

FILED IN OFFICE

2009 JUN 12 PM 2:59

CLAUDIA T. THOMPSON, CLERK

IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE

ASHLEY N. BURGESS,
Plaintiff,

JURY DEMANDED

v.

Docket No. *09C786*

CHARLES D. LAWSON,
Defendant.

Division

BY *CON*

DC

COMPLAINT

COMES NOW THE PLAINTIFF, Ashley N. Burgess, and for her Complaint would respectfully show unto this Honorable Court the following:

PARTIES, JURISDICTION, VENUE

1. The Plaintiff, Ashley N. Burgess, is a natural person residing at 2803 Deerfield Road, Ooltewah, Hamilton County, Tennessee, 37363. Plaintiff Ashley N. Burgess submits to the jurisdiction of this Honorable Court.

2. The Defendant, Charles D. Lawson, is a natural person residing at 514 Winston Road, Chattanooga, Hamilton County, Tennessee 37405. Defendant Charles D. Lawson is subject to the jurisdiction of this Honorable Court.

3. As all acts complained of occurred in Hamilton County, Tennessee, venue is appropriate in this Honorable Court.

STATEMENT OF FACTS

4. Plaintiff Burgess is a 20-year-old female whose date of birth is September 21, 1988. Burgess is employed by Big River Grille and Brewing Works located at 222 Broad Street, Chattanooga, Tennessee.

5. Defendant Lawson is a 42-year-old male whose date of birth is February 28, 1967. Defendant Lawson is practicing attorney and is a shareholder in the firm of Chambliss, Bahner & Stophel, P.C., located at Tallan Financial Center, Two Union Square, Chattanooga, Tennessee.

6. Attorney Lawson concentrates his practice in the areas of labor and employment law. During the course of his practice Attorney Lawson has defended employers with respect to workplace harassment and discrimination lawsuits. In addition, Attorney Lawson "regularly counsels clients and provides training...[with respect to] sexual harassment investigations and prevention."¹

7. Prior to the incident in question which is the subject matter of this lawsuit, Attorney Lawson was a regular patron of Big River Grille and its sister restaurant, Bluewater Grille. Bluewater Grille is located at 224 Broad Street, Chattanooga, Hamilton County, Tennessee, directly adjacent to

¹ Shareholder listing for Charles D. Lawson as maintained on www.cbslawfirm.com, the website of Chambliss, Bahner, & Stophel, P.C., a copy of which is attached hereto as "Exhibit 1."

Big River Grille.

8. During the course of his numerous visits to Big River and Bluewater, Attorney Lawson frequently would become intoxicated. As a result of his unacceptable behavior while intoxicated, Attorney Lawson was repeatedly asked by the wait staff and management of both Big River and Bluewater to control his activities and language. When so counseled, Attorney Lawson often became insulting and belligerent, reminding the Big River/Bluewater personnel that he was a lawyer and that their station in life as either wait staff or a restaurant management did not entitle them to correct him, and that they had achieved all in life that they were equipped to achieve, both professionally and financially.

9. Plaintiff Ashley Burgess was assigned to check patrons for proper identification at the door by her employer, Big River Grille, on June 14, 2008. June 14, 2008, was a Saturday night, and was the final night of Riverbend 2008.

10. At approximately 11:00 p.m. on June 14, 2008, Attorney Lawson walked outside from Bluewater with a beer glass etched with Bluewater's insignia on it.

11. Attorney Lawson attempted entry to Big River at the door to which Plaintiff Ashley Burgess had been assigned to check ID's. Plaintiff Ashley Burgess immediately noticed two things: First, Attorney Lawson was outside of the appropriate area in which he could carry an on-premises alcoholic beverage, and second, he appeared to be intoxicated.

12. Desirous of avoiding a confrontation with Attorney

Lawson during the fireworks display, the busiest time of the busiest night of Riverbend, Plaintiff Ashley Burgess respectfully asked Attorney Lawson to return to Bluewater with his beer, as it was unlawful for him to possess the same outside of Bluewater's premises.

13. When Plaintiff Ashley Burgess made this request of Attorney Lawson, he proceeded to approach her and tell her how "beautiful" she was. Attorney Lawson then slammed Plaintiff Ashley Burgess against a brick wall, grabbed her by the hair and proceeded to fondle her vagina and rub against her genital area.

14. Plaintiff Ashley Burgess immediately reported the sexual assault against her by Attorney Lawson to Tenesa Pickett, the on-duty manager at Big River. Ms. Pickett reported the matter to the Chattanooga Police Department and also went next door to Bluewater to inform its on-duty manager, Collin Woodcook, of the sexual assault committed by Attorney Lawson.

15. While walking next door, Ms. Pickett noticed Attorney Lawson standing at a table having shots of liquor with three females. Ms. Pickett immediately ordered that Attorney Lawson be "cut off" and not be served any additional alcoholic beverage.

16. As a result of the sexual assault against Plaintiff Ashley Burgess, Attorney Lawson was banned from entry to either Big River or Bluewater by management of the same.

17. Following an investigation, the Chattanooga Police Department obtained a warrant against Attorney Lawson, charging Attorney Lawson with the crime of sexual battery against

Plaintiff Ashley Burgess. Attorney Lawson was arrested and booked into the Hamilton County jail.

18. Attorney Lawson was charged by the State of Tennessee for sexual battery against Plaintiff Ashley Burgess under Docket No. 1319895 in the General Sessions Court of Hamilton County, Tennessee, a copy of the same being attached hereto as "Exhibit 2."

19. On or about September 25, 2008, Attorney Lawson pled guilty to assault against Plaintiff Ashley Burgess.

20. Plaintiff Ashley Burgess suffered physical sexual abuse at the hands of Attorney Lawson. Moreover, Plaintiff Ashley Burgess suffered extreme embarrassment, humiliation, degradation, mental duress, and emotional suffering as a result of Attorney Lawson's unlawful, egregious, and outrageous conduct.

21. The sexual assault by Attorney Lawson against Plaintiff Ashley Burgess is made all the more outrageous given the fact that he, as a licensed Tennessee attorney, devotes his practice to defense of sexual harassment claims and matters related thereto.

COUNT ONE

22. Plaintiff Ashley Burgess realleges and incorporates by reference Paragraphs 1 through 21 hereinabove as if set forth *verbatim*.

23. Plaintiff Ashley Burgess avers that Attorney Lawson

is guilty of sexual assault against her, for which he is liable in damages.

COUNT TWO

24. Plaintiff Ashley Burgess realleges and incorporates by reference Paragraphs 1 through 23 hereinabove as if set forth *verbatim*.

25. Plaintiff Ashley Burgess avers that Attorney Lawson is guilty of sexual battery against her, for which he is liable in damages.

COUNT THREE

26. Plaintiff Ashley Burgess realleges and incorporates by reference Paragraphs 1 through 25 hereinabove as if set forth *verbatim*.

27. Plaintiff Ashley Burgess avers that the unlawful, egregious, and outrageous conduct of Attorney Lawson constitutes the intentional infliction of emotional distress against her, for which he is liable in damages.

28. Pleading in the alternative, Plaintiff Ashley Burgess avers that the unlawful, egregious, and outrageous conduct of Attorney Lawson constitutes the negligent infliction of emotional distress against her, for which he is liable in damages.

COUNT FOUR

29. Plaintiff Ashley Burgess realleges and incorporates by reference Paragraphs 1 through 28 hereinabove as if set forth *verbatim*.

30. Plaintiff Ashley Burgess avers that the unlawful, egregious, and outrageous conduct of Attorney Lawson caused her to endure extreme embarrassment, humiliation, degradation, mental duress and suffering, for which he is liable in damages.

COUNT FIVE

31. Plaintiff Ashley Burgess realleges and incorporates by reference Paragraphs 1 through 30 hereinabove as if set forth *verbatim*.

32. In addition to all other damages to which she is entitled, Plaintiff Ashley Burgess avers that she is entitled to recover exemplary damages from Attorney Lawson for his unlawful, egregious, and outrageous conduct in this matter in an amount not less than \$250,000.00.

COUNT SIX

33. Plaintiff Ashley Burgess realleges and incorporate by

reference Paragraphs 1 through 32 hereinabove as if set forth *verbatim*.

34. Plaintiff Ashley Burgess reserves the right, pending discovery, to amend her Complaint to allege different and/or alternative theories of recovery against Attorney Lawson. Likewise, Plaintiff Ashley Burgess reserves the right to add other parties defendant to this cause as their identity is disclosed through discovery.

AD DAMNUM

WHEREFORE, PREMISES CONSIDERED, Plaintiff Ashley Burgess prays:

- (a) That a jury be empanelled at the trial of this cause;
- (b) That upon a trial of this cause judgment in favor of Plaintiff Ashley Burgess against Defendant Charles D. Lawson be entered in the amount of \$250,000.00, in compensation for the physical, mental, and emotional damages sustained by Plaintiff in this cause;
- (c) That exemplary damages against Defendant Charles D. Lawson be set in an amount satisfactory to the enlightened conscience of the jury, but not less in amount than \$250,000.00;
- (d) That Plaintiff recover all costs of this cause, including reasonable attorney's fees; and
- (e) That Plaintiff have all such other, further, and general relief to which she may be entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darren G. McBride". The signature is written in a cursive style with a horizontal line underneath it.

Darren G. McBride (BPR #013880)
Attorney for Plaintiff
3496 Brainerd Road
Chattanooga, Tennessee 37411
423.698.6027 (voice)
423.698.6077 (facsimile)
dgmcbride@
mcbrirelawfirm.com (e-mail)

VERIFICATION

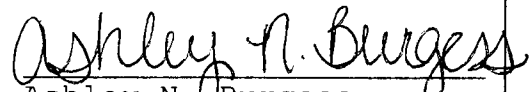
STATE OF TENNESSEE |

COUNTY OF HAMILTON |

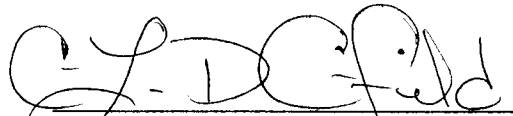
ASHLEY N. BURGESS, being duly sworn according to law, deposes and says as follows:

1. My name is Ashley N. Burgess.
2. I am competent to make this Affidavit.
3. I have read the foregoing Complaint and the allegations contained therein are the truth to the best of my knowledge, information, and belief.
4. This Complaint is not filed in levity or collusion with any other person but in sincerity for the relief sought therein.

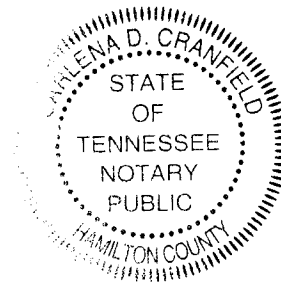
FURTHER AFFIANT SAITH NOT.


Ashley N. Burgess

Sworn to and subscribed before me this the 12th day of June, 2009.


Notary Public

My Commission Expires: 01.23.11





Chambliss, Bahner & Stophel, P.C.

Our People

Charles D. Lawson

Shareholder

Chuck Lawson concentrates his practice in the areas of labor and employment law. He has represented clients in the defense of various employment-related lawsuits, including workplace harassment and discrimination, workers' compensation, and actions relating to non-competition agreements. He has handled numerous investigations of charges of discrimination filed with the Equal Employment Opportunity Commission and analogous state agencies, and has prepared formal responses to charges of discrimination.

Mr. Lawson regularly counsels clients and provides training in both individual settings and group seminars on the Americans with Disabilities Act; confidentiality, trade secrets, and non-competition matters relating to employment contracts; employment discrimination claims (defense of claims under federal and state civil rights and employment discrimination laws); development and implementation of employment practices, policies and employee handbooks; Family and Medical Leave Act; sexual harassment investigations and prevention; drug-free workplace issues; and federal and state wage and hour law issues (compliance with and defense of claims).

Memberships

- American Bar Association
- Chattanooga Bar Association
- Inns of Court, Founding member, Chattanooga Chapter
- Tennessee Bar Association

Contact

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Practice Areas

Class Actions

Labor & Employment Law

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Education

Vanderbilt University Law School,
J.D., 1997

The University of Tennessee at
Chattanooga, B.S., magna
cum laude, 1994

Admissions

Tennessee, 1997

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WAV

JUDGMENT

Case dismissed without hearing proof on motion of _____

_____ State _____ Defense.

Upon waiver of indictment, trial by jury and hearing, case dismissed for failure of proof beyond a reasonable doubt.

Defendant, after being informed of right to a preliminary hearing by the Court WAIVED said hearing and is held to Grand Jury with bond of \$ _____

CONDITIONAL
J. Lawson
KA 40-35-313
Defendant

On waiver of indictment and trial by jury, plea and evidence heard, the judgment is _____ Sentence _____ Fine _____ with the following conditions:

6 months susp detent
probation
No contact w/ Ashley Barges

Sentence is suspended upon payment of fine and costs and good behavior for a period of eleven months and 25 days.

Defendant to serve _____ of sentence before becoming eligible for rehabilitative programs.

Upon evidence heard, defendant is BOUND OVER to the Grand Jury. Bound Over Bond: \$ _____

Judgment appealed, Appeal Bond: \$ _____

Other: *POB*

_____, 20_____
Judge, General Sessions Court

DOCKET NO. 1319895 (1 OF 1)

State Of Tennessee VS

LAWSON, CHARLES

3803 DANIEL DR

CHATTANOOGA

TN 37412

SPN: 304887

D.O.B. 2/28/1967 Race W Sex: Male

Social Security No: 254371376 PH 4236355503

Drivers Lic No: TN 6S235886

CO-Defendant(s)

Date Of Arrest: 6/16/2008

Complaint #: 54543 2008 HC

Officer: SMITH, MICHAEL #880 #0880

Court Date: 7/10/2008

Time: 8:30 AM

Judge: BALES, DAVID E

Room 1

Bond Set At: \$3,000.00

Conditions Yes No

BOND COMPANY: _____

TIBREX/CA 39130402

MAGISTRATE: *SEXUAL BATTERY Assault*
S. Smith

PUBLIC DEFENDER: _____

State-Def. To: *8-21-08 8:30*

State-Def. To: *9-25-08 8:30*

Wilson 3/16/08 L2

THE FOREGOING INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL NOW ON FILE IN MY OFFICE

State/Def/Court to: _____ Date: *10-28-08*

State/Def/Court to: _____

State Attorney: _____

Defense Attorney: _____

The defend by the Co presentme and reque: *XL*

JUD

Objected represent

The defen to the aid c and furthe attorney w hereby wa

JUL

I underst this case any subsi increase

