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FILED
IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

JENNIFER LOCKHART AND HER HUSBAND, DAVID CHRISTIAN,

Plaintiffs,

vs.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,

Defendant.

2018 APR 16 PM 2:40

RICHARD B. WALKER, CLERK

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CASE NO.: 180934

COMPLAINT

Come now the Plaintiffs, Jennifer Lockhart and her husband, David Christian, by counsel, and for their cause of action against the Defendant, Metropolitan Government of Nashville and Davidson County, Tennessee, state as follows:

1. The Plaintiffs, Jennifer Lockhart and David Christian, are citizens and residents of Davidson County, Tennessee, and they have been husband and wife at all times relevant to this action.
2. The Defendant, Metropolitan Government of Nashville and Davidson County, Tennessee ("Metro"), is a Tennessee governmental entity within the meaning of the Tennessee Governmental Tort Liability Act ("GTLA"), Tenn. Code Ann. § 29-20-101, et seq. Defendant Metro has been properly served with process in this action.
3. This is an action for the personal injuries and damages sustained by the Plaintiffs and caused by the negligent acts and/or omissions of Defendant Metro's employees acting within the scope of their employment, and this action is brought pursuant to the provisions of the GTLA.

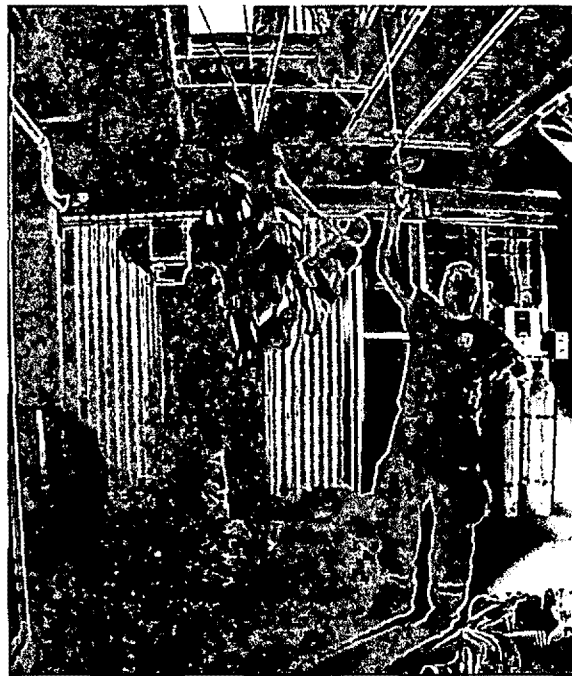
4. Defendant Metro's immunity from suit is removed in this action pursuant to Tenn. Code Ann. § 29-20-205, and none of the exceptions to such removal are applicable to the Plaintiffs' action.
5. Jurisdiction and venue in this Court are proper pursuant to the GTLA.
6. The incident which is the subject of this action occurred on July 21, 2017, in Davidson County, Tennessee.
7. At all times relevant to this action, Trey Nelms, also known as Safety Chief Trey Nelms, was an employee of Defendant Metro's Nashville Fire Department within the meaning of the GTLA, and he was acting within the scope of such employment with Defendant Metro at all times relevant to the incident which is the subject of this action.
8. At all times relevant to this action, Guy Wilette, also known as Fire Captain Wilette, was an employee of Defendant Metro's Nashville Fire Department within the meaning of the GTLA, and he was acting within the scope of such employment with Defendant Metro at all times relevant to the incident which is the subject of this action.
9. At all times relevant to this action, Jennifer Lockhart was employed with the Emergency Medical Services bureau of Defendant Metro's Nashville Fire Department.
10. Jennifer Lockhart's lifelong desire has been to become a firefighter with Defendant Metro's Nashville Fire Department.
11. On or about May 10, 2017, Jennifer Lockhart joined Defendant Metro's Nashville Fire Department Fire Training Academy as a firefighter recruit to pursue her career goal.
12. Safety Chief Nelms' employment with Defendant Metro included acting as an instructor at Defendant Metro's Nashville Fire Department Fire Training Academy,

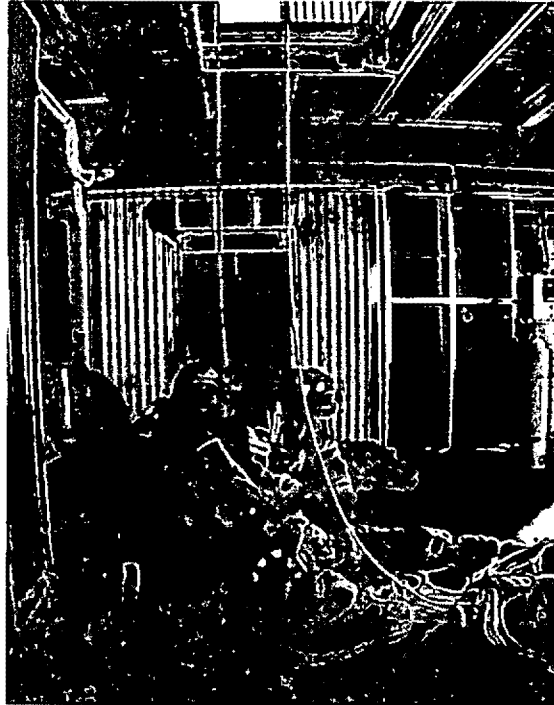
and the scope of his employment included training firefighter recruits, including Jennifer Lockhart.

13. Fire Captain Wilette's employment with Defendant Metro included acting as an instructor at Defendant Metro's Nashville Fire Department Fire Training Academy, and the scope of his employment included training firefighter recruits, including Jennifer Lockhart.
14. The week of July 17-21, 2017, was "Firefighter Survival" week at the Fire Training Academy, and it was intended to train firefighter recruits, including Jennifer Lockhart, about the critical elements of firefighter survival.
15. On July 21, 2017, Jennifer Lockhart's training included a firefighter training exercise known as the "Nance Drill." The Nance Drill, named after a firefighter who died while fighting a building fire when he fell through a hole and into a burning basement, is intended to train firefighters how to lower a firefighter on ropes to a lower floor to rescue a trapped firefighter. The Nance Drill is normally conducted after advanced rope training is completed, but Jennifer Lockhart and the other recruits had not yet been provided advanced rope training.
16. The Nance Drill required Jennifer Lockhart to be lowered by ropes from the second floor of the academy's training tower to the first floor while dressed in full firefighting gear, including an oxygen tank on her back.
17. The Nance Drill in which Jennifer Lockhart participated on July 21, 2017, was organized, supervised and conducted by Safety Chief Nelms and Fire Captain Wilette as part of their regular duties as employees of Defendant Metro's Nashville Fire Department.

18. Prior to participating in the Nance Drill, Jennifer Lockhart made a request to Safety Chief Nelms and Fire Captain Wilette that she be attached to a safety line for her protection and to prevent her from falling and being injured in the event a failure occurred during the Nance Drill and she was dropped while being lowered from the second floor of the training tower. Despite knowing the dangers and risk of injury involved in performing the Nance Drill, Safety Chief Nelms and Fire Captain Wilette, as well as other employees of Defendant Metro acting under their supervision, negligently failed to provide or equip Jennifer Lockhart with a safety line.
19. At the time Jennifer Lockhart participated in the described Nance Drill, Safety Chief Nelms and Fire Captain Wilette supervised and/or personally participated in lowering her on ropes from the second floor of the academy's training tower.
20. Due to the negligence of Safety Chief Nelms and Fire Captain Wilette while conducting, supervising and/or participating in the described Nance Drill, as well as other employees of Defendant Metro acting under their supervision, Jennifer Lockhart was dropped while being lowered from the second floor of the training tower. Because she was not attached to the safety line she had requested, Jennifer Lockhart fell a substantial distance to the first floor of the training tower and landed on her back on the concrete floor. As a result of that described fall, Jennifer Lockhart sustained and continues to suffer from severe, painful and permanent injuries.
21. As evidenced by the described negligent acts and omissions of Safety Chief Nelms and Fire Captain Wilette, Defendant Metro is liable for having negligently hired, trained, supervised and/or retained Safety Chief Nelms and Fire Captain Wilette.

22. The following three photographs were taken from a videotape made of the described incident in which Jennifer Lockhart was injured, and they depict Jennifer Lockhart as she begins the Nance Drill, as she begins falling, and on the concrete floor where she landed.





23. At all times relevant to this action, Jennifer Lockhart exercised the requisite degree of care for her own safety.

24. Defendant Metro and its employees acting in the scope of their employment, including Safety Chief Nelms and Fire Captain Willette, had a duty to exercise ordinary and reasonable care during the training of firefighter recruits, including Jennifer Lockhart, but they breached such duty and were guilty of negligence at the time of the incident in question which proximately caused the injuries and damages sustained by the Plaintiffs and for which Defendant Metro is liable. That negligence includes, but is not limited to:

- a. Negligent supervision of the Nance Drill to prevent firefighter recruits, including Jennifer Lockhart, from falling and being injured;
- b. Negligent training to prevent firefighter recruits, including Jennifer Lockhart, from falling and being injured during the Nance Drill;

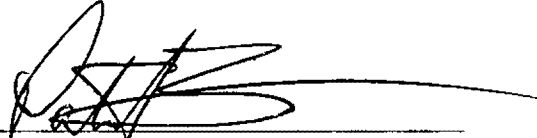
- c. Negligent performance of the Nance Drill to prevent firefighter recruits, including Jennifer Lockhart, from falling and being injured;
 - d. Negligent failure to utilize a safety line or similar device during the performance of the Nance Drill to prevent firefighter recruits, including Jennifer Lockhart, from falling and being injured; and
 - e. Negligent hiring, training, supervising and/or retaining of Safety Chief Nelms and Fire Captain Wilette to conduct, supervise and/or participate in training fire fighter recruits, including Jennifer Lockhart.
25. As a direct and proximate result of the negligence of Defendant Metro and its employees acting within the scope of their employment, including Safety Chief Nelms and Fire Captain Wilette, Jennifer Lockhart has suffered and continues to suffer damages, including, but not limited to the following:
- a. Permanent physical and mental injuries that prevent her from working in emergency medical services and/or fulfilling her goal of becoming a firefighter;
 - b. Past and future medical expenses;
 - c. Past and future pain and suffering and mental anguish;
 - d. Past and future loss of enjoyment of life;
 - e. Permanent injury, disability and impairments;
 - f. Loss of income and earning capacity;
 - g. Costs of this action; and
 - h. All other general damages and other relief allowed under the laws of the State of Tennessee to which she may be entitled.
26. As a direct and proximate result of the described negligence of Defendant Metro and

its employees acting within the scope of their employment, and the resulting injuries to his wife, David Christian has suffered and continues to suffer damages for the interference with his marital relationship and for loss of consortium.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS PRAY:

- 1. That service of process issue and be served upon the Defendant requiring it to appear and answer within the time required by law.
- 2. For a judgment against the Defendant holding it liable for compensatory damages in an amount deemed reasonable, but not less than \$1,000,000.00 for the injuries and damages of Plaintiff Jennifer Lockhart and not less than \$500,000.00 for the damages suffered by Plaintiff David Christian.
- 3. For the costs of this matter to be taxed to the Defendant.
- 4. For such other, further, and general relief to which the Plaintiffs may be entitled from this Court, including court costs, discretionary costs, and post-judgment interest.

Respectfully submitted,
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