

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

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RICHARD JONES and ELIZABETH JONES, as the Administrators of the Estate of SARAH ELIZABETH JONES, deceased,

Plaintiffs,

v.

CSX TRANSPORTATION, INC.; and MEDDIN STUDIOS, LLC;

Defendants.

Civil Action No. 1400752SA

JURY TRIAL DEMANDED

PLAINTIFFS' AMENDED COMPLAINT

I. INTRODUCTION

Plaintiffs Richard and Elizabeth Jones bring this action for wrongful death on behalf of their deceased daughter, Sarah Elizabeth Jones, as the duly-appointed Administrators of her Estate, against Defendants CSX Transportation, Inc. ("CSX") and Meddin Studios, LLC ("Meddin Studios"), showing the Court as follows:

II. PARTIES

1.

Plaintiffs Richard and Elizabeth Jones ("Plaintiffs") are residents of South Carolina, the parents of Sarah Elizabeth Jones ("Sarah"), and the Administrators of Sarah's estate. Plaintiffs submit to the jurisdiction and venue of this Court.

2.

Plaintiffs bring this action for the wrongful death of Sarah and for the injuries she sustained prior to her death. Sarah was a resident of Fulton County, Georgia at the time of her death.

3.

Defendant CSX Transportation, Inc. (“CSX”) is a Virginia corporation with a principal place of business at 500 Water Street, Jacksonville, Florida 32202. CSX provides rail-based shipping services. CSX may be served with a copy of this Amended Complaint through its registered agent, Creations Network, Inc., 2985 Gordy Parkway, First Floor, Marietta, Cobb County, Georgia 30066.

4.

Defendant Meddin Studios, LLC (“Meddin Studios”) is a Georgia corporation that may be served with a copy of this Amended Complaint through its registered agent, Jeffrey N. Gant, 106 W. Gazebo Lane, Savannah, Chatham County, Georgia 31410.

III. JURISDICTION AND VENUE

5.

Jurisdiction is proper because all of the Defendants are residents of Georgia or subject to the exercise of long-arm jurisdiction. Venue is proper as to all of the Defendants, pursuant to O.C.G.A. §§ 9-10-31, 9-10-93 and 14-2-510, as Defendant Meddin has a registered office, registered agent, and principal place of business in Chatham County and has agreed to a consent judgment in this case.

6.

Pursuant to the Court’s May 3, 2017 Order, this case has been set for trial starting July 10, 2017. While the parties have submitted a Proposed Consolidated Pretrial Order, no Pretrial Order has been entered. Accordingly, Plaintiffs are permitted to amend the Complaint as a matter of course, pursuant to O.C.G.A. § 9-11-15(a).

IV. FACTUAL ALLEGATIONS

7.

Plaintiffs re-allege and incorporate the foregoing paragraphs of this Amended Complaint as if fully set forth herein.

8.

On February 20, 2014, Sarah Jones, a then 27 year-old camera assistant, was struck and killed on the Doctortown, Georgia trestle by a CSX train while working on a film called *Midnight Rider*, which was to be a biopic based on legendary musician Greg Allman's autobiography.

9.

The Doctortown trestle crosses over the Altamaha River.

10.

Sarah served as Second Camera Assistant on the *Midnight Rider* film crew.

11.

As an assistant camera operator, Sarah's duties included setting up cameras, keeping the cameras loaded with film, and helping track and transport equipment.

12.

Prior to date of the shoot, production management for the *Midnight Rider* production contacted CSX on multiple occasions to inform the railroad company of its intentions to shoot a scene on the trestle that day. CSX never explicitly denied the production management's request for shooting that specific scene. Instead, just hours before the shoot was scheduled to begin, CSX responded to the production management's requests with an ambiguous email stating: "Unfortunately, CSX will not be able to support your request."

13.

Because of the timing and ambiguity of the email to the production management, of which Sarah was completely unaware, Sarah and other members of the cast and crew believed that they had permission to be on the railroad tracks on February 20.

14.

On the day of the incident, the crew arrived at the train tracks and prepared to film a scene that involved a metal-framed hospital bed placed on the railroad tracks on the trestle bridge. Sarah assisted in the preparation of this scene.

15.

The film crew had been assured that only two trains would pass by on the railroad tracks on the day of the incident.

16.

Prior to the Subject Train, two CSX trains did, in fact, pass through the Doctortown trestle while the film crew was setting up at the location.

17.

The first train passed through the area at 3:28 p.m. While this train was equipped with a locomotive digital video recorder ("LDVR"), CSX failed to preserve this video.

18.

Photos taken by the film crew on the date of Sarah's death demonstrate the cast and crew's close proximity to the train tracks and trestle bridge as the first CSX train passed through the area.

19.

A second train passed through the area at 3:36 p.m. The LDVR from that train portrays the close proximity of the film crew to the railroad tracks, on both sides of the tracks, roughly one hour before Sarah's death.

20.

In violation of its own internal policies, no one from these first two trains alerted anyone at CSX of the presence of the film crew on the tracks.

21.

After these two trains passed by, Sarah and the *Midnight Rider* cast and crew believed that no other trains were expected to use the railroad tracks on February 20 and only then began to place the hospital bed on the tracks and prepare to film the scene.

22.

At approximately 4:25 p.m. on February 20, 2014, the Subject Train, operated by CSX, approached the *Midnight Rider* crew as they were filming or preparing to film the scene on the trestle bridge.

23.

Several members of the crew, including Sarah, were not able to escape the path of the oncoming train, and some crew members, equipment, and the hospital bed remained on the trestle bridge as the train approached.

24.

The Subject Train struck and killed Sarah around 4:25 p.m., injuring several other members of the film crew.

25.

The train operators aboard the Subject Train failed to apply *any* brakes to the train until after the collision.

V. ALLEGATIONS OF NEGLIGENCE

26.

Plaintiffs re-allege and incorporate the foregoing paragraphs of this Amended Complaint as if fully set forth herein.

27.

CSX is required by its own safety guidelines, as well as common law duties, to take reasonable precautions when unauthorized individuals are present on the railroad tracks it operates.

28.

CSX had actual knowledge that the *Midnight Rider* cast and crew would be on and around the railroad tracks and trestle bridge on or around February 20, 2014.

29.

After the *Midnight Rider's* management sought permission to shoot on the tracks, CSX failed to provide a clear and timely denial of permission to shoot on the railroad tracks.

30.

Despite the fact that multiple CSX trains passed the *Midnight Rider* cast and crew on February 20, with those individuals in view of the trains' operators, no warning was given to the subsequent train that ultimately caused Sarah's death.

31.

Moreover, despite its actual knowledge that the *Midnight Rider* cast and crew were on and around the railroad tracks and trestle bridge, CSX never sent a representative to the location to secure the removal of individuals and equipment from the railroad tracks.

32.

When the conductor and engineers aboard the Subject Train noticed, or should have noticed, the individuals on the track, they failed to take reasonable precautions—such as substantially slowing the train’s speed or engaging the emergency brakes on the train—in order to avoid the striking *Midnight Rider* cast and crew.

33.

CSX’s actions in failing to take any reasonable safety precautions to avoid the individuals on the trestle amount to both a failure to exercise reasonable care as well as wanton and willful conduct on behalf of CSX.

34.

Meddin Studios was responsible for ensuring that the *Midnight Rider* filming was conducted in a safe and legal manner, and in compliance with applicable industry standards.

35.

Meddin Studios breached its duty owed to Sarah by directing or instructing that the cast and crew of *Midnight Rider* film a scene on an active railroad track.

36.

The Defendants’ negligence actually and proximately caused Sarah’s injuries and death, rendering Defendants liable for Sarah’s injuries, pain and suffering, the value of her life, and all other elements of damages allowed under the laws of the State of Georgia.

VI. DAMAGES

37.

Plaintiffs request general and special damages resulting from Sarah's injuries, pain and suffering, and death, in amount to be determined by the enlightened conscience of the jury.

38.

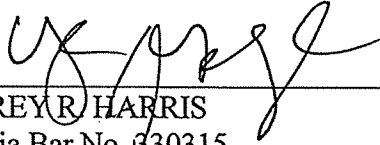
Further, Defendants showed willful misconduct, wantonness, oppression, or that entire want of care which raises the presumption of conscious indifference to consequences. Accordingly, Plaintiffs are entitled to an award of punitive damages, pursuant to O.C.G.A. § 51-12-5.1.

WHEREFORE, Plaintiffs pray for the following relief:

1. That summons and process issue requiring the Defendants to appear as provided by law to answer the allegations of this Complaint;
2. **A TRIAL BY JURY** of all issues so triable;
3. Damages for the full value of Sarah's life;
4. Special damages incurred by Sarah;
6. Damages for the pain and suffering experienced by Sarah before her death;
7. Punitive damages in an amount to be determined by the jury;
8. Payment of any authorized attorneys' fees, interest, and costs;
10. For such other and further relief as this Court deems just and appropriate.

Respectfully submitted this 14th day of June, 2017.

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CERTIFICATE OF SERVICE

This is to certify that I have this day submitted this *Plaintiffs' Amended Complaint* via regular mail, addressed to the following:

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Respectfully submitted this 14th day of June, 2017.

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