

IN THE CIRCUIT COURT OF TENNESSEE FOR THE SIXTH JUDICIAL DISTRICT
AT KNOXVILLE

WILLIAM WISE)	
)	
Plaintiff,)	
)	
v.)	NO. <u>867-5309</u>
)	JURY TRIAL DEMANDED
DUSTIN HENDERSON and HAWKINS)	
COMPUTER’S, INC., a Tennessee)	
Corporation,)	
)	
Defendants)	

COMPLAINT

Plaintiff, William Wise, by and through undersigned counsel, hereby states Plaintiff’s claim against Defendants, Dustin Henderson and Hawkins Computer’s, Inc., as follows:

PARTIES

1. Plaintiff William Wise (hereinafter referred to as “Plaintiff”) is a citizen and resident of Knox County, Tennessee and resides at 7442 Cranbrook Drive, Knoxville, TN 37845.

2. Defendant Dustin Henderson (hereinafter referred to as “Defendant Henderson”) is a citizen and resident of Knox County, Tennessee and resides and can be served with process at 4462 Bainbridge Circle, Knoxville, TN 38446.

3. Defendant Hawkins Computer’s, Inc. (hereinafter referred to as “Defendant Hawkins”) is a Tennessee corporation with its principal place of business at First Commons Building, Suite 401, Knoxville, TN 38442, and can be served with process through its registered agent, Steve Harrington, at First Commons Building, Suite 401, Knoxville, TN 38442.

JURISDICTION AND VENUE

4. This action is predicated upon negligence.
5. The incident in which this claim arose occurred in Knoxville, Knox County, Tennessee.
6. This court had both subject matter jurisdiction and personal jurisdiction over this action.
7. Venue of this action in this judicial district is appropriate.

FACTS

8. On May 3, 2023, Plaintiff was taking a lunch break from his responsibilities as a History Professor at Pellissippi State Community College.
9. Plaintiff was walking back from Gus's World Famous Fried Chicken which is located on 3101 Sutherland Avenue, Knoxville, TN.
10. The route to Gus's World Famous Fried Chicken required the Plaintiff to cross the crosswalk at the intersection of Sutherland Avenue and Liberty Street.
11. At approximately 3:30 p.m., Plaintiff approached the intersection of Sutherland Avenue and Liberty Street.
12. The signal indicated it was safe for the Plaintiff to walk across the crosswalk on Sutherland Avenue while the traffic on Liberty Street had a red light.
13. On May 1, 2023, an inspection of the traffic signals at the intersection of Sutherland Avenue and Liberty Street was performed by Nancy Wheeler, a Civil Engineer, and revealed that the traffic signals were working correctly at that time.
14. Defendant Henderson was driving a black 2020 Honda Accord that was owned by Defendant Hawkins.
15. Defendant Henderson was in route to a law firm, Steve Harrington, Attorney at Law, located 20 miles east of the intersection of Sutherland Avenue and Liberty Street.
16. Defendant Henderson dropped off papers at the public defender's office located on Liberty Street.

17. Defendant Henderson texted his supervisor when he was leaving the public defender's office to let him know he would be late for his appointment.

18. At approximately 3:30 p.m., Defendant approached the intersection of Sutherland Avenue and Liberty Street.

19. The signal indicated that the traffic on Liberty Street had a red light.

20. Defendant Henderson failed to stop when the traffic light was red.

21. At the intersection of Sutherland Avenue and Liberty Street, Plaintiff was struck by a black 2020 Honda Accord driven by Defendant Henderson.

22. Plaintiff was tossed on the hood of Defendant Henderson's car and thrown across the street.

23. Defendant Henderson jumped out of the car to check on Plaintiff.

24. Plaintiff was not conscious.

25. Defendant Henderson called 911.

26. Plaintiff was transported by ambulance to the Emergency Room at the University of Tennessee Medical Center.

27. While in the ER, Plaintiff was unconscious and not responding.

28. A CT scan was performed on Plaintiff.

29. Rapid physical examination revealed abrasions and bruises to Plaintiff's left side and back.

30. Plaintiff had a bruised area on the left side of his skull.

31. Plaintiff had injuries to his abdomen and extremities.

32. Plaintiff was diagnosed as having an acute subdural hematoma which is caused because of bleeding between the dura and the brain.

33. Plaintiff underwent a surgical procedure of an emergency craniotomy.

34. Plaintiff's primary injury was to the area of the brain that controls his speech and memory function.

35. After the surgery, Plaintiff was placed in the Surgical Intensive Care Unit.
36. In the Surgical Intensive Care Unit, Plaintiff received health care and medications that prevented seizures and relieved pressures within the skull.
37. Plaintiff regained consciousness in the Intensive Care Unit at the UT Medical Center on the third day.
38. Plaintiff had paralysis on the right side of his body, confusion, and loss of speech function.
39. After being in the Intensive Care Unit at the UT Medical Center for six days, Plaintiff was transferred to The Medical Unit.
40. After four weeks at the University of Tennessee Medical Center, Plaintiff was released to the UT Rehabilitation Hospital for physical and speech therapy.
41. Plaintiff stayed at the UT Rehabilitation Hospital for two months before being released to home care.
42. Plaintiff's speech continues to be slurred and slow.
43. Plaintiff has great difficulty speaking and sometimes becomes agitated or confused in the effort.
44. Plaintiff's voice sounds flat and hoarse.
45. Plaintiff experiences continued difficulty with swallowing foods.
46. Plaintiff has done eight months of physical therapy.
47. An EEG conducted in January 2024 demonstrates continued slowing of electrical rhythms in the left side of the Plaintiff's head.
48. The Plaintiff's traumatic brain injuries clearly reveal that the Plaintiff is unlikely to have a full recovery because of the permanent damage to the area of the brain responsible for speech and memory.
49. Plaintiff has some loss of sensation and control of his right extremities.
50. Plaintiff cannot return to work of any kind without having difficulty with speaking.

51. Plaintiff has suffered severe and permanent injuries and will continue to experience in the future great pain and suffering as a result of Defendant Henderson's negligence.

52. Defendant Henderson was negligent by not yielding the right of way to Plaintiff when he was in a crosswalk and had the pedestrian signal to walk.

53. Defendant Henderson was negligent by not slowing down and maintaining a proper lookout before hitting the Plaintiff in the crosswalk with his automobile.

54. Defendant Henderson was negligent by not observing traffic-control signals.

55. Defendant Henderson was negligent by being in a hurry and text messaging Defendant Hawkins at the time or right before the accident.

56. Defendant Henderson was operating the vehicle within the scope and authority of his employment through Defendant Hawkins.

57. Defendant Hawkins, who employs Defendant Henderson, is the rightful owner of the vehicle driven by Defendant Henderson that was involved in the incident.

58. Defendant Hawkins is vicariously liable for the negligence caused by Defendant Henderson through the Doctrine of Respondeat Superior.

59. Damages include, but are not limited to, severe and permanent injuries consisting of physical injuries, permanent partial and mental disability, pain and suffering, future pain and suffering both mental and physical, financial injuries, physician expenses, hospital expenses, medication expenses, loss of wages, loss of earning capacity, and loss of capacity to enjoy life.

60. Plaintiff is entitled to recover compensatory damages to the fullest extent from Defendant Henderson and Defendant Hawkins.

GENERAL NEGLIGENCE BY DUSTIN HENDERSON

61. Defendant Henderson owed Plaintiff a duty of care to operate his vehicle in a reasonable careful way that would not cause serious injury to the Plaintiff.

62. Defendant Henderson breached that duty owed to Plaintiff by failing to exercise reasonable care and avoiding the accident which resulted with injuries to the Plaintiff.

63. Defendant Henderson breached that duty owed to Plaintiff by failing to obey the regulations to keep a proper lookout for pedestrians while they are crossing the street.

64. Defendant Henderson breached that duty owed to Plaintiff by failing to obey the regulations of observing traffic-control signals.

65. Defendant Henderson breached that duty owed to Plaintiff by failing to yield the right-of-way to pedestrians who are lawfully within the crosswalk.

66. Defendant Henderson breached that duty owed to Plaintiff when he was texting his supervisor and failed to obey the laws not to text while driving.

67. Each of the breaches of duty alleged in Paragraphs 61 through 66 above, and all of the breaches collectively, were the cause in fact and proximate cause of the Plaintiff's injuries and damages.

NEGLIGENCE PER SE BY DUSTIN HENDERSON

68. Defendant Henderson violated Tennessee Code Annotated § 55-8-111(1) by failing to observe the right-of-way the Plaintiff had when he had the pedestrian-control signal to walk.

69. Defendant Henderson violated Tennessee Code Annotated § 55-8-136(a) by failing to exercise due care to avoid colliding with any pedestrian on the roadway.

70. Defendant Henderson violated Tennessee Code Annotated § 55-8-136(b) by failing to operate his vehicle at a safe speed, maintain a proper lookout, devote full time and attention to operating his vehicle, avoid endangering life, and avoid colliding with any other person.

71. Defendant Henderson violated Tennessee Code Annotated § 55-8-133(a) by not being subject to the traffic-control signals given to pedestrians.

72. Defendant Henderson violated Tennessee Code Annotated § 55-8-110(a)(1)(A) by failing to yield the right-of-way to pedestrians who are lawfully within the intersection or an adjacent crosswalk when the vehicular traffic had a green signal to make a left-hand turn.

73. Defendant Henderson violated Tennessee Code Annotated § 55-8-199 by failing to obey the regulations regarding text messaging while operating a motor vehicle.

74. Each of the allegations in Paragraphs 62 through 67 are cause in fact and proximate cause of Plaintiff's injuries and damages.

VICARIOUS LIABILITY THROUGH RESPONDEAT SUPERIOR DOCTRINE

75. Defendant Hawkins is the rightful and proper owner of the vehicle driven by Defendant Henderson at the time of the collision.
76. Defendant Henderson is an employee of Defendant Hawkins.
77. Pursuant to Tennessee Code Annotated § 55-10-312(a), registration of the motor vehicle in the name of any person shall be prima facie evidence of ownership of the motor vehicle by the person in whose name the vehicle is registered.
78. Pursuant to Tennessee Code Annotated § 55-10-312(a), registration of the motor vehicle shall likewise be prima facie evidence that the vehicle was then and there being operated by the owner's servant or agent for the owner's use and benefit and within the course and scope of the servant or agent's employment.
79. Under Tennessee's Respondeat Superior Doctrine an employer is liable for acts committed by an employee while acting in the course and scope of their employment.
80. Defendant Henderson was on business for Defendant Hawkins at the time of the accident.
81. Defendant Henderson was acting within the scope of his employment when the accident happened and subsequent injury to the Plaintiff occurred.

WHEREFORE, Plaintiff respectfully prays:

1. This Court enter judgment for Plaintiff and against Defendant Henderson and Defendant Hawkins for compensatory damages including but not limited to:

- a. Past and future medical payments;
- b. Past and future pain and suffering;
- c. Past and future financial damages;

- d. Loss of capacity to enjoy life;
- e. Mental and emotional distress;
- f. Any other damages this Court deems just and proper.

2. That this Court award Plaintiff such relief for which he is entitled, including, but limited to, upwards of \$1,750,000.

3. A trial by jury.

DATED this 18th day of February, 2024.

MCBEAL AND WILLIAMS

By: _____
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COST BOND

The undersigned hereby acknowledge themselves surety for cost in the above cause of action not to exceed \$500.

William Wise, Principal
Plaintiff
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