

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

FRANCES TRIPLETT, as Surviving
Spouse of CHRISTOPHER SCOTT
TRIPLETT and Personal
Representative/Executrix of the Estate of C.
SCOTT TRIPLETT, Deceased,

Plaintiff,

vs.

FRANCES CALICO,

Defendant.

No. _____

Division _____

JURY DEMANDED

COMPLAINT

Plaintiff Frances Triplett, as surviving spouse of Christopher Scott Triplett and Personal Representative/Executrix of the estate of C. Scott Triplett files this Complaint against Defendant Frances Calico on behalf of all wrongful death beneficiaries of Christopher Scott Triplett, and states as follows:

I. PARTIES

1. Plaintiff Frances Triplett is and was, at all times relevant to this action, a resident citizen of Memphis, Shelby County, Tennessee. Plaintiff is the surviving spouse of Christopher Scott Triplett, deceased, and is bringing this action as the surviving spouse of Christopher Scott Triplett (“Decedent,” “Officer Triplett” or “Mr. Triplett” and the Personal Representative/Executrix of the estate of C. Scott Triplett on behalf of all of Decedent’s wrongful death beneficiaries, which includes her and the Decedent’s three children. Christopher Scott Triplett was killed as a result of the negligence and/or recklessness of Defendant Frances Calico on May 22, 2021.

2. Defendant Frances Calico is upon information and belief, a resident of Memphis, Shelby County, Tennessee and was at all times relevant to this action a resident of Memphis, Shelby County, Tennessee. Defendant Calico can be served at her home, 5965 Ponderosa Pine Trail, Memphis, Tennessee 38115. Defendant Calico was the driver of the vehicle that struck Christopher Scott Triplett's motorcycle on May 22, 2021 and it was her negligent and/or reckless conduct that caused the subject accident.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to inter alia, Tenn. Code Ann. §§ 16-10-101 and 20-5-106.

4. Venue is proper in this Court pursuant to inter alia, Tenn. Code Ann. § 20-4-101, because all or part of this cause of action arose within Shelby County, Tennessee.

5. Plaintiff Frances Triplett is bringing this action on behalf of all wrongful death beneficiaries of Christopher Scott Triplett in accordance with Tennessee's wrongful death statutes including, but not limited to, §§ 20-5-106 and 107 as well as all other applicable statutes and common law.

III. FACTUAL ALLEGATIONS

6. On or about May 22, 2021, Christopher Scott Triplett was an on-duty police officer with the Memphis Police Department, who was driving a police motorcycle while escorting a processional northbound on Hickory Hill Drive in Shelby County, Tennessee.

7. Officer Triplett was operating his motorcycle in a safe and prudent fashion at all times relevant to this action and further had his emergency lights and siren on at all times relevant to this action.

8. On the same date and at the same time, Defendant Frances Calico was driving a 2005 Nissan Altima southbound on Hickory Hill Drive in Shelby County, Tennessee.

9. As Officer Triplett's motorcycle traveled in a safe and controlled manner northbound on Hickory Hill Drive, Defendant Calico, suddenly and without warning, turned left into oncoming traffic without yielding the right of way of the vehicles traveling northbound (which included Officer Triplett), causing a collision between Officer Triplett's motorcycle and Defendant Calico's vehicle.

10. It is unlawful to attempt to make a left turn through an escorted procession of vehicles. It was also unsafe for Defendant Calico to attempt to make this left turn given the number of vehicles traveling in the procession and the officers traveling on motorcycle with the procession. Despite the above facts, Defendant Calico recklessly proceeded to try to make this left turn and killed Officer Triplett as a result of this reckless conduct.

11. Defendant Calico altogether failed to take any evasive action to avoid colliding with Officer Triplett after initiating her turn to avoid the collision.

12. At the time of the collision, Defendant Calico was operating her vehicle in a negligent and reckless manner and attempted to make a left hand turn into a police-escorted procession in violation of law.

13. Moreover, at the time of the collision, Defendant Calico, upon information and belief, was operating her vehicle under the influence of medication that made it unsafe for her to drive.

14. Upon further information and belief, Defendant Calico was a distracted driver at the time of this incident.

15. As a direct and proximate result of Defendant Calico's negligent and reckless actions, Mr. Triplett sustained serious injuries and ultimately lost his life as a direct result of this collision.

16. Defendant Calico violated a number of traffic laws in making this reckless left-hand turn, including Failure to Yield Right of Way (TCA § 55-8-197) resulting in Officer Triplett's death.

17. It was foreseeable that Officer Triplett would suffer such serious harm and ultimately lose his life as a result of the negligence and recklessness of Defendant Calico.

IV. NEGLIGENT AND RECKLESS CONDUCT OF DEFENDANT CALICO

18. The allegations set forth in the previous paragraphs of this Complaint are incorporated herein by reference.

19. At all relevant times to this action, Defendant Calico owed a duty of care to operate the vehicle she was driving in a reasonable and prudent manner, exercising a reasonable degree of care and caution under all of the relevant circumstances. Defendant Calico violated that duty of care on May 22, 2021.

20. Defendant Calico was guilty of multiple acts of negligence, gross negligence and recklessness including, but not limited to:

- a. Failing to operate the vehicle she was driving with a degree of care and caution required of a reasonable and prudent driver under similar circumstances;
- b. Failing to maintain proper control of the vehicle she was driving under the existing circumstances;
- c. Failing to devote full time and attention to the operation of said vehicle;
- d. Failing to maintain a proper lookout;
- e. Failing to yield the right of way to an officer escorting a procession;

- f. Failing to exercise reasonable degree of care to avoid a collision;
- g. Failing to exercise a reasonable degree of care to stop, slow, or turn her vehicle in a manner to avoid the crash and collision;
- h. Failing to pull over if she did not feel that she could safely operate her vehicle without putting other motorists on the roadway at risk of injury or death;
- i. Driving (upon information and belief) while tired, sleepy or exhausted;
- j. Driving (upon information and belief) while under the influence of medication or other substances;
- k. Driving while distracted;
- l. Breaching a duty of care to the Decedent; and
- m. Operating the vehicle she was driving in reckless disregard for the safety of others including the Decedent.

21. The negligent and reckless acts or omissions of Defendant Calico were the foreseeable, direct, and proximate cause of the injuries and damages sustained by Officer Triplett.

22. Defendant Calico's actions and/or inactions were a legal cause and cause in fact of Officer Triplett's foreseeable injuries, damages and death.

V. NEGLIGENCE PER SE

23. The allegations set forth in the previous paragraphs of this Complaint are incorporated herein by reference.

24. At the time and place of the collision, the following Tennessee statutes and local ordinances were in full force and effect:

- a. Tenn. Code Ann. § 39-13-213 Vehicular homicide
 - (a) Vehicular homicide is the reckless killing of another by the operation of an automobile, airplane, motorboat or other motor vehicle, as the proximate result of:
 - (1) Conduct creating a substantial risk of death or serious bodily injury to a person;

- (2) The driver's intoxication, as set forth in § 55-10-401. For the purposes of this section, □intoxication□ includes alcohol intoxication as defined by § 55-10-408, drug intoxication, or both; or
 - (3) As the proximate result of conduct constituting the offense of drag racing as prohibited by title 55, chapter 10, part 5.
- (b) (1) Vehicular homicide under subsection (a)(1) or (a)(3) is a Class C felony.
 - (2) Vehicular homicide under subsection (a)(2) is a Class B felony.
- (c) The court shall prohibit a defendant convicted of vehicular homicide from driving a vehicle in this state for a period of time not less than three (3) years nor more than ten (10) years.

b. Tenn. Code Ann. § 55-8-103 Crimes and offenses

It is unlawful and, unless otherwise declared in this chapter and chapter 10, parts 1-5 of this title with respect to particular offenses, it is a Class C misdemeanor, for any person to do any act forbidden or fail to perform any act required in this chapter and chapter 10 of this title.

c. Tenn. Code Ann. § 55-8-123 Driving on roadways laned for traffic.

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety;

d. Tenn. Code Ann. § 55-8-132 Operation of vehicles and streetcars on approach of authorized emergency vehicles.

- (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only:
 - (1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer; and
 - (2) Upon the approach of an authorized emergency vehicle, as stated above, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and keep it in that position until

the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- e. Tenn. Code Ann. § 55-8-136 Due care
 - (b) Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver of a vehicle shall exercise due care by operating the vehicle at a safe speed, by maintaining a safe lookout, by keeping the vehicle under proper control and by devoting full time and attention to operating the vehicle, under the existing circumstances as necessary in order to be able to see and to avoid endangering life, limb or property and to see and avoid colliding with any other vehicle or person, or any road sign, guard rail or any fixed object either legally using or legally parked or legally placed, upon any roadway, within or beside the roadway right-of-way including, but not limited to, any adjacent sidewalk, bicycle lane, shoulder or berm.

- f. Tenn. Code Ann. § 55-8-197 Failure to yield right-of way
 - (a) any person who violates subdivisions (a)(1)-(6) and the violation results in an accident resulting in serious bodily injury to or death of any person shall be guilty of a misdemeanor:
 - (1) Section 55-8-115 by failing to drive on the right half of the roadway as provided in the section, except for those motor vehicles in compliance with § 55-7-115 or § 55-7-202;
 - (2) Section 55-8-118 or § 55-8-119 by unlawfully overtaking and passing another vehicle as provided in those sections;
 - (3) Section 55-8-128, § 55-8-129, § 55-8-130 or § 55-8-131 by failing to yield the right-of-way as provided in those sections;
 - (4) Section 55-8-136, by failing to exercise due care as provided in the section; or

- g. Tenn. Code Ann. § 55-10-205 Reckless driving
 - (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property commits reckless driving.

- h. Shelby County Code of Ordinances Sec. 24-116 Duty to devote full time and attention to operating vehicle.

It shall be unlawful for a driver of a vehicle to fail to devote full time and attention to operating such vehicle when such failure, under the then existing circumstances, endangers life, limb or property.

- i. Shelby County Code of Ordinances Sec. 24-117 Duty to drive at safe speed, maintain lookout and keep vehicle under control.

Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver shall:

- (1) Operate his vehicle at a safe speed.
- (2) Maintain a safe lookout.
- (3) Use due care to keep his vehicle under control.

- j. Memphis, Tenn. Code of Ordinances Sec. 11-16-2 Duty to devote full time and attention to operating vehicle.

It is unlawful for a driver of a vehicle to fail to devote full time and attention to operating such vehicle when such failure, under the then existing circumstances, endangers life, limb or property.

- k. Memphis, Tenn. Code of Ordinances Sec. 11-16-3 Duty to drive at safe speed, maintain lookout and keep vehicle under control.

Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver shall:

- A. Operate his or her vehicle at a safe speed;
- B. Maintain a safe lookout;
- C. Use due care to keep his or her vehicle under control.

- l. Memphis, Tenn. Code of Ordinances Sec. 11-16-39 Procedure upon approach of authorized emergency vehicle.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of the state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- m. Memphis, Tenn. Code of Ordinances Sec. 11-16-44 Reckless driving.

A. Any person who drives any vehicle in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

25. Plaintiff will show that Defendant Calico, at the time and place of the collision, was in violation of one or more of the above statutes and ordinances, and such violations constitute negligence *per se*, and that it was such negligence *per se*, or a combination of this negligence *per se* with other acts of negligence herein described, which was a direct and proximate cause of the injuries and losses alleged in this Complaint.

26. Defendant Calico's negligence and negligence *per se* was a legal cause and cause in fact of Decedent's injuries and death.

27. It was foreseeable that Decedent would suffer such painful injuries and death as the result of Defendant's negligence, recklessness and negligence *per se*.

VI. LOSS OF CONSORTIUM

28. The allegations set forth in the previous paragraphs of this Complaint are incorporated herein by reference.

29. As a direct and proximate result of Defendant Calico's negligent and reckless acts, the wrongful death beneficiaries of Officer Triplett suffered and will continue to suffer the loss of his companionship, love, compassion and affection and are entitled to damages for this loss of consortium and Plaintiff Frances Triplett seeks all such damages in this action on behalf of her husband's wrongful death beneficiaries.

VIII. COMPENSATORY DAMAGES

30. As a direct and proximate result of Defendant Calico's negligence, gross negligence, recklessness and other wrongful acts and omissions, Officer Triplett sustained painful physical injuries, extreme emotional anguish and distress and death. Plaintiff Frances Triplett and Decedent's children suffered, and will continue to suffer, extreme emotional anguish and loss of

relationship with their husband and father as a direct result of Defendant's actions. Plaintiff is seeking all damages available under Tennessee law, including but not limited to the above. Plaintiff is also before the Court in her representative capacity to recover all damages available under Tennessee law on behalf of all wrongful death beneficiaries of Christopher Scott Triplett for his wrongful death. Plaintiff Frances Triplett, on behalf of all wrongful death beneficiaries, seeks all damages available pursuant to Tennessee's wrongful death statutes and all other applicable laws and statutes for the wrongful death of Christopher Scott Triplett including but not limited to funeral expenses and loss of earnings/earning capacity.

31. All of the damages alleged herein were foreseeable consequences of the wrongful acts of Defendant Calico.

32. Defendant Calico's actions and inactions were the proximate cause, legal cause and actual cause of all of the harms and losses described herein.

IX. PUNITIVE DAMAGES

33. Plaintiff asserts that Defendant Calico's reckless conduct warrants the imposition of punitive damages, in addition to compensatory damages, in this case. Defendant Calico was reckless in the manner in which she operated her vehicle on May 22, 2021.

34. Defendant Calico acted with wanton disregard for the safety of Decedent and the other motorists on the road on the day of this accident in the way in which she recklessly turned left into oncoming traffic without yielding the right of way, causing Officer Triplett's death. Plaintiff asserts that the Court should award punitive damages against Defendant Calico to punish her for her misconduct and to deter further reckless behavior in the future.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays:

- a. That proper process issue and be served upon Defendant and that she be required to appear and answer this Complaint within the time required by law;
- b. That Plaintiff Frances Triplett, surviving spouse of Christopher Scott Triplett, deceased and the executrix/personal representative of his estate be awarded \$5,000,000.00 in compensatory damages on behalf of all wrongful death beneficiaries of Christopher Scott Triplett or the maximum amount allowable under Tennessee law if such amount is less than \$5,000,000.00;
- c. That Plaintiff be awarded punitive damages on behalf of all wrongful death beneficiaries of the decedent in an amount to be determined by the jury in this cause should the jury determine that punitive damages are warranted in this case; and,
- d. That Plaintiff be awarded such other and further relief on behalf of all wrongful death beneficiaries of the decedent to which they are entitled.

PLAINTIFF DEMANDS A JURY BY TRIAL WHEN THE ISSUES ARE JOINED

HEREIN.

Respectfully submitted,

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