144. Liquidated damages;
145. Punitive damages;
146. Attorneys' fees and expenses;
147. Prejudgment interest and, if applicable, post-judgment interest; and
148. Such other and further legal or equitable relief to which he may be entitled under the TPPA, Tennessee common law, and any other statutory or common law.

Respectfully submitted,

/s/ Adam Rodrigues  
Adam Rodrigues, BPR #040141  
Adam Rodrigues Law, PLLC  
4183 Franklin Rd. Ste B1 Box 209  
Murfreesboro, TN 37128  
Tel: 615-270-2074  
Fax: 615-709-5770  
adam@adamrodrigueslaw.com