

STATE OF NORTH CAROLINA
COUNTY OF ROWAN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2017-CVS-93

MEGAN OSBORN,

Plaintiff,

vs.

BROADSPIRE MANAGEMENT
SERVICES, INC., BROADSPIRE
SERVICES, INC., HYPERION
GROUP, LLC, NORTH
DAVIDSON ACQUISITION,
LLC, MAXXMUSIC, INC. and
NEIGHBORHOOD THEATRE
PARTNERS, LLC,

Defendants.

COMPLAINT

NOW COMES Plaintiff, by and through her attorneys, Payton D. Hoover, and the law firm of Campbell & Associates, complaining of Defendants, jointly and severally, alleges and says:

1. Plaintiff is a citizen and resident of Rowan County, North Carolina.
2. Upon information and belief, Defendants Broadspire Management Services, Inc. and/or Broadspire Service Inc. are Georgia corporations licensed to do business in North Carolina and were at all relevant times, promoting and booking concerts in Charlotte, North Carolina, including venues like the Neighborhood Theatre in Charlotte, North Carolina.
3. Upon information and belief, Defendant Hyperion Group, LLC is a North Carolina corporation and manages Defendant North Davidson Acquisition, LLC who owned the property located at 11 E. 36th St, Charlotte, North Carolina on which the Neighborhood Theatre was operated at all relevant times and had the rights to the Neighborhood Theatre.
4. Upon information and belief, Defendant North Davidson Acquisition LLC is a North Carolina corporation that, at all relevant times, owned the property and the rights to the Neighborhood Theatre located at 11 E. 36th St., Charlotte, North Carolina.

5. Upon information and belief, Defendant MaxxMusic is a North Carolina corporation that provided staffing, security, promotions and/or booking for Neighborhood Theatre at all relevant times.

6. Upon information and belief, Defendant Neighborhood Theatre Partners, LLC is a North Carolina corporation that owned and operated the Neighborhood Theatre located at 11 E. 36th Street, Charlotte, North Carolina and was in charge of hiring and supervising security to keep the premises safe for its patrons.

7. On May 26, 2015, Plaintiff was attending a concert of the band “The Story So Far” at the Neighborhood Theatre located at 11 E. 36th Street, Charlotte, North Carolina.

8. Upon information and belief, one or more of the Defendants owned and operated the Neighborhood Theatre venue and promoted, booked and staffed this concert event.

9. As the Plaintiff was watching the show, another member of the audience was allowed on stage and, suddenly and unexpectedly, dove off the stage and onto the Plaintiff, resulting in severe and permanent injuries as more particularly described herein.

10. At the time of the incident, there was no warning that patrons would be allowed on stage or to dive off the stage and into the crowd.

11. Upon information and belief, one or more of the Defendants knew, or should have known through reasonable inspection of the premises, of the crowds’ behavior and that the security, or lack thereof, was permitting this behavior and creating this dangerous condition on the premises.

12. As a direct and proximate result of the aforesaid incident and the negligence and breach of duties of one or more of the Defendants, as described herein, Plaintiff has sustained severe, permanent and painful injuries to her person, including, but not limited to a broken neck, as well as other injuries, and that all of Plaintiff’s aforesaid injuries and damages have caused her to suffer physical pain, suffering, permanent scarring and mental anguish to the present time.

13. As a further direct and proximate result of the negligence and breach of duty of one or more of the Defendants, Plaintiff has become obligated for the payment of large sums of money for doctor bills, prescriptions and other medical care, attention and treatment.

14. That as a direct and proximate result of the negligence and breach of duties of one or more of the Defendants, Plaintiff has sustained a loss of earning capacity and a loss of wages from her employment during the time of her convalescence and necessary appointments to treat her injury.

15. All of Plaintiff's aforesaid injuries and damages were a direct and proximate result of the negligence and breach of duties of one or more of the Defendants whose negligence consisted of the following acts and/or omissions:

- a. failing to inspect the premises for dangerous conditions, such as the stage diving;
- b. failing to keep the premises in a reasonably safe condition;
- c. allowing a dangerous condition on the property;
- d. failing to properly supervise or train the security personnel;
- e. failing to adequately staff the event with security personnel;
- f. failing to stop the dangerous activity that was known, or should have been known through reasonable inspection of the premises;
- g. failing to adequately warn of the dangerous activity on the premise that was known, or should have been known; and
- h. maintaining, operating, booking and promoting the property in a manner that was otherwise careless and negligent.

16. As a direct and proximate result of the negligence and breach of duties of one or more of the Defendants, Plaintiff has sustained injuries and damages in an amount in excess of \$25,000.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment against one or more of the Defendants, jointly and severally, as follows:

- A. That Plaintiff have and recover an amount in excess of \$25,000 for her personal injuries and damages, together with interest thereon at the statutory rate.
- B. That all of the issues of fact be tried by a Jury.
- C. That the costs of this action be taxed against one or more of the Defendants.
- D. For attorney fees pursuant to NCGS 6-21.1.
- E. That Plaintiff be awarded such other, further and different relief to which

the Court may deem Plaintiff is entitled.

This the 30th day of March, 2017.

CAMPBELL & ASSOCIATES
Attorneys for Plaintiff

A handwritten signature in black ink, appearing to read "PAYTON D. HOOVER", written over a horizontal line.

PAYTON D. HOOVER
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