

**IN THE CIRCUIT COURT OF TENNESSEE
ELEVENTH JUDICIAL DISTRICT, AT CHATTANOOGA**

TINA ROGERS,)	DOCKET NO: <u>18C921</u>
)	
PLAINTIFF,)	DIV: _____
vs.)	
)	JURY DEMAND
CHARLES EICH, individually;)	
CHARLES EICH d.b.a. RIVER)	
DRIFTERS RESTAURANT and)	
RIVER DRIFTERS ADVENTURE)	
CENTER; RENEE EICH,)	
individually; RENEE EICH d.b.a.)	
RIVER DRIFTERS RESTAURANT)	
and RIVER DRIFTERS)	
ADVENTURE CENTER; and)	
ROBERT L. NEWMAN,)	
)	
DEFENDANTS)	

FILED IN OFFICE
2018 AUG 15 PM 3:45
LARRY L. HENRY, CLERK
BY: [Signature]

COMPLAINT

Plaintiff Tina Rogers (“Ms. Rogers” or “Plaintiff), through counsel and for her Complaint against Defendants Charles Eich, individually; Charles Eich, d.b.a. River Drifters Restaurant and River Drifters Adventure Center (collectively “Defendant Charles Eich”); Renee Eich, individually; Renee Eich, d.b.a. River Drifters Restaurant and River Drifters Adventure Center (collectively “Defendant Renee Eich”); and Robert L. Newman (“Defendant Newman”), states as follows:

1. Plaintiff is a resident and citizen of Hamilton County, Tennessee.
2. Defendant Charles Eich, upon information and belief, is a resident of Hamilton County, Tennessee. At all relevant times herein he was doing business in this County and State and can be served at 1925 Suck Creek Road, Chattanooga, TN 37415.

3. Defendant Renee Eich, upon information and belief, is a resident of Hamilton County, Tennessee. At all relevant times herein she was doing business in this County and State and can be served at 1925 Suck Creek Road, Chattanooga, TN 37415.

4. Defendant Newman, upon information and belief, is a resident of Hamilton County, Tennessee. At all relevant times herein he was doing business in this County and State and can be served at 1925 Suck Creek Road, Chattanooga, TN 37415.

5. Jurisdiction is proper in this district and venue is proper in this forum as the events giving rise to this Complaint occurred in Hamilton County, Tennessee.

6. Defendants Charles and Renee Eich own and operate River Drifters Restaurant and River Drifters Adventure Center at 1925 Suck Creek Road, Chattanooga, TN 37415 (the "Restaurant").

7. Defendant Newman owns the real property where Defendants Charles and Renee Eich operate the Restaurant (the "Premises").

8. On or about August 4, 2018, Ms. Rogers ate at the Restaurant.

9. Unknown to Ms. Rogers, Defendants obtained their water for the Restaurant from a private well on the Premises rather than from a public utility source.

10. Defendants did not disclose to the Hamilton County Health Department that they obtained the Restaurant's water from a private well on the Premises rather than from a public utility source.

11. Unknown to Ms. Rogers, the private well on the Premises from which Defendants obtained their water for the Restaurant was not potable as, upon information and belief, it was contaminated with various bacteria.

12. While dining at the Restaurant, Ms. Rogers drank Defendants' nonpotable well water without knowledge that it was contaminated or was not from a public utility source.

13. As a result of drinking Defendants' nonpotable well water, Ms. Rogers experienced significant gastrological distress.

14. Ms. Rogers was hospitalized as a result of the illness she incurred from drinking Defendants' nonpotable well water.

15. Ms. Rogers incurred medical bills and to date has missed work since dining at the Restaurant on August 4, 2018.

16. Ms. Rogers continues to experience symptoms of the illness she contracted as a result of drinking Defendants' nonpotable well water.

17. Defendants created a dangerous condition by serving and utilizing nonpotable well water for the Restaurant.

18. Defendants' dangerous and defective condition caused Ms. Rogers to suffer injuries.

19. Defendants had a duty not to create or utilize a dangerous and defective condition on its premises, i.e., nonpotable well water for consumption by their patrons.

20. It was foreseeable that Defendants' invitees, including Ms. Rogers, would be injured if they consumed Defendants' nonpotable well water.

21. Ms. Rogers suffered serious and debilitating injuries when she consumed Defendants' nonpotable well water. Plaintiff is unaware of the extent of her injuries at the time of her filing of this Complaint.

22. Defendants were negligent a result of serving nonpotable well water to their patrons and invitees, including Ms. Rogers.

23. Defendants' negligence was the proximate and legal cause of Ms. Rogers' injuries.

24. Upon information and belief, numerous other people have experienced the same symptoms Ms. Rogers demonstrates a result of drinking Defendants' nonpotable well water and are thus similarly situated.

25. Ms. Rogers shows that the other injured patrons of the Restaurant are so numerous that their joinder in this lawsuit is impracticable, that there are questions of law or fact common to all similarly injured patrons of the Restaurant, that Ms. Rogers claims are typical of the claims of the other similarly injured Restaurant's patrons, and Ms. Rogers will fairly and adequately protect the interest of all other similarly situated injured patrons of the Restaurant.

Wherefore, **PREMISES CONSIDERED**, Plaintiff prays as follows:

A. That process issue and be served upon Defendants, requiring them to answer this Complaint as required by the Tennessee Rules of Civil Procedure;

B. That judgment be entered against Defendants in an amount to be proven at trial in favor of Ms. Rogers for her general and special injuries, including personal injuries and damages arising from Defendant's negligence, including pain and suffering, medical bills, physical impairment, loss of enjoyment of life, emotional distress, and loss of income;

C. That the Court certify that this action should be maintained as a class action in accordance with Rule 23 of the *Tennessee Rules of Civil Procedure*;

D. That the Court appoint Ms. Rogers as a representative of all persons similarly situated;

E. That a jury of twelve (12) persons be empaneled to hear this case;

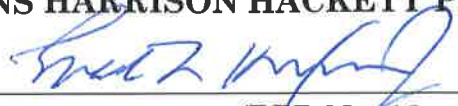
F. That Plaintiff recover her attorney's fees and expenses;

G. That the costs of this cause be taxed to Defendants; and

H. That Plaintiff have such other, further, special, and general relief to which she may be entitled.

This 15th day of August, 2018.

EVANS HARRISON HACKETT PLLC

By: 
Everett L. Hixson Jr. (BPR No. 12116)
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COST BOND

The undersigned hereby acknowledges and binds itself for the prosecution of this action and payment of all non-discretionary costs in this Court which may at any time be adjudged against **Tina Rogers** (hereinafter "Principal"), in the event said Principal shall not pay the same if so ordered by this Court.

This 15 day of August, 2018.

EVANS HARRISON HACKETT PLLC

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