

Bond Case Briefs

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CONTRACTS - TENNESSEE

Elvis Presley Enterprises, Inc. v. City of Memphis

Supreme Court of Tennessee - February 24, 2021 - S.W.3d - 2021 WL 714651

Prospective concert facility developer brought action against city and professional basketball team, seeking declaratory judgment concerning rights and obligations of parties under contract that restricted city from providing tax incentives or other benefits for facilities that would compete with arena where team played.

The Chancery Court dismissed the complaint based on lack of standing. Developer appealed. The Court of Appeals, Armstrong affirmed on ground that res judicata barred the action.

On appeal by permission, the Supreme Court held that dismissal for failure to exhaust administrative remedies did not constitute an “adjudication on the merits” for purposes of res judicata.