IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED

APR 03 2009
Tennessee Claims Commission
CLERK'S OFFICE

COMPUTER
DOCKETED
C/S-COMM
DCA
AG
ALJ
FEE PAID
NOTICE SENT
FILED

RONNIE BRADFIELD,	)	
	)	
Claimant,	)	
	)	
vs.	)	Claim No. D20401861
	)	
STATE OF TENNESSEE,	)	
	)	
Defendant.	)	

ORDER OF DISMISSAL FOR FAILURE TO COMPLY WITH COMMISSION'S ORDERS

Defendant has moved to dismiss this matter, pursuant to Tenn. R. Civ. P. 41.02(1), for claimant's failure to comply with the Commission's Orders. Claimant has responded in opposition to the motion.

On July 18, 2008, the Commission ordered the parties to file a proposed pretrial order summarizing their respective claims or defenses and versions of the facts. The Order also required the parties to disclose any stipulations, contested issues of material fact, outstanding pending motions, expert witnesses to be called, and any special issues that should be considered prior to the trial in this matter that was scheduled for

September 10, 2008.[1] On August 6, 2008, Mr. Bradfield filed a notice that he was "unable" to comply with the Order because:

> 1. Claimant still haven't (sic) received all requested information from the respondent, as well needed documents, and ...
> 2. Claimant still can't subpoena certain documents because "no" exact trial date is set, since state has requested a continuance, and . . .
> 3. There is still the issue of wether (sic) I'm entitled to discovery (see previous filed motions)
> 4. Since the State has requested an (sic) continuance for a "new" trial date, medical expert(s) or expert testimony must be subpoenaed via subpoena(s) and . . .
> 5. That other witness(s) are required to be subpoenaed as well, to the extent, to (sic) counties are now involved, and that trial must be held in Nashville and then held in Lauderdale County to include all witness(es) and . . .
> 6. Without knowledge of an "exact" trial date for sure, I'm unable to fully comply to the above order, especially when the "exact" trial date is questionable.

On September 9, 2008, the Commission determined that claimant had not presented good cause for failing to file a pretrial order and again ordered that a pretrial order be filed by October 3, 2008, at which time the case would be reset for trial.

On October 6, 2008, the claimant submitted a "response" to the Order. The response did not set forth claimant's version of the facts or list

[1] The trial in this matter was subsequently continued due to a scheduling conflict with defendant's counsel.

the contested issues of fact to be decided at trial as required by the Order. Nor did claimant comply with the Order relative to identification of expert witnesses necessary to prove his claim. Claimant has been given ample opportunity to address these issues, but has refused to do so. The Commission can only conclude that either claimant has no facts or expert proof to support his claim or that he is unwilling to disclose this information prior to trial, both of which are cause for dismissal.

This matter is therefore dismissed.

It is so **ORDERED** this the 2nd day of April 2008.

STEPHANIE R. REEVERS
Claims Commissioner

CERTIFICATE OF SERVICE

This is to certify that I have mailed a true and correct copy of the foregoing document to the following parties:

DAVID S. SADLOW
Attorney General's Office
P O Box 20207
Nashville, TN 37202-0207
(615) 532-2551

RONNIE BRADFIELD
W.C.F.A. # 219625
P.O. Box 679
Whiteville, TN 38075

This 3 of April, 2009.

Marsha Richeson

Marsha Richeson, Administrative Clerk
Tennessee Claims Commission