

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

Richard Merrell and Amy Merrell,
individually and as the parents and
next of kin of Andrew Merrell, deceased,

Plaintiffs,

vs.

Rural/Metro of Tennessee, L.P.,

Defendant.

FILED

CATHERINE F. QUIST
CIRCUIT COURT CLERK

No. 2-64-17

TWELVE (12) PERSON
JURY DEMANDED

COMPLAINT

Come now the Plaintiffs, Richard Merrell and Amy Merrell, Individually and as the Parents and Next of Kin of Andrew Merrell, deceased, by and through counsel, for their cause of action against the Defendant, Rural/Metro of Tennessee, L.P., and would respectfully show unto this Honorable Court:

1. Plaintiffs Richard Merrell and Amy Merrell are residents of Knox County, Tennessee, residing at 9930 Emory Road, Corryton, Tennessee 37721.
2. Plaintiffs, as the parents and next of kin of Andrew Merrell, deceased, are the proper parties to bring this wrongful death action pursuant to Tenn. Code Ann. § 20-5-101, *et seq.*, including, but not limited to, Tenn. Code Ann. § 20-5-106.
3. Defendant Rural/Metro of Tennessee, L.P. is an emergency service provider headquartered at 10140 Gallows Point Drive, Knoxville, Tennessee 37931 and can be served through their registered agent Corporation Service Company at 2908 Poston Ave, Nashville, Tennessee 37203-1312.

4. On or about February 24, 2016, Plaintiff Andrew Merrell was a front-seat passenger in a vehicle driven by his brother, Austin Merrell, and also containing two other passengers.

5. While traveling east on Emory Road in Corryton, Tennessee, the vehicle was in a single-vehicle accident near the Washington Pike intersection. After the accident, the vehicle came to rest in a ditch facing a culvert.

6. At 6:59 p.m., Knox County 911 operators received the first report of the accident. At 7:02 p.m., Rural/Metro Units E233 and 717 were dispatched to the scene of the accident. At 7:10 p.m., Unit E233 arrived at the scene of the accident, and at 7:26 p.m. Unit 717 arrived according to Rural/Metro produced records.

7. Upon arrival, first responders found Plaintiff Andrew Merrell pinned in the front passenger seat of the vehicle. The first responders noted that Plaintiff Andrew Merrell was alive and had a detectable pulse.

8. First responders improperly categorized Plaintiff Andrew Merrell as presumptively deceased and chose not to extricate him from the vehicle. None of the first responders on the scene had the necessary specialized equipment to perform a vehicle extrication, and they failed to utilize other responders in the immediate vicinity that could have provided said equipment.

9. Plaintiff Andrew Merrell's death certificate lists his time of death as 9:35 p.m. The death certificate and autopsy report list his cause of death as "traumatic asphyxia". The autopsy report also says that there was some blunt trauma which was "less-than-lethal".

10. The first responders involved were, at all times material to this complaint, employees and agents of Defendant Rural/Metro of Tennessee, L.P. and acting within the scope of their employment. Defendant is liable for the acts of its employees and agents under the doctrine of *respondeat superior*.

11. Defendant is liable for Plaintiffs' injuries because Defendant's agents were integral participants in the wrongful conduct, or, in the alternative, because Defendant failed to intervene to prevent these actions or omissions.

12. Defendant's conduct toward the Plaintiffs was committed in an intentional or reckless manner.

13. Defendant was negligent in both its response time to the scene of the accident and failure to render aid to Plaintiff Andrew Merrell.

14. Defendant's negligent, reckless, and wrongful acts and omissions were a direct and legal cause of Plaintiff Andrew Merrell's death and the severe emotional distress and physical and mental injuries suffered by Plaintiffs Richard Merrell and Amy Merrell.

15. Defendant's conduct was outrageous and intolerable because it offended generally accepted standards of decency and morality.

16. Defendant's conduct was so outrageous that punitive damages are warranted to deter Defendant and others similarly situated from engaging in such conduct in the future.

17. As a consequence of Andrew Merrell's death, Plaintiffs Richard Merrell and Amy Merrell were forever deprived of his valuable services, companionship, and society.

WHEREFORE, the Plaintiffs, Richard Merrell and Amy Merrell, as the Parents and Next of Kin of Andrew Merrell, Deceased, demand judgment against the Defendant, Rural/Metro of Tennessee, L.P., for compensatory damages in the sum of **ONE MILLION DOLLARS (\$1,000,000.00)** and punitive damages in the sum of **THREE MILLION DOLLARS (\$3,000,000.00)**.

WHEREFORE, Plaintiff Richard Merrell, Individually demands judgment against the Defendant, Rural/Metro of Tennessee, L.P., for compensatory damages in the sum of **FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)**.

WHEREFORE, Plaintiff Amy Merrell, Individually demands judgment against the Defendant, Rural/Metro of Tennessee, L.P., for compensatory damages in the sum of **FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)**.

The Plaintiffs demand a jury try this action.

Respectfully submitted this 23 day of February, 2017.

TLJ

T. Scott Jones (BPR #014628)

Chris W. Beavers (BPR #025259)

Attorneys for Plaintiffs

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COST BOND

We acknowledge ourselves as surety for all costs, taxes, and damages in this case in accordance with T.C.A. § 20-12-120.

This the 23 day of February, 2017.

Richard Merrell and Amy Merrell,
Principals

BY:

TLJ
T. Scott Jones, Attorney
BANKS & JONES, Surety

BY:

TLJ
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CATHERINE F. QUIST
CIRCUIT COURT CLERK

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