

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

**MACEY SONGER and WILLIAM
SONGER, individually, and
as next of kin of CHAD WILLIAM
SONGER (Deceased),**

Plaintiff,

V.

**BLEDSON COUNTY GOVERNMENT,
and
CHASE ROBERTS & MATTHEW BROCK
In their official capacities as agents
for the Bledsoe County, and
Bledsoe County Sheriff's Office
and in their individual capacity,**

Defendants.

DOCKET NO.: _____

JURY DEMAND

COMPLAINT

Introduction

This is an action for money damages and other relief arising from the death of Chad Songer on January 31, 2021 at 6914 Brookdale Road, Pikeville, Tennessee 37367. Chad Songer was an unarmed white male aged 42 who was fatally attacked by a police K9 and two members of the Bledsoe County Police Department in violation of his rights under the United States Constitution and the common law.

Jurisdiction and Venue

1. This Court has jurisdiction to hear the federal civil rights violations in this matter under 28 U.S.C. § 1331 and 28 U.S.C. § 1343 (a)(3)-(4) and supplemental jurisdiction to hear the common law claims under 28 U.S.C. § 1367.

2. Venue is proper under 28 U.S.C. § 1391 because the acts giving rise to this lawsuit occurred in Bledsoe County, Tennessee.
3. Bledsoe County was given timely notice of this claim by letter to Mayor Gregg Ridley on February 8, 2020.

Parties

4. The Plaintiffs, Macey Songer and William Songer, are the children of the deceased, Chad Songer (“Decedent”). At all times relevant, the Plaintiffs, Macey Songer and William Songer have been residents of Tennessee.
5. Bledsoe County is a municipal corporation with the right to sue and be sued. It is responsible for the policies and procedures of the Bledsoe County Police Department and the police officers it employs. Bledsoe County, Tennessee may be served through its “chief executive officer” and/or its Mayor Gregg Ridley, who can be served at 3150 Main Street, Pikeville, TN 37367.
6. At all times relevant to the Complaint, Chase Roberts was a duly sworn and licensed police officer of the Bledsoe County Police Department acting under color of law and within the scope of his employment. He is sued in his official and individual capacity. Defendant, Chase Roberts, can be served with process at 235 Allen P. Deakins Rd. Pikeville, TN 37367.
7. At all times relevant to the Complaint, Matthew Brock was a duly sworn and licensed police officer of the Bledsoe County Police Department acting under color of law and within the scope of his employment. He is sued in his official and individual capacity. Defendant, Matthew Brock, can be served with process at 235 Allen P. Deakins Rd. Pikeville, TN 37367.

Facts

8. On January 31, 2021, approximately 5 p.m. in the afternoon, the Decedent was splitting wood in his yard at his residence located at 6914 Brookdale Road, Pikeville, Tennessee 37367.
9. Officers, Chase Roberts and Matthew Brock, saw Decedent, Chad Songer, standing in his yard.
10. Officers, Chase Roberts and Matther Brock, believed that Decedent, Chad Songer, had warrants out for his arrest and stopped further up the road to radio to dispatch.
11. Warrants out for Decedent, Chad Songer, for Violation of Probation and Child Support were active.
12. Officers drove up in a patrol car to Decedent, Chad Songer's, residence in an aggressive manner and told him he was under arrest.
13. Officers approached the Decedent, Chad Songer, with a K9 attack dog.
14. As the officers got close and started shouting at the Decedent, Chad Songer, fearing for his safety, the Decedent began to back up in the opposite direction.
15. The Decedent, Chad Songer, was unarmed and did not pose an imminent threat to anyone, neither the police nor the community.
16. At that point, without warning or justification, Chase Roberts unleashed the K9 to attack the Decedent.
17. The Decedent, Chad Songer, attempted to avoid injury by fleeing.
18. The Decedent, Chad Songer, was ultimately caught by the K9, bitten numerous times, and eventually died.
19. Bledsoe County EMTs arrived and transported the Decedent, Chad Songer, to Erlanger Hospital, where he was pronounced dead.
20. The Bledsoe County and/ or Tennessee Medical Examiner ruled the cause of death by acute methamphetamine overdose and dog bite.

COUNT 1

Deprivation of Civil Rights UNDER 42 U.S.C. §1983

21. The Plaintiffs re-alleges Paragraphs 1-21 as if separately set forth.

22. The acts of Chase Roberts and Matthew Brock in unleashing a K9 attack dog on an unarmed man who posed no imminent threat to them constitute an unreasonable seizure in violation of the Fourth Amendment and/or the Fifth and Fourteenth Amendments of the United States Constitution and violated clearly established law which police officer in their positions would have known.
23. The unlawful and unconstitutional acts of Chase Roberts and Matthew Brock were the proximate cause of Chad Songer's death.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

COUNT II

Municipal Liability Under 42 U.S.C. §1983

24. The Plaintiffs re-alleges Paragraphs 1 through 25 as if separately set forth.
25. Bledsoe County at all relevant times has maintained a policy, custom, or practice of deliberate indifference to the hiring, training, supervision or discipline of the police officers knowing that those police officers would come into contact with the citizens who were unarmed or otherwise posed no imminent threat to them.
26. In accordance with this municipal policy of indifference, Chase Roberts and Matthew Brock were improperly hired, trained, supervised, and disciplined, and should not have had contact with a citizen who was unarmed or otherwise posed no imminent threat to them, or, of it they did have contact, should not have unleashed the K9 attack dog at the Decedent, who was unarmed or otherwise posed no imminent threat to them.
27. The aforesaid Bledsoe County policy, custom or practice of deliberate indifference to the hiring, training, supervision, or discipline of its police officers who would come into contact with citizens who were unarmed or otherwise posed no direct imminent threat to them was the direct, proximate cause of the death of the Decedent, Chad Songer.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

COUNT III

Assault and Battery

28. The Plaintiffs re-alleges Paragraphs 1 through 28 as if separately set forth.
29. By their words and acts, shouting and threatening, Chase Roberts and Matthew Brock threatened to do serious bodily harm to the Decedent, Chad Songer.
30. By unleashing the K9 attack dog, Chase Roberts and Matthew Brock caused harmful bodily contact with the Decedent, Chad Songer.
31. The aforesaid acts were unprivileged.
32. The aforesaid acts were taken within the scope of employment of Chase Roberts and Matthew Brock by Bledsoe County.
33. The unlawful acts of Chase Roberts and Matthew Brock were the direct, proximate cause of the Decedent, Chad Songer's, death.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

COUNT IV

Wrongful Death -Tenn. Code. Ann. § 20-5-106

34. The Plaintiffs re-alleges Paragraphs 1 through 28 as if separately set forth.
35. By unleashing the K9 attack dog, Chase Roberts and Matthew Brock caused harmful and deadly bodily contact with the Decedent, Chad Songer.
36. The aforesaid acts were unprivileged.

37. The aforesaid acts were taken within the scope of employment of Chase Roberts and Matthew Brock by Bledsoe County.
38. The unlawful acts of Chase Roberts and Matthew Brock were the direct, proximate cause of the Decedent, Chad Songer's, death.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

COUNT V

Negligence

39. The Plaintiffs re-alleges Paragraphs 1 through 34 as if separately set forth.
40. Bledsoe County at all relevant times had a duty to properly hire, train, supervise, or discipline its police officers knowing that those police officers would come into contact with citizens who were unarmed or otherwise posed no imminent threat to them.
41. In a breach of that duty, Chase Roberts and Matthew Brock were negligently hired, trained, supervised, or disciplined.
42. Bledsoe County's negligence in hiring, training, supervising, or disciplining of its police officers who would come into contact with citizens who were unarmed or otherwise posed no imminent direct threat to them was the direct, proximate cause of the death of Chad Songer.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

COUNT VI

Survival Act as to Tennessee and Common Law Claims

43. The Plaintiff re-alleges Paragraphs 1 through 38 as if separately set forth.
44. Pursuant to T.C.A. § 20-5-106, the Decedent, Chad Songer's, rights of action against the Defendants, Chase Roberts and Matthew Brock, and Bledsoe County survive his death in favor of his Estate.
45. The Plaintiffs there seek damages recoverable under the Act, including but not limited to Chad Songer's conscious pain and suffering, medical bills, funeral expenses, and lost earning capacity.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

COUNT VII

Wrongful Death Act as to Tennessee and Common Law Claims

46. The Plaintiff re-alleges Paragraphs 1 through 41 as if separately set forth.
47. Pursuant to the T.C.A. §20-5-113, Plaintiffs, see all damages recoverable under the statute, including but not limited to losses resulting from financial support Chad Songer could have been expected to provide his next of kin, and the value of lost services had he lived.

WHEREFORE, the Plaintiffs, Macey Songer and William Songer, seek judgment against the Defendants jointly and severally in the amount of Forty Million (\$40,000,000.00) Dollars compensatory and punitive damages, plus attorney fees and costs.

Jury Trial

The Plaintiffs demand a trial by jury on all issues so triable.

Dated: January 28, 2022.

Respectfully submitted,

/s/ Robert F. Davis
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