

<b>Circuit Court for Knox County, TN</b>	<h1 style="margin:0;">STATE OF TENNESSEE</h1> <h2 style="margin:0;">CIVIL SUMMONS</h2> <p style="margin:0;">page 1 of 1</p>	<b>Case Number</b> FILED CHARLES D. SUSANO III 1-218-22 2022 JUL 22 AM 10:13
<b>Bradley Johnson v. Jordan Sutton, Julie Sutton and Jason Sutton</b>		

Served On: \_\_\_\_\_


Loudon County, Tennessee

Serve: **Rollen "Buddy" Bradshaw, Mavor, 100 River Road, Ste. 106, Loudon, TN 37774 or Loudon County Attorney**

KNOX COUNTY CIRCUIT  
CIVIL SESSIONS  
PROVINCIAL COURTS

You are hereby summoned to defend a civil action filed against you in The Circuit Court for Knox County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: July 22, 2022

  
 Clerk / Deputy Clerk

Attorney for Plaintiff: Wayne A. Ritchie II and Samantha I. Ellis, Ritchie, Davies, Johnson & Stovall, P.C.  
606 W. Main St., Suite 300, Knoxville, TN 37902

**NOTICE OF PERSONAL PROPERTY EXEMPTION**

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to Charles D. Susano III, Circuit Court Clerk, Knox County, Tennessee, 400 Main St., Knoxville, TN 37902

**CERTIFICATION (IF APPLICABLE)**

I, \_\_\_\_\_, Clerk of \_\_\_\_\_ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Clerk / Deputy Clerk

**OFFICER'S RETURN:** Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 Please Print: Officer, Title

\_\_\_\_\_  
 Agency Address Signature

**RETURN ON SERVICE OF SUMMONS BY MAIL:** I hereby certify and return that on \_\_\_\_\_, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant \_\_\_\_\_. On \_\_\_\_\_ I received the return receipt, which had been signed by \_\_\_\_\_ on \_\_\_\_\_. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Plaintiff

\_\_\_\_\_  
 Notary Public / Deputy Clerk (Comm. Expires \_\_\_\_\_)

\_\_\_\_\_  
 Plaintiff's Attorney (or Person Authorized to Serve Process)

**(Attach return receipt on back)**

ADA: If you need assistance or accommodations because of a disability, please call \_\_\_\_\_, ADA Coordinator, at ( ) \_\_\_\_\_.

FILED  
CHARLES D. SUSANO III  
CLERK

IN THE CIRCUIT COURT OF KNOX COUNTY, TENNESSEE 22 AM 10:19

KNOX COUNTY CIRCUIT,  
CIVIL SESSIONS  
AND JUVENILE COURTS

BRADLEY JOHNSON )  
)  
Plaintiff, )  
)  
v. :  
)  
JORDAN SUTTON, )  
JULIE SUTTON, )  
JASON SUTTON, )  
TOWN OF FARRAGUT, KNOX )  
COUNTY, TENNESSEE, and )  
LOUDON COUNTY, TENNESSEE, )  
)  
Defendants. )

Docket No. 1-218-22

Process Server:  
Summons Contemporaneously Issued  
For: USAA Casualty Insurance Company,  
as U.M. Carrier for Plaintiff,  
pursuant to Tenn. Code Ann. § 56-7-1206

**COMPLAINT**

Plaintiff Bradley Johnson (“Mr. Johnson”), through counsel and for cause of action against the Defendants, says as follows:

1. This case arises out of a violent collision on Sunday, July 25, 2021, at approximately 4:12 p.m., on Allen Kirby Road in the Town of Farragut, Knox County, Tennessee – near where Allen Kirby Road becomes Virtue Road and near the boundary lines for the Town of Farragut, Knox County, Tennessee, and Loudon County, Tennessee. The collision occurred when Defendant Jordan Sutton, driving a 2019 Jeep Wrangler owned by her parents, Defendants Jason and Julie Sutton, negligently caused or allowed the Jeep she was driving to cross well into the opposite side of the road while going around a curve and hit Plaintiff Brad Johnson, who was

riding a bicycle in the opposite direction in a safe and prudent manner on the other side of the road. Mr. Johnson sustained serious injuries as a result, some of which are permanent in nature.

### **JURISDICTION, VENUE, AND THE PARTIES**

2. Plaintiff Bradley Johnson is a citizen and resident of Knox County, Tennessee, residing at 12939 Lady Slipper Lane, Farragut, Tennessee 37934.

3. On information and belief, Defendants Jordan Sutton, Julie Sutton, and Jason Sutton reside at 613 Dixon Road, Lenoir City (Loudon County), Tennessee 37771, and may be served at this address; the Suttons' residence address is near where the subject collision occurred.

4. Defendant Town of Farragut in Knox County, Tennessee ("Farragut") was formed on January 16, 1980, as a nonprofit domestic corporation overseeing the city and Town of Farragut and may be served with process through Tom Hale, Town Attorney, Ron Williams, Mayor, and/or David Smoak, Town Administrator, 11408 Municipal Center Drive, Farragut, Tennessee 37934.

5. Defendant, Knox County, Tennessee, ("Knox County") is a governmental entity created under the laws of the State of Tennessee and is subject to suit. Defendant Knox County, Tennessee may be served through the Knox County Law Director, 400 W. Main St., Knoxville, Tennessee 37902.

6. Defendant Loudon County, Tennessee ("Loudon County") is a political subdivision of the State of Tennessee which is subject to suit. Defendant Loudon County may be served with process through County Mayor Rollen "Buddy" Bradshaw, 100 River Road, Suite 106, Loudon, Tennessee 37774 and/or Loudon County Attorney.

7. Jurisdiction and venue are proper within this Honorable Court.

## FACTUAL BACKGROUND

8. At all relevant times, including at the time of the subject collision, Jason and Julie Sutton owned the 2019 Jeep Wrangler (the "Sutton Jeep") being driven by Jordan Sutton when the subject collision occurred on July 25, 2021.

9. On information and belief, the Suttons were familiar with the road where the subject collision occurred (the sections of Allen Kirby Road and Virtue Road that connect with one another). In part because they lived near there, Jordan Sutton, as well as her parents, had driven that stretch of roadway with regularity and frequency.

10. On the date of the subject collision, as well as previously, the Sutton Jeep was equipped with extra-wide tires.

11. The portion of the roadway near where Allen Kirby Road and Virtue Road connect with one another, including the area where the subject collision occurred, has travel lanes that are fairly narrow, has multiple curves, and a speed limit of twenty-five miles per hour (25 mph).

12. On July 25, 2021, near and at the time of the subject collision, Jordan Sutton was operating the Sutton Jeep in a negligent and reckless manner. More specifically, as she was driving along Alan Kirby Road and/or Virtue Road heading west, rounding the last curve before the city / county line, which is a fairly sharp curve, she failed to maintain control of the Sutton Jeep, she was driving faster than was safe for that stretch of roadway, and/or she caused or allowed the Sutton Jeep to cross well into the opposite side of the roadway. As a result, she caused or allowed the Sutton Jeep to crash into Mr. Johnson, who at that time, was riding his bicycle in a safe and prudent manner on the eastbound side of the same stretch of road, well within the speed limit and with his bicycle as close as practicable to the right edge of the pavement on his side of the road.

13. When the subject collision occurred, the front left portion of the Sutton Jeep struck Mr. Johnson in the left side, as well as his bicycle. The resulting impact was severe enough to break several bones in Mr. Johnson's body and to cause other serious injuries, as well as to break the frame of Mr. Johnson's bicycle in multiple locations and damage the rear wheel.

14. Accordingly, as a direct and proximate result of conduct attributable to the Defendants, Mr. Johnson sustained numerous injuries, some of which are permanent in nature, requiring extensive medical treatment, surgery, and rehabilitation.

**Count I: Negligence *Per Se* (Against Jordan Sutton)**

15. Paragraphs 1 through 14 are incorporated herein by reference.

16. Defendant Jordan Sutton had a duty of reasonable care and a duty to comply with all applicable laws at the time of the subject collision generally described herein.

17. At relevant times on July 25, 2021, Defendant Jordan Sutton violated the following sections of the Tennessee Code and the Town of Farragut Municipal Ordinances, among others, which impose a duty and/or prohibits an act for the benefit of a person or the public, such that each of Defendant Jordan Sutton's violations constitute negligence *per se*:

- a. Tenn. Code Ann. § 55-8-103 (Requiring drivers to obey traffic laws);
- b. Tenn. Code Ann. § 55-8-136 (Requiring the use of due care, including to maintain a safe lookout, to keep the vehicle under proper control, and to devote full time and attention to operating the vehicle);
- c. Tenn. Code Ann. § 55-8-115 (Requiring drivers to drive on the right side of the roadway);
- d. Tenn. Code Ann. § 55-8-197 (Requiring drivers to yield right of way and describing penalties for failure to yield right of way or to exercise due care and causing a collision involving serious bodily injury); and

- e. Farragut, Tenn., Mun. Ordinances §§ 24-49, Code §§ 9-103 (1985), 15-103 (2007) (Prohibiting drivers from driving “at a speed greater than is reasonable and prudent under the conditions” and requiring drivers to “drive at a safe and appropriate speed when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway”).

18. Plaintiff Bradley Johnson belongs to the class of persons protected by the statutes and ordinances referenced above.

19. The subject incident on July 25, 2021, is the type of incident the statutes and ordinances referenced above are designed to prevent or protect against.

20. Defendant Jordan Sutton’s negligence and recklessness caused the collision referenced above.

21. Defendant Jordan Sutton’s negligent and reckless conduct during the subject collision violated T.C.A. §§ 55-8-103, 55-8-136, 55-8-115, and 55-8-197 and Town of Farragut Municipal Ordinances Sec. 24-49 (Code 2007, § 15-103), was negligent *per se*, and was a cause in fact and legal cause of the losses and damages sustained by Bradley Johnson, including his very serious and permanent injuries.

**Count II: Negligence and Recklessness (Against Jordan Sutton)**

22. Paragraphs 1 through 21 are incorporated herein by reference.

23. Defendant Jordan Sutton had a duty to exercise reasonable care while driving the vehicle referenced herein at relevant times, including at the time of the subject collision; that duty of reasonable care required her to use due care at all times when driving, including but not limited to: driving the vehicle on the right side of the roadway; maintaining her lane of travel and a reasonable distance for vehicles traveling the opposite direction; traveling at a speed appropriate

for the roadway, considering, among other things, the width of and curves in the roadway; keeping a proper lookout; maintaining proper control of the vehicle she was driving; devoting her full attention to the roadway; and exercising due care.

24. Defendant Jordan Sutton's conduct, which caused the subject collision, breached her duty to exercise reasonable care and was negligent and reckless in that she: failed to drive on the right side of the roadway; failed to maintain her lane of travel; failed to maintain a reasonable distance from vehicles traveling the opposite direction; failed to drive at a speed appropriate for the roadway, considering the width of the roadway and as she drove into a curve; failed to maintain proper control over the vehicle she was driving; failed to exercise due care; and failed to devote her full time and attention to the roadway while driving.

25. Each of Defendant Jordan Sutton's negligent and/or reckless acts generally described herein was a cause in fact and legal cause of the violent collision and the losses and damages sustained by Bradley Johnson, including his very serious and permanent injuries.

**Count III: Vicarious Liability Under the Family Purpose Doctrine**  
**(Against Jason and Julie Sutton)**

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Plaintiff specifically pleads that Defendants Julie and Jason Sutton are vicariously liable for the acts and omissions of Defendant Jordan Sutton, as generally referenced herein, pursuant to the family purpose doctrine.

28. Defendants Julie and Jason Sutton are the parents of Jordan Sutton.

29. On information and belief, Defendants Julie and Jason Sutton were the registered owners of the vehicle being driven by Defendant Jordan Sutton at the time of the subject collision.

30. Defendants Julie and Jason Sutton were the owners listed on the title of the vehicle being driven by Defendant Jordan Sutton at the time of the subject collision.

31. On information and belief, at the time of the subject collision, Defendant Jason Sutton and/or Julie Sutton was the head of the household or were co-heads of the household in which Jordan Sutton resided.

32. On information and belief, at the time of the subject collision, Defendants Jason and/or Julie Sutton provided financial support to Jordan Sutton.

33. On information and belief, Defendants Jason and Julie Sutton furnished the motor vehicle that Jordan Sutton was driving for the general use, pleasure, and convenience of their family, including Defendant Jordan Sutton.

34. On information and belief, Defendant Jason and/or Julie Sutton gave express or implied permission or consent for Defendant Jordan Sutton to use the referenced vehicle for a family purpose.

35. On information and belief, Defendant Jordan Sutton was driving the referenced vehicle in connection with a family purpose at the time of the subject collision.

36. Accordingly, Defendants Jason and Julie Sutton are jointly and severally liable to Plaintiff for the negligent and reckless conduct of Defendant Jordan Sutton pursuant to the family purpose doctrine for the reasons stated above, said conduct constituting the direct, legal cause of the injuries and damages suffered by Plaintiffs.



**Count IV: Vicarious Liability Under Agency Principles (Against Jason and Julie Sutton)**

37. Paragraphs 1 through 36 are incorporated herein by reference.

38. Plaintiff specifically pleads that Defendants Julie and Jason Sutton are vicariously liable for the acts and omissions of Defendant Jordan Sutton, as generally referenced herein, pursuant to agency principles, including but not limited to the principles of agency generally reflected in Tenn. Code Ann. § 55-10-311 and -312, as well as pursuant to the presumptions provided by those statutes.

39. On information and belief, Defendants Julie and Jason Sutton were the registered owners of the vehicle being driven by Defendant Jordan Sutton at the time of the subject collision.

40. Defendants Julie and Jason Sutton were the owners listed on the title of the vehicle being driven by Defendant Jordan Sutton at the time of the subject collision.

41. Plaintiff avers that at the time of the subject collision, Defendant Jordan Sutton was operating a vehicle owned by Defendants Jason and Julie Sutton, with their permission and/or as their agent, such that Jason and Julie Sutton are liable for Defendant Jordan Sutton's conduct, the subject collision, and Plaintiff's resulting injuries and damages on the basis of agency.

42. On information and belief, Defendant Jordan Sutton was operating the Sutton Jeep at the time of the subject collision with Defendant Julie and Jason Sutton's authority, consent, and knowledge.

43. On information and belief, Defendant Jordan Sutton was operating the Sutton Jeep for the benefit of one or both of her parents and/or on an errand which benefited one or both of them and, accordingly, was acting as the agent of one or both of them when the subject collision occurred.

44. Accordingly, Defendants Jason and Julie Sutton are jointly and severally liable to Plaintiff for the negligent and reckless conduct of Defendant Jordan Sutton pursuant to agency principles for the reasons stated above, said conduct constituting the direct, legal cause of the injuries and damages suffered by Plaintiffs.

**Count V: Negligence Under Tenn. Code Ann. § 29-20-201 *et seq.*  
(Against Defendants Knox County, Loudon County, and the Town of Farragut)**

45. Paragraphs 1 through 44 are incorporated herein by reference.

46. On information and belief, Defendants Loudon County, the Town of Farragut, and/or Knox County, Tennessee owned and controlled the areas of Allen Kirby Road and Virtue Road where the subject collision involving Mr. Johnson occurred.

47. Prior to the date of the subject collision, Defendants Loudon County, the Town of Farragut, and/or Knox County, Tennessee, knew or should have known of increased traffic on and near Allen Kirby Road and Virtue Road, including several subdivisions that had been recently built in that general area.

48. On and prior to the date of the subject collision, Defendants Loudon County, the Town of Farragut, and Knox County, Tennessee, through their acts and omissions committed by their agents and employees, were negligent by failing to design and maintain the relevant portion of the roadways of Allen Kirby Road and Virtue Road in a reasonable, prudent, and safe manner, rendering each liable to Plaintiff pursuant to provisions of the Governmental Tort Liability Act, including Tenn. Code Ann. § 29-20-203.

49. On and prior to the date of the subject incident, Defendants Loudon County, the Town of Farragut, and Knox County, Tennessee, had a duty to design and maintain the relevant

portion of the roadways where the subject collision occurred on Allen Kirby Road and Virtue Road in a reasonable, prudent, and safe manner and to provide reasonable warnings of the roadway conditions.

50. Prior to the subject collision, Defendants Town of Farragut and/or Knox County, Tennessee widened a section of Allen Kirby Road near the intersection with McFee Road. However, between that time and July 25, 2021, these Defendants did not: widen the area of Allen Kirby Road where the subject collision occurred so that the two travel lanes would have a width consistent with applicable standards and guidelines; provide any warnings of the road narrowing or the road conditions; paint or otherwise mark lanes on the roadway; and/or install other safety measures or measures to increase visibility, particularly as someone was driving around a concealed curve in the roadway.

51. Also prior to the subject collision, Defendant Loudon County, Tennessee repaved a section of Virtue Road near and including, in part, Allen Kirby Road. However, between that time and July 25, 2021, Defendant Loudon County did not: widen the area of Virtue Road and Allen Kirby Road where the subject collision occurred so that the two travel lanes would have a width consistent with applicable standards and guidelines; provide any warnings of the road narrowing or the road conditions; paint or otherwise mark lanes on the roadway; and/or install other safety measures or measures to increase visibility, particularly as someone was driving around a concealed curve in the roadway.

52. Upon information and belief, Defendants Loudon County, the Town of Farragut, and Knox County, Tennessee had actual and/or constructive notice of the defective, unsafe, and/or unreasonably dangerous conditions of the relevant portions of Allen Kirby Road and Virtue Road,

collision and Plaintiff's resulting injuries and damages were separate and independent from the negligent acts and omissions attributable to the Sutton Defendants.

58. Each of the separate and independent acts and omissions of each Defendant herein constituted a direct, legal, and proximate cause of the subject collision and Plaintiff's resulting injuries and damages.

59. As a direct and proximate result of the negligence and recklessness of the Defendants as set forth above, Plaintiff has suffered serious personal injuries, some of which are permanent in nature.

#### **PLAINTIFF'S RESULTING DAMAGES**

60. As a direct and proximate result of the negligent and reckless conduct which was committed by and/or is attributable to the Defendants, Plaintiff Bradley Johnson has suffered serious personal injuries, many of which are permanent in nature. These injuries include, but are not limited to, severe fractures to his left leg and hand, requiring the installation of orthopedic pins and hardware in both locations; damage to the cartilage in his left knee; injuries to his head, including a concussion; injuries to his left ankle; prolonged bruising; chronic pain and stiffness to his left knee and ankle; sustained impairment in the ability to walk (for example, the injury caused his left leg to become bow-legged as compared to his right, which impacts how he walks); reduced functional use of his hand; and permanent scarring and disfigurement. Consequently, Plaintiff Bradley Johnson has incurred and will continue to incur medical expenses (past and future) for his injuries; these medical expenses are reasonable and have been (and will be) necessarily incurred because of the injuries he sustained in the subject incident. Also, as a result of the subject collision, Mr. Johnson had a substantial period of time in which he was unable to work during his recovery,

during which time he sustained losses in his earning capacity, and it appears Mr. Johnson will require further surgical procedures in the future which will cause him to incur future losses in earning capacity in addition to future medical expenses. Plaintiff Mr. Johnson has also endured, and will continue to endure in the future permanently, losses in the enjoyment of his life, pain and discomfort, limitations in his activities of daily living, and permanent scarring and disfigurement.

WHEREFORE, Plaintiff Bradley Johnson respectfully requests the following relief:

A. Plaintiff requests from the Defendants, jointly and severally, his compensatory damages in the amount that the trier of fact deems just, in an amount not less than eight hundred fifty thousand dollars (\$850,000.00) and not greater than one million two hundred fifty thousand dollars (\$1,250,000.00). Plaintiff states this amount for the purpose of providing general notice as of the date the Complaint is being filed and reserves the right to modify this amount as additional information is obtained about Mr. Johnson's needs for further medical treatment, the progression of his injuries, the extent and/or limits of his recovery, and/or his damages and losses otherwise.

B. To the extent the trier of fact finds the conduct attributable to one or more of the Sutton Defendants to be reckless by clear and convincing evidence, Plaintiff respectfully requests that punitive damages be awarded in the amount the trier of fact deems appropriate and just, not to exceed twice the amount of compensatory damages awarded.

C. Plaintiff moves for and requests that all costs of the Court and all discretionary costs, including but not limited to all expert fees, court reporter fees, exhibit expenses, deposition expenses, any other litigation expenses, and any and all other costs allowable by statute, common law, and/or pursuant to Rule 54 of the Tennessee Rules of Civil Procedure, be taxed to the Defendants immediately upon entry of any Judgment in this cause.