

IN THE CIRCUIT COURT FOR WILSON COUNTY, TENNESSEE
AT LEBANON

RAUL MARTINEZ,)
)
Plaintiff,)
)
)
v.)
)
DAVIDS GROUP, LLC d/b/a)
STARSTRUCK FARM,)
)
Defendant.)

No. 23-CV-517

ORDER FILED

FEB 24 2026

DEBBIE MOSS, CIRCUIT COURT CLERK
WILSON COUNTY, TN

ORDER LODGED
DATE 2-18-26
DEBBIE MOSS
CIRCUIT COURT CLERK
WILSON COUNTY, TN

FINAL JUDGMENT ORDER

This cause came on to be heard before the Honorable Clara Byrd on the 11th day of February, 2026 upon Plaintiff's Motion to Assess Non-Economic Damages following the Remand and Mandate issued by the Tennessee Court of Appeals. Defendant filed a Response in Opposition stating it wanted to re-open the proof for an Evidentiary Hearing but did not file a Rule 60.02 Motion for consideration by the Court. The Court reviewed Plaintiff's Motion and attachments thereto which, in part, consisted of this Court's original Order following the trial of this matter entered December 5, 2024, this Court's Order granting discretionary costs to Plaintiff, the Opinion and Mandate issued by the Court of Appeals, the transcript of the trial testimony of the Plaintiff and the transcript of the deposition of Dr. Robel Beyene, which was made an exhibit at the trial. The Court reviewed Defendant's Response in Opposition to Plaintiff's Motion to Assess Non-Economic Damages, and upon consideration of the arguments of counsel and the Court file as a whole, the Court makes the following findings of fact and conclusions of law:

1. The Court's trial judgment is hereby amended consistently with the Court of Appeals Opinion and Mandate and Judgment is hereby rendered against the Defendant on behalf of the Plaintiff for medical bills in the amount of \$169,838.36, future medical costs in the

amount of \$20,000.00, fifty-two weeks of wage loss in the amount of \$46,800.00 and loss of earning capacity in the amount of \$436,800.00, all of which totals for a Judgment rendered in Plaintiff's favor for economic damages in the amount of \$673,438.36.

2. The Court finds that because this matter was tried, has been appealed and the Court of Appeals has now issued a ruling and a Mandate, same has become the law of the case and the Court respectfully denies any overtures by the Defendant to re-open the proof in this matter. The Court observes and concludes that the *Law of the Case Doctrine* prohibits reconsideration of issues that have already been decided in an appeal of the same case. *Memphis Pub. Co. v. Tenn. Petroleum Underground Storage Tank Bd.*, 975 S.W. 2d. 303, 306 (Tenn. 1998). Further, "when an initial appeal results in a remand to the trial court, the decision of the appellate court establishes the law of the case which generally must be followed upon remand by the trial court." *Id.* (citing 1B James W. Moore, Moore's Federal Practice ¶0.404[1] (2d. ed. 1995)). The principal that a trial court may not consider an issue decided on appeal is known as the "Mandate Rule." 18B Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. Juris. §4478 (3d. ed. 2014); 18 James Wm. Moore, et al., Moore's Federal Practice – Civil §134.23 (2024).

3. Further, the Court finds that no Rule 60.02 Motion was pending before it when Plaintiff moved the Court for an assessment of non-economic damages consistent with the decision and Mandate of the Court of Appeals.

4. Turning to the issue of non-economic damages of pain and suffering, the Court finds from review of the trial testimony of the Plaintiff and the testimony of Dr. Robel Beyene, (Plaintiff's treating physician) that Plaintiff sustained a scapular fracture, a C7 transverse process fracture, a skull fracture, two rib fractures with punctured lungs, a temporal bone fracture resulting in hearing loss and persistent headaches along with a hemothorax, subdural hematoma

(brain bleed), pneumothorax and pulmonary contusions. The Court finds that there was ample testimony in the record that these injuries and conditions were quite painful such that Plaintiff is entitled to an additional award in the amount of \$100,000.00 for pain and suffering. The Court does not specify or break down said award into past, present or future pain and suffering, but rather, recognizes that the testimony before it was of the aforementioned injuries and conditions sustained by the Plaintiff and the \$100,000.00 awarded is a general award for pain and suffering for the injuries and conditions sustained and finds same to be reasonable.

5. The Court finds that the Plaintiff in this matter was severely injured when this accident occurred in 2022. The trial occurred in 2024, was appealed and the Court of Appeals has now issued its Mandate. In all of that time, Plaintiff has not been compensated.

Accordingly, the Court finds that Plaintiff may begin collecting on this Judgment immediately.

PREMISES CONSIDERED, it is hereby **ORDERED, ADJUDGED and DECREED;**

1. That Plaintiff is hereby awarded Judgment against the Defendant for economic damages in the amount of \$673,438.36;

2. That Plaintiff is awarded a Judgment against the Defendant for pain and suffering in the amount of \$100,000.00 which represents a general award of non-economic damages;

3. Plaintiff's award for discretionary costs is left undisturbed in the amount of \$3,820.08;

4. The total combined Judgment in favor of the Plaintiff against the Defendant is in the amount of \$777,258.44.

5. Plaintiff may begin collection proceedings immediately.

It is so **ORDERED.**

Entered this ____ day of February, 2026.

Clara Byrd

Judge Clara Byrd

Approved for Entry:

ORTALE KELLEY LAW FIRM, PLLC

D. Andrew Saulters

D. Andrew Saulters (20275)
Attorney for Plaintiff
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dsaulters@ortalekelley.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was furnished by Electronic Mail to:
Angello Huong, attorney for Davids Group LLC d/b/a Starstruck Farm,
angellohuong@hotmail.com this 12th day of February, 2026.

D. Andrew Saulters

D. Andrew Saulters