

235139

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

FILED  
2017 AUG -8 PM 4:10  
JAMES R. HARRIS, CLERK  
J.C.C.

JANE DOE, )  
)  
Plaintiff, )  
)  
VS. )  
)  
DELAWARE NORTH COMPANIES, )  
INCORPORATED, DELAWARE NORTH )  
COMPANIES SPORTSERVICE, INC., )  
SMOKY MOUNTAIN SPORTSERVICE )  
INC. AT BRIDGESTONE ARENA, )  
CONTEMPORARY SERVICES )  
CORPORATION, PREDATORS )  
HOLDINGS, LLC, AUBREY DRAKE )  
GRAHAM a/k/a DRAKE, OVO TOURING, )  
LLC, NAYVADIUS DEMUN WILBURN )  
a/k/a FUTURE, and FREEBANDZ )  
TOURING LLC, )  
)  
Defendants. )  
)

Case No. 17C1967

JURY DEMANDED

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COMPLAINT

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COMES NOW the Plaintiff, Jane Doe, and for her Complaint in this cause of action against Defendants Delaware North Companies, Incorporated, Delaware North Companies Sportservice, Inc., Smoky Mountain Sportservice Inc. at Bridgestone Arena, Contemporary Services Corporation, Predators Holdings, LLC, Aubrey Drake Graham a/k/a Drake, Ovo Touring, LLC, Nayvadius Demun Wilburn a/k/a Future, and Freebandz Touring LLC (collectively, "Defendants"), and respectfully states as follows:

1. Jane Doe brings this lawsuit to recover damages on account of both temporary and permanent injuries and continued emotional distress caused by the intentional, reckless and

negligent acts of employees, agents, and representatives of the Defendants which led to her assault and violent rape on August 14, 2016. At all relevant times, Plaintiff, Jane Doe, was a resident of Indiana.

**PARTIES**

2. Defendant Delaware North Companies, Incorporated is a corporation doing business in the State of Tennessee with its principal address at 250 Delaware Avenue, Buffalo, New York 14202-2014.

3. Defendant Delaware North Companies Sportservice, Inc. is a corporation doing business in the State of Tennessee with its principal address at 250 Delaware Avenue, Buffalo, New York 14202-2014.

4. Defendant Smoky Mountain Sportservice Inc. at Bridgestone Arena is a corporation doing business in the State of Tennessee with its principal place of business at 501 Broadway, Nashville, Tennessee 37203.

5. Defendants Delaware North Companies, Incorporated, Delaware North Companies Sportservice, Inc., and Smoky Mountain Sportservice Inc. at Bridgestone Arena (the "Delaware Defendants") may be served with process through their registered agent, CT Corporation System, at 800 S. Gay Street, Suite 2021, Knoxville, TN 37929-9710.

6. Defendant Contemporary Services Corporation is a corporation doing business in the State of Tennessee. Contemporary Services Corporation may be served with process through its registered agent, Corporation Service Company, at 2908 Poston Avenue, Nashville, TN 37203-1312.

7. Defendant Predators Holdings, LLC, is a Delaware limited liability company with its principal address at 501 Broadway, Nashville, TN 37203-3980. Predators Holdings, LLC

may be served with process through its registered agent Michelle Kennedy, at 501 Broadway, Nashville, TN 37203-3980 or wherever she may be found.

8. Defendant Aubrey Drake Graham, professionally known as Drake, is a resident of Los Angeles, California, doing business in the State of Tennessee. Drake may be served at his business address, 10960 Wilshire Boulevard — 5th Floor, Los Angeles, California, 90024 or wherever he may be found.

9. Defendant Ovo Touring, LLC, is a limited liability company doing business in the State of Tennessee. OVO Touring, LLC may be served with process through its registered agent Eastbiz.com, Inc. at 5348 Vegas Drive, Las Vegas, NV 89108.

10. Defendant Nayvadius Demun Wilburn, professionally known as Future, is a resident of McDonough, Georgia, doing business in the State of Tennessee. Future may be served at 126 N. Bethany Road, McDonough, Georgia 30252-3016.

11. Defendant Freebandz Touring LLC is a limited liability company doing business in the State of Tennessee with its principal address at 2579 Park Central Boulevard, Decatur, GA 30035. Freebandz Touring LLC may be served through its registered agent, Stephanie Jester, at 2579 Park Central Boulevard, Decatur, Georgia 30035.

#### **JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to Tenn. Code Ann. § 16-10-101.
2. This Court has personal jurisdiction over Defendants pursuant to Tenn. Code Ann. §§ 20-2-214 and 20-2-223.
3. Venue is proper in this judicial district pursuant to Tenn. Code Ann. § 20-4-101 in that this cause of action arose in Davidson County, Tennessee.

FACTS

4. Defendant Predators Holdings, LLC operates a professional National Hockey League team known as the Nashville Predators from their home field, Bridgestone Arena, at 501 Broadway, Nashville, Tennessee 37203. Predators Holdings, LLC also operates Bridgestone Arena as a concert and event venue.

5. On August 14, 2016, recording artists Drake and Future performed a concert at Bridgestone Arena (the "August 14 concert") as part of their Summer Sixteen Tour. As the highest grossing hip-hop tour of 2016, the Summer Sixteen tour was hugely profitable for Defendants. In Nashville alone, the concert grossed more than \$1.4 million in revenue with more than 15,000 concert goers in attendance.

6. Jane Doe attended the August 14 concert in what was supposed to be fun-filled night with friends.

7. While at the concert, Jane Doe was approached by a man associated with Bridgestone Arena. This man was later identified as Leavy Johnson. Upon information and belief, Leavy Johnson was an employee, agent, or independent contractor of one or more of Defendants.

8. Johnson, in his capacity as an employee, agent, or independent contractor, offered to take Jane Doe backstage to meet the performers.

9. Jane Doe trusted Johnson as a representative of Defendants and followed him as he led her toward the backstage area.

10. Suddenly, Johnson pushed Jane Doe to the ground and violently assaulted and raped her, shattering her cell phone and causing severe physical and psychological injury.

11. DNA evidence confirms that Johnson was the man who assaulted and raped Jane

Doe.

12. Upon information and belief, Johnson had outstanding warrants for assault at the time of the rape. Johnson also had a prior theft conviction and was a fugitive from justice related to that charge.

13. After spending months evading law enforcement for raping Jane Doe, Johnson was arrested. He currently awaits trial.

14. Through this rape and assault, Plaintiff suffered physical trauma, emotional distress, humiliation, and further was caused to incur expenses in the form of time and money to treat her physical, mental, and emotional injuries, which are ongoing.

15. On information and belief, Predators Holdings, LLC contracted with Drake and Future and their respective touring companies, OVO Touring, LLC and Freebandz Touring LLC, to provide the venue for the August 14 concert.

16. On information and belief, Contemporary Services Corporation provides security services on behalf of Predators Holdings, LLC for events held at Bridgestone Arena, including the August 14 concert.

17. On information and belief, Defendant Smoky Mountain Sportservice Inc. at Bridgestone Arena is a wholly-owned subsidiary of Defendants Delaware North Companies, Incorporated and Delaware North Companies Sportservice, Inc. The Delaware Defendants provide concessions on behalf of Predators Holdings LLC for events held at Bridgestone Arena, including the August 14 concert.

18. On information and belief, each and every one of the Defendants was the agent of the others in the context of the event, and, as a result, each is responsible for the conduct of the others.

**CAUSES OF ACTION**

**I. PREMISES LIABILITY**

19. Plaintiff incorporates herein by reference the foregoing Paragraphs numbered 1 through 18 of this Complaint, as if restated verbatim.

20. By selling tickets and other goods and services to concert attendees and profiting from the August concert, Defendants undertook a duty to reasonably secure the safety of concert attendees on the Bridgestone Arena premises.

21. By and through their agents, employees, servants, and/or independent contractors, Defendants were intentional, reckless, and/or negligent in their acts and omissions as follows by:

- A. Intentionally, recklessly, and/or negligently violating standards of care owed to concert attendees.
- B. Intentionally, recklessly, and/or negligently failing to protect Jane Doe's safety.
- C. Intentionally, recklessly, and/or negligently failing to hire sufficient numbers of security guards for the August 14 concert, when Drake and Future performed.
- D. Intentionally, recklessly, and/or negligently failing to train their agents, employees, servants, personnel, and/or independent contractors.
- E. Intentionally, recklessly, and/or negligently failing to take reasonable steps to prevent or deter foreseeable harm.
- F. Intentionally, recklessly, and/or negligently failing to install security cameras and to implement other security measures.
- G. Intentionally, recklessly, and/or negligently failing to create a safe and

secure environment.

- H. Intentionally, recklessly, and/or negligently failing to secure the property.
- I. Intentionally, recklessly, and/or negligently failing to follow their own policies with regard to security and hiring.
- J. Intentionally, recklessly, and/or negligently facilitating Johnson's conduct.

22. The above-listed conditions were reasonably foreseeable to Defendants because each was sufficiently general or continuing so as to indicate a dangerous condition's existence. In the alternative, these dangerous conditions existed for a sufficient length of time that Defendants, by exercising due care, should have discovered them.

23. The intentional, reckless, and negligent acts of Defendants created a foreseeable risk of intentional misconduct by Johnson or others.

24. As a direct, proximate and legal result of the above-said conduct and omissions of Defendants, Jane Doe has suffered and continues to suffer serious mental injury and mental anguish and emotional distress, both temporary and continuing.

25. Defendants intentionally, recklessly, and negligently caused Jane Doe to suffer severe and serious emotional injury by way of negligent infliction of emotional distress.

26. In addition, as a direct, proximate and legal result, Jane Doe sought medical treatment and she suffered significant impairment in her daily functioning. These problems *continue through today and will continue in the future.*

## II. NEGLIGENT HIRING

27. Plaintiff incorporates herein by reference the foregoing Paragraphs numbered 1 through 26 of this Complaint, as if restated verbatim.

28. Based upon Johnson's prior criminal history, he was unfit for a job with Defendants.

29. Evidence supports that Johnson, if hired, would pose an unreasonable risk to others.

30. Defendants knew or should have known that the historical criminality of Johnson would likely be repetitive.

31. Defendants had a duty to ensure that their employees, agents, and independent contractors did not harm concert attendees.

32. The intentional, reckless, and negligent acts of Defendants created a foreseeable risk of intentional misconduct by Johnson.

33. As a direct, proximate and legal result of the hiring and continued employment of Johnson by Defendants, Jane Doe has suffered and continues to suffer serious mental injury and mental anguish and emotional distress, both temporary and continuing.

34. In addition, as a direct, proximate and legal result, Jane Doe sought medical treatment and she suffered significant impairment in her daily functioning. These problems continue through today and will continue in the future.

**III: NEGLIGENT SUPERVISION & RETENTION**

35. Plaintiff incorporates herein by reference the foregoing Paragraphs numbered 1 through 34 of this Complaint, as if restated verbatim.

36. Based upon Johnson's criminal history, he was unfit for a job with Defendants.

37. Evidence supports that Johnson posed an unreasonable risk to others.

38. Defendants knew or should have known that the criminality of Johnson would likely be repetitive.



39. Defendants had a duty to ensure that their employees, agents, and independent contractors did not harm concert attendees.

40. The intentional, reckless, and negligent acts of Defendants created a foreseeable risk of intentional misconduct by Johnson.

41. As a direct, proximate and legal result of the continued employment of Johnson by Defendants and their failure to supervise Johnson appropriately, Jane Doe has suffered and continues to suffer serious mental injury and mental anguish and emotional distress, both temporary and continuing.

42. In addition, as a direct, proximate and legal result, Jane Doe sought medical treatment and she suffered significant impairment in her daily functioning. These problems continue through today and will continue in the future.

**DAMAGES**

43. Because of the physical, mental, and emotional injuries proximately caused by Defendant's intentional, reckless, and negligent conduct, Plaintiff is entitled to reasonable and proper compensation for the following legal damages:

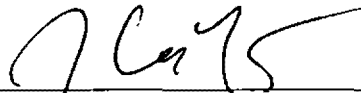
- (a) Past and future physical pain;
- (b) Past and future mental and emotional anguish;
- (c) Past and future medical expenses;
- (d) Past and future counseling expenses;
- (e) Past lost wages and future lost wage-earning capacity; and
- (f) Punitive damages.

WHEREFORE, Plaintiff demands a trial of this cause by a jury of twelve (12) and prays for a determination of the following:

- (a) that the Defendants be cited to appear and answer;
- (b) that judgment be entered against the Defendants, jointly and severally, for the damages set forth herein above
- (c) that Plaintiff is entitled to all damages listed above in an amount not less than twenty-five million dollars (\$25,000,000.00);
- (d) that Plaintiff be awarded Court costs, including discretionary costs; and
- (e) that Plaintiff be awarded such other and further relief as this Court deems necessary to effectuate justice between the parties.

Dated this 7<sup>th</sup> day of August, 2017.

Respectfully submitted,



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