

IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE

STEVE BRUNLOW, individually; as parent and
next of kin and on behalf of and as Administrator
ad litem of the ESTATE OF STEVEN LAMAR
BRUNLOW, Deceased,

PLAINTIFF,

v.

BLEVINS ENTERPRISES, INC., RAY SHRUM,
AND THE STATE OF TENNESSEE

DEFENDANTS.

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DOCKET NO. _____

DIVISION NO. _____

JURY DEMAND _____

COMPLAINT

Comes now the Plaintiff, by and through counsel, pursuant to T.C.A. '20-5-107, and
sues the Defendants, and would show unto the Court as follows:

I.

Steve Brunlow, alleges on information and belief that Defendants, Blevins Enterprises,
Inc. and Ray Shrum, are residents of Grundy County, Tennessee.

II.

Steve Brunlow, the Plaintiff, is a resident of Hamilton County, Tennessee, the father of
Steven Lamar Brunlow, deceased, and the Administrator *ad litem* for the estate of Steven L.
Brunlow.

III.

Steve Brunlow brings this action on behalf of himself and the Estate of Steven L.
Brunlow, who are residents of Hamilton County, Tennessee.

IV.

The Plaintiff alleges on information and belief that Defendant, Blevins Enterprises, is a corporation residing in Grundy County, Tennessee, doing business in Hamilton County, Tennessee, and can be served at 734 Main Street, Highway 56, Alamo, TN 37301-0098.

V.

The Plaintiff alleges on information and belief that Defendant, Ray Shrum, is a resident of Grundy County, Tennessee, an employee of Defendant Blevins Enterprises, and can be served at Box 100, Highway 150, Tracy City, Tennessee.

VI.

The Plaintiff alleges on information and belief that Defendant, the State of Tennessee can be served at the Office of the Attorney General, 425 5th Avenue, North, 2nd Floor, Nashville, TN 37243.

VII.

Plaintiffs do not have sufficient knowledge regarding the relationship of Blevins Enterprises, Inc. and the State of Tennessee to make a determination as to which entities are considered state employees for the purposes of this action in the Claims Commission. As such, this Complaint has been filed concurrently in the Circuit Court of Hamilton County, Tennessee, as well as the Claims Commission for the State of Tennessee.

VIII.

This cause and the parties are within and/or subject to the jurisdiction of this Court pursuant to T.C.A. 16-10-101 and 89-8-307.

IX.

Venue is appropriate to Hamilton County pursuant to T.C.A. 20-4-101.

X.

This is an action for the wrongful death of Steven Lamar Brunlow, who was twenty years old, unmarried and without children at the time of his death.

XI.

Steven Lamar Brunlow was killed when a street sweeper, with a trailing device called an attenuator, turned in front of the motorcycle he was riding, causing him to crash into the side of the attenuator being towed behind the street sweeper. The street sweeper was owned by Defendant Blevins Enterprises, Inc.

XII.

That on June 10, 2005, at approximately 1:13 a.m., Steven Lamar Brunlow was riding his motorcycle on East Brainerd Road.

XIII.

That at the same date and time, the vehicle owned by Blevins Enterprises, Inc., a street sweeper, driven by Ray Shrum, was traveling in the same direction on East Brainerd Road.

XIV.

That the defendant, Ray Shrum, made a left turn, in the performance of a u-turn, immediately in front of Steven Brunlow.

XV.

That the street sweeper had a device trailing behind it, the attenuator, which further blocked the lanes of travel in the roadway in front of the motorcycle.

XVI.

That Steven Lamar Brunlow had the right of way.

XVII.

That Blevins Enterprises, Inc. (owner) is liable for the actions of Ray Schrum (driver) and its other employees under the Doctrines of *Respondent Superior*, Agency, Negligent Entrustment, Negligent Hiring, and/or Negligent Training.

XVIII.

That the State of Tennessee, as the employer of Blevins Enterprises, Inc., is liable for the actions of its employee, Blevins Enterprises, Inc., under the Doctrines of *Respondent Superior*, Agency, Negligent Entrustment, Negligent Hiring, and/or Negligent Training.

XIX.

The actions of Ray Schrum and the employees of Blevins Enterprises, Inc. were the sole and proximate cause of the collision, subsequent injuries, and death of Steven Lamar Brunlow.

XX.

That the Defendants are guilty of the following common law acts of negligence proximately resulting in the injuries and subsequent death of Steven Lamar Brunlow, which either alone, or combined and concurring with the Defendants' other acts of negligence, were the proximate cause of the collision, the resulting damages, and wrongful death of Steven Lamar Brunlow, such that he should recover from the Defendants:

1. Failure to keep a proper lookout;
2. Failure to exercise due care;
3. Failure to keep his vehicle under due and reasonable control;
4. Failure to yield;
5. Failure to timely apply his brakes, alter his direction of travel, or take any other action when he should have seen Steven Lamar Brunlow;
6. Failure to keep his vehicle in his lane of travel;
7. Making a u-turn and improper left hand turn;

- 8. Negligent entrustment;
- 9. Negligent training; and
- 10. Negligent supervision.

XXI.

That the Defendants were guilty of negligence *per se* for violating the following provisions of the statutes of the State of Tennessee, which statutory acts of negligence either alone, or combined and concurring with the acts of negligence of the Defendants, were the proximate cause of the collision, resulting damages to, and subsequent death of Steven Lamar Brumlow, such that he should recover from the Defendants:

- 1. T.C.A. §55-8-109 Obedience to traffic control devices;
- 2. T.C.A. §55-8-128 Failure to yield right-of-way;
- 3. T.C.A. §55-8-142 Turning movements.

XXII.

That making a u-turn on East Brainerd Road was grossly negligent such that punitive damages should be awarded.

XXIII.

That as a direct and proximate result of the Defendants' negligence, Steven Lamar Brumlow received serious, painful and disabling bodily injuries, which required him to be sent to the hospital by ambulance, to include, but not limited to, pain and mental suffering, economic loss, medical and funeral expenses, and his subsequent death.

WHEREFORE, Plaintiff demands judgment against the defendants as follows:

- 1. That Defendant(s) be served with summons, process, a copy of this Complaint, and be required to Answer as provided by law;

- 2. An amount a jury believes to be just, fair and equitable given the facts of this case, not to exceed the sum of \$5,000,000.00 for special and general damages, to include but not be limited to, bodily injury, medical expenses, pain and suffering, wrongful death, and other related expenses;
- 3. That the jury award exemplary damages in the amount this Jury deems to be just, fair, and equitable given the facts of this case, not to exceed the sum of \$1,000,000.00;
- 4. That the Court enter judgment against the State of Tennessee in an amount not to exceed the statutory maximum should the facts so warrant;
- 5. That the Court award pre-judgment interest and discretionary costs;
- 6. The costs of litigation and expenses;
- 7. For such other, further and general relief as this Court deems just and equitable;

Respectfully submitted,

LAW OFFICES OF MORGAN G. ADAMS

BY: _____
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MGA/s/Comp/10/05/30/06