

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
WESTERN DIVISION

FILED
TN CLAIMS COMMISSION
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2010 MAR 30 A 10:23

ROSE CROSS,

Claimant,

v.

CLAIM NO. 20-091-280

STATE OF TENNESSEE,

Defendant

COMP _____
DUCKETED _____
C/S-GCOMM _____
DCR _____
AG _____
ALLI _____
FEE PAID _____
NOTICE SER _____
FILED _____

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

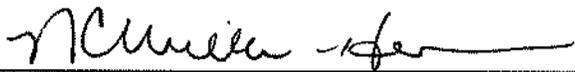
This matter came to be heard on Claimant's Claim for Damages, *Defendant's Motion to Dismiss* and memorandum in support thereof, Claimant's response thereto and, indeed, the record as a whole.

Claimant alleges that on September 13, 2008, she fell, twisted her ankles and landed on her knee at the Liberty Bowl Memorial Stadium in Memphis, Tennessee. Claimant alleges her fall was caused by a crack in the pavement at the Stadium and was the result of the negligence of Liberty Bowl grounds management.

The State has filed a motion to dismiss on the grounds that the Liberty Bowl Stadium is owned and operated by the City of Memphis.

Under Tenn. Code Ann. Sec. 9-8-307(a)(1), the Claims Commission has “exclusive jurisdiction to determine all monetary damages against the state based on the acts or omissions of *state employees . . .*” (*emphasis added*) Since the Liberty Bowl is owned by the City of Memphis and its employees are not state employees, the Claims Commission simply does not have jurisdiction over this claim. Moreover, because Liberty Bowl Memorial Stadium is not state controlled real property, no claim can be made under Tenn. Code Ann. Sec. 9-8-307(a)(1)(C) for “[n]egligently created or maintained dangerous conditions on state controlled real property.”

IT IS THEREFORE ORDERED that the Defendant’s *Motion to Dismiss* is **GRANTED**.



NANCY C. MILLER-HERRON
COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Order has been mailed
to:

Rose Cross
P.O. Box 1253
Okemos, MI 48805

Stephanie A. Bergmeyer, Esq.
Assistant Attorney General
Office of the Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207

This the _____ day of _____, 2010

MARSHA RICHESON, Clerk
Tennessee Claims Commission