IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

DORIS CALLOWAY,	)	
Plaintiff,	)	
	)	
v.	)	**DOCKET NO. _____**
	)	**JURY DEMAND**
CHANCE DIXON,	)	
Defendant.	)	

COMPLAINT

Comes now the Plaintiff, by and through her attorneys of record, and for cause of action against the Defendant would respectfully state as follows:

I. INTRODUCTION

1. This action is brought against the Defendant pursuant to 42 U.S.C. § 1983 for deprivation of civil rights secured by the Fourth and Fourteenth Amendment to the United States Constitution. It arises out of the savage, willful, malicious, sadistic assault of Plaintiff Calloway by the Defendant, during a routine roadside encounter in Cumberland County, Tennessee.

II. JURISDICTION AND VENUE

2. This is an action for redress for violations of the civil rights laws of the United States and jurisdiction of this Court is therefore invoked pursuant to 28 U.S.C. § 1343(a), 42 U.S.C. § 1983, and 20 U.S.C. § 1681(a).

3. The acts and omissions and the resulting claims asserted in this Complaint occurred in and arose in Crossville, Cumberland County, Tennessee, which is located in this District. Venue is thus properly laid in this Court pursuant to 28 U.S.C. § 1391(b).

III. PARTIES

4. The Plaintiff Doris Calloway is a citizen and resident of Davidson County, Tennessee, residing at 3719 Long Hollow Pike, Goodlettsville, TN 37072.

5. Defendant Chance Dixon was at all time material to the allegations in this Complaint an employee of the Cumberland County Sheriff's Department, acting in his capacity as a law enforcement officer, specifically a deputy sheriff, with the Cumberland County Sheriff's Department, and acting under color of state law by virtue of his authority as a law enforcement officer. He is sued in his individual capacity.

IV. STATEMENT OF FACTS

6. On March 18, 2021, Defendant Dixon, in the course and scope of his employ for Cumberland County, encountered Plaintiff Calloway, a 31-year-old female, on the side of the road after her car had broken down.

7. The events described herein were all recorded on Defendant Dixon's bodycam. Plaintiff is filing a motion to file a copy of the video as an exhibit to this complaint. The video is incorporated by reference into this Complaint to substantiate Plaintiff's allegations.

8. Plaintiff Calloway told Defendant Dixon that she had been on a long trip when she began having car trouble, and that her dog was dying inside the car.

9. Plaintiff Calloway was fully responsive and cooperative with Defendant Dixon.

10. Although Plaintiff Calloway's license plate tag was expired, there was no evidence of any other criminal violation or civil infraction.

11. Defendant Dixon asked if she had ever been in trouble, and she acknowledged a prior arrest for assault but stated she did not believe she had any outstanding warrants.

12. Defendant Dixon asked if there were any drugs in the car, and she said "just my dog. She's dying and I've had her for like ten years." Plaintiff Calloway became emotional discussing her troubles with her dog and car and said she just wanted to go home.

13. Defendant Dixon continued interrogating her about where she lived and whether she had anything illegal in her car. He then stood next to her car but did not search the inside of it. Nothing in the bodycam footage from that time shows any contraband in the car.

14. Without any apparent reason or provocation, Defendant Dixon approached Plaintiff Calloway, grabbed her arm, and said "first I'm gonna handcuff you." She asked "ok, for what?" He responded that he found a "meth pipe" in her car and told her "do not resist." She cries "please stop sir, please don't arrest me" as he became increasingly physically aggressive with her.

15. Again, without any apparent reason or provocation, Defendant Dixon slammed her on the ground and yelled "quit resisting!" Plaintiff Calloway cried out "Oh my God I'm not resisting! I'm not, sir!" and began crying hysterically as he stood over her and grabbed at her arms.

16. Defendant Dixon then yells "you're gonna get tased!" She screamed and pleaded for him to stop.

17. Defendant Dixon then shot her in the back without justification with a Taser as she continued screaming for help.

18. Defendant Dixon yelled for her to roll over and put her hands behind her back "or you're gonna get it again." Even though she was fully complying, he shoved the Taser into her back and said "I'm gonna tase you again!"

19. Defendant Dixon tased her again without justification, causing Ms. Calloway to shriek in pain.

20. Dixon continued yelling at Ms. Calloway to put her hands behind her back, and she cried "I'm trying but you won't let me!" The episode continued for several more minutes. He used profanity and told her to "shut up" as she begged for her mother.

21. At some point, two bystanders arrive who were unknown to Defendant Dixon and Plaintiff Calloway

22. Defendant Dixon made no attempt to clear them from the area, but instead solicited them to assist him with his excessive use of force against Plaintiff Calloway.

23. After Defendant Dixon finally secured Plaintiff Calloway in the car, he told one of the bystanders: "Well I don't want to punch her since she's a female, but it's hard."

24. Defendant Dixon then said "she's on meth" despite no evidence to indicate that other than the alleged pipe found in her car.

25. Defendant Dixon turned back to Plaintiff Calloway, who was in the back seat of his car, and demanded she get her handcuffs behind her back. She is, of course, unable to do so from the cramped confines of the back seat.

26. Defendant Dixon demanded Plaintiff Calloway get out of the car and literally forced her to roll around in the mud to adjust the handcuffs.

27. Defendant Dixon yelled at Plaintiff Calloway to "get back in the freaking car." She begged for her dog and he refused. He inexplicably punched her. She screams "are you really punching me? You're punching me! Oh my God you're fucking hitting me!" He says, "You ready for another one?"

28. Defendant Dixon then instructed one of the unknown bystanders to go to the other side of the car to assist him with placing her in the vehicle. Ms. Calloway screams "I was just broke down, I wasn't doing nothing" as she is pulled on from both sides by Dixon and the bystander. Once she was back inside the car, Defendant Dixon closed the door while she continued to scream for help and her dog.

29. Defendant Dixon later searched her car. The dying dog is seen sitting helplessly on the passenger seat. He reached for a pipe on the passenger-side floorboard. It is unclear how he would have seen it from his initial view at the beginning of the encounter from the driver side window, and more importantly how he would have known it was recently (or ever) used for meth.

30. As a result of injuries suffered, a possible seizure and/or anxiety attack and emotional distress emanating from the treatment by Dixon, Ms. Calloway was transported by EMT personnel in an ambulance to the Cumberland Medical Center.

31. To further her emotional injury, Dixon insisted on riding in the back of the ambulance with Ms. Calloway, further causing her great emotional distress.

32. When Ms. Calloway arrived at the hospital, because she was covered in mud, it was necessary to undress her and clean her up prior to putting her in a robe. As Ms. Calloway was driving home, she did not have a bra on. Dixon stayed in her presence while she was in a state of undress.

33. Ultimately Ms. Calloway was evaluated, treated, and discharged.

34. Defendant Dixon arrested Plaintiff Calloway for DUI, Resisting Arrest, Simple Possession, and Paraphernalia, despite the fact that there was no evidence, let alone probable cause, that Plaintiff Calloway was impaired by drugs or alcohol, or that she was illegally resisting arrest.

35. All of the criminal charges were dismissed on May 10, 2021.

36. As a direct and proximate result of Defendant Dixon's actions, Plaintiff Calloway suffered physical and emotional injury including but not limited to great pain, fear and humiliation. Further, she incurred medical expenses.

V. FEDERAL CLAIMS FOR RELIEF (42 U.S.C. § 1983)

COUNT I- EXCESSIVE FORCE

37. The actions and inactions of Defendant Dixon which resulted in Plaintiff Calloway's injuries were done under color of state law and in a manner which caused her to suffer constitutional violations. Specifically, Defendant violated the right of Plaintiff not to be subjected to excessive force and unlawful seizure under the Fourth and Fourteenth Amendments, which protects a citizen from the use of excessive force that is objectively unreasonable and does not serve a legitimate governmental/ law enforcement purpose. A reasonable law enforcement

officer would or should have known that this constitutional right was clearly established at the time the alleged wrongful conduct occurred, and that such conduct violated that right.

38. Defendant Dixon operated to violate Plaintiff's civil rights as protected by the Civil Rights Act of 1871, 42 U.S.C. § 1983.

39. The conduct of Defendant in this matter was objectively unreasonable as well as intentional, reckless, deliberate, unjustified, excessive, gratuitous and was indicative of his disregard of and indifference to Plaintiff's wellbeing which led to the unnecessary infliction of pain and suffering, and the deprivation of her constitutional rights to be free from excessive force that amounts to punishment.

40. The amount of force used in this case constituted gratuitous violence and was grossly disproportionate to the need to apply force or maintain discipline, particularly in light of the minimal severity of the alleged crime, the fact that Plaintiff did not pose an immediate threat, and the fact that Plaintiff was not actively resisting arrest.

41. The force used here was not in a good faith effort to maintain or restore discipline in circumstances under haste, under pressure, and without the luxury of a second chance. Rather, Defendant acted excessively, intentionally, and without a legitimate law enforcement purpose.

42. As a direct and proximate result of the unlawful conduct of Defendant, Plaintiff suffered injury from the deprivation of her civil rights as protected by the Fourteenth Amendment and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

COUNT II - PUNITIVE DAMAGES

43. The actions and omissions of the Defendant Dixon complained of herein were unlawful, conscious shocking and unconstitutional and performed maliciously, recklessly,

fraudulently, sadistically, retaliatory, intentionally, willfully, wantonly and in such a manner as to entitle the Plaintiff to a substantial award of punitive damages.

VI. PRAYERS FOR RELIEF

44. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.

45. That process issued to the Defendant and that he be required to answer in the time required by law.

46. That judgment be rendered in favor of the Plaintiff and against the Defendant on all causes of action asserted herein.

47. That Plaintiff be awarded those damages to which it may appear that she is entitled for her medical bills incurred and that which will be incurred in the future, her physical, mental, and emotional pain and suffering both past and future, loss of enjoyment of life both past and future and the violation of his rights guaranteed to her by the Fourth and Fourteenth Amendment to the Constitution of the United States.

48. That Plaintiff be awarded Punitive Damages against Defendant Dixon.

49. That Plaintiff be awarded reasonable expenses including reasonable attorneys' fees and expert fees and discretionary costs pursuant to 42 U.S.C. § 1988 (b) and (c).

50. That the Plaintiff receive any other further and general relief to which it may appear that she is entitled

51. That a jury is demanded.

Respectfully submitted,

/s/ David J. Weissman
David J. Weissman (BPR #25188)
Benjamin K. Raybin (BPR #29350)
RAYBIN & WEISSMAN, P.C.
424 Church Street, Suite 2120
Nashville, Tennessee 37219
(615) 256-6666
(615) 254-4254- fax
dweissman@nashvilletnlaw.com
braybin@nashvilletnlaw.com
Attorneys for Plaintiff