

IN THE CIRCUIT COURT OF BRADLEY, TENNESSEE

LILLIE WALKER

Plaintiff

vs.

COLLEGETOWN MOBILE
ESTATES, INC

Defendants

PAID DOCUMENT FILED
* 2005 OCT 12 PM 1:47
* FILED
* NO. V.05-817
* DIVISION _____
* JURY DEMANDED
*
*

COMPLAINT

Come the plaintiff, LILLIE WALKER, by and through her attorneys, and for her cause of action state:

I.

Plaintiff, LILLIE WALKER, is a resident of Decatur, Meigs County, Tennessee, and at the time of the incident described in this complaint, Plaintiff was an invitee of her daughter, Linda Morgan's mobile home in Cleveland, Bradley County, Tennessee, the subject premises where her fall took place owned and operated by Defendant, Collegetown Mobile Estates, Inc., located at 3350 Westside Drive, Lot #51, Cleveland, Tennessee. Defendant, Collegetown Mobile Estates, Inc. is a Tennessee corporation licensed to do business in the State of Tennessee and so doing business by the operation of the subject estates located in Cleveland, Bradley County, Tennessee.

II.

On October 25, 2004, plaintiff, Lillie Walker, was walking through her daughter's home, when she tripped and fell over a concrete nail sticking up from an air conditioning vent. The Defendant maintained the home and left it in an unreasonably dangerous condition and not adequate for individuals to walk around the immediate area. Defendant had actual knowledge of the dangerous condition and/or had constructive knowledge of the unreasonably dangerous condition of the premises, including the concrete nail sticking up from the air conditioning vent. Defendant had a duty to protect plaintiff from the unreasonably dangerous condition of the premises in that the danger was foreseeable and the gravity of harm outweighed the burden imposed in protecting against harm and the defendant took no steps to remove the danger. The defendant failed to exercise reasonable care under the circumstances and was concerned only with profit as opposed to the risk of injury and probable danger.

After the fall, Plaintiff, Lillie Walker, and her daughter, Linda Morgan, reported the incident to the maintenance manager, Don Westfield, of Collegetown Mobile Estates, Inc. Plaintiff was treated by physicians for her injuries. As a direct result of the fall, Plaintiff, LILLIE WALKER, sustained and suffered personal injuries to multiple parts of her body and has sustained permanent impairment.

III.

Plaintiff avers that the defendant was guilty in negligence in one or more of the following acts:

(1) Operating and maintaining the premises that was negligently maintained and hazardous;

(2) Allowing a hazardous and dangerous condition of the nails holding the air conditioning vent to exist on its premises;

(3) Failing to comply with reasonable business standards in the maintenance and inspection of the air conditioning vent on its premises;

(4) Failing to provide a warning or appropriate markings to notify invitees or plaintiff of the dangerousness of the air conditioning vent where the incident occurred;

(5) Generally failing to exercise that degree of care, caution and maintenance that is required of reasonable and prudent rental property and property owners under the circumstances and conditions existing at the time and place of Ms. Walker' fall;

(6) Keeping, owning and maintaining in a dangerous and defective condition on its premises a concrete nail sticking up from an air conditioning vent, when the defendant knew or in the exercise of reasonable care, should have known that the condition of such air conditioning vent, was unreasonably dangerous and constituted an unreasonable hazard and risk to invitees of its premises;

(7) Violation of T.C.A. § 66-28-304.

IV.

Pursuant to T.C.A Section 24-5-113 (b), plaintiff sets out hereinbelow an itemization of her medical, hospital and doctor bills which were paid or incurred as a direct result of her injuries to establish that the charges were reasonable, to wit:

<u>Provider</u>	<u>Amount</u>
Medical Services	\$ 896.00
10/25/04	\$ 158.00
11/01/04	\$ 246.00
11/27/04	\$ 246.00
01/15/05	\$ 246.00
Bradley Memorial Hospital	\$ 77,820.00
01/19/05	\$ 222.00
01/21/05	\$ 8,645.00
03/09/05	\$ 472.00
03/10/05	\$ 175.00
03/18/05	\$ 4,844.00
03/23/05	\$ 332.00
03/28/05	\$ 264.00
03/30/05	\$14,595.00
04/08/05	\$ 410.00
04/18/05	\$ 358.00
04/27/05	\$ 332.00
05/04/05	\$ 332.00
05/09/05	\$ 957.00
05/10/05	\$24,130.00
05/24/05	\$ 367.00
05/26/05	\$ 332.00
05/27/05	\$ 6,365.00
05/30/05	\$ 4,623.00
06/03/05	\$ 1,305.00
06/06/05	\$ 358.00
06/08/05	\$ 332.00
06/15/05	\$ 332.00
06/22/05	\$ 332.00
06/29/05	\$ 332.00
07/06/05	\$ 332.00
07/11/05	\$ 518.00
07/14/05	\$ 5,407.00
07/25/05	\$ 205.00
07/27/05	\$ 472.00
08/05/05	\$ 140.00
T O T A L	\$78,716.00

Plaintiff avers that as a direct and proximate result of the negligence of the defendant, plaintiff was caused to suffer and incur the following injuries and damages:

- (1) Severe and permanent injuries including, but not limited to, damage to Plaintiff, LILLIE WALKER'S left leg and heart;
- (2) Reasonable and necessary medical and hospital expenses, past and future;
- (3) Pain, mental anguish and suffering, both past and future;
- (4) Loss of the enjoyment of life;
- (5) Loss of earnings and the loss of earning capacity;
- (6) Decrease in quality of life; and
- (7) Permanent medical impairment.

WHEREFORE, plaintiff sues the defendant for Two Hundred Fifty Thousand Dollars (\$250,000.00) in compensatory damages and DEMAND A JURY TO TRY THE ISSUES WHEN JOINED.

Respectfully submitted,

McMAHAN LAW FIRM

By 

James R. Keenamer, BPR #16172
Attorneys for the Plaintiff
323 High Street
Chattanooga, TN 37403
(423) 265-1100