

11

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
2015 OCT 28 PM 1:19
RICHARD ROOKER CLERK
S.C.

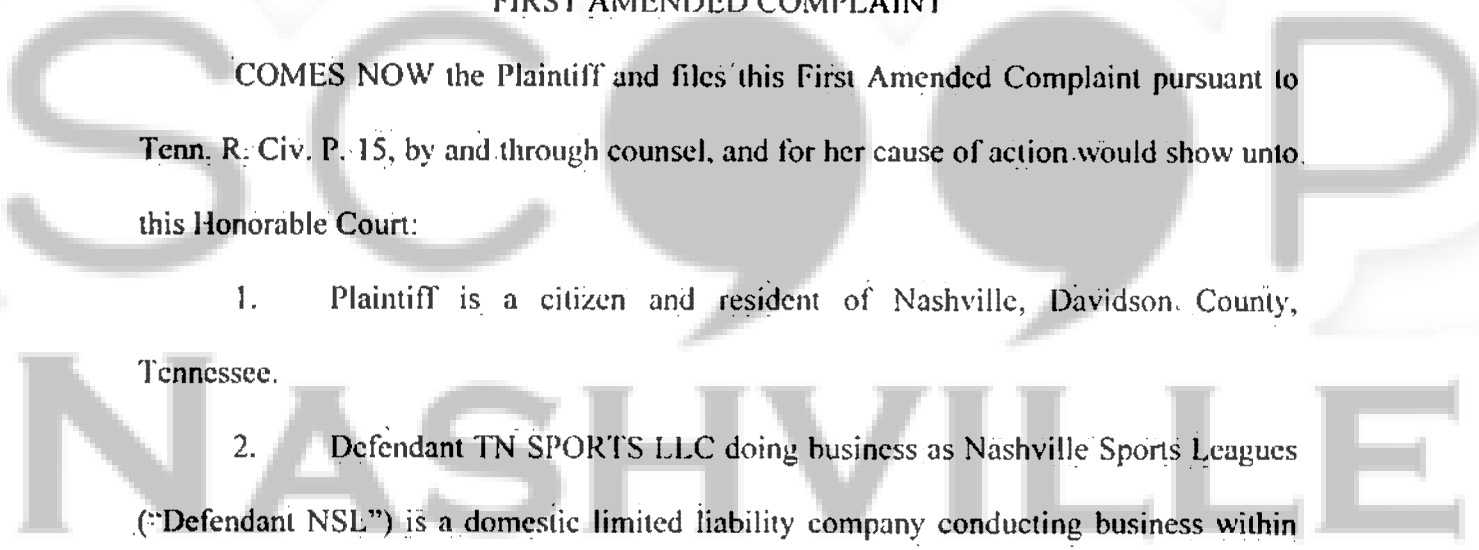
JESSICA GILBERT,)
)
Plaintiff,)
)
vs.)
)
TN SPORTS LLC d/b/a)
NASHVILLE SPORTS LEAGUES)
and EMILY JOKISCH,)
)
Defendants.)

No. 15C3776

FIRST AMENDED COMPLAINT

COMES NOW the Plaintiff and files this First Amended Complaint pursuant to Tenn. R. Civ. P. 15, by and through counsel, and for her cause of action would show unto this Honorable Court:

1. Plaintiff is a citizen and resident of Nashville, Davidson County, Tennessee.
2. Defendant TN SPORTS LLC doing business as Nashville Sports Leagues ("Defendant NSL") is a domestic limited liability company conducting business within this State whose principal address is Suite 202, 201 Thompson Lane, Nashville, Tennessee 37211-2465, and the same may be served at this address in care of its registered agent, Philip Steen.
3. Defendant Emily Jokisch ("Defendant Jokisch"), upon information and belief, is a citizen and resident of Davidson County residing at 1900C Hermosa Street, Nashville, Tennessee 37208-3355.



4. On or about October 23rd, 2014, Plaintiff was engaged in a flag football game organized and promoted by Defendant NSL. Referees were hired by Defendant NSL and acted as its agents, servants, and employees during this game. As the flag football game progressed, Plaintiff noted that several of the women, including Defendant Jokisch, were playing with a high level of aggression and violence, which included tackling, body-checking (colliding forcefully), and knocking each other to the ground. The referees, however, were failing to call any penalties for this behavior. Ultimately, Plaintiff was, without any warning or provocation, tackled and thrown to the ground by Defendant Jokisch and suffered a serious traumatic brain injury as a result. As was the usual practice during this game, no penalties were assessed by the referees for this violent assault. The referees, in fact, appeared far more interested in consuming beer on the sidelines of the field as frequently as possible than in regulating the flag football game in any meaningful way.

5. Defendant NSL's referees' "anything goes" attitude leading up to Plaintiff's injury was the direct and proximate result of Plaintiff's damages.

6. Among the specific acts of negligence on the part of Defendant NSL were the negligent hiring, retention and supervision of its referees and officials. This includes the failure to instruct and/or enforce policies to render such non-violent games as flag football safe for participants, or make reasonable efforts to do so, and failing to ensure its referees were not consuming alcoholic beverages before or during games.

7. Through its referees and officials, Defendant NSL created a special relationship which imposed upon Defendant NSL the duty to control the conduct of Defendant Jokisch and the other women who were engaging in violent and aggressive

behavior through the assessment of appropriate penalties up to and including expulsion from the game. Moreover, through its referees and officials, Defendant NSL created a special relationship with the Plaintiff to take appropriate actions to protect the Plaintiff and other persons from violent and aggressive behavior at its games.

8. In engaging in the flag football game, Plaintiff was relying upon Defendant NSL to take reasonable measures to regulate the game by calling appropriate penalties and preventing violent assaults from repeatedly occurring on the field.

9. Defendant NSL is further responsible for the negligent acts, omissions, and breaches of duty of its officials and referees pursuant to the doctrine of respondeat superior and/or the principles of agency.

10. The negligence acts and omissions of Defendant NSL, and its breaches of duty, were the direct and proximate result of Plaintiff's injuries and damages.

11. Defendant Jokisch committed the tort of battery upon the Plaintiff which is also a direct and proximate cause of Plaintiff's injuries and damages.

12. Defendant Jokisch was guilty of the crime of aggravated assault upon the Plaintiff in violation of Tenn. Code Ann. § 39-13-102, and the same is also a direct and proximate cause of Plaintiff's injuries and damages.

13. Defendant Jokisch's intentionally tortious conduct and Plaintiff's resulting damages were a foreseeable risk created by the negligent acts and omissions and breaches of duty of Defendant NSL through its agents, servants and employees.

14. In the alternative, Defendant Jokisch was negligent in that she breached the duty she owed to the Plaintiff to behave in a reasonably prudent manner, that her

behavior causing Plaintiff's damages was unintentional, and as a direct and proximate result, the Plaintiff suffered the damages set forth below.

15. As the direct and proximate result of one or more negligent acts or omissions on the part of Defendant NSL, as well as the breach of the duties compelled by its special relationship, and also as the direct and proximate result of Defendant Jokisch's tortious and negligent conduct, the Plaintiff was made to suffer and continues to suffer the following damages:

- (a) Past and future medical expenses;
- (b) Past and future pain and suffering;
- (c) Mental anguish;
- (d) Loss of the enjoyment of life;
- (e) Loss of wages and earning capacity; and
- (f) Permanent impairment.

16. The Defendants are jointly and severally liable for the Plaintiff's damages.

WHEREFORE the Plaintiff sues the Defendants for her personal injuries and demands a judgment holding the Defendants jointly and severally liable for an amount which will reasonably and fairly compensate her for her losses, which judgment shall not exceed \$250,000.00, plus court costs, discretionary expenses, and such further relief which shall be deemed appropriate by this Honorable Court upon the facts adduced at trial.

Respectfully submitted,



Jeffrey C. Kovalski, BPR No. 028977
THOMPSON LAW GROUP, PLLC
Attorney for Plaintiff
301 South Perimeter Park Drive, Suite 218
Nashville, Tennessee 37211
615-832-2335
fax 615-832-2235
jeff@tlgpllc.com

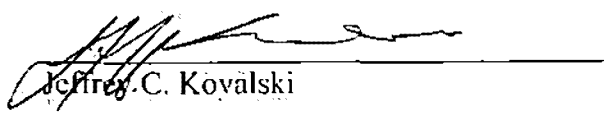
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the parties in this cause via U.S. First Class Mail, postage prepaid, addressed as follows:

Philip Steen
TN Sports LLC d/b/a Nashville Sports Leagues
Suite 202, 201 Thompson Lane
Nashville, TN 37211-2465

Emily Jokisch
1900C Hermosa Street
Nashville, TN 37208-3355

This 28th day of October, 2015.


Jeffrey C. Kovalski