



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM CIVIL DIVISION**

**TYNESHA TATUM, as Personal Representative)
of the Estate of COURTLIN LA'SHAWN)
ARRINGTON, a deceased minor; and as Parent)
and Next Friend of G.T., a minor child enrolled)
at Huffman High School,)**

Plaintiff,)

v.)

**DR. LISA N. HERRING, individually and as)
Superintendent of Birmingham City Schools)
and agent or official of the Birmingham Board)
of Education; JOHN C. LYONS, JR.,)
individually, and as Principal of Huffman)
High School; CITY OF BIRMINGHAM,)
a municipal corporation; Defendants "A," "B,")
and "C" whose names are presently unknown)
to the Plaintiff but whose names will be added)
by amendment as soon as they become known;)
Defendants "D," "E," and "F" whose names are)
presently unknown to the Plaintiff but whose)
names will be added by amendment as soon as)
they become known;)**

Defendants.)

Civil Action Number

JURY TRIAL DEMANDED

**COMPLAINT FOR DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF, AND WRONGFUL DEATH DAMAGES**

In this action, Plaintiff seeks declaratory and injunctive relief, as well as punitive damages for the wrongful death of her 17-year-old daughter, Courtlin La'Shawn Arrington.

A. THE PARTIES

1. Plaintiff TYNESHA TATUM is a resident of Jefferson County, Alabama. She is the duly appointed Personal Representative of the Estate of her minor daughter, COURTLIN LA'SHAWN ARRINGTON. She is the parent and next friend of G.T., a minor child presently

enrolled and attending Huffman High School, who seeks the injunctive relief prayed for in this Complaint.

2. Defendant DR. LISA N. HERRING is over the age of nineteen years and is a resident of Jefferson County, Alabama. She was duly appointed by the Birmingham Board of Education to serve as Superintendent of the Birmingham City Schools. As such, she is an agent and official of the Birmingham Board of Education. She is sued in her individual capacity and also as an agent and official of the Birmingham Board of Education.

3. Defendant JOHN C. LYONS, JR. is over the age of nineteen (19) years and is a resident of Jefferson County, Alabama. He is the duly appointed Principal of Huffman High School by the Birmingham City Schools Board of Education. As such, he is an agent and official of the Birmingham Board of Education. He is sued in his individual capacity and also as an agent and official of the Birmingham Board of Education.

4. Defendant CITY OF BIRMINGHAM is a municipal corporation under the laws of Alabama. Although it has no duty to provide security for the students and staff of schools operated by the Birmingham Board of Education, it has voluntarily assumed that duty by providing School Resource Officers for various Birmingham City schools, including Huffman High School.

5. Defendants "A," "B," and "C," are the School Resource Officers ("SRO") of the City of Birmingham Police Department who provided security at Huffman High School at the time of the occurrence made the basis of this lawsuit and whose conduct, acts and omission negligently and/or wantonly proximately caused the death of COURTLIN LA'SHAWN ARRINGTON and the damages described in this Complaint. Their identities are presently unknown to the Plaintiff but will be correctly named and substituted when ascertained.

6. Defendants “D,” “E,” and “F”, the identity of which is presently unknown to Plaintiff but will subsequently be added by amendment as they become known, are those persons or entities whose conduct, acts and omission negligently and/or wantonly proximately caused the death of COURTLIN LA’SHAWN ARRINGTON and the damages described in this Complaint and whose proper names and true identities are presently unknown to the Plaintiff and will be correctly named and substituted when ascertained.

B. THE FACTS

7. COURTLIN LA’SHAWN ARRINGTON, described by Defendant Superintendent Herring as “one of our brightest and best scholars,” was a senior at Huffman High School during the 2017-2018 school year. She had been accepted into college and planned to become a Nurse.

8. On or about Wednesday, March 7, 2018, Michael Jerome Barber, another student at Huffman High School, was allowed to enter the school campus with a loaded firearm and to remain on the premises of Huffman High School throughout the day.

9. At the time that Michael Barber entered Huffman High School on March 7, 2018, the school was equipped with a combination of wand and stationary metal detectors.

10. The Huffman High School metal detectors were not in use on March 7, 2018.

11. Before the school day ended on March 7, 2018, Courtlin La’Shawn Arrington was recklessly and wantonly shot and killed by the loaded firearm that Michael Barber was allowed to bring inside Huffman High School.

12. As of the filing of this lawsuit, the Defendants HERRING and LYONS have, beyond their authority, willfully, maliciously, and in bad faith, failed and/or refused to secure the safety of G.T., a minor student at Huffman High School, other Huffman High School students, and

other students of the Birmingham City School System by failing to use the metal detectors already installed at Huffman High School.

13. Plaintiff Tynesha Tatum brings the following causes of action as Personal Representative of the Estate of Courtlin La'Shawn Arrington, a deceased minor, to recover punitive damages for her death, pursuant to Ala. Code §§ 6-5-391, 410. She also seeks injunctive relief on behalf of her other minor child, G.T., who is presently enrolled at Huffman High School.

COUNT I
WRONGFUL DEATH

14. Plaintiff adopts and realleges each and every allegation set forth in the Paragraphs 1-13 as if they were fully set forth herein.

15. The Plaintiff alleges that at all times material hereto, Defendants LISA N. HERRING and JOHN C. LYONS, SR., were responsible for providing adequate and reasonable security for the safety and protection of the students, faculty and staff of Huffman High School.

16. On several occasions prior to the date of the occurrence made the basis of this Complaint, there had been numerous reports of fights, threats of violence against students, and the discovery of weapons in and around the premises of Huffman High School.

17. Despite Defendants HERRING and LYONS' knowledge and notice of previous incidents of fights, threats of violence against students, and the discovery of weapons inside Huffman High School, these Defendants willfully, maliciously, and in bad faith, failed to provide adequate and reasonable security for the safety and protection of the students of Huffman High School and to implement adequate safety precautions to guard against acts of violence, despite promises to do so.

18. Defendants HERRING and LYONS willfully, maliciously, and in bad faith failed to properly train and supervise their employees and/or agents to provide for the safety and security of students of Huffman High School.

19. Defendants HERRING and LYONS committed acts or omissions which violated specific laws, rules, or regulations of this State.

20. Defendants HERRING and LYONS acted beyond their authority or under a mistaken interpretation of the law.

21. The wrongful conduct of Defendants HERRING and LYONS as described above proximately resulted in the wrongful death of COURTLYN LA'SHAWN ARRINGTON on March 7, 2018.

WHEREFORE, Plaintiff TYNESHA TATUM demands judgment against the Defendants, LISA N. HERRING and JOHN C. LYONS, SR., for the wrongful death of COURTLYN LA'SHAWN ARRINGTON, a deceased minor, in an amount to be determined by a struck jury, plus interest and costs.

COUNT II
NEGLIGENCE

22. Plaintiff adopts and realleges each and every allegation set forth in the Paragraphs 1-21 as if they were fully set forth herein.

23. Defendants CITY OF BIRMINGHAM, through its agents and employees, Defendants "A," "B," and "C," voluntarily assumed the duty of providing adequate and reasonable security for the students of Huffman High School.

24. Defendants "A," "B," and "C" were well aware that on March 7, 2018, the metal detectors were not in use at Huffman High School and took no action to activate or otherwise utilize the metal detectors.

25. On March 2, 2018, the Defendants, CITY OF BIRMINGHAM, its agents and officials, Defendants “A,” “B,” and “C,” breached their duty to provide adequate and reasonable security to the students of Huffman High School.

26. The breach of the duty to provide adequate and reasonable security to the students of Huffman High School by the Defendants CITY OF BIRMINGHAM and its employees, Defendants “A,” “B,” and “C,” proximately caused the death of COURTLIN LA’SHAWN ARRINGTON on March 7, 2018.

WHEREFORE, Plaintiff TYNESHA TATUM demands judgment against the Defendants CITY OF BIRMINGHAM and Defendants “A,” “B,” and “C,” for their negligence resulting in the death of COURTLIN LA’SHAWN ARRINGTON, a deceased minor, in an amount to be determined by a struck jury, plus interest and costs.

COUNT III
WANTONNESS

27. Plaintiff adopts and realleges each and every allegation set forth in the Paragraphs 1-26 as if they were fully set forth herein.

28. The Defendants HERRING, LYONS, and Defendants “A,” “B,” and “C,” were aware that their failure to require the utilization, and failure to utilize the metal detectors installed at Huffman High School would likely or probably compromise the safety and security of Huffman High School students.

29. With reckless indifference to the consequences, the said Defendants consciously failed to require the utilization of the Huffman High School metal detectors.

30. The wantonness of the Defendants HERRING, LYONS, and Defendants “A,” “B,” and “C,” proximately caused the death of COURTLIN LA’SHAWN ARRINGTON on the campus of Huffman High School on March 7, 2018.

WHEREFORE, Plaintiff TYNESHA TATUM demands judgment for punitive damages against Defendants HERRING, LYONS, and Defendants “A,” “B,” and “C,” for their wantonness resulting in the death of COURTLIN LA’SHAWN ARRINGTON, a deceased minor, in an amount to be set by the jury.

COUNT IV
CLAIM FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF

31. Plaintiff adopts and realleges each and every allegation set forth in the Paragraphs 1-30 as if they were fully set forth herein.

32. With full knowledge of the unsafe security conditions and the ongoing threat of weapons being brought onto the campus of Huffman High School and other schools within the Birmingham City Schools District, the Defendants HERRING and LYONS have taken no action to assure the safety of students. Metal detectors are still not being used to prevent weapons from being brought onto the campus of Huffman High School and other schools within the Birmingham City Schools District.

33. G.T., a minor child of Plaintiff Tynesha Tatum, who is currently enrolled at Huffman High School, continues to be endangered by the lack of adequate measures to prevent the possession of weapons on the campus of the school.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendants HERRING and LYONS be enjoined from failing to prohibit the transport of weapons onto the campus of Huffman High School by the use of existing metal detectors or such other measures

which will adequately protect Huffman High School students and other students within the Birmingham City Schools District from the threat of weapons while on campus.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,

/s/ G. Courtney French
G. COURTNEY FRENCH (FRE041)
CHRISTIN R. FRENCH (FRE074)
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PLEASE SERVE THE FOLLOWING DEFENDANTS VIA PROCESS SERVER:

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