



State of Tennessee

Department of State

Division of Business Services
312 Eighth Avenue North
6th Floor Wm. R. Snodgrass Tower
Nashville, Tennessee 37243

1/29/01
Date

7114 5464 3550 0008 4346
Certified Number

File No: 14210

Company

Name GREGORY LEWIS
Agent/POE:
Address 135 NORTH CREST MOORE AVE.
LOUISVILLE, KY 40206
Country

RE: REX M. MASSENGALE

VS: WINIGENE H. DRURY AND GREGORY LEWIS

FEB 02 2001

Notice of Service

The enclosed summons and attachments are hereby officially served upon you by the Office of the Tennessee Secretary of State pursuant to Tennessee Law. Please refer to the summons and attachments for details concerning the lawsuit filed against you. If you have any questions, please contact the clerk of the court which issued the summons. You can obtain the court's telephone number by calling information (area code) 555-1212. The name of the court and county where the court is located will be on the attached summons.

The summons will either tell you a court date and time at which you must appear to defend yourself or tell you the number of days from the day you are served within which you must file an answer upon the plaintiff's attorney. Failure to appear in court at the time specified or failure to answer the summons within the given time could result in a judgement by default being rendered against you for relief sought in the lawsuit.

The Secretary of State's Office cannot give you legal advice. If you need legal advice, please consult a private attorney.

Sincerely,

Riley C. Darnell
Secretary of State

enclosures

Initial KDF

CC:

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE
CIRCUIT COURT OF MARION COUNTY

REX M. MASSENGALE, Sr., a)
resident of Trenton, Georgia)

Plaintiff,)

vs.)

WINIGENE H. DRURY, a resident of)
3505 Indocin Court, Lexington, KY)
40220 and GREGORY LEWIS next)
of kin of RYAN LEWIS, deceased, 135)
North Crest Moore Avenue, Louisville,)
Kentucky, 40206)

Defendants,)

Case No. 14210

JURY DEMAND

COMPLAINT

Comes the Plaintiff and sues the Defendants and for his cause of action says:

I

The Plaintiff has been reliably informed that Ryan Lewis, deceased, has had no administrator appointed for his estate and, therefore, his father as next of kin is named as a party defendant in this action as a representative of the deceased and his estate.

II

On April 3, 2000, the Plaintiff was operating his Chevrolet Pick-up truck heading west on I-24 in Marion County, Tennessee. At the same time, a Ford Taurus vehicle owned by Winigene H. Drury and driven by Ryan Lewis, now deceased, was headed eastbound on I-24.

III

Mr. Ryan Lewis was operating said vehicle at a high rate of speed during a heavy downpour, which caused the Interstate to be extremely wet and hazardous. Due to the extremely excessive rate of speed the vehicle became airborne, crossed over the median and struck the west bound vehicle of the Plaintiff causing his truck to spin and ultimately turn over coming to rest in a creek bed.

IV

As a result of the impact and ultimately spinning and tumbling of the Plaintiff's truck, the Plaintiff sustained severe injury to his person, including, but not limited to, his spine and other areas of his body.

STATE OF TENNESSEE
Circuit Court of Marion County
AT JASPER

Rex M. Massengale
Plaintiff

Civil Action

v.

No. 14210

Winigene H. Drury and Gregory Lewis,
next of kin of Ryan Lewis
Defendant

Summons

To the above named Defendant(s): Gregory Lewis, 135 North Crest Moore Avenue,
Louisville, Kentucky 40206

You are hereby summoned and required to serve upon J. Harvey Cameron

plaintiff's attorney, whose address is Post Office Box 759, Jasper, TN 37347

an answer to the complaint which is herewith served upon you within thirty (30) days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint.

Witness, EVELYN GRIFFITH, Clerk of said court, at office the 19 in Jan A.D.,

2001

Evelyn Griffith, Clerk

By J. Castle
Deputy Clerk

No. 14210

STATE OF TENNESSEE

Rex M. Massengale

Vs.

Winigene H. Drury and Gregory Lewis,
next of kin of Ryan Lewis

SUMMONS
IN CIVIL ACTION

Issued the 19 day of Jan 2001
at 3:40 o'clock, P.M.

EVELYN GRIFFITH, Clerk

J. Castle
Deputy Clerk

J. Harvey Cameron
Plaintiff's Attorney

STATE OF TENNESSEE
MARION COUNTY

I, Evelyn Griffith, Clerk of the Circuit Court
of said County do hereby certify that the foregoing is
a full, complete and perfect copy as appears of
record in my office.

Received this _____ day of _____, 19____

Deputy Sheriff
Given under my hand in office in Jasper, TN

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure, 19 Jan 2001)

Evelyn Griffith
Clerk

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the _____ day of _____, 19____, I served this summons
together with the complaint herein as follows: _____

Sheriff-Deputy Sheriff

V

Plaintiff avers that his injuries are permanent in nature and that he has suffered great pain and mental anguish as a result of the accident solely caused by the negligent operation of the Ford Taurus vehicle by the deceased.

VI

The Plaintiff avers that he has sustained substantial medical bills and will continue to sustain medical expenses including doctor, hospital and prescription drug bills in the future.

VII

Because of the severity of his injuries the Plaintiff has been unable to return to his work at Choo Choo Express Lube and has sustained substantial loss of wages and loss of earning capacity for which he is entitled to recover. At the time of the accident, the Plaintiff was carrying in his pick-up truck various tools which were lost as a result of the accident and to which he is entitled to recover.

VIII

Plaintiff avers that the deceased driver, Ryan Lewis, violated certain provisions of Tennessee Code Annotated, to-wit:

T.C.A. 55-8-125. Driving on Divided Highways

T.C.A. 55-10-205. Reckless Driving.

IX

Plaintiff avers that the violation of either or both of these statutes constitutes negligence per se and that either or both combined with other acts of negligence were the sole proximate cause of the Plaintiff's injuries and damages.

X

Plaintiff avers that Ryan Lewis was guilty of acts of common law negligence in that he was driving the vehicle at a fast reckless rate of speed, considering the weather conditions then existing, and failed to keep his vehicle under proper control. These acts of negligence alone or combined with other acts of negligence were the sole and proximate cause of the Plaintiff's injuries and damages.

XI

Plaintiff avers that the vehicle owned by the Defendant, Winigene H. Drury was being operated by her grandson, Ryan Lewis, with her consent and permission and that under the provisions of

T.C.A. 55-10-311, that said ownership constituted prima facie evidence that the vehicle was being operated and used with the authority, consent and knowledge of the deceased's grandmother.

XII

Plaintiff additionally avers that the vehicle was being operated under the "Family Purpose Doctrine."

XIII

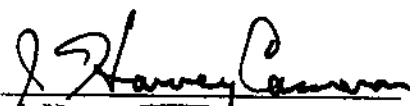
Plaintiff, therefore, avers that the Defendant, Winigene H. Drury is, therefore, liable to the Plaintiff for the injuries and damages which he received due to the negligent operation of her vehicle by her grandson.

WHEREFORE, the Plaintiff sues the Defendants and each of them for the sum of \$300,000.00 and demands a jury to try the action when joined.

Respectfully submitted,

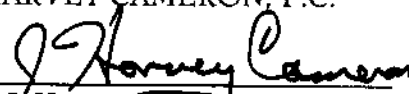
CAMERON & GOUGER
An Association of Attorneys
28 Courthouse Square, Suite 100
Post Office Box 759
Jasper, TN 37347
(423) 942-9975

By:


J. Harvey Cameron, BPR#2465
Attorney for the Plaintiff

SURETY FOR COSTS
J. HARVEY CAMERON, P.C.

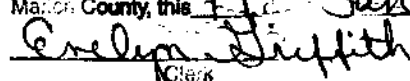
By:


J. Harvey Cameron

STATE OF TENNESSEE
MARION COUNTY

I, Evelyn ~~Griffith~~, Clerk of the Circuit Court
of said County do hereby certify that the foregoing is
a full, complete and perfect copy as appears of
record in my office

Given under my hand in office in Jasper, TN

Marion County, this 19th Jan 2001

Clerk