

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

MATTHEW LINCOLN and wife
SHIRLEY LINCOLN
808 Houston Drive
Seymour, Tennessee 37865

10/11/08
[Signature]

Plaintiffs

vs.

CIVIL ACTION NO. 3-253-08

COMMUNITY CHRISTIAN
CENTER MINISTRIES, d/b/a
LAKEWIND CHURCH and/or
LAKEWIND FELLOWSHIP
c/o James L. Myers, agent for service
of process
161 Strader Road, Powell, TN 37849

PASTOR MIKE SEXTON, d/b/a
LAKEWIND CHURCH and/or
LAKEWIND FELLOWSHIP
6330 Apache Trail
Knoxville, TN 37920

PASTOR MONIQUE SEXTON, d/b/a
LAKEWIND CHURCH and/or
LAKEWIND FELLOWSHIP
6330 Apache Trail
Knoxville, TN 37920

Defendants

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COMPLAINT

Come plaintiffs, through counsel, pursuant to the Tennessee Rules of Civil Procedure, sue defendant, and for their causes of action say:

1. Plaintiffs are citizens and residents of Seymour, Sevier County, Tennessee. At all times material hereto they were and are husband and wife.
2. Defendant Community Christian Center Ministries is a Tennessee corporation with principal offices in Rockford, Blount County, Tennessee.

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3. Defendants Mike Sexton and Monique Sexton are pastors of the nondenominational Lakewind Church (formerly known as Lakewind Fellowship) located at 6330 Apache Trail in Knoxville, Knox County, Tennessee where the incident complained of took place.

4. Lakewind Church has a practice and custom of the church to have (catchers) to catch someone who would fall out, faint, lose control or otherwise need assistance when the spirit caused them to fall out while being prayed for. Mr. Lincoln joined the church and became a member in the spring of 1995 and in the spring of 1996 Mr. Lincoln was being prayed for and he fell out in the spirit for his first time and was always caught by the aforementioned assigned catchers in subsequent falls.

5. In April 2007 at a board and staff meeting Pastor Mike Sexton reiterated the assigned duties of the catchers. These catchers were already assigned and Pastor Sexton wanted to be sure that they knew that they were the assigned catchers and understood their duties and such was discussed at this meeting. Some of the catchers were present at the meeting. Mr. Lincoln was a board member and was present during the discussion by Pastor Mike Sexton.

6. On June 6, 2007 after the evening service which was the custom at about 8:00 p.m. the visiting minister Robert Lavala called the entire congregation that wished to come to the altar so that he could pray individually for them. Other church members were there in the altar at the time. The assigned catchers were present. Minister Lavala asked the catchers to be ready and stated that he didn't want anyone to fall and get hurt and sue him. Matthew Lincoln was one of those and Robert Lavala, the visiting minister, while slightly touching Mr. Lincoln's forehead and praying aloud for him Mr. Lincoln received the spirit and fell backwards striking

the carpet-covered cement floor with the back of his head and back, causing him to sustain severe and permanent injuries.

7. The defendant Lakewind Church on this occasion breached a duty owed to Mr. Lincoln and such breach of this duty to have catchers to assist him were he to receive the spirit and fall caused severe and permanent injuries to Mr. Lincoln when his head and back hit the carpet-covered concrete floor.

8. Mr. Lincoln had at age 57 a pre-existing condition of his neck and back which consisted of degenerative disc disease of his neck and back and following a fall in 1994 while carrying his disabled daughter Kristi Lincoln resulting in a discectomy being performed on his back with fusion of two vertebrae (C6 and C7) in his neck. Mr. Lincoln had reasonably recovered from these injuries and was able to play the guitar in the church band, work at his job of his own business known as Underground Reporting which he operated as the engineer, producer and owner, was able to pursue his odd hobbies assisting mailing of music and doing the normal household chores, maintenance and other work in and around the house that he can no longer perform. Mr. Lincoln was also the primary caretaker for his disabled daughter Kristi, age 25. Due to these injuries and aggravation of his pre-existing condition he is unable to continue these duties.

9. Mr. Lincoln operated the business called Underground Reporting in which he was the engineer, producer and owner and was able to do recordings for artists that became very successful in the business. He'd had a setback in the business when lightning destroyed some of his equipment and he had to reorganize and as such was progressing reasonably well back to his business as it was doing before his injury of June 6, 2007 above mentioned.

10. Shirley Lincoln is the wife of Matthew Lincoln and brings her action as a derivative action as result of the loss of consortium, loss of services and companionship of her husband Matthew Lincoln due to the June 6, 2007 injuries above mentioned.

11. Matthew Lincoln as result of these injuries has incurred hospital and medical expenses in the past and will incur the same in the future due to the injuries received by him and the aggravation of a pre-existing condition that was caused by the enhanced and flared-up and made worse and has lost his capacity to earn as he enjoyed before these injuries.

12. Lakewind Church was negligent in not performing the custom and practice of furnishing the catchers as Mr. Lincoln understood that they would and thought they would on this evening, and as they had on other occasions, and the church's breach of its duty to Mr. Lincoln and the departure from this activity caused injuries and damages to Mr. and Mrs. Lincoln.

13. The Reverend Robert Lavala, the visiting minister, understood this custom, was a visiting minister invited by the church to participate as the visiting minister and his actions are imputed and passed on to Lakewind Church by the doctrine of *respondet superior*. The Reverend Michael Sexton and others under his control and supervision at the church were negligent in not supervising the catchers to be sure that they stood behind the person being prayed for and in front of the visiting minister to assure that they could catch someone should they have a dizzying, fainting or falling in the spirit as had occurred on many occasions before. Their negligence is likewise imputed and passed on to the Lakewind Church.

14. The assigned catchers in the audience that evening were negligent in not performing their duties as assigned and as explained and to and understood by them and such

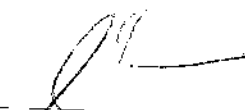
was negligence and their negligence is imputed and passed on to the Lakewind Church and as such Lakewind Church is guilty of negligence and liable to the plaintiffs.

WHEREFORE plaintiff Matthew Lincoln sues the defendants for Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and costs and demands a jury to try the case.

WHEREFORE plaintiff Shirley Lincoln sues the Lakewind Church for Seventy-five Thousand Dollars (\$75,000.00) and costs and demands a jury to try the case.

LAW OFFICES OF J.D. LEE, PLLC

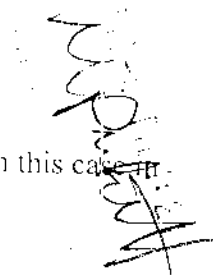
By:


J.D. Lee, BPR# 002030
Travis E. Venable, BPR# 023072
Attorneys for Plaintiff

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West Bearden Office Plaza
318 Nancy Lynn Lane, Suite 27
Knoxville, Tennessee 37919
Telephone: (865) 544-0101

COST BOND

We, the undersigned, bind ourselves as security for all costs, taxes and damages in this case in accordance with T.C.A. §20-12-120.



LAW OFFICES OF J.D. LEE

DATE:

6/13/03

By:

