

IN THE CIRCUIT COURT FOR SUMNER COUNTY, TENNESSEE

Julie Vickers, as parent	*	Case No. _____
and next friend of	*	
Esaiah Vickers and	*	
Brittan Vickers, minors	*	
148 Creekwood Lane	*	
Hendersonville, Tennessee 37075	*	
	*	
and	*	
	*	
David Webster and	*	
Brandy Webster, as parents	*	
and next friend of	*	
Elijah Webster, a minor	*	
142 Creekwood Lane	*	
Hendersonville, Tennessee 37075	*	
	*	
	*	
Plaintiffs	*	
v.	*	Complaint
	*	
Sumner County Board of Education	*	JURY DEMAND
695 East Main Street	*	
Gallatin, Tennessee 37066	*	
	*	
and	*	
	*	
Robin Chandler	*	
850 Industrial Blvd.	*	
Gallatin, Tennessee 37066	*	
	*	
	*	
Defendants	*	

For their cause of action herein, the Plaintiffs state as follows:

JURISDICTIONAL STATEMENTS

1. The Plaintiff Julie Vickers is the mother of the two minor children Esaiah Vickers and Brittan Vickers. Each was, at all times relevant hereto, a resident of the County of Sumner, State of Tennessee.

2. The Plaintiffs David Webster and Brandy Webster are the parents of the minor child Elijah Webster. Each was, at all times relevant hereto, a resident of the County of Sumner, State of Tennessee.
3. The Defendant Sumner County Board of Education is a board of education formed under the laws of the State of Tennessee.
4. The Defendant, Robin Chandler, is an employee of the Sumner County Board of Education, who is believed to reside in Sumner County.
5. This court has jurisdiction over this matter pursuant to the Governmental Tort Liability Act, 29-20-101, et seq.

FACTUAL STATEMENTS

6. The Sumner County Board of Education is responsible for the operation of Jack Anderson Elementary School in Hendersonville, Tennessee.
7. The Sumner County Board of Education transports children to and from Jack Anderson Elementary School via a number of school busses driven by employees of the Sumner County Board of Education.
8. The minor children, Esaiiah Vickers, Brittan Vickers and Elijah Webster (collectively “the children”) attend Jack Anderson Elementary School and are transported to that school via a bus operated by the Sumner County Board of Education.
9. At all times relevant to this complaint, Robin Chandler was the driver of the bus ridden by the children. Robin Chandler is an employee of the Sumner County Board of Education.
10. On or about March 31, 2008, the minor child Esaiiah Vickers rode the bus to Jack Anderson Elementary School, as was his normal custom.

11. Upon arrival at Jack Anderson Elementary School the remaining students exited the bus, but
Esaiah Vickers, who had fallen asleep, did not exit the bus.
12. Robin Chandler failed to exercise the care that a prudent person would exercise in similar
circumstances by not counting the children as they exited the bus or by walking to the back
of the bus to check for children who might have remained on the bus.
13. With Esaiah Vickers still asleep on the bus, Robin Chandler drove the bus to the bus garage
in order to have some mechanical work performed.
14. Upon arrival at the bus garage, Robin Vickers again failed to check the bus for any student
who had been left behind. She then exited the bus, leaving the engine running.
15. Esaiah Vickers remained on the bus, asleep, for a period of approximately five hours.
16. During this time the engine of the bus ran until it ran out of gas.
17. When the bus ran out of gas, a motion sensor detected the presence of Esaiah Vickers and
sounded an alarm. The alarm was only heard inside the bus.
18. The alarm awoke Esaiah Vickers.
19. Esaiah Vickers managed to puzzle out how to open the bus door, which was closed.
20. He then exited the bus and located an employee at the bus garage.
21. Esaiah Vickers was then taken to school.
22. No one at the school notified Julie Vickers of the day's events until she called to speak to
Esaiah's teacher around 4:00 PM.
23. Even at that time, no one informed her that the bus engine had been running all the time that
Esaiah Vickers was asleep on the bus.
24. Esaiah Vickers exhibited bouts of confusion that afternoon and would not easily awaken the
next morning.

25. When Julie Vickers called the school to report the reason for his absence, she was informed that the bus's engine had been running and that she should have him checked.
26. Julie Vickers then took Esaiah to the Hendersonville Hospital emergency room for examination.
27. At the hospital, tests revealed that Esaiah was suffering from carbon monoxide poisoning.
28. Despite the negligence of Robin Chandler, the Sumner County Board of Education took no corrective action to prevent further occurrences of her negligence. She was placed on three days paid leave, then permitted to resume driving the same bus.
29. Over the course of the next month, Robin Chandler began harassing Esaiah Vickers, Brittan Vickers and their friends, including Elijah Webster.
30. On or about May 1, 2008, Robin Chandler held Elijah Webster and Brittan Vickers and five other children on the bus after it arrived at Jack Anderson Elementary School.
31. After talking to the other five children, Robin Chandler dismissed them and held Elijah Webster and Brittan Vickers on the bus.
32. During the time that they were held on the bus, Robin Chandler verbally abused Elijah Webster and Brittan Vickers, calling them bullies and making other derogatory statements.
33. As she dismissed them from the bus, Robin Chandler physically assaulted and battered Elijah Webster and Brittan Vickers by striking them on the back of their heads.
34. Elijah Webster and Brittan Vickers reported the incident to the principal of Jack Anderson Elementary School immediately upon exiting the bus.
35. The incident was reported to the Hendersonville Police Department by persons unknown at the Jack Anderson Elementary School.

36. Upon learning that a police investigation was under way, Julie Vickers called the Hendersonville Police Department and was requested to bring Brittan to the department for questioning.
37. The Hendersonville Police Department then called Brandy Webster and requested that she bring Elijah to the police department for questioning. Both she and David Webster accompanied Elijah to the station.
38. Upon arrival at the station, both Brittan Vickers and Elijah Webster were separated from their parents and questioned for a period of approximately four hours.
39. During this time they were told that they could not talk to their parents and, unless they told the “truth” that they would be placed in detention.
40. After nearly four hours of this treatment, both children recanted. They were then charged with filing a false police report.
41. On the date set for trial of the charges against the children, the State of Tennessee nulled the charges.

FIRST CLAIM – NEGLIGENCE

42. The allegations contained in paragraphs 1 – 41, above, are repeated as if fully rewritten herein.
43. By leaving Esaiiah Vickers on the bus, in failing to check for the presence of children prior to leaving Jack Anderson Elementary School, by failing to check for the presence of children prior to exiting the bus at the bus garage and by leaving the bus’ engine running, Robin Chandler, an employee of the Sumner County Board of Education, failed to use the ordinary care that a reasonable person would use under similar circumstances.

44. As a direct and proximate result of the actions of Robin Chandler, Esaiah Vickers was damaged by suffering carbon monoxide poisoning.

45. As a direct and proximate result of the actions of Robin Chandler, Esaiah Vickers was damaged by having to miss several days of school.

46. As a direct and proximate result of the actions of Robin Chandler, Julie Vickers was damaged by having to incur medical expenses in an amount to be determined at trial.

SECOND CLAIM – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

47. The allegations contained in paragraphs 1 – 46, above, are repeated as if fully rewritten herein.

48. Robin Chandler intended to cause, and did cause, Elijah Webster and Brittan Vickers to suffer emotional distress.

49. As a direct and proximate result of the actions of Robin Chandler, Elijah Webster and Brittan Vickers have been damaged in an amount to be determined at trial.

THIRD CLAIM – BATTERY

50. The allegations contained in paragraphs 1 – 49, above, are repeated as if fully rewritten herein.

51. Robin Chandler intentionally struck Elijah Webster and Brittan Vickers.

52. The contact between Robin Chandler and Elijah Webster and Brittan Vickers was offensive to Elijah Webster and Brittan Vickers.

53. As a direct and proximate result of the actions of Robin Chandler, Elijah Webster and Brittan Vickers were damaged by being forced to miss class, report the incident to the principal, be interrogated by the Hendersonville Police Department, retain an attorney and

appear two times in court to have the charges against them nolle. The amount of such damages will be determined at trial.

WHEREFORE, the Plaintiffs pray:

1. That this Court enter judgment in their favor, awarding them damages in an amount to be determined at trial of this matter;
2. That this Court award them attorney's fees and the cost of this action; and
3. Any and all other relief to which they may appear to be entitled.

Respectfully submitted,

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TRIAL BY JURY DEMANDED