

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

PAUL ROYAL, AS ADMINISTRATOR
AD LITEM OF THE ESTATE OF
CHRISTOPHER MAURICE NETTLES, DECEASED,
AND ON BEHALF OF THE
WRONGFUL DEATH BENEFICIARIES OF
THE ESTATE OF CHRISTOPHER MAURICE NETTLES,

Plaintiff,

vs.

CASE NO. _____

Div. _____

JURY DEMANDED

SCOOTIE'S ONE STOP aka
SCOOTIE'S MART & GRILL,
AHMAD SULEIMAN,
ALADDIN SULEIMAN,
BELL PROPERTY GROUP,
ROBERT BUIE and
JOHNS/JANES DOE 1-25

Defendants.

COMPLAINT

COMES NOW the Plaintiff, Paul Royal, as Administrator *ad Litem* of the Estate of Christopher Maurice Nettles, deceased, and on behalf of the wrongful death beneficiaries of the Estate of Christopher Maurice Nettles (herein the "Plaintiff" or "Administrator"), and hereby files this Complaint for Intentional Torts, Negligence, and Wrongful Death (in accordance with Tenn. Code Ann. §20-5-101, *et seq.*) against the above-named Defendants. For cause, Plaintiff would show the following to this Honorable Court:

I. PARTIES, JURISDICTION AND VENUE

1. At all times pertinent hereto, Plaintiff Paul Royal was and is an adult resident of Shelby County, Tennessee. Paul Royal has been appointed as Administrator *ad Litem* of the Estate of Christopher Maurice Nettles, deceased. (See Order of Administration, attached as **EXHIBIT A**).
2. Upon information and belief, Defendant Scootie's One Stop aka Scootie's Mart and Grill (herein "Scootie's") is an unincorporated retail convenience store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, and can be served with process upon any partner, officer, managing agent, or any other agent authorized to receive service on its behalf. Defendant Scootie's is directly liable, as the operator of the property at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, for its own corporate negligent actions as well as for the acts and omissions of its owners, employees, agents and contractors by virtue of the doctrines of direct negligence, direct reckless, agency, apparent agency, implied agency, employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract.
3. Upon information and belief, Defendant Ahmad Suleiman, is an adult resident of Shelby County, Tennessee and the sole proprietor of Scootie's One Stop aka Scootie's Mart and Grill located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, where he can be served with process. Defendant Ahmad Suleiman is directly liable, as the operator of the property at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, for its own corporate negligent actions as well as for the acts and omissions of its owners, employees, agents and contractors by virtue of the doctrines of direct negligence, direct reckless, agency, apparent agency, implied agency,

employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract.

4. Upon information and belief, Defendant Aladdin Suleiman, is an adult resident of Shelby County, Tennessee and an employee of Scootie's One Stop aka Scootie's Mart and Grill located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, where he can be served with process. At all times material hereto, Defendant Aladdin Suleiman was acting as an agent, employee or contractor of Defendants Scootie's and Ahmad Suleiman.
5. Upon information and belief, Defendant Bell Property Group (herein "Bell Property") is a Tennessee Limited Partnership and the owner of the property known as Scootie's, located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111. At all times relevant hereto, Bell Property Group was an active business entity, formed in the state of Tennessee and authorized to do business in the state of Tennessee. Bell Property's principal office is located at 8545 Cordes Circle, Germantown, TN 38139. Bell Property can be served with process via their registered Agent William Bell at 8545 Cordes Circle, Germantown, TN 38139. Defendant Bell Property is directly liable, as the owner of the property at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, for its own corporate negligent actions as well as for the acts and omissions of its owners, employees, agents and contractors by virtue of the doctrines of direct negligence, direct reckless, agency, apparent agency, implied agency, employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract.

6. Upon information and belief, Defendant Robert Buie is an adult resident of Shelby County, Tennessee, who resides at 3665 Southern, Apt. #203, Memphis, TN 38111 where he can be served with process. At all times material hereto, Defendant Robert Buie was acting as an agent, employee or contractor of Defendants Scootie's and Ahmad Suleiman. At all relevant times to this matter, Defendant Robert Buie had previously been convicted of a felony offense and as such it was unlawful for him to possess a weapon.
7. Upon information and belief, Defendants Johns/Janes Doe 1-25 are other corporate entities, business entities or persons, including owners, staff, employees, and/or agents of Scootie's located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111, whose actions are imputed to Defendant Scootie's by virtue of the doctrines of direct negligence, direct reckless, agency, apparent agency, implied agency, employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract.
8. This claim is brought pursuant to this Court's jurisdiction over claims predicated on negligence, recklessness, intentional torts and wrongful death, with such jurisdiction granted by Tenn. Code. Ann. §16-10-101.
9. Venue is proper under Tenn. Code. Ann. §20-4-104 in that all or a substantial part of the events or omissions giving rise to the cause of action accrued in Shelby County, Tennessee.
10. The incident forming the basis for this lawsuit, to be described herein, occurred on or about May 16, 2021, thus this suit is timely filed.

II. FACTUAL ALLEGATIONS AND CLAIMS

11. Plaintiff re-alleges and incorporates by reference the paragraphs above as if they were fully restated verbatim herein.
12. At all times mentioned herein, Defendant Ahmad Suleiman owned, operated, and/or controlled the Scootie's store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111.
13. At all times mentioned herein, Defendant Bell Property Group owned, operated and/or controlled the property on which the Scootie's store lies.
14. Upon further information and belief, the Scootie's store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111 was, at all times mentioned herein, subject to policies and procedures that were created and/or implemented and/or enforced and/or approved and/or otherwise on behalf of or for the benefit of Defendant Ahmad Suleiman.
15. Upon further information and belief, the Scootie's store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111 was, at all times mentioned herein, subject to policies and procedures that were created and/or implemented and/or enforced and/or approved and/or otherwise on behalf of or for the benefit of Defendant Bell Property.
16. At the time of the subject incident, to be described herein, Robert Buie was an employee of the Scootie's store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111.
17. Upon information and belief, Robert Buie is and at all relevant times herein was a convicted felon.
18. Prior to and including the day of the subject incident, Defendant Robert Buie maintained a firearm on the premises of the Scootie's store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111.

19. Upon information and belief, prior to the subject incident, all Defendants, including Bell Property knew, or with reasonable diligence should have known, that Robert Buie was a convicted felon who unlawfully maintained and stored a weapon on the premises of the Scootie's store.
20. Upon information and belief, prior to the subject incident, all Defendants, including Bell Property knew, or with reasonable diligence should have known, that Robert Buie suffered from mental illness and was not competent to serve in the capacity of a security guard on Defendants' property with or without a weapon.
21. All Defendants, including Bell Property were also aware, or with reasonable diligence should have been aware, of the foreseeability that Robert Buie would utilize his firearm while in the course and scope of his employment and/or agency while employed at the Scootie's store.
22. Based upon the fact that Defendants, including Bell Property knew or with reasonable diligence should have been known that Robert Buie was a convicted felon and unlawfully possessed a weapon on the property, had a duty to protect society, in general, and more specifically Christopher Nettles from this known danger.
23. Based upon the fact that Defendants, including Bell Property knew or with reasonable diligence should have known that Robert Buie suffered from mental illness which made it improper to allow him to serve in the capacity of a security guard, with or without a weapon, had a duty to protect society, in general, and more specifically Christopher Nettles from this known danger.
24. At or around May 16, 2021, a few minutes before 7:30 p.m., Christopher Nettles entered the Scootie's store located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111. Defendant

Robert Buie was on duty at that time, working as a stocker and/or security guard at the Scootie's store.

25. Upon information and belief, Christopher Nettles attempted to leave Scootie's with merchandise and Defendant Aladdin Suleiman locked the door preventing Nettles from exiting the store.
26. Upon information and belief, Defendant Buie ordered Christopher Nettles to get down on the floor.
27. Upon information and belief, Defendant Buie then, without legal, ethical or moral justification, shot Christopher Nettles in the chest from a distance of approximately 4 to 6 feet.
28. Christopher Nettles died as a result of the gunshot wound to his chest, inflicted by Robert Buie.
29. Upon information and belief, at no point during the aforementioned incident did Christopher Nettles possess a weapon or any other object which constituted a physical threat to Robert Buie and/or anyone else on the premises of 3566 Walker Avenue, Suite 5, Memphis, TN 38111.
30. Upon information and belief, between the time when Christopher Nettles entered the property at 3566 Walker Avenue, Suite 5, Memphis, TN 38111 in the evening of May 16, 2021 until the time when Robert Buie shot Nettles in the chest from a distance of approximately 4 to 6 feet, which resulted in Nettles' death, Nettles had not committed, was not committing, and/or was not attempting to commit, any of the following offense as defined in the Tennessee Criminal Code:

- a. Any criminal homicide;
- b. Aggravated rape;
- c. Kidnapping;
- d. Aggravated kidnapping;
- e. Especially aggravated kidnapping;
- f. Especially aggravated burglary;
- g. Aggravated robbery;
- h. Especially aggravated robbery;

- i. Carjacking; and/or
- j. Attempt to commit first or second degree murder.

31. Upon information and belief, between the time when Christopher Nettles entered the property at 3566 Walker Avenue, Suite 5, Memphis, TN 38111 in the evening of May 16, 2021 until the time when Robert Buie shot Nettles in the chest from a distance of approximately 4 to 6 feet, which resulted in Nettles' death, Nettles had not committed, was not committing, and/or was not attempting to commit, any other offense that is define as a felony pursuant to Tennessee Criminal Code.
32. Robert Buie's actions in shooting the unarmed Christopher Nettles amounted to negligent, gross negligent and/or reckless conduct.
33. Upon information and belief, after shooting Christopher Nettles in the chest, Defendant Buie and/or Defendant Aladdin Suleiman failed to check on Nettles' condition and provide/attempt to provide Nettles with any assistance or aid.
34. While on the premises of the Scootie's store on May 16, 2021, at no time did Christopher Nettles possess, display, or point any type of weapon at Buie or any other employee or person on the Scootie's premises.
35. While on the premises of the Scootie's store on May 16, 2021, at no time did Christopher Nettles take any actions which placed Buie or any other employee or person on Scootie's premises in fear or danger of immediate injury.
36. Upon information and belief, at no time did Defendants Buie, Ahmad Suleiman or Aladdin Suleiman, or any agent, employee, or servant of the Scootie's store and/or Bell Property immediately provide or attempt to provide Christopher Nettles with aid or assistance after he had been shot in the chest by Buie.

37. As a direct and proximate result of one or more of the acts, omissions or conduct of the Defendants and/or their agents or employees, described herein, including those acts and omissions of their owner, agent or employee Robert Buie, Christopher Nettles died from a gunshot wound to the chest, inflicted by Buie, providing for the wrongful death damages suffered by Christopher Nettles and the Plaintiff.

III. ACTS OF NEGLIGENCE

38. Plaintiff re-alleges and incorporates by reference the paragraphs above as if they were fully restated verbatim herein.

39. The Defendants, including any of their employees and agents, owed a duty of reasonable care to Christopher Nettles.

40. The Defendants are liable for the negligent, gross negligent and/or reckless conduct of their owner, agent and/or employee Robert Buie that occurred at or near the premises of Scootie's on May 16, 2021, pursuant to legal theories of direct negligence, direct reckless, agency, apparent agency, implied agency, employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract.

41. The Defendants knew, or should have known, that their owner, agent and/or employee, Robert Buie, unlawfully carried a firearm while acting in the course of his ownership, employment and/or agency with Defendants at the property located at 3566 Walker Avenue, Suite 5, Memphis, TN 38111.

42. The Defendants knew, or should have known, that it was foreseeable that Robert Buie would utilize his unlawful firearm while in the course of his ownership, employment or agency with the other Defendants.

43. The Defendants, both through their own conduct and through the conduct of their agents or employees, whose actions are imputed upon them by virtue of the doctrines of direct negligence, direct reckless, agency, apparent agency, implied agency, employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract, breached their legal duty of reasonable care to Christopher Nettles by committing the following acts and/or omissions of common law negligence:

- a. Failure to conduct thorough background and safety checks on their agents or employees, including Robert Buie;
- b. Failure to properly supervise their agents and employees, including Robert Buie;
- c. Failure to train and/or provide continuing education to their agents or employees as to the legal restrictions regarding the use of force, including deadly force, against others on the premises of the Scootie's store;
- d. Failure to see that which was there to be seen and to act reasonably under the circumstances;
- e. Failure to implement and/or enforce policies or procedures regarding safety procedures, including, but not limited to, disputes with customers, invitees, patrons or trespassers, which includes the circumstances in which the use of force is appropriate and lawful;

- f. Failure to properly train or provide continuing education to their agents or employees as to general safety procedures regarding disputes with customers, invitees, patrons or trespassers, which includes the circumstances in which the use of force is appropriate and lawful;
- g. Failure to abide by any policies, procedures, or training regarding general safety procedures regarding disputes with customers, invitees, patrons or trespassers, which includes the circumstances in which the use of force is appropriate and lawful;
- h. Failure to properly train and/or provide continuing education to their agents or employees as to the circumstances in which the use of deadly force, or any force whatsoever, is appropriate and lawful;
- i. Failure to abide by any policies, procedures, or training regarding the use of force, including deadly force;
- j. Failure to exercise and to maintain proper or reasonable control of a firearm;
- k. Failure to implement and/or enforce policies or procedures for their agents or employees regarding their duty to provide, render or make available appropriate medical care, given their special relationship those on their premises;
- l. Failure to properly train or provide continuing education to their agents or employees as to their duty to render or make available appropriate medical care, given their special relationship those on their premises;
- m. Failure to render or make available appropriate medical care; and
- n. Failure to abide by any policies, procedures, or training relating to the duty to render or make available appropriate medical care.

44. The Defendants' own actions and omissions, as well as those by their owners, agents or employees, amount to negligence and recklessness, in that they allowed their agent or employee Robert Buie to be employed at the Scootie's store, acting in the course and scope of

his employment, while unlawfully in the possession of a firearm, without proper training or supervision, and they should therefore be liable for the foreseeable harm, including the wrongful death, that resulted from the subject incident on May 16, 2021.

45. As a direct and proximate result of one or more of the acts, omissions or conduct of the Defendants and/or their agents or employees, described herein, Christopher Nettles died from a gunshot wound to his chest, inflicted by Robert Buie, providing for the wrongful death damages suffered by Christopher Nettles and the Plaintiff.

IV. INTENTIONAL ACTS: ASSAULT AND BATTERY

46. Alternatively, Plaintiff re-alleges and incorporates by reference the paragraphs above as if they were fully restated verbatim herein.

47. When Robert Buie brandished a firearm in front of Christopher Nettles, he caused Mr. Nettles to have a reasonable apprehension of imminent or harmful contact, constituting an assault.

48. When Robert Buie fired his weapon at Christopher Nettles from a distance of approximately 4 to 6 feet, he caused one or more shots to strike Mr. Nettles' body, in his chest. This unpermitted and harmful bodily contact constituted a battery resulting in death.

49. Robert Buie committed the aforementioned assault and battery against Christopher Nettles while acting within the scope of his ownership, employment and/or agency on behalf of, or for the benefit of, the Defendants.

50. Defendants Scootie's, Ahmad Suleiman, Bell Property and Johns/Janes Doe 1-25 are responsible for the assault and battery committed upon Mr. Nettles by Robert Buie because they knowingly allowed Robert Buie, a convicted felon, to maintain and possess a firearm on the premises while in the course of his employment, without proper training, and thus it was

foreseeable to all Defendants that Robert Buie would utilize the weapon to shoot and kill Mr. Nettles.

51. Defendants are thereby liable for the assault and battery committed against Mr. Nettles by virtue of the doctrines of direct negligence, direct reckless, agency, apparent agency, implied agency, employer/employee relations, master-servant relations, loaned servant relations, joint-venture, joint and several liability, *respondent superior*, vicarious liability, the use of inherently dangerous products, engaging in inherently dangerous practices and contract.
52. Mr. Nettles' death was both a direct and proximate result of the assault and battery committed by Robert Buie, thus providing for the wrongful death damages suffered by Mr. Nettles and the Plaintiff and entitling Plaintiff to both compensatory and punitive damages.

V. NEGLIGENCE PER SE

53. Plaintiff re-alleges and incorporates by reference the paragraphs above as if they were fully restated verbatim herein.
54. Defendant Robert Buie violated some or all of the following statutes of the State of Tennessee, which were in full force and effect at the time and place of the subject incident, such violations constituting negligence *per se*:

T.C.A § 39-13-101. Assault

- (a) A person commits assault who:
- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
 - (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury;
 - (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

T.C.A. § 39-13-102. Aggravated Assault

- (a) (1) A person commits aggravated assault who:
- (A) Intentionally or knowingly commits an assault as defined in § 39-13-101, and the assault:
 - (i) Results in serious bodily injury to another;

- (ii) Results in the death of another;
- (iii) Involved the use or display of a deadly weapon;

T.C.A. § 39-13-202. Criminal Homicide

Criminal homicide is the unlawful killing of another person, which may be first degree murder, second degree murder, voluntary manslaughter, criminally negligent homicide or vehicular homicide.

55. Mr. Nettles' death was a direct and proximate cause of Robert Buie's violations of the aforementioned statutes of the State of Tennessee, constituting negligence *per se*, thus providing for the wrongful death damages suffered by Mr. Nettles and the Plaintiff.

VI. MALICE, RECKLESNESS AND GROSS NEGLIGENCE

56. Plaintiff re-alleges and incorporates by reference the paragraphs above as if they were fully restated verbatim herein.

57. The acts of assault and battery committed by Robert Buie, in the course of his employment and/or for the benefit of the Defendants, constituted malice, recklessness and/or gross negligence.

58. The Defendants, along with its employees, agents, and anyone acting on its behalf with regard to the safety and operation of the subject Scootie's store, acted with malice and/or recklessness and/or gross negligence by allowing Robert Buie, a convicted felon, to maintain a weapon on the premises with the knowledge that Buie might use that weapon in the course of his employment on their behalf, or in the alternative, the negligent failure to realize that Buie might use that weapon in the course of his employment on their behalf.

59. Plaintiff's injuries and subsequent damages were a direct and proximate result of the Defendants' malicious and/or reckless and/or grossly negligent actions and/or inactions and entitle Plaintiff to an award of both compensatory and punitive damages.

VII. DAMAGES

60. Plaintiff re-alleges and incorporates by reference the paragraphs above as if they were fully restated verbatim herein.

61. As a direct and proximate result of one or more of the Defendants' negligent and/or grossly negligent acts or omissions pursuant to either vicarious liability and/or its own separate and/or individual acts of negligence, Plaintiff alleges that he is entitled to any and all damages allowed by Tenn. Code Ann. §20-5-113, the Tennessee Wrongful Death Statute, including but not limited to the following damages:

- a. Christopher Nettles' physical pain and suffering;
- b. Christopher Nettles' mental suffering;
- c. Christopher Nettles' loss of enjoyment of life;
- d. Christopher Nettles' health care expenses;
- e. Christopher Nettles' funeral costs;
- f. Christopher Nettles' full pecuniary value of life;
- g. Christopher Nettles' children's loss of consortium and service with their father;
- h. Punitive damages;
- i. Pre- and Post-Judgment Interest;
- j. Statutory and Discretionary Costs of this cause; and
- k. All other damages and general other relief allowed under the laws of the State of Tennessee to which the Plaintiff may be entitled.

62. Additionally, and/or in the alternative, as a direct and proximate result of one or more of the Defendants' reckless or intentional acts or omissions pursuant to either vicarious liability and/or its own separate and/or individual acts of recklessness or intentional conduct, Plaintiff alleges that he is entitled to any and all damages allowed by Tenn. Code Ann. §20-5-113, the Tennessee Wrongful Death Statute, including but not limited to the following damages:

- a. Christopher Nettles' physical pain and suffering;
- b. Christopher Nettles' mental suffering;
- c. Christopher Nettles' health care expenses;
- d. Christopher Nettles' funeral costs;
- e. Christopher Nettles' pecuniary value of life;
- f. Christopher Nettles' children's loss of consortium with their father;
- g. Punitive damages;

- h. Costs of this cause; and
- i. All other damages and general other relief allowed under the laws of the State of Tennessee to which the Plaintiff may be entitled.


PRAYER FOR RELIEF

Wherefore, premises considered, Plaintiff respectfully requests the following relief:

- (1) A jury trial;
- (2) A judgment against the Defendants in the amount of \$10,000,000.00 (Ten Million Dollars) in compensatory damages;
- (3) A judgment against the Defendants in the amount of \$25,000,000.00 (Twenty-Five Million Dollars) in punitive damages;
- (4) For all general and special damages caused by the Defendants' conduct;
- (5) Post-judgment interest;
- (6) For all other relief to which Plaintiff may be entitled under Tennessee law.

Respectfully submitted,

THE COCHRAN FIRM - MEMPHIS


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