

IN THE LAW COURT OF SULLIVAN COUNTY
AT KINGSPORT, TENNESSEE

CRYSTAL SENSABAUGH, as)
Administrator of the Estate of BRETT D.)
RODGERS, II, Deceased,)
Plaintiffs,)
vs.)
KINGSPORT ENTERTAINMENT, LLC,)
d/b/a HOG WILD SALOON,)
BRANDON CUNNINGHAM, ANDREW)
REARDON, and PAUL BELLAMY,)
Defendants.)

FILED
9-7-18 4:40 PM
Bobby L. Russell, *BSR* DC
CIRCUIT COURT CLERK
SULLIVAN COUNTY, TN.

Civil Action No. C42374

C

COMPLAINT

COMES NOW the Plaintiff, Crystal Sensabaugh, as Administrator of the Estate of Brett D. Rodgers, II, deceased, in the above-styled action and hereby files this Complaint as follows:

1. On March 2, 2018, Brett D. Rodgers, II was shot and killed on the premises of the Hog Wild Saloon, located at 1009 W Stone Dr, Kingsport, TN 37660 ("the premises").
2. Sonia Perez and Brett D. Rodgers are the biological parents of Brett D. Rodgers, II, deceased.
3. Crystal Sensabaugh is the duly appointed Administrator of the Estate of Brett D. Rodgers, II, deceased. Crystal Sensabaugh is a resident of the State of Tennessee. (See attached Exhibit A).
4. Sonia Perez is a resident of the State of Tennessee and Brett D. Rodgers is a resident of the State of Illinois.

5. Plaintiff, Crystal Sensabaugh, as Administrator of the Estate of Brett D. Rodgers, II, deceased, brings this action in behalf of the Estate and all potential beneficiaries of the Estate for the wrongful death of Brett D. Rodgers, II.

6. Plaintiff states her intention and desire to bring each permissible, proper, and authorized claim for damages under Tennessee law, including general, special, compensatory, consequential, economic, punitive, and other damages as proven by the evidence at trial, including all damages allowable under Tennessee's wrongful death and survivorship laws.

7. Defendant, Kingsport Entertainment, LLC, was a Tennessee limited liability company authorized to transact business in the State of Tennessee and is subject to the jurisdiction and venue of this Court. Defendant, Kingsport Entertainment, LLC, owned, managed, and/or operated the Hog Wild Saloon located at 1009 W Stone Dr, Kingsport, TN 37660 at the time of the subject shooting. Defendant, Kingsport Entertainment, LLC, and its officers, agents and employees, were involved in the acts or omissions in Sullivan County, Tennessee, which give rise to this lawsuit. Defendant, Kingsport Entertainment, LLC, committed tortious acts or omissions in Sullivan County and is subject to the jurisdiction and venue of this Court.

8. Service can be made on Defendant, Kingsport Entertainment, LLC, by serving its registered agent, Brandon Cunningham located at 1112 Faye Street, Kingsport, TN 37660. In addition, Plaintiff is serving the Secretary of State to the extent that, pursuant to *T.C.A. § 48-208-104*, the Secretary of State may be agent for service of process. Since the events giving rise to this Complaint occurred, it appears that Kingsport Entertainment Group, LLC has been administratively dissolved.

9. Defendant, Brandon Cunningham, owned, managed, and/or operated the Hog Wild Saloon located at 1009 W Stone Dr, Kingsport, TN 37660 at the time of the subject shooting.

Defendant, Brandon Cunningham, committed tortious acts or omissions in Sullivan County and is subject to the jurisdiction and venue of this Court.

10. Service can be made on Defendant, Brandon Cunningham, by serving him at 1112 Faye Street, Kingsport, TN 37660.

11. Defendant, Andrew Reardon, owned, managed, and/or operated the Hog Wild Saloon located at 1009 W Stone Dr, Kingsport, TN 37660 at the time of the subject shooting. Defendant, Andrew Reardon, committed tortious acts or omissions in Sullivan County and is subject to the jurisdiction and venue of this Court.

12. Service can be made on Defendant, Andrew Reardon, by serving him at 968 Cooks Valley Road, Kingsport, TN 37664.

13. Defendant, Paul Bellamy, owned, managed, and/or operated the Hog Wild Saloon located at 1009 W Stone Dr, Kingsport, TN 37660 at the time of the subject shooting. Defendant, Paul Bellamy, committed tortious acts or omissions in Sullivan County and is subject to the jurisdiction and venue of this Court.

14. Service can be made on Defendant, Paul Bellamy, by serving him at 301 Broad Street, Kingsport, TN 37660.

15. As a direct and proximate result of the Defendants' acts and omissions as set forth below, Brett D. Rodgers, II (hereinafter "Mr. Rodgers") was shot and killed at the Hog Wild Saloon.

16. Mr. Rodgers was an invitee of the Hog Wild Saloon and exercised ordinary care and diligence at all times herein and under the circumstances then existing.

17. At all times mentioned herein, Defendants owned, controlled, operated, and/or managed the premises of the Hog Wild Saloon, and had the legal duty to keep the premises in a state consistent with the due regard of the safety of their invitees, including Mr. Rodgers.

18. Defendants breached the duty owed to Mr. Rodgers by failing to exercise ordinary care to keep the premises safe.

19. Prior to and on March 2, 2018, the Hog Wild Saloon premises was negligently maintained, inspected, secured, patrolled, and managed. Defendants had knowledge, both actual and constructive, of the need to properly maintain, secure, inspect, patrol and manage said premises, but failed to exercise ordinary care.

20. Defendants were negligent in failing to maintain, inspect, secure, patrol, and manage the premises, thereby creating an unreasonable risk of injury to invitees, including Mr. Rodgers.

21. Defendants knew of or, with the exercise of due care for the safety of invitees, should have known of the dangerous and hazardous conditions existing on the premises and the failure to maintain, inspect, secure, patrol, and manage the premises and that said conditions were likely to result in serious injuries and death to invitees, including Mr. Rodgers.

22. Defendants owed a duty of care to invitees of the Hog Wild Saloon, including Mr. Rodgers, to provide adequate security measures on the premises.

23. Prior to and on March 2, 2018, Defendants failed to provide adequate security measures on the premises in breach of their duty of care.

24. Defendants were aware of security deficiencies on the premises prior to the March 2, 2018, shooting at issue.

25. Defendants failed to remedy the security deficiencies about which they were on notice prior to the March 2, 2018, shooting at issue.

26. Defendants negligently failed to warn their invitees, including Mr. Rodgers, of the security deficiencies about which they were on notice.

27. At all times material hereto, despite their obligation to take reasonable steps to provide a safe environment at the Hog Wild Saloon, Defendants failed to provide adequate safety for same.

28. Defendants negligently failed to utilize adequate security devices, including security cameras, to permit proper use of the premises.

29. Defendants failed to utilize and keep in good repair security cameras on the subject premises.

30. Defendants failed to employ security guards on the subject premises.

31. Defendants failed to utilize adequate security personnel, patrols, and/or protocols.

32. Defendants failed to:

a. Conduct pat-downs or searches on persons entering the premises;

b. Prohibit minors or unauthorized persons from entering the premises;

c. Prohibit unlawful firearms from entering the premises; and

d. Control who entered and exited the premises.

33. Defendants failed to properly maintain the premises and its approaches.

34. Defendants failed to utilize adequate lighting in the common areas of the premises.

35. Mr. Rodgers was shot and killed due to a lack of appropriate security measures on the premises, and other acts of negligence and/or gross negligence/recklessness as referenced herein.

36. The failure of the Defendants to provide appropriate security on the premises contributed to the criminal acts of the unknown assailant(s) which caused Mr. Rodgers' death.

37. Defendants knew or, in the exercise of reasonable care, should have known that their lack of adequate security measures and failure to exercise reasonable care for the premises would increase the risk of crimes against property and persons.

38. At no time prior to the March 2, 2018, shooting did Defendants notify patrons or guests at the Hog Wild Saloon of criminal activity that had occurred on the premises.

39. Defendants had actual and constructive knowledge of widespread criminal activity existing on and around the premises prior of the subject incident.

40. Defendants negligently failed to warn invitees, including Mr. Rodgers, of the existence of prior criminal activity and the likelihood of further criminal attacks.

41. Defendants negligently failed to utilize adequate security devices despite having actual and constructive knowledge of widespread criminal activity on the premises and the likelihood of further criminal attacks. Defendants failed to use security cameras, security guards, adequate fencing, or other adequate security devices, thereby causing an unreasonable risk of injury and death to invitees of the premises, including Mr. Rodgers.

42. Defendants negligently failed to maintain appropriate mechanisms and pat-down searches so as to prevent unauthorized entry to the Hog Wild Saloon, which created an unreasonable risk of injury and death to invitees of the premises, including Mr. Rodgers.

43. Defendants knew or, in the exercise of reasonable care, should have known that their failure to provide reasonable and appropriate security measures on the premises would attract criminal elements to the premises and thus increase the risk that invitees of the premises would be victims of violent crime.

44. Defendants knew or, in the exercise of reasonable care, should have known of the dangerous and hazardous conditions existing on the premises, and that said conditions were likely to result in the injuries sustained by Plaintiff.

45. Defendants breached said duties to Mr. Rodgers and failed to act as similarly situated businesses in like circumstances.

46. Defendants had a duty to keep the premises of the Hog Wild Saloon in repair. Defendants breached this duty and are therefore liable.

47. Defendants had actual and constructive knowledge of the dangerous and hazardous conditions existing on and around the subject premises through the knowledge of their employees and agents and due to the prior criminal activity and dangers associated with the subject premises and the surrounding areas.

48. Defendants failed to maintain a policy, procedure, or system of investigating, reporting, and warning of criminal activity on the premises and approaches.

49. Because Defendants had knowledge of or, in the exercise of reasonable care, should have had knowledge of the dangerous environment of the premises, Defendants are liable for the negligent supervision, hiring, training, and retention of its employees and for the entrustment of the premises to its agents and employees. This negligence proximately caused the death of Mr. Rodgers.

50. Defendants represented to the invitees of the Hog Wild Saloon that the premises were properly maintained and reasonably safe.

51. Defendants negligently failed to act on its knowledge of prior crimes, and failed to act to correct, prevent or warn of prior criminal activity and the dangerous environment at the subject premises.

52. Each of the foregoing tortious acts and omissions constitute an independent act of negligence on the part of Defendants and one or more or all of the above stated acts and omissions proximately caused the death of Mr. Rodgers.

53. Mr. Rodgers' death was the direct and proximate result of the acts and omissions of Defendants. But for said acts and omissions, Mr. Rodgers would not have died.

54. Defendants' acts and omissions as described herein were a cause in fact and a proximate cause of the injuries to and death of Mr. Rodgers.

55. The injuries to and death of Mr. Rodgers were and are a direct and proximate result of the acts and omissions of Defendants. But for said acts and omissions, Plaintiff would not have suffered injuries.

56. Defendants are liable for Mr. Rodgers' injuries, pain and suffering, wrongful death, and all other elements of damages allowed under the laws of the State of Tennessee.

57. Defendants were negligent for all other acts of negligence as may be shown at trial.

58. Plaintiff brings this wrongful death action for the Estate of Mr. Rodgers, seeking the full value of the life of Mr. Rodgers, economic and intangible, to himself had he lived. Plaintiff seeks all wrongful death damages permitted under Tennessee law in an amount to be determined by the enlightened conscious of a fair and impartial jury.

59. Plaintiff, Crystal Sensabaugh, as Administrator of the Estate of Brett D. Rodgers, II, deceased, claims general damages for all the elements of the conscious physical and mental pain and suffering endured by Mr. Rodgers prior to his death proximately caused by the shooting incident at issue.

60. Plaintiff, Crystal Sensabaugh, as Administrator of the Estate of Brett D. Rodgers, II, deceased, claims all special damages permitted under Tennessee law representing the

reasonable and fair value of the funeral and burial expenses incurred as a result of the shooting incident at issue.

61. Plaintiff, Crystal Sensabaugh, as Administrator of the Estate of Brett D. Rodgers, II, deceased, seeks all other estate-based damages permitted under Tennessee law in an amount to be determined by the enlightened conscious of a fair and impartial jury.

62. Plaintiffs are entitled to recover punitive damages from Defendants because the actions of Defendants and their agents and employees showed willful misconduct, malice, gross negligence and/or recklessness evidencing an entire lack of care which would raise the presumption of conscious indifference to consequences. Accordingly, Plaintiff is entitled to recover punitive damages from Defendants in an amount to be determined by the enlightened conscience of an impartial jury.

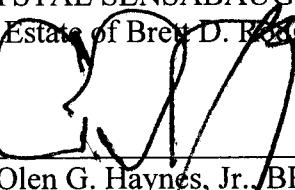
WHEREFORE, Plaintiff demands judgment against the Defendants to be determined by the enlightened conscious of a fair and impartial jury in a reasonable amount not to exceed \$20,000,000 in compensatory and \$5,000,000 in punitive damages. Plaintiff further prays for such further relief as the Court may deem just and equitable.

PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY.

Respectfully submitted,

CRYSTAL SENSABAUGH, as Administrator of
The Estate of Brett D. Rodgers, II, deceased,

BY


Olen G. Haynes, Jr., BPR #19420
Attorney for Plaintiff
The Haynes Firm
P.O. Box 1879
Johnson City, TN 37605
423-928-0165

COST BOND

We recognize ourselves as surety for all costs and taxes in this cause in accordance with *T.C.A. § 20-12-120*.

THE HAYNES FIRM

BY:

Olen G. Haynes, Jr.

