

JK

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

AMY BORING, Individually and)
as next of kin and parent of)
SKYLER BORING, deceased,)
)
Plaintiff,)

v.)

DENNIS C. DINWIDDIE)
416 Manorstone Lane)
Clarksville, TN 37042-5148)

CEDRICK C. GRINDSTAFF)
1677 Old Piney Road)
Maryville, TN 37803-3227)

DONALD R. WILSON)
4541 East Lamar Alexander Pkwy.)
Walland, TN 37886)

and)

DANIEL L. BISHOP,)
894 North McLean Blvd.)
Memphis, TN 38107-4610)

Defendants.)

FILED JK
2:34 pm MAY 27 2014
TOM HATCHER
CIRCUIT COURT CLERK

No. L-18681
Jury Demanded

COMPLAINT

Comes now the Plaintiff and for cause of action would show the following:

1. Plaintiff Amy Boring brings this action individually and as a surviving parent and next of kin of Skyler Boring. The Plaintiff Amy Boring is a citizen and resident of Blount County, Tennessee, and was at all times material herein, residing at 217 Silverbell Drive, Maryville, TN 37804.

2. Defendant Dennis Dinwiddie, is a citizen and resident of Montgomery County, Tennessee, and was at all times material herein and may be served with process at **416 Manorstone Lane, Clarksville, TN 37042-5148.**

3. Defendant Cedrick C. Grindstaff is a citizen and resident of Blount County, Tennessee, and was at all times material herein, and may be served with process at **1677 Old Piney Road, Maryville, TN 37803-3227.**

4. Defendant Donald R. Wilson is a citizen and resident of Blount County, Tennessee, and was at all times material herein, and may be served with process at **4541 East Lamar Alexander Parkway, Walland, TN 37886-2831.**

5. Defendant Daniel L. Bishop is a citizen and resident of Shelby County, Tennessee, at all times material herein and may be served with process at **894 North McLean Boulevard, Memphis, TN 38107-4610.**

6. On or about May 28, 2013, Skyler Boring was lawfully present on property owned and/or maintained by Defendants Donald L. Wilson and Daniel L. Bishop, which real property is located at 4529 East Lamar Alexander Parkway, Walland, Tennessee 37886.

7. While Skyler Boring was on the above-described property on May 28, 2013, the Defendant Dennis Dinwiddie retrieved a loaded model 1300 Winchester 20 gauge pump action shot gun from the property. The Defendant Dennis Dinwiddie failed to act with due care in the handling of the firearm, thereby causing it to discharge, striking Skyler Boring in the upper right chest. As a result of the Defendant Dennis Dinwiddie's negligent conduct, Skyler Boring suffered fatal injuries.

8. Defendant Dennis Dinwiddie was 17 years old on May 28, 2013.

9. On or about May 28, 2013, Defendant Dennis Dinwiddie owed a duty of reasonable care to Skyler Boring.

10. Defendant Dennis Dinwiddie breached that duty by carelessly and negligently causing the discharge of the firearm, striking Skyler Boring.

11. The above acts of Defendant Dennis Dinwiddie were the proximate and direct cause of the injuries and death of Skyler Boring.

12. Defendants Donald R. Wilson and Daniel L. Bishop, as the owners and/or occupiers of the real property at 4541 East Lamar Alexander Parkway, Walland, Tennessee 37886, had a duty to exercise reasonable care under all of the circumstances in the maintenance, operation and control of said property.

13. Upon information and belief, Defendants Donald R. Wilson and Daniel L. Bishop knew or should have known that the model 1300 Winchester 20 gauge pump action shot gun was located on the premises; that said firearm was not in a secured location; that said firearm was loaded; and that minor invitees, including Defendant Dennis Dinwiddie, were on the premises owned by Defendants Donald R. Wilson and Daniel L. Bishop.

14. That Defendants Donald R. Wilson and Daniel L. Bishop did nothing to secure said firearm in a safe place; did nothing to ensure that the firearm was unloaded; did nothing to instruct Dennis Dinwiddie, a juvenile, not to use the firearm for any purpose; did nothing to instruct Dennis Dinwiddie that the firearm was loaded; did nothing to instruct Dennis Dinwiddie, a minor, in the proper use and handling of the firearm; and did not otherwise take any action to prevent the use of said firearm by invitees of the real property on May 28, 2013.

15. Defendants Donald R. Wilson and Daniel L. Bishop did not counsel, supervise or restrain Defendant Dennis Dinwiddie, who they knew or should have known was a minor, in the

handling of the aforementioned firearm which was located on the premises at 4541 East Lamar Alexander Parkway, Walland, TN 37886, on May 28, 2013.

16. Defendants Donald R. Wilson and Daniel L. Bishop breached their duty to Skyler Boring by, among other acts, failing to properly secure the above-described firearm; failing to maintain proper control over the firearm; failing to properly advise the Defendant Dennis Dinwiddie that the firearm was loaded; failing to properly counsel, supervise or restrain the Defendant Dennis Dinwiddie, a minor, in the proper use and handling of the firearm; and permitting Defendant Dennis Dinwiddie, a minor, to possess and use the firearm on the property.

17. Defendant Cedrick C. Grindstaff owned and/or controlled the above-described firearm, which was loaded and in an unsecured location on the above-described property on May 28, 2013.

18. Defendant Cedrick C. Grindstaff, as the owner of the above-described firearm, had a duty to Skyler Boring exercise reasonable care under all of the circumstances in the maintenance, operation and control of said firearm.

19. Upon information and belief, Defendant Cedrick C. Grindstaff knew or should have known that the model 1300 Winchester 20 gauge pump action shot gun was located on the premises at 4541 East Lamar Alexander Parkway, Walland, TN 37886; that said firearm was not in a secured location; and that minor invitees, including the Defendant Dennis Dinwiddie, frequented the premises.

20. Defendant Cedrick C. Grindstaff did not secure said firearm in a safe place; did not ensure that the firearm was unloaded; did not instruct Dennis Dinwiddie or other invitees of the property upon which the firearm was located on May 28, 2013, not to use the firearm for any

purpose; did not instruct invitees that the firearm was loaded; and did not otherwise take any action to prevent the use of said firearm on May 28, 2013.

21. Defendant Cedrick C. Grindstaff failed to counsel, supervise, or restrain Defendant Dennis Dinwiddie, a minor, in the handling of the aforementioned firearm owned or maintained by Defendant Cedrick C. Grindstaff.

22. The foregoing acts and omissions of the Defendants proximately caused injury and loss of life to Skyler Boring, entitling his mother and next of kin, Amy Boring, to recover damages jointly and severally from the Defendants.

23. As a result of the death of Skyler Boring, Plaintiff Amy Boring incurred medical expenses and reasonable funeral expenses.

24. Plaintiff Amy Boring brings this action under Tenn. Code Ann. § 20-5-106, as the natural and custodial parent of Skyler Boring. Plaintiff Amy Boring is entitled to recover medical expenses, funeral and burial expenses, and for pain and suffering which Skyler Boring endured before his death, and all other damages for the loss of Skyler Boring's life for which she is entitled pursuant to Tenn. Code Ann. § 20-5-106.

25. Plaintiff Amy Boring is entitled to damages for the loss of Skyler Boring's life amounting to the pecuniary value of her son's life, taking into account his age, condition of health, life expectancy, strength and capacity for work and for earning money, and personal habits and industry. At the time of his death, Skyler Boring was 17 years of age and was in excellent health and had a life expectancy of a minimum of 56 additional years according to applicable mortality tables. Skyler Boring had exceptional strength and capacity for work and for earning income through his skills and efforts.

26. Plaintiff Amy Boring has lost the value of her son's life and the society, companionship, love and affection of her son, Skyler Boring, for which she is entitled to damages.

WHEREFORE, PLAINTIFFS PRAY as follows:

1. That a jury be empanelled to try the issues set forth herein;
2. That the Plaintiff Amy Boring have and recover against the Defendants, jointly and severally, compensatory damages in the amount of \$1,500,000.00; and
3. That the Plaintiffs have and recover costs of this cause, including discretionary costs and such other relief as the Court may deem proper.

RESPECTFULLY SUBMITTED this the 27th day of May, 2014.


AMY BORING

By: 

Joseph E. Costner (#006202)
Costner & Greene, Attorneys
315 High Street
Maryville, Tennessee 37804
(865) 983-7642
Attorney for Plaintiff

COST BOND

WE, COSTNER & GREENE, ATTORNEYS, do hereby make ourselves sureties for the costs in this cause in accordance with T. C. A. §20-12-120.


JOSEPH E. COSTNER