

**IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE**

<b>KRISTIN BOESEN,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>CAMERON DUPREE and THE</b>	)
<b>METROPOLITAN GOVERNMENT</b>	)
<b>OF NASHVILLE AND DAVIDSON</b>	)
<b>COUNTY, acting by and through</b>	)
<b>THE NASHVILLE FIRE</b>	)
<b>DEPARTMENT,</b>	)
	)
<b>Defendants.</b>	)

**Docket No:** \_\_\_\_\_

**COMPLAINT**

Comes now the Plaintiff, by and through counsel, and would respectfully submit to the Court the following Complaint:

1. The Plaintiff, Kristin Boesen, is a resident of the State of Tennessee, residing in Montgomery County.
2. The Defendant Cameron Dupree resides at 632 Woodland Dr. Clinton, TN 37716-3425, Anderson County, Tennessee.
3. The Defendant, The Metropolitan Government of Nashville and Davidson County, (hereinafter: "Defendant Metro"), operates a fire department in Davidson County, Tennessee, by and through the Nashville Fire Department. The Metropolitan Government of Nashville and Davidson County has a main address of 1 Public Square, Nashville, Tennessee 37201.

COPY

4. At all times relevant to this Complaint, Defendant Metro and its fire department were and are classified as a political subdivision of the State of Tennessee as defined by the Tennessee Governmental Tort Liability Act, codified at Tenn. Code Ann. § 29-20-102(3).

5. This Complaint concerns an incident which occurred at or near the I-24 E. entrance ramp on I-24 East from Haywood Lane in Davidson County.

6. The amount in controversy is a fair, just, and equitable amount to be decided by the trier of fact after hearing all of the evidence at trial. Pursuant to Tenn. R. Civ. P. 8.01 and 15.02, the amount awarded by the trier of fact shall not exceed \$250,000.00 for compensatory damages to the Plaintiff.

7. On or about April 21, 2022, employees of Defendant Metro were traveling in Davidson County, Tennessee and were operating a Metro Fire truck in the course and scope of their employment. They negligently secured equipment or a firehose in a manner that caused it to fly off the vehicle to obstruct the roadway on which the Plaintiff was driving, causing an initial collision which resulted in personal injuries to the Plaintiff.

8. Immediately following the initial collision, Defendant Cameron Dupree was traveling in Davidson County, Tennessee and operated a motor vehicle in a negligent manner so as to strike the vehicle containing the Plaintiff from behind, causing a collision which also resulted in personal injuries to the Plaintiff.

9. Since this collision, the Plaintiff has received examination, evaluation, treatment, and therapy for injuries caused by the Defendants. Such injuries have greatly hindered the enjoyment of life of the Plaintiff.

10. Defendant Dupree had a duty to keep a proper lookout ahead, to drive at a reasonable and safe speed, to see all that came into the Defendant's line of sight, and to drive reasonably and carefully. At all times herein material, the Defendant was guilty of the following acts of common law negligence, which acts or omissions were the direct and proximate cause of the damages and injuries sustained by the Plaintiff:

a) Operating a vehicle at a speed too great for the circumstances then and there existing.

b) Failing to maintain a proper lookout ahead.

c) Carelessly operating a vehicle in a manner which caused it to strike the vehicle containing the Plaintiff.

d) Failing to take evasive action by applying the brakes or otherwise steering the vehicle in order to avoid a collision once that collision was imminent.

11. The employees of Defendant Metro had a duty to the Plaintiff and all others on the roadway to properly secure the equipment, ensure that the vehicle was roadworthy, attend to the full operation of the vehicle including all maintenance needed, and drive with due regard for any and all passengers on the roadway.

12. Defendant Metro negligently disregarded its duty to properly hire, train, supervise firefighters who operate emergency fire trucks and equipment prior to and on the date of the incident alleged in this complaint, and retain its employees to ensure that they did not negligently secure equipment to the Nashville Fire vehicle.

13. The driver and employee of Defendant Metro's vehicle had a duty to keep a proper lookout ahead, to drive at a reasonable and safe speed, to see all that came into

the Defendants' line of sight, and to drive reasonably and carefully. The Metro employee was negligent per se in violating Tenn. Code Ann. § 55-8-136 Failure to use Due Care.

14. In addition to the aforementioned acts of negligence, Defendant Cameron Dupree was negligent per se in that the Defendant drove a vehicle with such a willful and wanton disregard to the safety of the Plaintiff. Furthermore, the Defendant was negligent per se in violating the following statutory provisions:

- a) Tenn. Code Ann. § 55-8-152 Failure to obey speed limit
- b) Tenn. Code Ann. § 55-8-136 Failure to use Due Care
- c) Tenn. Code Ann. § 55-8-124 Following too Closely
- d) Tenn. Code Ann. § 55-8-199 Use of handheld mobile telephone while driving

15. At the time of this collision, the employees of Defendant Metro were operating Metro's vehicle within the course and scope of employment with Metro Nashville Fire Department and with its permission. As such, the negligence of the employees of Defendant Metro is imputed to Defendant Metro pursuant to Tennessee Governmental Tort Liability Act and the doctrines of vicarious liability, respondent superior, negligent entrustment, and/or the principles of agency.

16. The Plaintiff alleges that as a direct and proximate result of one or more acts of negligence of the Defendants, the Plaintiff suffered and continues to suffer injuries and damages as follows: property damage, pain and suffering, future pain and suffering, medical expenses, future medical expenses, loss of income and future earning capacity, permanent impairment, disfigurement, and loss of enjoyment of certain employment, social and recreational activities.

17. As a result of the injuries suffered and damages incurred by the Plaintiff, the Defendants are liable to the Plaintiff for the aforementioned losses.

**PREMISES CONSIDERED, THE PLAINTIFFS PRAY:**

1. That process issue and the Defendants be required to respond under the Tennessee Rules of Civil Procedure.
2. That the Plaintiff be awarded a sum to be proven at the time of trial for damages caused by the Defendants, but not to exceed \$250,000.00.
3. That the cost of this action be taxed to the Defendants.
4. For such other, further and general relief which may be deemed by this Honorable Court to be appropriate.

Respectfully submitted,



---

L. Mackenzie Cover, BPR #036773  
Ponce Law, PC  
Attorneys for Plaintiff  
400 Professional Park Drive  
Goodlettsville, TN 37072  
Telephone: (615) 851-1776  
mackenzie@poncelaw.com