

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

KAREN ELAINE CARPENTER,
:
:
PLAINTIFF,
:
:
v. :
:
THE CITY OF BEAN STATION :
TENNESSEE; CHIEF OF POLICE ANDREW :
"ANDY" DOSSETT; and OFFICER BEN :
DOSSETT, :
:
:
DEFENDANTS. :

NO. 2:09-CV-140
Jury Demanded

COMPLAINT

Comes the Plaintiff, KAREN ELAINE CARPENTER, by and through counsel, brings suit against the Defendants, and for causes of action would state unto the Court as follows:

1. The Court has jurisdiction to hear this case pursuant to Title 28 U.S.C. §1346 in that this is a case brought under the authority of Federal Law, Title 42 U.S.C. §1983, for violations of the Plaintiff's rights as guaranteed by the Fourth Amendment of the United States Constitution. The Plaintiff also brings suit against the Defendants for a violation of her Fourteenth Amendment rights under the Constitution of the United States of America.
2. The Plaintiff is a citizen and resident of Hamblen County, Tennessee.
3. The Defendant, The City of Bean Station Tennessee, is a municipal corporation chartered under the Laws of the State of Tennessee with its municipal limits wholly within

Grainger County, Tennessee. The Chief Municipal Officer is Rick Brewer, who is the Mayor of the City of Bean Station, Tennessee. The Registered Agent is Robert C. Edwards, 707 Market St., 2nd Floor, The Cunningham Bldg., Knoxville, TN 37902.

4. The Defendant, Andrew “Andy” Dossett (hereinafter referred to as Andy Dossett), at all times mentioned in this Complaint, was the Chief of Police of the Bean Station Police Department, which is a governmental unit of the City of Bean Station, Tennessee. He is a citizen and resident of Grainger County, Tennessee, and can be served at the Bean Station Police Department at 610 Broadway Drive, Bean Station, TN 37708. The Defendant, Andy Dossett, is sued individually.

5. The Defendant, Officer Ben Dossett, at all times mentioned in this Complaint, was an officer with the Bean Station Police Department. He is a citizen and resident of Grainger County, Tennessee and can be served at the Bean Station Police Department at 610 Broadway Drive, Bean Station, TN 37708. The Defendant, Ben Dossett, is sued individually.

6. At all times mentioned in this Complaint, the Defendants, Andy Dossett and Ben Dossett, were acting under color of law as law enforcement officers with the City of Bean Station, Tennessee. That is to say that the actions and omissions of the Defendants were pursuant to governmental authority.

7. On or about August 19, 2008, officers of the Bean Station Police Department and the Grainger County Sheriff’s Department executed a search warrant at a residence located at 411 Trent Road, said residence allegedly being occupied by the Plaintiff, KAREN ELAINE CARPENTER. The proof in this case will be that the Plaintiff was not

a resident of the said property at the time the search warrant was executed, and, in fact, the Plaintiff had moved from the residence approximately one month prior to the execution of the search warrant in that she had found more suitable housing in another county.

8. In the August 19, 2008-search of the residence at 411 Trent Road, the officers found components that could be used in making Methamphetamine in a garage located on the subject premises. One Tracy Lynn Hill, an occupant of the residence, was arrested, charged and convicted of possessing the components found by the officers at the residence. On information and belief, Jason Wooten, Kenny Stuffle, and Tessie Beasley were also arrested, charged and convicted of possessing the components found by the officers at the residence. Proof will be that the components found by the officers did not belong to the Plaintiff, KAREN ELAINE CARPENTER.

9. On August 20, 2008, detective Anthony W. Maxey of the Bean Station Police Department swore out a Criminal Warrant against the Plaintiff, for her alleged possession of the found components at the Trent Road residence. Upon information and belief, there was also an outstanding warrant for violation of probation purportedly issued as a result of the found components at the Trent Road residence.

10. The Trent Road residence was located a short distance behind the Bean Station Police Department. The Plaintiff knew several of the Bean Station Police Department officers. She knew Police Chief Andy Dossett on a first name basis and on more than one occasion engaged in social conversations with him. She went to high school with Officer Wesley Beckner of the Bean Station Police Department. Former

Bean Station Police officer, Jason Holt, was the brother of the father of the Plaintiff's child. The Plaintiff was born and raised in Grainger County.

11. On January 23, 2009, the Plaintiff had been visiting a friend in Morristown, Tennessee. She left her friend's apartment at about 10:30 p.m. She was driving a 1996 Ford Ranger pickup truck. She was on her way to Hawkins County to visit another friend. She was alone in her vehicle. No fire arms, bombs, or explosives were on her person or in her pickup truck. A short time after she crossed the Olan Marshall Bridge traveling into Grainger County on Highway 25E, she observed a vehicle following her being driven by an officer with the Bean Station Police Department. The officer following her did not have his blue police lights engaged on his vehicle as he was following behind the Plaintiff. The Plaintiff had previously heard that there was a Warrant out against her. She did not want to be arrested for a crime that she did not commit. The officer of the Bean Station Police Department, who was chasing the Plaintiff, engaged the blue police lights on his vehicle after the Plaintiff crossed into Hawkins County. One or more police officers with the Bean Station Police Department joined the first police officer behind the Plaintiff's vehicle, in pursuit of the Plaintiff.

12. The Plaintiff drove her pickup truck onto Big Hill Road in Hawkins County, Tennessee. Despite the fact that the Bean Station Police Department had no jurisdiction in Hawkins County, the Officers pursued the Plaintiff onto Big Hill Road in Hawkins County. As the Plaintiff was proceeding along Big Hill Road, her pickup truck left the roadway at the intersection of Big Hill Road and Hickory Nut Lane in Hawkins County. Her pickup truck came to rest across a ditch on Hickory Nut Lane and on top of a metal

post. The Plaintiff's pickup was extensively damaged from the wreck, to the extent that her truck was not driveable.

13. As the Plaintiff remained in her pickup truck, which was disabled, the Defendant, Chief Andy Dossett, pulled his police cruiser onto Hickory Nut Lane from Big Hill Road, and stopped a short distance from the Plaintiff's disabled pickup truck. When Chief Dossett exited his vehicle with his gun drawn, the Plaintiff recognized him and called out to him, "Andy, It's me. Don't shoot." Despite the Plaintiff's plea, the Defendant, Chief Dossett, commenced firing his weapon, multiple times, toward the Plaintiff as she was sitting in her disabled pickup truck. The Defendant, Officer Ben Dossett, another officer with the Bean Station Police Department, pulled up alongside Chief Dossett's vehicle, exited his police cruiser, and commenced firing his weapon, multiple times, toward the Plaintiff as she was sitting in her disabled pick up truck. After being struck by the first gunshot from Chief Dossett, the Plaintiff called out again, "Don't shoot me again. You've done hit me." Both Chief Dossett and Officer Dossett continued to fire their guns toward the Plaintiff, multiple times. The Plaintiff was struck multiple times by the gunshots fired by the Defendants, Chief Andrew Dossett and Officer Ben Dossett.

14. The Plaintiff was initially shot in her right arm and torso. She heard glass shattering before she lost consciousness. She does not remember the shot that struck her head. The Plaintiff's pickup truck was riddled with bullet holes from the shooting by the Defendant officers.

15. The Plaintiff was thereafter taken to the University of Tennessee Memorial Hospital in Knoxville, Tennessee. The Plaintiff was diagnosed at the hospital with a gunshot wound to her right arm, torso, and internal organs and structures, including her liver, spleen, and other organs and structures about her body. The Plaintiff was also diagnosed with a bullet wound to the right side of her head that had exited the left side of her head. The bullet to the right side of her head destroyed both of her eyes and caused extensive damage to all structures in its path, including bones, muscles, tendons, nerves, etcetera. As a result, both of the Plaintiff's eyes had to be surgically removed. The Plaintiff was initially hospitalized for several weeks, and has since been hospitalized for a second time for several weeks for multiple problems as a result of the gunshot wounds.

16. The Plaintiff is now permanently and totally blind and continues to have problems related to the gunshot wound to her head. Additionally, the Plaintiff continues to have severe problems as a result of the gunshot wound to her right arm, torso, and internal organs and structures. She has serious and permanent injuries to her face and jaw, liver, arm and shoulder.

17. The Plaintiff is now totally and permanently disabled.

18. On January 23, 2009 and for some time prior thereto, the Bean Station Police Department, a governmental unit of the City of Bean Station, Tennessee, had policies and procedures setting forth its jurisdiction, the use of force, including deadly force, and the execution of warrants. The Plaintiff alleges that the Defendant, The City of Bean Station, Tennessee, is liable for her injuries and damages under 42 U.S.C. §1983, for its failure to train its officers according to recognized standards, policies and procedures of police

officers in the State of Tennessee. The plaintiff further alleges that the training program of the Officers of the Bean Station Police Department was inadequate to the tasks that police officers must perform, and that inadequacy resulted in the City of Bean Station, Tennessee's deliberate indifference. The Plaintiff alleges that the inadequacy of the training program of the Bean Station Police Department is closely related to or caused the Plaintiff's injuries and damages. The Plaintiff further alleges that the City of Bean Station has ignored a history of bad conduct by its police officers and was on Notice that the training of its officers was deficient and was likely to cause injury.

19. The Defendants, the City of Bean Station, Tennessee, Police Chief Andy Dossett, and Officer Ben Dossett, violated the Plaintiffs constitutional civil rights as provided in Title 42 U.S.C. §1983.

20. In acting, and failing to act, the Defendants, Police Chief Andy Dossett and Officer Ben Dossett, were acting under color of law. That is to say that these Defendant's actions and omissions were pursuant to the exercise of governmental authority. The Defendants, Police Chief Andy Dossett and Officer Ben Dossett, violated the Plaintiff's Constitutional Rights under the Fourth Amendment to the United States Constitution by using excessive force. These Defendants' use of excessive force was unreasonable under the circumstances.

21. The Defendants, Police Chief Andy Dossett and Officer Ben Dossett, substantially increased the risk of violence, which led to the Plaintiff's injuries by their failure to stop or intervene in the violence that was directed to the Plaintiff.

22. The Defendants, Police Chief Andy Dossett and Officer Ben Dossett, denied the Plaintiff of substantive due process under the authority of the Fourteenth Amendment to the United States Constitution. That is to say, that the Plaintiff had a Constitutional Right against the arbitrary action of these Defendants, and further, that the conduct of these Defendants, under the circumstances present at the time, in shooting and blinding the Plaintiff, is such conduct that shocks the conscious and violates the decencies of civilized conduct.

23. The defendants, Police Chief Andrew “Andy” Dossett, and Officer Ben Dossett’s outrageous and unlawful conduct caused the Plaintiff serious injury and nearly caused her to lose her life.

24. The defendants’ excessive force constituted an assault and battery upon the person of the Plaintiff.

25. The Plaintiff claims that these Defendants have no immunity from suit for civil damages in that their conduct violated clearly established statutory and Constitutional Rights of which a reasonable person would have known. That is to say, the Plaintiff’s Constitutional Rights have been violated and those rights were clearly established at the time the Plaintiff was injured.

26. The Plaintiff brings suit for her injuries as follows: For medical expenses, both past and in the future, pain and suffering, severe mental anxiety, humiliation and embarrassment, emotional distress, physical impairment, physical disfigurement, lost wages, and loss of earning capacity, and the enjoyments and pleasures of life.

WHEREFORE, the Plaintiff prays:

1. That this Complaint be filed and that process issue and be served upon the Defendants, requiring them to appear and answer this Complaint within the time allowed by law.

2. That the Court conduct a trial by jury on the issues joined.

3. That the Plaintiff be awarded compensatory damages against the Defendant, the City of Bean Station, Tennessee in the sum of Ten Million Dollars (\$10,000,000.00).

4. That the Plaintiff be awarded compensatory damages against the Defendants, Police Chief Andrew "Andy" Dossett, and Officer Ben Dossett, in the sum of Ten Million Dollars (\$10,000,000.00).

5. That the Plaintiff be awarded punitive damages against the Defendants, Police Chief Andrew "Andy" Dossett, and Officer Ben Dossett, in the sum of Ten Million Dollars (\$10,000,000.00).

6. That the Plaintiff's attorneys be awarded attorneys' fees that are reasonable considering the experience and expertise of the attorneys, the time expended in preparation and trial of this cause, the complexity of this cause, and further considering the prevailing attorneys' fees rates in Federal District Court in the Eastern District of Tennessee.

7. That Plaintiff be awarded the costs of filing this action.

8. The Plaintiff be awarded those discretionary costs, such as are incurred in the preparation and trial of this case, including, but not limited to, fees of expert witnesses,

court reporters, transcripts, depositions, and the acquisition of evidence necessary to prosecute this case.

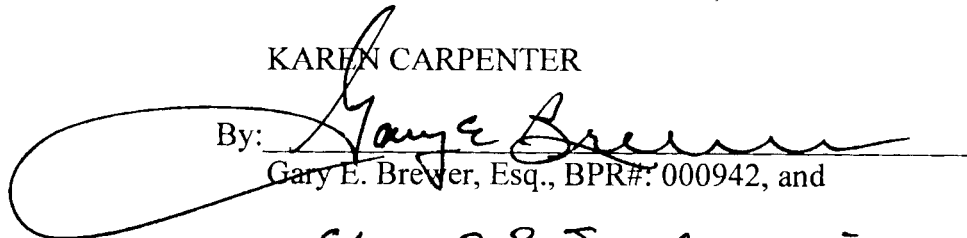
9. That this Court issue a stay of proceedings concerning a similar action that Plaintiff has filed in the Grainger County Tennessee Circuit Court, and that the stay remain in effect until the conclusion of this proceeding.

10. For such other general relief that the Court deems appropriate.

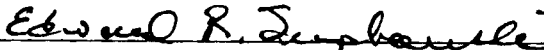
RESPECTFULLY SUBMITTED,

KAREN CARPENTER

By:



Gary E. Brewer, Esq., BPR#: 000942, and



Edward R. Sempkowski, Esq., BPR#000943
Attorneys for Plaintiff

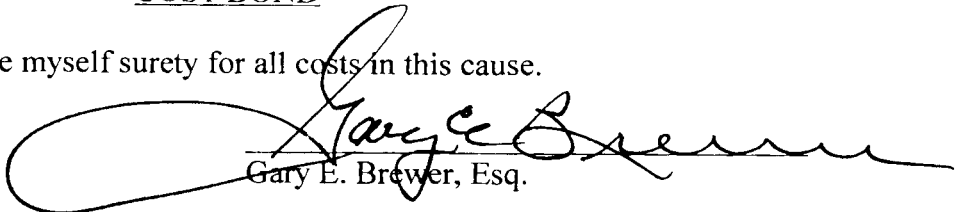
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COST BOND

I hereby acknowledge myself surety for all costs in this cause.



Gary E. Brewer, Esq.