

Vanderburgh Circuit Court

STATE OF INDIANA)
) SS: IN THE VANDERBURGH CIRCUIT COURT
 COUNTY OF VANDERBURGH)
 CAUSE NO. 82C01-2307-CT-003512

JOSEPH M. EDDMENSON,)
 Plaintiff,)
 v.)
 FRANKLIN ST OPERATING LLC d/b/a)
 CHASER'S BAR & GRILL,)
 Defendant.)

COMPLAINT FOR DAMAGES

Plaintiff, Joseph M. Eddmenson, by counsel, Barnett Law, LLC, for his Complaint against Defendant, Franklin St Operating LLC d/b/a Chasers Bar & Grill, states as follows:

COUNT I

1. Plaintiff Joseph M. Eddmenson ("Mr. Eddmenson") at all times material was a resident of Evansville, Vanderburgh County, Indiana.
2. Defendant, Franklin St Operating LLC d/b/a Chasers Bar & Grill, along with its employees and agents ("Chasers"), is and at all times material has been a corporation organized and existing under the laws of the state of Indiana, with its principal place of business located in Evansville, Vanderburgh County, Indiana. At all times material, Chasers operated a bar in Evansville, Vanderburgh County, Indiana, and was licensed to sell alcoholic beverages to its customers in accordance with the provisions of Indiana law.
3. On July 30 and 31, 2021, Chasers furnished alcoholic beverages to Cory Schaum a 22-year-old patron of the bar ("the Patron"), with actual knowledge that the Patron was visibly intoxicated at the time the alcoholic beverages were furnished. Chasers should have denied the intoxicated Patron additional alcoholic beverages and prevented him from

driving in an intoxicated state. Instead, Chasers continued serving the Patron until closing time and Chasers took no action to prevent the Patron from driving intoxicated. At approximately 3 a.m., the Patron left Chasers and drove his vehicle northbound, swerving across the northbound lane and into the two southbound lanes at a high rate of speed on St. Joseph Avenue where he caused a head-on collision on St. Joseph Avenue near the intersection of SR 66. The head-on collision caused the Patron's death and caused serious and permanently debilitating injuries to Mr. Eddmenson who was then 32 years old.

4. Following the crash, Mr. Eddmenson remained trapped in his vehicle until being extricated by emergency responders who rushed him to the Deaconess Hospital Emergency Room. He was then transferred by ground ambulance 175 miles to the St. Vincent Hospital in Indianapolis for emergency surgery to repair his severely fractured hip with bone fixators, plates, and screws. He spent the next two weeks in recovery at St. Vincent in Indianapolis. Despite physical therapy, he developed drop foot and suffers from concussion and traumatic brain injuries.

5. Chasers regularly creates an environment that encourages large crowds of mostly young people to drink excessively, and Chaser's fails to provide appropriate oversight of its customers' consumption and intoxication.

6. The intoxication of the Patron, and Chasers serving the Patron when Chasers had actual knowledge of his intoxication, which is evident and can clearly be inferred from the direct or circumstantial evidence of the Patron's intoxication on July 30 and 31, 2021, were the direct and proximate causes of Mr. Eddmenson's injuries and damages alleged herein that resulted from the head-on collision between the Patron's and Mr. Eddmenson's vehicles, all in violation of Indiana law.

7. Chasers' conduct on Friday night July 30, 2021, and early Saturday morning July 31, 2021, constitutes negligence and negligence per se, and these violations impose liability under Indiana law on Chasers which knowingly furnished alcoholic beverages to a visibly intoxicated person.

8. As a result, Mr. Eddmenson: a) sustained severe and permanent personal injuries; b) incurred and will incur medical expenses including future medical expenses; c) suffered current and future lost wages and income; and d) incurred other damages and injuries, including without limitation, present and future physical and mental pain and suffering, and the present and future costs related to care during his life, rehabilitation, therapy, medications, and the costs of equipment necessary to assist Mr. Eddmenson in performing his activities of daily living.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Chasers for an amount to be determined at trial and for all such other relief that is just and proper.

COUNT II – PUNITIVE DAMAGES

Plaintiff, by counsel, realleges and restates rhetorical paragraphs 1 through 8 of this Complaint as if set forth in full in this Count II.

9. Chasers knowingly and willfully created an environment where alcoholic beverage consumption was not effectively monitored, resulting in alcoholic beverages being served to visibly intoxicated persons with actual knowledge of their intoxication, including the Patron.

10. Chasers' actions amounted to willful and wanton misconduct in that Chasers' intentional acts and failures to act were done with reckless disregard of probable injury to a person when Chasers knew of that probability and had the opportunity to avoid the risk.

11. Chasers acted with gross negligence in that Chasers voluntary acts and failures to act were done with reckless disregard of the consequences to another person.

12. Chasers' acts and failures to act were not the result of mistake of fact, an honest error of judgment, overzealousness, ordinary negligence, or other human failing.

13. As a result of Chasers' conduct as alleged herein, Mr. Eddmenson is entitled to a sum that will serve to compensate him and to punish Chasers and to prevent and deter Chasers and others similarly situated from engaging in such similar acts and conduct in the future.

14. The imposition of punitive damages against Chasers for their conduct as alleged herein would be in the public interest.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Chasers for punitive damages, pre-judgment interest, reasonable attorneys' fees and costs, and all other just and proper relief.

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a trial by jury.

DATED this 25th day of July 2023.

Respectfully submitted,

BARNETT LAW, LLC

/s/ George C. Barnett, Jr.

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NOTICE OF COMPLIANCE WITH IND. TRIAL RULE 5(G)

I hereby certify that the foregoing pleading or attached Court record or document complies with the requirements of Ind. Trial Rule 5(G) with regard to information excluded from the public record under Ind. Administrative Rule 9(G).

/s/ George C. Barnett, Jr.

George C. Barnett, Jr.