

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

**GEORGE HARRISON,
Plaintiff,**

JURY DEMAND

Vs.

CASE NO. _____

**CITY OF CHATTANOOGA
OFFICER KAUMAR HUGHES,
(Individually and Official Capacity)
OFFICER MATHEW LYNCH,
(Individually and Official Capacity)
Defendants.**

COMPLAINT

Comes now, the plaintiff, by and through counsel, and for a Complaint would state as follows:

JURISDICTION

1. The Plaintiff is George Harrison. Plaintiff is a resident of Hamilton County, State of Tennessee. He is a resident of the Eastern District of Tennessee;
2. The City of Chattanooga Municipal Corporation is organized under the laws and Constitution of the State of Tennessee. It is a corporate entity capable of suing and being sued. Defendant City maintains and operates the City of Chattanooga Police Department. The Defendant City of Chattanooga is an entity for the purpose of jurisdiction and is a resident of the State of Tennessee in the Eastern District of Tennessee;
3. The Defendants Kaumar Hughes and Mathew Lynch are police officers employed by the City of Chattanooga and through its agency, the Chattanooga Police Department. For purpose of jurisdiction, Hughes and Lynch are residents in the Eastern District of Tennessee. This action is brought against these officers individually, and in their official capacity;

4. This Court has jurisdiction over the action pursuant to 28 U.S.C. §§1331 and 1343(3) and that the controversy arises under the United States Constitution and under 42 U.S.C. § 1983 and 28 USC §§2201 and 2202. The Court has authority to award attorney's fees pursuant to 42 USC §1988. Each and all of the acts alleged herein were done by Defendants, or their officers, agents, and other employees, under color of law and pursuant to the statutes, ordinances, regulations, customs, and usages of the City of Chattanooga and the State of Tennessee.

5. The factual allegations occurred in Chattanooga, Hamilton County, Tennessee and in the Eastern District of Tennessee. Venue is proper pursuant to 28 U.S.C. § 1391.

6. The Defendants Kaumar Hughes and Mathew Lynch at the time of the facts subject of the complaint were Chattanooga Police officers, employed by the City of Chattanooga through the police department and were certified police officers authorized by state statute to act as law enforcement officers. They were acting in the course and scope of their employment at all times identified in the Complaint. The Defendants while acting under color of state law deprived the Plaintiff George Harrison of his Fourth, Fifth, Eighth, Thirteenth and Fourteenth Amendment rights under the United States Constitution and the right to travel. These Officers used and abused the authority given to them by the State of Tennessee and City of Chattanooga.

7. The Defendants Kaumar Hughes were all wearing the uniform of the City of Chattanooga Police Department and were using vehicles of the City of Chattanooga Police department and carried equipment of the City of Chattanooga Police department on May 18, 2018. These Defendants held themselves out to be Officers of the City of Chattanooga Police department on that date. These defendants also acted per the instructions of supervising officers and under the authority of the City of Chattanooga Police Department and with the knowledge of the department and pursuant to the City's assignment on the dates alleged herein.

8. Plaintiff George Harrison was damaged. He suffered economic and non-economic damages. The Defendants caused Plaintiff George Harrison's damages due to a constitutional deprivation of fundamental and recognized substantial rights, due to the deliberate indifference of its officers or alternatively, due to a policy procedure or custom of the police department, failure to train officers, and failure to supervise officers.

FACTS

9. Plaintiff adopts the allegations of the preceding paragraphs 1-8 as if fully restated herein;

10. On May 18, 2018, Officers were called to 4700 Montview Drive Chattanooga, Tennessee in Hamilton County, Tennessee where they encountered Rene Richards;

11. After investigation Ms. Richards indicated that she was assaulted by her boyfriend and she named him George Harris or George Harrison. Ms. Richards gave a list of identifiers. She stated he was a middle aged white male in his 50's, with a red beard and that he drove a black Dodge truck, and had a large mole on his left arm. Officers used their computers to search for "George Harrison" in the driver's license data base. Officers accessed a picture of the Plaintiff and showed it to the victim at Erlanger Hospital. She identified the plaintiff. Ms. Richards was injured from a severe beating and was intoxicated. Officers were unable to access the vehicle registration to corroborate other information about the vehicle driven by the suspect due to malfunction of the system. Further, officers did not seek access to vehicle records to exculpate Plaintiff. The Plaintiff George Harrison's physical identifiers did not match the description given by the victim. Officers did not assess the investigation and all of the factors to determine if probable cause existed. The Officers Kaumar Hughes and Mathew Lynch issued the warrant for George Harrison, the Plaintiff bearing warrant number #1712198 after consultation with the special victim unit;

12. On June 30, 2018 plaintiff George Harrison and wife, Mallory Harrison arrived by plane at the Baltimore Washington Marshal airport. George and Mallory Harrison met with Kay Olive, Plaintiffs mother and other family members. The family was traveling to Iceland for a family vacation. Upon attempting to board the plane for Iceland, Plaintiff George Harrison was arrested by homeland Security and local police and taken into custody. George Harrison was handcuffed and taken to a secure area in the airport. The arrest occurred in the presence of his family and other travelers. After hours passed the arrest warrant from Hamilton county Tennessee was transmitted to the local police and George Harrison was taken from the airport to Anne Arundel County Maryland detention center and jail based upon warrant #1712198;

13. The plaintiff and the remainder of the family were unable to travel on the family vacation;

14. George Harrison remained in the custody of the Sherriff of Anne Arundel County for three days. The Case in Hamilton County was dismissed based upon the Plaintiff George Harrison being misidentified. Victim of the Aggravated Assault, Rene Richards indicated that George was misidentified;

15. George Harrison was released from custody on July 2nd, 2018;

16. George Harrison suffered injury to his shoulders from being handcuffed by police in Anne Arundel County in response to the errant warrant issued for his arrest;

17. During his incarceration in Anne Arundel County, Plaintiff George Harrison immediately and continually communicated to Defendant City of Chattanooga that they had arrested the wrong person and that the investigation misidentified him and that he was falsely arrested. The City of Chattanooga did not release the Plaintiff.

CAUSES OF ACTION

18. The plaintiff re-alleges and sets forth all of the paragraphs preceding number Paragraphs 1-17 as is fully set forth and alleged herein.

A. POLICIES PRACTICES AND PROCEDURES (42 U.S.C. 1983)

19. Plaintiff alleges that Defendants violated his constitutional rights as alleged in the complaint. The violation resulted from the official policy, practice procedure, regulation, or custom adopted by official policy makers or policy making officials for the City through its Police Department. Alternatively, Defendants by their custom and de-facto policy and procedure caused the violation to the Plaintiff's constitutional rights. Plaintiff's misidentification due to the policies, practices and procedure of the City of Chattanooga Police department lead to the false arrest of the Plaintiff and his subsequent injuries.

20. The City of Chattanooga Police Department through its officers under color of law, and by Defendants custom and de-facto policy and procedure caused the violation to the Plaintiff's constitutional rights and did not accurately take the history from the victim of assault Rene Richards. Moreover, Officers did not corroborate the history given by the victim, did not report accurately all of the information to supervisors and special victims unit officers, and failed to notify supervisors of the malfunction in software which prevented officers from corroborating information about the Plaintiff, George Harrison. The officers failed to consider the victim's incapacity as a result of intoxication and injuries, failed to follow established techniques in conducting the investigation and identification of the suspect, continued to misidentify the Plaintiff after acknowledging that there was no corroboration for the physical identifiers, including age, hair color, vehicle identification through vehicle registration, or other witnesses. The Defendants

issued a warrant without probable cause. All of these were the failings were the result of Officers following longstanding practices, customs and procedures of the Chattanooga Police Department.

21. All the systematic deficiencies outlined in the above Paragraph are the product of official policies, procedures, customs, practices, and actions that were promulgated, occasioned, and authorized either tacitly or overtly by the City of Chattanooga Police Department, and the defendants, and by and through their policy makers, and all of them caused or materially contributed to the systemic and unconstitutional indifference to the Plaintiff, George Harrison's constitutional rights.

22. As a direct and proximate result of the violation of the Plaintiff's civil rights by the City of Chattanooga, under the Fourth Amendment, Fifth amendment, Eight Amendment Thirteenth amendment, and the Fourteenth Amendment. Plaintiff suffered the following injuries:

- a. mental anguish, pain and suffering;
- b. physical injury to his shoulders and upper back;
- c. physical pain and suffering.

23. Plaintiff is entitled to reasonable attorney's fees, costs, and expenses from the Defendants pursuant to 42 U.S.C. §1983.

B. FAILURE TO TRAIN (42 U.S.C. 1983)

24. The City of Chattanooga Police Department through its policy makers in by enactment or acquiescence adopted a policy of inadequate training for police officers to care out their duties. Failure, which was tacitly authorized by the City, was persistent and widespread that it constituted an official policy in action. The adoption of these policies and the failure to address adequate training in these policies is alleged in support of the cause of action. The City of Chattanooga Police Department failed to train Officers with regard to investigation of offenses,

and particularly those related to violence, identification practices, to train with regard to the unreliability of injured and intoxicated witnesses, the danger to innocent citizens of misidentification Plaintiff relies on the allegations in paragraph 1-17, and in 19. The City failed to train officers in the fourth amendment probable cause standard and in the process and standard for issuance of warrants for arrest.

25. Failure to train deprived plaintiff of rights under the Fourth Amendment, Fifth Amendment, Eight Amendment, Thirteenth Amendment, and the Fourteenth Amendment, and the right to travel. Moreover, the failure of the City Of Chattanooga Police Department to provide such training not only resulted in the systematic deficiencies outlined in the above paragraph, but also recklessly posed substantial risk of harm to the health and safety of the Plaintiff, George Harrison. Failure to train amounted to deliberate indifference. Said failure was the proximate cause of the violation of plaintiff's constitutional rights and subsequent damages.

26. Plaintiff has been damaged as a result of a proximate and direct result of the conduct of City of Chattanooga Police Department in their failure to provide adequate training where it relates herein.

27. Plaintiff, George Harrison has been damaged as a direct and proximate result of City of Chattanooga Police Department's failure in its official acts and omissions.

28. Plaintiff is entitled to reasonable attorney's fees, costs, and expenses pursuant to 42 U.S.C. §1983.

C. FAILURE TO SUPERVISE (42 U.S.C. 1983)

29. Defendants, City Of Chattanooga Police by and through their supervisory and management personnel, are vested with the final decision-making authority as described in the Tennessee Code and local ordinances and resolutions. Customs, policies, and practices adopted

by the City of Chattanooga Police Department were either approved or adopted by the City Of Chattanooga Police Department Jail through the actions or omissions of its supervisory and management personnel. The customs, policies, practices and customs were persistent and widespread so as to constitute official policies and actions.

30. Defendants, through its supervisory and management personnel were vested with the duty to exercise reasonable and adequate supervision, direction, and control over its Officers. The failure to supervise caused the damages to the plaintiff, and deprived plaintiff, George Harrison of rights under the Fourth Amendment, Fifth Amendment, Eight Amendment Thirteenth Amendment, and the Fourteenth Amendment. The failure to supervise is alleged in support of the cause of action;

- a. being deliberately indifferent to the risk of misidentification;
- b. failing to provide officers with training and equipment;
- c. failure to supervise, adopt, establish and operate an appropriate internal audit system by supervision;
- d. failure to supervise, adopt, establish and operate an appropriate criminal and vehicle registration information system;
- e. failure to supervise, adopt, establish and implement whistleblower pathways to report failure to follow appropriate, policies customs, and procedures.
- f. failure to insure that probable cause exists before the issue of warrants.

31. The above defendants and particularly, City Of Chattanooga Police Department failed to adequately supervise, direct, and control officers and said failure was either overtly or tacitly authorized by the City Of Chattanooga Police Department through a supervisor or management personnel and was so persistent and widespread that it constituted widespread an official policy and action.

32. But for the failure to exercise reasonable and adequate supervision, Plaintiff's constitutional rights would not have been violated.

33. As set forth more fully herein, the Plaintiff, George Harrison has been damaged and has suffered as a direct and proximate result of the Defendant City of Chattanooga Police Department failures or actions and omissions.

34. Plaintiff has been damaged as a direct and proximate cause of the acts or omissions of the Defendants through its official actions. The Defendants, through their acts and omissions were intentionally willful, wanton, reckless, and malicious and showed a deliberate indifference and reckless disregard for the rights of the Plaintiff, George Harrison.

35. Plaintiff is entitled to an award of punitive or exemplary damages in an amount sufficient to punish the Defendants for their actions against Plaintiff, George Harrison and to prevent such conduct in the future.

36. The plaintiff is entitled to reasonable attorney's fees, costs, and expenses from Defendants provided in 42 U.S.C. §1983.

D. DELIBERATE INDIFFERENCE (42 U.S.C. 1983)

37. The Defendants, through their acts and omissions were intentionally willful, wanton, reckless, and malicious and showed a deliberate indifference and reckless disregard for the rights of the, Plaintiff. Defendants failed to make an investigation to establish Fourth Amendment probable cause grounds to arrest the Plaintiff. The City and its officers were in possession of information to exonerate the Plaintiff from any misidentification. Failure to review exculpatory information before issuing the arrest warrant amounts to deliberate indifference to the constitutional rights of the Plaintiff, George Harrison. Plaintiff is entitled to an award of compensatory damages.

38. Defendants were deliberately indifferent to Plaintiff's rights under the Fourth Amendment, Fifth Amendment, Eight Amendment Thirteenth amendment, and the Fourteenth Amendment and deprived Plaintiff, George Harrison of recognized substantial constitutional rights. Defendants issued the warrant against Plaintiff, George Harrison without probable cause, even though the City and the Defendant Officers were in possession of information to show that the Plaintiff was not the person suspected of the crime. All of the acts and omissions described herein were under color of state law;

39. Plaintiff's damages were the direct and proximate result of the actions or omissions of the Defendants fully set forth herein.

40. As a direct and proximate cause of the result of the failures and omissions and official actions of the Defendant, Plaintiff has been damaged.

41. The Defendant's official acts and omissions were intentionally willful, wanton, reckless, and malicious and they are the product a complete and deliberate indifference and conscious and reckless disregard to the rights of the plaintiff. Therefore, plaintiff is entitled to punitive damages an exemplary damages in an amount sufficient to punish Defendant and to deter said Defendant and others from like future conduct.

PRAYERS FOR RELIEF

42. The Plaintiff prays that the Court would enter judgment as follows:

- a. That process issue;
- b. That a jury be impaneled to hear the controversy before the Court;
- c. That the Court order for all the constitutional violations, compensatory and actual damages in the amount not less than Five Million Dollars

(\$5,000,000.00) for plaintiff against the City, and Defendants Lynch and Hughes not less than One Million Dollars (\$1,000,000.00) each;

- d. That the Court would find punitive damages against the Defendants in the amount not less than Twenty Millions Dollars (\$20,000,000.00);
- e. That the Court would order reasonable attorney's fees pursuant to 42 U.S.C. §1983 along with any costs and expenses in the prosecution of this action;
- f. For any other general relief as is required by law.

RESPECTFULLY SUBMITTED,

**MCKOON, WILLIAMS, ATCHLEY
& STUCLE, PLLC**

BY: /s/ Clayton M. Whittaker

CLAYTON M. WHITTAKER, BPR#13461

Attorneys for Plaintiff

633 Chestnut Street, Suite 1500

Chattanooga, TN 37450

(423) 756-6400/fax: (423) 756-8600

Email: cwhittaker@mwlawfirm.com

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
George Harrison

DEFENDANTS
City of Chattanooga, et al.

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

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
McKoon, Williams, Atchley & Stulce, PLLC
633 Chestnut St., Suite 1500, Chattanooga, TN 37450
(423) 756-6400

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 checked="" type="checkbox"/> 1 | <input checked="" 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	FORFEITURE/PENALTY	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 type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<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"/> 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"/> 840 Trademark SOCIAL SECURITY <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"/> 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 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	IMMIGRATION
<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	<input checked="" 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	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"/> 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"/> 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

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983

VI. CAUSE OF ACTION

Brief description of cause:
Civil Rights Violation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 26,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
02/11/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

George Harrison

Plaintiff(s)

v.

City of Chattanooga, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) City of Chattanooga
c/o City Attorney, Phillip A. Noblett
100 E. 11th Street, Suite 200
2nd Floor City Hall Annex
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:

Clayton M. Whittaker, Esquire
McKoon, Williams, Atchley & Stulce, PLLC
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450
(423) 756-6400

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:

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)* _____
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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):* _____

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

George Harrison)

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Plaintiff(s)

v.

City of Chattanooga, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Officer Mathew Lynch, Individually and Official Capacity
c/o Chattanooga Police Department
3410 Amnicola Highway
Chattanooga, TN 37406

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: Clayton M. Whittaker, Esquire
McKoon, Williams, Atchley & Stulce, PLLC
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450
(423) 756-6400

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: