

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA**

KENNETH CHARLES ROGERS,)	
)	
Plaintiff,)	
)	
V.)	
)	
HAMILTON COUNTY, TENNESSEE,)	COMPLAINT PURSUANT TO
GOVERNMENT,)	42 U.S.C. 1983
SHERIFF JIM HAMMOND, in his individual)	CASE NO.: <u>1:19-cv-00019</u>
And official capacity,)	
DEPUTY NATHAN FOUNTAIN, in his)	JURY TRIAL DEMANDED
Individual and official capacity,)	
DEPUTY CARL YOUNG, in his individual and)	
Official capacity, and)	
DEPUTY MIKE MULLINS, in his individual)	
And official capacity,)	
JOHN DOE, in his individual and official capacity,)	
)	
Defendants.)	

COMPLAINT

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

JURISDICTION AND VENUE

1. The parties and the Plaintiff's cause of action are sufficiently connected to Hamilton County, Tennessee so as to vest jurisdiction and venue in the United States District Court for the Eastern District of Tennessee at Chattanooga. This is an action for injuries sustained on or about January 19, 2018, all caused by a deputy or deputies of the Hamilton County Sheriff's Office.
2. Because some of the Defendants used or ratified excessive force under color of law, a federal question exists as to whether any violated Plaintiff's federal Constitutional rights under the First, Fourth, Ninth, and Fourteenth Amendment. Federal subject matter

jurisdiction thus exists under 28 U.S.C. 1331. Cited throughout his Complaint is 42 U.S.C 1983, which is simply Mr. Rogers' mechanism for enforcing his enumerated constitutional rights.

3. There are State claims that arise from the same nucleus of operative facts as the federal civil rights violation, and so under 28 U.S.C. 1367 this Court has the power to adjudicate them as pendent claims.

INTRODUCTION

4. Before filing this cause of actions, Mr. Rogers and his representatives sought to learn from several State and County sources the identity of the Deputy who shot him, but so far, no official has been forthcoming. Instead, they have denied Mr. Rogers access to the Use of Force Report while refusing to identify the shooter. A supervisor's report lamely insists that he was "shot by law enforcement".
5. It appears that no one wants to claim the bullet that struck and nearly killed Mr. Rogers. Though this fifty-two-year-old (52) Plaintiff avoided arrest, he at no time harmed or threatened to harm any of the three (3) officers present. Just before the near-fatal bullet was fired, the officers interacted with him, observing him at a close distance for some minutes. In the light of mid-morning, each officer had ample opportunity to pat him down, empty his pockets, or search his person or vehicle. None did so, as each knew that he presented no imminent danger of serious bodily harm to anyone in the vicinity. Kenneth Charles Rogers was not a fleeing felon, and no officer present had plausible, reasonable, or rational grounds for believing he was one.

6. Yet, one of them shot Kenneth Rogers in the back of the leg. Deadly force was used when none was called for. The bullet shattered his left femur bone and the femoral artery near it. He nearly bled to death. Yet, no one will claim that bullet.

BLOCKING ACCESS TO JUSTICE

7. Each individual Defendant, acting under color of law, has protracted the issuance of official reports that would identify the officer who shot Mr. Rogers on January 19, 2018. Each is thereby attempting to slow-walk the process past the one (1) year statute of limitations, which falls on January 22, 2019, the first day that the Courts open after Saturday, January 19, 2019, when the Courts closed for the Martin Luther King weekend holiday.
8. Plaintiff avers that no plausible justification for such a delay exists. There were just a few witnesses to interview, only one (1) gun upon which to perform ballistic tests, no toxicology reports to await from overburdened State laboratories, and only one (1) bullet trajectory to examine. The facts are straightforward, and present nothing complicated. It is presumed that the immense bloodletting in Mr. Rogers' yard has already been officially photographed and analyzed.
9. Thus, through their deliberate procrastination, all individual Defendants violated the Plaintiff's rights under the Tennessee Constitution, whose "Open Courts" provision guarantees the citizens of Tennessee access to civil justice (Article 1, Section 17).
10. In addition, such deliberate slow-walking continues to violate the First, Fourth, and Fourteenth Amendments to the United States Constitution in that the Defendants have attempted to "run the clock out" on Mr. Rogers claims for redress, hoping and intending

to extinguish his federally protected property right, to wit, a cause of action against official state misconduct, remediable under 42 U.S.C. 1983.

11. By initiating, encouraging, tolerating, or acquiescing in the aforementioned delay and inaction, Sheriff Hammond has stamped the municipal imprimatur onto these Constitutional violations and thereby made Defendant Hamilton County liable for such actions against Mr. Rogers.
12. This sand-bagging must end. Someone must publicly claim the bullet that caused serious injury to the Plaintiff, Kenneth Charles Rogers.

42 U.S.C. 1983 CLAIMS

13. Acting under color of law, each of the individual Defendants acted to deprive Mr. Rogers of his right to be free of unreasonable seizure, a right inscribed in the Fourth Amendment of the United States Constitution and made incumbent upon the States through the Fourteenth Amendment. This deprivation took form when three (3) Hamilton County officers unconstitutionally shot Mr. Rogers, using deadly force against a fleeing suspect who posed no threat of serious bodily injury to either the officers or anyone in their vicinity.
14. In addition, any who didn't pull a trigger failed to intercede to stop this unconstitutional activity, beginning with the shooting, and continuing through the official reporting and investigation of this matter, thereby violating 42 U.S.C. 1986.
15. Incorporating the facts contained in the section of this complaint titled "Blocking Access to Justice", Mr. Rogers alleges that each individual Defendant conspired with all the others to prevent him from discovering the facts of his case by arbitrarily delaying the disclosure of documents, such as Use of Force Reports and paperwork that would

identify the State actor who nearly took his life. In striving to reach this corrupt objective, the individual Defendants violated both 42 U.S.C. 1985 and 1986, again depriving him of his rights to Equal Protection under the Fifth and Fourteenth Amendment and his substantive due process rights to life, liberty, and property under the Fourth and Fourteenth Amendment.

16. Taken together, the Defendants' actions may have breached the Ninth Amendment of the United States Constitution, inasmuch as the shooting violated his right to bodily integrity, a residual or penumbral right that pre-existed the United States Constitution, but one ingrained in every concept of ordered liberty.
17. Mr. Rogers further alleges that Defendant Hamilton County, through its usage and custom, was the moving force behind the Constitutional violations cited in this Complaint, starting with the shooting itself and continuing through the failure to disclose the documents and the identification of the shooter. By its adopting a practice, usage, or custom of official tolerance of excessive force by its officers, the Hamilton County Government has created a climate in which this blatantly unconstitutional act against Kenneth Charles Rogers could be reasonably anticipated. Each of the three (3) Defendant officers (Fountain, Young, and Mullins) have witnessed an official pattern and practice of failing to discipline officers for using excessive force, tolerating the continued employment of officers who routinely bully the public, and of hiring and retaining officers who have employed excessive force on numerous occasions.
18. Upon information and belief, Plaintiff avers that the Defendant, Hamilton County, was deliberately indifferent in its training, hiring, retention, and discipline of Defendant

Officers Fountain, Young, and Mullins. As a result, one of these three (3) officers fired the bullet that nearly killed Kenneth Rogers.

VIOLATIONS OF STATE STATUTES AND LAWS

19. By shooting Mr. Rogers, the Defendant officers violated several State statutes.

Yet, Defendant Hammond and others have so far, for reasons unknown, chosen not to enforce a single one of them against any of the three (3) Defendant officers. Instead, Sheriff Hammond prefers to cloak the guilty in anonymity and de facto immunity.

20. Defendant Hammond would have promptly arrested any non-officer who committed such acts, especially when, as here, such acts were committed in the presence of law enforcement, and were tantamount to attempted second degree murder or attempted manslaughter.

21. This shooting of Mr. Rogers, a non-dangerous and unarmed person, constituted a Class C felony, pursuant to T.C.A. § 39-13-103; this statute declares Aggravated Assault, whether intentional or reckless, to be a serious offense, just as T.C.A § 39-13-105 declares the same of Reckless Endangerment, which is a felony when a firearm is involved. The individual officers violated the latter section, with Sheriff Hammond ratifying each violation. This ratification occurred despite Sheriff Hammond's knowledge that the guns here involved were especially deadly, every chamber loaded with a hollow-point bullet.

22. By knowingly levying force intended to kill or seriously injure Mr. Rogers, who was neither a fleeing felon nor a danger to the officers or the public, the three (3) officers violated T.C.A. § 39-11-621. That statute requires that Tennessee officers first avail themselves of non-deadly means of apprehension before escalating to deadly force, and further, to forgo deadly force unless there is probable cause to believe that the fleeing

suspect presents an imminent danger of death or serious bodily harm to the officers or the public.

23. Sheriff Hammond has ratified each officer's violation of T.C.A. § 39-11-621. Sheriff Hammond has ratified each officer's violation of T.C.A. § 39-13-102 and T.C.A. § 39-13-103.
24. Pleading in the alternative, Mr. Rogers alleges that the Defendant officers shot him simply because they misapprehended the risk, to wit, they erroneously and negligently attributed to Mr. Rogers a danger that Mr. Rogers simply did not, in truth or fact, pose to anyone in the vicinity. Such negligence, if proven, is actionable under the Tennessee Governmental Tort Liability Act, found at T.C.A. § 29-20-101 and T.C.A. § 29-20-205.

RATIFICATION UNDER 42 U.S.C. 1983

25. As the highest-ranking law enforcement official in Hamilton County, Defendant Sheriff Jim Hammond has ratified the unconstitutional actions of his three (3) officers, one (1) of whom fired a near-fatal shot at the fleeing Mr. Rogers. An unclaimed bullet fired, though each officer could see in that morning's broad daylight that Mr. Rogers was neither armed nor dangerous. An experienced Sheriff, Hammond knew a near-fatal shooting under these circumstances indicated that his officers had deprived Mr. Rogers of his rights under both the Fourth and Fourteenth Amendments to the United States Constitution, namely, the right to be free from the State's exertion of excessive force upon him, which has deprived Mr. Rogers of his constitutionally protected rights to life, liberty, and property.
26. Accordingly, Defendant Hammond immediately knew that this shooting was both actionable under 42 U.S.C. 1983, and a violation of the ruling set forth by the United States Supreme Court in *Tennessee v. Garner* [471 U.S.1 (1985)], a settled case-

precedent that for over thirty-four (34) years has circumscribed law enforcement's power to use deadly force to apprehend a non-dangerous fleeing suspect.

27. In order to make the case that the Defendants have violated established law, the Plaintiff notes that both he and Garner were shot from behind while on foot. There are differences: Garner, unlike him, fled into darkness after alighting from a Memphis pharmacy. This contextualization of the Defendants' Constitutional violations illustrates that these Defendants fractured well-established law, to wit, a United States Supreme Court precedent of which any reasonable law enforcement officer should be keenly aware.
28. Perhaps Defendant Hammond has even taught these principles at seminars and in other academic settings, though he has failed to enforce them in his official capacity as Defendant Hamilton County's highest law enforcement officer and chief policymaker. His failure to do so makes Hamilton County liable for the consequences of the unconstitutional actions that his three (3) officers took against Kenneth Charles Rogers on January 19, 2018.
29. Armed with full knowledge of the relevant facts, Defendant Hammond nonetheless hid the identity of the perpetrator, refused to release information about the shooting to the victim, underplayed the seriousness of the incident in the media, and failed to discipline the officer who fired the near-fatal shot. Defendant Hammond thereby ratified the unconstitutionally excessive force that his officers used against Mr. Rogers.
30. Given Defendant Hammond's lofty elected position, his ratification binds Hamilton County to the acts of its officers, making this municipality liable for them.
31. A noted and conservative jurist of the U.S. Seventh Circuit Court of Appeals, Richard Posner, has subscribed to the doctrine of municipal ratification in 42 U.S.C. 1983 cases.

DAMAGES

32. When struck by this unclaimed bullet, Kenneth Rogers first suffered extreme pain, intense fright, and the suffering and anguish that naturally occur when a human being nears death. While the three (3) officers huddled to conceive an unknown plan, the Plaintiff's blood was squirting and spilling everywhere. One officer, to his credit, found and applied a tourniquet.
33. The unclaimed bullet immediately shattered his left femur and nearly severed his femoral artery. It disfigured his left leg, internally and on the surface. It now carries metal plates and screws. The subsequent surgery to his left leg required borrowing veins from the leg that was not hit.
34. Eventually, the injuries caused by the unclaimed bullet necessitated several surgeries, each intended to repair his shattered femur bone, nearly severed artery, and the extensively damaged tissues surrounding both. The unclaimed bullet has caused a loss of feeling and sensation in his left leg. These deficits are reasonably expected to be permanent.
35. The unclaimed bullet caused Mr. Rogers to incur Tens of Thousands of Dollars in medical expenses, all ordinary, all reasonable, and all necessary to treat his life-threatening condition. Because it is reasonably certain that his condition will require future medical treatment, he prays for the reasonable costs of such treatment.
36. Because these medical expenses were reasonably certain to occur once the shot was fired, they can be classified as liquidated damages, upon which the Defendants should pay interest.

37. Because of the debilitating nature of his injuries, Mr. Rogers has already seen a marked reduction in his earning capacity, as well as a precipitous decline in his income. It is reasonably certain that his condition will result in such reductions and declines for the foreseeable future.
38. At least as important is the reasonable certainty that Mr. Rogers will, for the rest of his life, endure mental anguish, pain, suffering, and angst, a natural result for those who daily but vainly wish for their old lives back. A single unclaimed bullet has robbed Mr. Rogers of any hope of a complete recovery from his life-altering injury.
39. In addition, it is reasonably certain that Mr. Rogers has a major medical disability to his leg and body, and that he will suffer that disability for the rest of his life. His leg is permanently disfigured; moreover, he has endured and will permanently endure a certain loss of enjoyment in his life. He may have permanent psychological damage.
40. WHEREFORE, PREMISES CONSIDERED, Mr. Rogers demands a jury of his peers be called to find the facts of this case, and upon doing so, award him actual damages in the amount of Nine Million Six Hundred Thousand U.S. Dollars (\$9,600,000.00), to be assessed jointly and severally against Defendants Hamilton County, Sheriff Jim Hammond, and the remaining three (3) law enforcement officers.
41. In order to set an example that will discourage future egregious acts of official violence, Mr. Rogers asks for an award of punitive damages in the amount of Three Million Two Hundred Thousand U.S. Dollars (\$3,200,000.00), to be assessed against the appropriate Defendants after the jury has heard the proof.

42. Plaintiff further asks for his attorney fees pursuant to 42 U.S.C. 1988, the costs of the Clerk, FRCP 54 discretionary costs, and for any such further relief to which the evidence in this case may show him justly entitled.

43. Plaintiff asks for a judicial referral, if proper and necessary, to the appropriate state, federal, or international authorities charged with investigating and stopping arbitrary state violence against citizens, for Mr. Rogers did not deserve the injuries inflicted upon him.

Respectfully submitted,

LAW OFFICES OF JOHN M. WOLFE, JR.

s/ John M. Wolfe, Jr. _____

JOHN M. WOLFE, JR. | BPR No. 010319

Attorney for Plaintiff

707 Georgia Avenue, Suite 302

Chattanooga, TN 37402

423.266.8400 | Phone

423.265.8055 | Fax

johnmwolfejr@comcast.net

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Kenneth Charles Rogers

(b) County of Residence of First Listed Plaintiff Hamilton County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Law Offices of John M. Wolfe, Jr., 707 Georgia Avenue, Suite 302,
Chattanooga, TN 37402; Phone: (423) 266-8400

DEFENDANTS Hamilton County, Tennessee, Government, Sheriff Jim Hammond, Deputy Nathan Fountain, Deputy Carl Young, Deputy Mike Mullins, and John Doe, all in their individual and official capacity.

County of Residence of First Listed Defendant Hamilton County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

1 U.S. Government Plaintiff

3 Federal Question *(U.S. Government Not a Party)*

2 U.S. Government Defendant

4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	PROPERTY/INJURY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
28 U.S.C. 1331

Brief description of cause:
A cause of action for injuries caused on or about January 19, 2018 by Hamilton County Sheriff's Deputies.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** \$10,000.00 **CHECK YES only if demanded in complaint:** **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE 01/22/2019 SIGNATURE OF ATTORNEY OF RECORD John M. Wolfe, Jr.

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Kenneth Charles Rogers)

)

)

)

)

Plaintiff(s)

v.

Civil Action No.

Hamilton County, Tennessee, Government, Sheriff Jim Hammond, Deputy Nathan Fountain, Deputy Carl Young, Deputy Mike Mullins, and John Doe, all in their individual and official capacity,

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Deputy Nathan Fountain c/o Hamilton County Sheriff's Office 600 Market Street G10 Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John M. Wolfe, Jr., Esq. Law Offices of John M. Wolfe, Jr. 707 Georgia Avenue, Suite 302 Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Kenneth Charles Rogers

Plaintiff(s)

v.

Hamilton County, Tennessee, Government, Sheriff Jim Hammond, Deputy Nathan Fountain, Deputy Carl Young, Deputy Mike Mullins, and John Doe, all in their individual and official capacity,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Deputy Mike Mullins c/o Hamilton County Sheriff's Office 600 Market Street G10 Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John M. Wolfe, Jr., Esq. Law Offices of John M. Wolfe, Jr. 707 Georgia Avenue, Suite 302 Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Kenneth Charles Rogers

Plaintiff(s)

v.

Hamilton County, Tennessee, Government, Sheriff Jim Hammond, Deputy Nathan Fountain, Deputy Carl Young, Deputy Mike Mullins, and John Doe, all in their individual and official capacity,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Deputy Carl Young c/o Hamilton County Sheriff's Office 600 Market Street G10 Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John M. Wolfe, Jr., Esq. Law Offices of John M. Wolfe, Jr. 707 Georgia Avenue, Suite 302 Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the

Eastern District of Tennessee

Kenneth Charles Rogers)

Plaintiff(s)

v.)

Hamilton County, Tennessee, Government, Sheriff)
Jim Hammond, Deputy Nathan Fountain, Deputy Carl)
Young, Deputy Mike Mullins, and John Doe, all in)
their individual and official capacity,)

Defendant(s)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Hamilton County, Tennessee, Government
c/o Hamilton County Attorney's Office
625 Georgia Avenue, Suite 204
Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John M. Wolfe, Jr., Esq.
Law Offices of John M. Wolfe, Jr.
707 Georgia Avenue, Suite 302
Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Kenneth Charles Rogers

Plaintiff(s)

v.

Hamilton County, Tennessee, Government, Sheriff Jim Hammond, Deputy Nathan Fountain, Deputy Carl Young, Deputy Mike Mullins, and John Doe, all in their individual and official capacity.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) John Doe c/o Hamilton County Sheriff's Office 600 Market Street G10 Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John M. Wolfe, Jr., Esq. Law Offices of John M. Wolfe, Jr. 707 Georgia Avenue, Suite 302 Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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on *(date)* _____ ; or

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Kenneth Charles Rogers

Plaintiff(s)

v.

Hamilton County, Tennessee, Government, Sheriff Jim Hammond, Deputy Nathan Fountain, Deputy Carl Young, Deputy Mike Mullins, and John Doe, all in their individual and official capacity,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Sheriff Jim Hammond c/o Hamilton County Sheriff's Office 600 Market Street G10 Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John M. Wolfe, Jr., Esq. Law Offices of John M. Wolfe, Jr. 707 Georgia Avenue, Suite 302 Chattanooga, TN 37402

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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designated by law to accept service of process on behalf of *(name of organization)* _____
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I returned the summons unexecuted because _____ ; or

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: