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IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE,
AT NASHVILLE

THOMAS NATHAN LOFTIS, SR., Plaintiff,)	
)	Case No. 17C-295
v.)	Judge Jones
)	
RANDY RAYBURN, Defendant.)	JURY DEMAND
)	

FIRST AMENDED COMPLANT

COMES NOW, Tom Loftis, pursuant to Rule 15.01 of the Tennessee Rules of Civil Procedure, and for his cause of action against the Defendant Randy Rayburn, states as follow:

PARTIES

1. The Plaintiff is a resident of Nashville, Davidson County, Tennessee.
2. The Defendant Randy Rayburn is a resident of Nashville, Davidson County, Tennessee.
3. This is an action for defamation and false light invasion of privacy. The Defendant may be served in Davidson County, Tennessee, wherein the cause of action arose.

ALLEGATIONS OF FACT

4. In 1999, Tom Loftis enrolled in the culinary arts program of what is now known as Nashville State Community College ("NSCC"). He graduated in 2003. While a student, he assisted the teaching chef in a community education course for two years.

5. In the fall of 2003, Plaintiff was solicited to apply for employment as a full-time instructor by the chef because of his experience in the community education course. In the fall of 2004, Plaintiff served as an interim program coordinator while the full-time coordinator was on leave. In the fall of 2005, Plaintiff was named full-time program coordinator and served in that capacity until the matters complained of herein.
6. In October, 2014, Dean Karen Stevenson and the director from the Southeast campus claimed to have been contacted by local chefs with concerns regarding the qualifications of program graduates. None of these chefs were named, nor were any former students identified.
7. In February, 2015, Plaintiff attended a Nashville State Advisory Committee Meeting at which Defendant Randy Rayburn and Tennessean reporter Jim Myers were present. There was no discussion of any complaints regarding any graduate not being qualified. The Annual Advisory Committee Meeting was considered an opportunity for an update on the status of the program.
8. In March, 2015, Plaintiff was informed that a decision had been made not to renew his contract at the conclusion of the academic year. As a consequence, Plaintiff chose to resign. No specific reasons were given, and Mr. Loftis was given no opportunity to respond.
9. At the time Plaintiff enrolled as a student, he was one of approximately a dozen in the program. When he was hired as an instructor, the program had approximately 50 students. When he left, there were approximately 300.

10. The Plaintiff's entire personnel file has been produced in response to an open records request made to the institution. The file demonstrates outstanding achievements, praise for the designation as "chef" and other indications of success. There are no negative comments in the Plaintiff's personnel file.
11. Plaintiff, although dismayed and disappointed, accepted the failure to renew his contract with grace and dignity. He did not criticize the program, the school, or anyone associated with it. He did not file an Equal Employment Opportunity Commission charge of discrimination or otherwise seek to contest the decision that had been made.
12. On March 2, 2016, The Tennessean published an article, which is attached hereto as **Exhibit A** and incorporated herein by reference, under the byline of Jim Myers. The words in the article were spoken by Randy Rayburn and published by Mr. Myers in The Tennessean.
13. "It starts and ends on the cooking line," wrote Mr. Myers, "regardless of the talent of the chef or the quality of the wait staff." The article promoted an event called "Tennessee Flavors," purportedly the product of the Defendant, Randy Rayburn, as a benefit for the culinary arts program of Nashville State Community College.
14. Myers claimed to have written before about "the dearth of qualified line cooks in town, from our best restaurants to the hotels and convention centers" Rayburn, according to Myers, "recognized this need every day in his kitchens at the old Sunset Grill, Midtown Café, and Cabana, so he decided to do something about it by dedicating himself to helping build a Culinary Arts program at what used to be called Nashville Tech." These words of self-aggrandizement portray Rayburn as

the savior of culinary arts from the incompetence of Plaintiff. The school had chosen to name its new facility at the former Hickory Hollow Mall in Antioch, "The Randy Rayburn School of Culinary Arts."

15. Myers quoted Rayburn as willing to tell you "it hasn't been easy." When he sought the help of local restaurateurs and chefs to offer feedback on the program and the quality of his graduates, he was quoted, "the reports he got back weren't flattering. The program was simply turning out unqualified students."
16. Rayburn, "with his name on the building" chose to apply his experience in "how to cut losses and move on quickly," and "decided to get more involved."
17. Myers then wrote: "they started by cleaning house from the top by removing director Tom Loftis. It was a politically inexpedient move last year since Loftis was the brother-in-law of Bill Freeman who was running for Mayor at the time. If the election had gone a different way, it might have affected funding for the school."
18. These boastful and unseemly comments were reckless and made with a conscience indifference to the truth. No specific deficiencies were described nor was it revealed in this article whether any of the individuals about whom complaints were made had even attended the school much less graduated from it. No effort was made to determine whether these deficiencies were a function of a failure of instruction rather than an inadequacy of the individual. Among the chefs mentioned in the article were individuals who, to the knowledge of the Plaintiff, had never employed a graduate of the school.

19. The article inexplicably referred to the mayoral candidacy of the Plaintiff's brother-in-law, Mr. Freeman. Randy Rayburn supported a different candidate for Mayor, having not received a role commensurate with his perception of self-worth with Mr. Freeman.
20. As a member of the Board, Defendant Rayburn knew that Nashville State is an institution of the State of Tennessee under the control of the Tennessee Board of Regents. It does not receive funding from the Metropolitan Government and the election of the Mayor could therefore not have affected its budget. This absurd comment impugned the integrity of Mr. Loftis as well as Mr. Freeman and was false, reckless, malicious, and a product of personal motivations having nothing to do with the quality of the school or its students.
21. Plaintiff Loftis is not a public figure.
22. The Defendant intentionally and recklessly impugned the competence and maligned the reputation of the Plaintiff in order to embellish his own role in the Nashville culinary community. The words and conduct of the Defendant caused Plaintiff great embarrassment, humiliation and emotional distress. As a direct consequence, Plaintiff has been unable to find comparable work in Nashville, Tennessee.
23. The Defendant Rayburn is not a state employee.
24. Plaintiff, through counsel, requested a meeting with NSCC President Van Allen and counsel for the Tennessee Board of Regents in an attempt to remedy this dispute prior to filing this Complaint. In response, the Tennessee Board of Regents, through counsel, sent a letter to Plaintiff dated October 4, 2016, in which

it denied that Rayburn was a state employee and that NSCC would be liable for any of Mr. Rayburn's comments. Attached to this Complaint as **Exhibit B** is a copy of the October 4 Letter.

CAUSES OF ACTION

I. FALSE LIGHT

25. Pursuant to an interview with Mr. Jim Myers of The Tennessean, the Defendant. Randy Rayburn spoke words that were of and concerning the Plaintiff. The words spoken by Rayburn were thereafter published by Mr. Myers in The Tennessean article dated March 2, 2016. Mr. Rayburn placed the Plaintiff before the public in a false light and is therefore liable to the Plaintiff for invasion of his privacy. The false light in which Plaintiff was placed would be highly offensive to a reasonable person, in this instance accusing the Plaintiff of incompetence and personally responsible for alleged and unsubstantiated deficiencies of unnamed persons. The tenor of the article and of Mr. Rayburn's comments suggested that a list of well-known local chefs unanimously agreed with this proposition, but that was not true. The Defendant had actual knowledge of or acted with reckless disregard to the falsity of the matters asserted and the false light in which the Plaintiff was placed.

II. DEFAMATION BY IMPLICATION OR INNUENDO

26. The publication complained of and the words of Rayburn therein plainly implied that the lack of proper performance by unidentified employees of unnamed chefs in restaurants or as a consequence of the incompetence of the Plaintiff, even though that statement was not literally made. When read and construed in the sense in which a reader would ordinarily understand it, the clear implication was


that any failure of a restaurant employee who had attended the school was the fault of the Plaintiff.

WHEREFORE, Plaintiff demands judgment from and against the Defendant in the amount of \$500,000 and for such additional amount of punitive damages as the jury may determine to be sufficient to punish the Defendant for his conduct and to discourage such behavior in the future, not to exceed \$1,000,000.

Plaintiff respectfully demands a jury trial on all issues so triable.

Respectfully submitted,

THE BLACKBURN FIRM, PLLC



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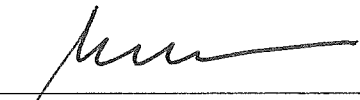
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following via email and U.S. Mail:

Daniel A. Horwitz, #32176
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Nashville, TN 37203
Daniel.A.Horwitz@gmail.com

Alan M. Sowell, #11690
Suite 1900
201 Fourth Avenue North
Nashville, TN 37219
615-265-1125
Attorney for the Defendant

This 20 day of June, 2017.



W. Gary Blackburn

Tennessee Flavors offers way to eat, drink, aid cooking arts

Jim Myers, jmyers@tennessean.com Published 1:58 p.m. CT March 2, 2016 | Updated 5:53 p.m. CT March 2, 2016



(Photo: File / The Tennessean)

A restaurant is only as good as the team in the kitchen. It doesn't matter how talented the chef is, how steeped in hospitality the waitstaff is or how beautiful the decor. It starts and ends on the cooking line.

That's why I'm jazzed about an event coming up Tuesday, and why every chef and diner in this city should give Randy Rayburn's big mug a kiss the next time they see him. (And I say that with profound apologies to both Randy and his wife, Sonata.)

Tennessee Flavors is a food and drink throwdown with more than 75 vendors from across Middle Tennessee. It's also the big kahuna fundraiser that benefits the culinary arts program of Nashville State Community

College, and that's where Rayburn comes in.

There are just a handful of folks in town who have witnessed, from the front line, Nashville's culinary explosion, and few have been as generous with time, wisdom and cold hard cash over the past two decades as Randy Rayburn. If ever he needed a *raison d'être* in the latter part of his career, it would be the education of young culinarians who might never have a chance at a career.

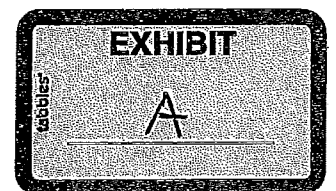
I've written before about the dearth of qualified line cooks in town, from our best restaurants to the hotels and convention centers that need to feed the burgeoning throngs. If you're willing to work hard, love food and cooking and want a stable job, every kitchen door in Nashville will fling open.

[Restaurants have jobs if you can show up, stand heat](#)

[\(http://www.tennessean.com/story/life/food/2014/10/04/restaurants-jobs-can-show-stand-heat/16720897/\)](http://www.tennessean.com/story/life/food/2014/10/04/restaurants-jobs-can-show-stand-heat/16720897/)

Rayburn recognized this need every day in his kitchens at the old Sunset Grill, Midtown Cafe and Cabana, so he decided to do something about it by dedicating himself to helping build the culinary arts program at what used to be called Nashville Tech.

To honor him, the school named its new facility at the old Hickory Hollow mall in Antioch [The Randy Rayburn School of Culinary Arts](#) (<http://www.nsc.edu/programs/c/business-and-applied-arts/culinary-arts/>) at Nashville State Community College. However, Rayburn will tell you it hasn't been easy. When he enlisted the help of local restaurateurs and chefs to offer feedback on the program and the quality of its graduates, the reports he got back weren't flattering. The program was simply turning out unqualified students.



Buy Photo



(Photo: File / The Tennessean)

Rayburn didn't flinch because a career of running successful restaurants teaches you how to cut losses and move on quickly. With his name on the building, he rolled up his sleeves and decided to get more involved. He went back to his dissatisfied cadre of chefs, including OGC (original gangsta chef) Deb Paquette of Etch, City House's Tandy Wilson, Kim Totzke of the Turnip Truck, Edgar Pendley from Urban Grub, barbecue honcho Pat Martin, John Stephenson of the Family Wash and Max Knoepfel, executive chef of the Music City Center, and asked for more help.

They started by cleaning house from the top by removing director Tom Loftis. It was a politically inexpedient move last year since Loftis was the brother-in-law of Bill Freeman who was running for mayor at the time. If the election had gone a different way, it might have affected funding for the school.

Rayburn's group knew they needed fresh blood and launched a nationwide search, eventually hiring Paul Brennen over more than 50 other candidates. Today, the ship seems to be righted and on a good course. There's scholarship money galore for young, and older, students interested in the culinary arts, and the new facility is a showplace.

If you like to dine out, if you know a young chef or someone who wants to be one (without incurring the debt of more traditional cooking schools), then you need to buy a ticket to Tennessee Flavors and support their scholarship program. Besides, it's a gas with a lot of food and drink.

It's time to thank Rayburn and, by the way, a handshake will do just fine.

Reach Jim Myers at 615-259-8367 and on Twitter @ReadJimMyers.

Tennessee Flavors

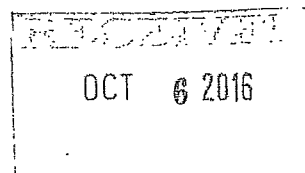
When: 5:30-8:30 p.m. Tuesday

Where: Nashville State Community College (main campus), 120 White Bridge Road

Tickets: \$70, \$175 (VIP)

Website: tnflavors.org (<http://tnflavors.org>)

Participants: 8 Lavender Lane, 55 South, 1808 Grille, Amber Falls Winery, Bacon & Caviar, Bang Candy Company, Bongo Java, Cabana, Christie Cookie Co., City House, Cork & Cow, The Corner Market, Craft Brewed, Corsair Distillery, Daily Juice Café, Etch, First Harvest Café at Second Harvest, Frothy Monkey, George Dickel Tennessee Whisky, Germantown Café, Goo Goo Cluster, Grinder's Switch Winery, Jack Daniel's Tennessee Whiskey, Jackson Morgan Southern Cream, Jimmy Kelly's Steakhouse, Littlest Love Bakery, Lucky Belly, Margot Café & Bar, Martin's Bar-B-Que Joint, McConnell House, MEEL, Merchants, Midtown Café, Miel Restaurant, Mimi's Girl Artisan Bakery, Monchita's Homemade Cobblers, Moto Cucina + Enoteca, Music City Center, Nashville Chocolate & Nut Co., The Nashville Jam Co., Nelson's Greenbrier Distillery, Nicoletto's Pasta Co., Noshville, Pickers Vodka,



TENNESSEE BOARD OF REGENTS

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October 4, 2016

W. Gary Blackburn
The Blackburn Firm, PLLC
213 Fifth Avenue North, Suite 300
Nashville, TN 37219

Re: Tom Loftis

Dear Mr. Blackburn:

I am in receipt of your letter dated September 27, 2016, regarding the above referenced matter. After consideration, Nashville State Community College respectfully declines to meet with you and your client. Finding terms for resolution of this matter is problematic from the College's perspective. A state agency may only be sued for libel/slander pursuant to the Claims Commission Act and only for the statements of its employees made in the course of their duties as a state employee. Neither the College nor any of its employees have acted improperly or contributed to the situation wherein your client believes he has been slandered/libeled. As a result, no cause of action exists against the College and there is no basis for it to participate in any settlement discussions.

At this point it is clear that any dispute regarding the content in the *Tennessean* article from last March is between parties other than the College. Therefore, the College is not interested in further discussion regarding this matter.

Sincerely,

Donald R. Ungurait
Associate General Counsel

Cc: Dr. Van Allen

