

**IN THE CIRCUIT COURT OF BRADLEY COUNTY, TENNESSEE**

**GARY LEE LIPPS, Jr.,**

Plaintiff,

**V.**

Docket No. \_\_\_\_\_

**BRADLEY COUNTY, TENNESSEE,**

**SHERIFF ERIC WATSON**, in his individual and

Official capacity, and **EDUARDO CHOATE**, in

His individual and official capacity,

Defendants.

## JURY DEMANDED

## COMPLAINT

COMES NOW the Plaintiff, by and through counsel, and would state the following:

# I

All parties and causes of action are sufficiently connected to Bradley County, Tennessee so as to vest jurisdiction and venue in the Bradley County Circuit Court. This is a cause of action for personal injuries that Gary Lee Lipps, Jr., sustained on April 16, 2017. It is Mr. Lipps' contention that the Defendants, acting in concert, tortiously caused his injuries.

## II

On that date, the Defendant, Eric Watson, dragooned a significant portion of the Bradley County Sheriff's Department to hunt down Gary Lee Lipps, Jr., who had failed to appear to answer for two (2) minor charges; a child support delinquency and a misdemeanor possession charge. A friend to the family of Sheriff Watson, Mr. Lipps had selected the Sheriff's wife to make a relatively low bond.

### III

On April 16, 2017, the Defendant, Eric Watson, and the Plaintiff were in continual contact via social media. The Plaintiff assured Eric Watson that he would turn himself in that same day, and Sheriff Watson's responses seemed to indicate that he believed those assurances. After all, the Sheriff had attended the same church and sang in the same choir as the Plaintiff's father, thereby becoming acquainted with the Plaintiff. They had even played in the same band and visited in one another's homes.

### IV

For no apparent reason, the Sheriff and his wife became so frantic that they abandoned their Easter festivities to set up a roadblock at the Georgia-Tennessee line to intercept the Plaintiff. While conducting the roadblock, the Defendant, Sheriff Watson, crossed over into Georgia to pursue a driver whom he thought might be Gary Lee Lipps, Jr., although the driver never crossed the State line in to Tennessee.

### V

In the presence of several Georgia law enforcement agents, State and County, the Defendant, Sheriff Watson, invaded a vehicle, proceeding to collar and down its driver, a gentleman much older than the Plaintiff. Through his prior acquaintance with the Lipps' family, the Defendant, Eric Watson, must have known that this gentleman, a man twenty (20) years the Plaintiff's senior, was not Gary Lee Lipps, Jr. Yet, the Defendant, Eric Watson, held a gun to the head of this individual who did not resemble the Plaintiff in the least, except for the fact that they are both white males.

## VI

Having been informed, presumably by a member of the Lipps family, that the Plaintiff was visiting his children on Easter, Defendant Watson assembled a small army of heavily armed police and set out towards Water Level Highway, where Sheriff Watson knew that the Plaintiff's visitation was taking place. Though Sheriff Watson knew that Mr. Lipps was unarmed, visiting children, and was ready to turn himself in, Sheriff Watson insisted on bringing a canine (K-9) to the scene, a German Shepherd by the name of "Joker."

## VII

The introduction of Joker marked the Defendants' introduction of deadly force or the potential for serious bodily harm into a context where there was no violent fleeing felon, or a serious felony in progress. It is quite possible that Joker was transformed into a bounty hunter, trained to bite deep enough where the K-9 could have severed the femoral artery and caused the Plaintiff to bleed to death.

## VIII

In charge of Joker was Deputy Eduardo Choate, whom an angered, discombobulated, and disheveled Eric Watson ordered to unleash this K-9 on the Plaintiff. When Deputy Choate stormed into the residence through an open door, Mr. Lipps was standing in or near the hallway in plain view. He was obviously unarmed, had been holding his hands above his head, and did not resist or fight any of the dozen or so police officers who stormed the residence.

## IX

Despite Lipps' presentation of total surrender, Deputy Choate gave Joker his signal to attack, just as Sheriff Watson had ordered him to do. Acting upon this egregious command, the

K-9 Joker began to attack and bite Lipps up and down his leg, causing massive bleeding, massive pain, and the necessity for immediate medical attention.

## X

Soon thereafter, emergency medical services arrived and transported the Plaintiff to Tennova Medical Center of Cleveland. There, doctors applied dozens of stitches in their efforts to repair the wounds. Mr. Lipps continued to suffer intense pain throughout these initial treatments. Moreover, highly visible scarring and disfigurement still exists, and it will be permanent. The present scarring is the source of continued mental anguish, as the depth of the bites and their multiplicities have made for a slow healing process.

## XI

The officers involved in the raid, just as Mr. Lipps was taken outside the residence, photographed or filmed the bite wounds that Joker, upon Deputy Choates' command, had gratuitously rendered to the defenseless Gary Lipps, who was not resisting.

## XII

Each Defendant, institutional or individual, has refused to pay for the medical treatment occasioned by K-9 Joker's devastating bites to Mr. Lipps' leg. These bills are owed, regardless of fault, pursuant to Tennessee Code Annotated §41-4-115(a).

## XIII

Each individual Defendant acted in concert to commit aggravated assault upon Gary Lipps, to render mayhem against him, and to subject him to a dangerous animal, ineptly named "Joker," who committed serious bodily harm against Gary Lee Lipps, Jr.

#### XIV

Each individual Defendant has concealed or destroyed the video or audio evidence of the potentially deadly encounter between the Plaintiff and K-9 Joker. Photographs were made, and then destroyed. Dicta-Belts were on "active," but just as quickly as the sound recordings were made, they were then destroyed, with all such acts of despoliation initiated, approved, or ratified by the highest elected law enforcement officer in Bradley County, Tennessee, Eric Watson, with every such act abetted by Officer Eduardo Choate.

#### XV

Wherefore, premises considered, the Plaintiff, Gary L. Lipps, Jr., sues the Defendants jointly, in the amount of five million dollars (\$5,000,000.00), three million (\$3,000,000.00) in actual damages and two million dollars (\$2,000,000.00) in punitive damages for the fright, disfigurement, scarring, pain and suffering that the Defendants inflicted upon Mr. Lipps during the incident of April 16, 2017 which gave rise to this lawsuit. The statutes forbidding Aggravated Assault and Mayhem strictly apply here, to wit.

#### XVI

To the extent that the Defendants may have negligently failed to properly train K-9 Joker or his handler, Eduardo Choate, or to the extent that the Defendants negligently misapprehended the Plaintiff as a risk, the Plaintiff sues under the Tennessee Governmental Tort Liability Act (29-20-101, et seq.) for the maximum amount provided under said statute, or four hundred twenty-five thousand dollars (\$425,000.00).

XVII

The Plaintiff demands a jury to try the issues of this cause. The Plaintiff asks for general relief such as discretionary costs, costs of the clerk, attorney fees, and any other relief to which the evidence in this case may show him to be entitled. Further, the Plaintiff asks for an investigation into the missing audio and video evidence in this case, as well as in others preceding it, and an official inquiry into the use of dogs to commit serious bodily injury in instances where the officer would not be permitted to do so.

Respectfully submitted,

**LAW OFFICES OF JOHN M. WOLFE, JR.**

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