

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

236697

2017 OCT 19 AM 11:18

MICHELE CALABRIA, )  
)  
PLAINTIFF, )  
v. )  
)  
UNIDENTIFIED JOHN DOE, and )  
SPROCKET ROCKET CRUISE, LLC, )  
)  
DEFENDANTS. )

RICHARD A. ACCALE, CLERK

DOCKET NO: MJG D.C.

17C 2634

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, Michele Calabria, "Plaintiff" by and through her counsel and hereby files her complaint against the Defendants, Sprocket Rocket Cruise, LLC, "Sprocket" and Unidentified John Doe "Defendant Driver". For her cause of action, Plaintiff states as follows:

1. The Plaintiff is a citizen and resident of Ridgefield, New Jersey.
2. Defendant, Sprocket Rocket Cruise, LLC, is a limited liability company organized and registered in the state of Tennessee. Defendant Sprocket's principle place of business is located at 516 5<sup>th</sup> Avenue S, Nashville, TN 37203 and may be served through its registered agent for service of process: John Banfield, 516 5<sup>th</sup> Avenue S, Nashville, TN 37203.
3. Defendant, Unidentified John Doe "Defendant Driver" is a driver and an employee of Defendant "Sprocket" that was driving the party bike and tavern owned by "Sprocket" at the time and place of the accident and can be served through its registered agent for service of process: John Banfield, 516 5<sup>th</sup> Avenue S, Nashville, TN 37203.
4. Subject matter jurisdiction over this action is proper pursuant to T.C.A. 16-10-101.
5. The incident that is subject of this action took place in Davidson County, Tennessee

and thus Venue is proper in this court.

6. Defendant Sprocket is a licensed party bike and pedal tavern that offers tour rides to visitors and residents of Nashville, Tennessee. Sprocket allows its customers to explore downtown Nashville while enjoying premium sound music and drinks.
7. The Sprocket Rocket is a half bike and half vehicle that is operated by an electric-assist motor and bike pedals. Sprocket's website states the Sprocket Rocket is controlled by a 30 % electric motor and 70% bike pedaling. There are six (6) bikes seats on each side and four (4) people fit along the back bench.
8. The Sprocket Rocket party bike and tavern is worked by two professional captains that require one to drive it while the other captain bartends, photographs, and entertains its customers.
9. On October 23, 2016, the Plaintiff and her sister purchased tickets to ride the Sprocket Rocket Party Bike and Tavern to experience the highlights of downtown Nashville.
10. The Plaintiff was seated in the last bike seat next to her sister positioned near the back bench.
11. After receiving instructions from Defendant Driver, the Plaintiff began pedaling and her foot slipped off the bike pedal thereby causing Plaintiff's foot to hit the pavement, her body was thrust forward onto metal bars, and her foot was dragged several feet.
12. The other professional captain and guest riders yelled for the Defendant Driver to stop the party bike and tavern, but the music was too loud for the Defendant Driver to hear the screams asking him to stop.

13. After several high-pitched screams the Defendant Driver finally stopped the party bike and tavern.
14. The other professional captain and Plaintiff's sister moved Plaintiff to the back bench so she could rest and evaluate her foot injury.
15. The Plaintiff is not at fault in any way for causing or contributing to the incident.
16. The Defendant Driver, at all times relevant, was the driver, employee, agent and representative of "Sprocket" and was acting within the course and scope of his employment with this said Defendant.
17. Consequently, Defendant Sprocket Rocket Cruise, LLC, is vicariously liable for the negligent acts and omissions of the Defendant Driver pursuant to doctrine of *respondeat superior*.
18. Plaintiff avers that the Defendant Driver was careless, negligent, and negligent per se in one or more of the following ways:
  - a) Defendant Driver failed to keep the party bike and tavern under reasonable and proper control;
  - b) Defendant Driver failed to see that which there to be seen and take proper action with respect thereto;
  - c) Defendant Driver failed to bring the party bike and tavern under control and to stop when there was sufficient time and distance;
  - d) Defendant Driver failed to exercise due care in violation of T.C.A. §55-8-136; and
  - e) Defendant Driver operated the party bike and tavern with booming music in violation of Metro Code Ordinance 6.75.245.

19. As a direct and proximate result of the negligence of Defendant, the Plaintiff suffered serious, disabling, painful and permanent bodily injuries, causing the Plaintiff to become liable for medical and other expenses.

20. As a direct and proximate result of the negligence of Defendant, the Plaintiff alleges that she is entitled to damages, including but not limited to the following specific items of damages:

- a. Physical pain, both past and future;
- b. Emotional suffering and grief, both past and future;
- c. Health care expenses; both past and future;
- d. Lost wages;
- e. Loss of enjoyment of life; both past and future;
- f. Costs of this cause; and
- g. All other general damages and other relief allowed under the laws of the state of Tennessee to which she is entitled.

#### **RELIEF SOUGHT**

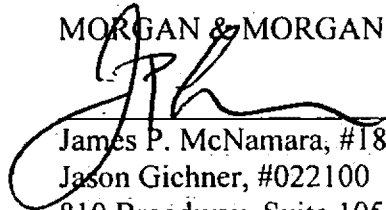
#### **WHEREFORE, PLAINTIFF PRAYS:**

1. For Process to issue and be served upon Defendants, requiring same to answer the allegations hereof;
2. For a money judgment against the Defendants, for compensatory damages in an amount to be determined by the tier of fact, but not to exceed \$750,000.00, for the personal injury and damages suffered by the Plaintiff, and plus courts costs and discretionary costs;
3. For Defendant to answer the attached written discovery;

4. For a jury trial to try this matter; and
5. For such other, further and general relief to which he may be entitled under the law and equity.

Respectfully submitted,

MORGAN & MORGAN



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