



4. Plaintiff maintains that Wilkey committed these violations, further set forth herein, as a result of policies, customs, practices, and/or procedures of the County.

5. In addition, Plaintiff avers that Wilkey's acts and omissions subjected Plaintiff to continuous, lengthy, and persistent mental anguish, humiliation, and emotional distress in one single act stretched out for nearly two years.

**Jurisdiction and Venue:**

6. This is an action to redress the deprivation of rights secured to Plaintiff by the Fourth, and Fourteenth Amendments to the United States Constitution and for violations of Tennessee law. Thus, as to the § 1983 claims, this Court is vested with original jurisdiction pursuant to the authority stated in Haywood v. Drown, 556 U.S. 729, 731 (2009) and Poling v. Goins, 713 S.W.2d 305, 306 (Tenn. 1986). This Court is vested with original jurisdiction over Plaintiff's state claims pursuant to TENN. CODE ANN. § 16-10-101, et seq.

7. Venue is proper in this Court pursuant to TENN. CODE ANN. § 20-4-102. All acts complained of occurred within Hamilton County.

- a. Plaintiff is a resident of Hamilton County, Tennessee.
- b. To the best of Plaintiff's knowledge, Wilkey is a resident of Hamilton County, Tennessee, or in the alternative, perform his livelihood as an employee of the County within Hamilton County, Tennessee.
- c. The County is a political sub-division of the State of Tennessee.

**The Parties:**

8. At all times relevant to this cause of action, Plaintiff was a citizen of the United States and a resident and a citizen of the State of Tennessee.

8. At all times relevant to this cause of action, the County was a political subdivision of the State of Tennessee organized and existing under the laws of the State of Tennessee.

- a. The County finances its law enforcement department identified and averred as the Hamilton County Sheriff's Department ("sheriff's department") and provides rules and regulations for the operation of the sheriff's department.
- b. The County provides oversight of the hiring, training, discipline, and retention of all personnel in its law enforcement department.

9. At all times relevant to this cause of action, the County is responsible for the creation and maintenance of its sheriff's department, which is a law enforcement agency created under Tennessee state law and regulated by the laws of the State of Tennessee as to:

- a. The safe and humane treatment of all persons taken into and held in the custody of its sheriff's deputies and to not treat such person with unnecessary rigor.
- b. The training and certification of its law enforcement employees.
- c. The safety of persons detained or otherwise within the custody of its individual deputies<sup>1</sup> and agents.
- d. To properly and promptly investigate claims of misconduct by its officers and to ensure that officers who pose a risk of harm to the Plaintiff in particular and the public as a whole are not performing law enforcement duties.

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<sup>1</sup> Hereinbefore and after the terms, "officers" and "deputies" are used interchangeably to refer to all of the County's law enforcement and correctional employees.

- e. To properly screen and vet anyone who applies for employment with the sheriff's department and to not hire any applicant who has a history of violent and/or criminal behavior.

10. Plaintiff brings this action against the County.

11. At all times relevant to this cause of action, the County employed Wilkey who in turn was appointed by the sheriff as sheriff's deputy. Wilkey acted under the color of his office and under the color of law, statute, ordinance, regulation, custom, or usage of the County. In addition:

- a. At all times relevant to this cause of action, Wilkey acted in his official capacities as an employee for the County as defined under TENN. CODE ANN. § 29-20-102.
- b. At all times relevant to this cause of action, Wilkey acted by virtue of or under the color of his office as a deputy sheriff pursuant to TENN. CODE ANN. § 8-8-302.
- c. Plaintiff brings this action against Wilkey in his individual and official capacities.

**Factual Basis:**

**Individual Defendant Wilkey:**

*The Start of Wilkey's actions:*

12. Starting in 2017, Wilkey began a lengthy series of unlawful seizures and assaults upon the Plaintiff. The first instance happened when Plaintiff worked at the Walmart Neighborhood Market in Middle Valley, Tennessee.

13. Plaintiff was outside taking a smoke break.

14. Wilkey pulled up in his patrol car and asked Plaintiff personal questions that also included her love life.

15. Wilkey also asked me if she “still” lived at North Winder Drive. Plaintiff had not mentioned anything to Wilkey about her home address.

16. Wilkey then told Plaintiff that her pupils looked big. Plaintiff explained that she was prescribed clonazepam. Without any lawful reason or justification, Wilkey started a search of Plaintiff’s purse and person.

17. Wilkey “searched” Plaintiff by placing his hands deep into her pants pockets, press his hands around her butt cheeks, and then pressed his hands into Plaintiff’s crotch.

18. Wilkey then put his hands on Plaintiff’s breasts, and then told Plaintiff to lift up her bra.

19. Wilkey then put his hands underneath Plaintiff’s bra, and swept his hands and fingers around the band of her bra and touched Plaintiff’s breasts and nipples.

*Continuing into 2018.*

20. Wilkey’s conduct continued into 2018 between March 2018 to September of 2018.

21. Wilkey made frequent and numerous unlawful traffic stops of Plaintiff and conducted the same type of searches of Plaintiff as described in the previous paragraphs.

22. Each traffic stop included Wilkey ordering Plaintiff from her vehicle, and then, without any lawful basis, conducted a search of the Plaintiff’s vehicle and purse.

23. Wilkey then would conduct an unlawful search of the Plaintiff’s person in nearly the exact same manner as stated in the prior paragraphs, including at times ordering Plaintiff to lift up her shirt to expose her bare breasts on the pretext that Plaintiff was hiding something.

33. Deputy Jacob Goforth arrived and was on the other side of Plaintiff's vehicle talking with Plaintiff's passenger.

34. Wilkey removed Plaintiff from her vehicle, and he told Deputy Goforth to leave.

35. After Deputy Goforth left, Wilkey conducted yet another "search" of Plaintiff in similar manner has in the past unlawful seizures and searches of Plaintiff.

36. This time, Wilkey he put his hands in Plaintiff's pants and her panties and conducted these "searches" of Plaintiff three times while Plaintiff's companion remained in the vehicle.

37. Wilkey performed these searches out of Plaintiff's companion's sight, with the third "search" behind Wilkey's patrol car.

38. Wilkey then told Plaintiff to get into his patrol car as he took a seat in the driver seat.

39. Plaintiff opened the front passenger door of Wilkey's patrol car, and berated Plaintiff by telling her she needed to get saved, asked her why she was "hanging around with that guy," and told Plaintiff she was going to Hell. Wilkey also made a derogatory comment about the shorts Plaintiff was wearing.

40. In July of 2018, Plaintiff was driving home from working at IHOP when Wilkey conducted a traffic stop of Plaintiff without any lawful justification. Plaintiff came up to the driver's window laughing and said falsely claimed "it smells like pot" and said "you know I am going to have to search your car."

41. Without any lawful basis, Wilkey removed Plaintiff from her vehicle and "searched" her in the same manner as in the prior multiple traffic stops.

42. This occasion Wilkey pressed his body against Plaintiff and pressed Plaintiff up against her vehicle while he was groping Plaintiff's breasts, genitals, buttocks, abdomen and inner thighs.

43. Another officer arrived, and Wilkey backed off Plaintiff and told the other officer that Plaintiff had paraphernalia and improper tag. Someone rode by and screamed "f@#k the police" and Wilkey said something like "Oh, we are going now" and jumped in his car and took off.

*Continuing from July 2018 to March 2019*

44. Between July of 2018 and March of 2019 Wilkey made a series of unlawful traffic stops of the Plaintiff, where he would simply berate her. Other times, Wilkey would berate Plaintiff and "search" her in the same manner as stated in this complaint.

44. One night, around March of 2019, Wilkey along with another deputy showed up at Plaintiff's former residence where she once lived with her parents.

45. Wilkey and the other deputy shined flashlights in Plaintiff's bedroom window.

46. Plaintiff's mother saw the lights and went outside on the porch and recognized Wilkey. Plaintiff's mother told Wilkey he needed to leave and leave Plaintiff alone.

47. Wilkey falsely told Plaintiff's mom that he was looking into Plaintiff's window because Plaintiff had a warrant for her arrest and he needed to speak to Plaintiff.

48. There was never any warrant for Plaintiff's arrest.

49. Wilkey then convinced Plaintiff's twin sister to call Plaintiff from the twin's phone so he could talk to Plaintiff.

50. Plaintiff answered, and when she heard Wilkey's voice, she burst out in tears.

51. Wilkey asked Plaintiff to meet him at Soddy Lake or the ball field just so he can talk to Plaintiff.

**County:**

Rodney Terrell

52. The County failed to suspend or terminate county corrections officer Rodney Terrell ("Terrell") after Terrell unlawfully used a Taser on Nancy Mason ("Mason") while in the custody of the Sheriff in March 2015.

53. In an effort to cover-up his unreasonable use of force on Mason, Terrell wrote a use of force report wherein he falsely claimed a justified use of the Taser on Mason, which 3 of Terrell's supervisors holding the ranks of Lieutenant, Captain, and Administration approved and endorsed as Terrell having "followed Policy/Training."

54. However, the County then reopened the investigation as to Terrell's use of force on Mason, and merely reprimanded Terrell.

55. Despite a finding by the Sheriff's own Internal Affairs investigation that Terrell used excessive force on Mason and that the force caused Mason to suffer a serious fractured arm, the Sheriff merely stated the following in regard to the incident:

"Policy needs review & better clarification made. It appears the employees involved had no malicious intent, but training & policies need to be addressed with each employee involved."

56. Despite a finding by the Sheriff's own Internal Affairs investigation that Terrell used excessive force on Mason and that the force caused Mason to suffer a serious fractured arm, the County did not suspend or terminate Terrell. Rather, sometime later, the County actually promoted Terrell to the rank of Lieutenant.



*Daniel Hendrix*

57. On August 15, 2015, the late Deputy Daniel Hendrix (“Hendrix”) savagely assaulted a fully handcuffed and shackled prisoner identified as Leslie Hayes (“Hayes”) at the Silverdale Complex.

58. This assault was captured in its entirety on video.

59. Hendrix then lied to Sheriff’s Department investigators about his assault upon Hayes and lied when he brought false felony criminal charges against Hayes, which were later dismissed.

60. Although criminal charges were brought against Hendrix, they were eventually dropped based upon a false claim that County authorities did not know the whereabouts of Hayes to prosecute Hendrix despite the fact the County knew Hayes was held in the Sequatchie County Jail. County authorities could have easily transported Hayes to Hamilton County to allow her to testify against Hendrix but refused or failed to do so.

61. Subsequent to the state’s dismissal of the criminal charges against him, the county returned Hendrix to his full duties as a Deputy.

62. On March 29, 2017, Hendrix was shot and killed by law enforcement after Hendrix became violent with two female Chattanooga Police officers while celebrating Hendrix’s birthday.

63. Upon Chattanooga Police law enforcement’s arrival, Hendrix drew his County issued gun, became agitated and refused commands to drop the weapon, whereupon law enforcement shot and killed Hendrix.

64. Despite the full knowledge of Hendrix's propensity to use extreme violence against citizens in general, the County allowed Hendrix to return to full duty with the full use and benefit of his county issued gun.

Edmond Blake Kilpatrick

65. Edmond Blake Kilpatrick ("Kilpatrick") was hired by the County sometime in 2009 as a deputy sheriff. At the present time, he is a detective with the sheriff's department.

66. Prior to his employment by the County, Kilpatrick was a defendant in an Order of Protection petition filed by Sylvana Johnson ("Johnson") in Meigs County, Tennessee under case number OP370. This Petition was at the time the County employed Kilpatrick, a public record and readily available to anyone.

67. In the petition, Johnson claimed that Kilpatrick forced his way into her residence, attacked a person she named "Matt," as well as herself.

68. Forced entry into a residence to commit a crime therein constitutes the state felony of aggravated burglary.

69. Kilpatrick stands accused of killing Christopher Sexton in U.S. District Court Case No. 1:18-cv-17.

70. Kilpatrick also stands accused of beating Charles Toney, Jr. ("Toney"), which was recorded by a bystander.

71. In this recording, while Toney was handcuffed and on the ground, Kilpatrick is beating and pummeling Toney without any lawful and believable justification.

72. This video recorded beating happened on December 3, 2018.

73. The recording was "viral" on "YouTube," and was the focus of much media exposure to the command staff of the County's sheriff's department.

74. It was not until on or about December 19, 2018, that the County, through its sheriff's department, placed Kilpatrick on suspension (with pay) pending further investigations by federal authorities.

75. Although the office of the District Attorney General for Hamilton County referred the Kilpatrick matter to federal authorities some days prior to December 19, 2018, the suspension happened almost immediately after much pressure from two Hamilton County Commissioners, the local chapter of the NAACP, and local grass-roots protests.

*Sheriff Jim Hammond and Wilkey*

76. The sheriff of the County is Jim Hammond ("Hammond").

77. In 2012, when addressing civic leaders about black gang members Hammond said the following: "We need to run them out of town, put them in jail or send them to the funeral home."

78. In response to the conduct of Kilpatrick, and in response to a video recorded beating, strip search, and anal cavity search of a handcuffed James Mitchell (that happened on July 10, 2019) by Deputy Daniel Wilkey and Deputy Bobby Brewer, Hammond stated he stood by his deputies, that the same deputies were "seasoned" officers, "good" officers, and that he stood by their "ability and training."

- a. Hammond further stated publicly that he reviewed video of the incident with Mitchell and Menifee and stated, "I, Jim Hammond did not see a body cavity search." Hammond also stated that his deputies followed procedure citing James Mitchell was combative and his deputies had already found marijuana in his pocket when they felt something in his pants, not knowing if it was a weapon or narcotics.

79. Hammond made these public comments before any meaningful investigation by his own IAD and before any IAD reports of any investigation of the Mitchell / Meniffee affair.

80. Despite Wilkey's questionable killing of an unarmed man by gunshot to the head while Wilkey worked for the Rhea County Sheriff, Hammond approved the hire of Wilkey as a deputy for the County. To be sure, on February 22, 2017, Rhea County Government settled a wrongful death lawsuit in the US District Court (Case No. 1:15-cv-256) in Gardner v. Rhea County, Tennessee wherein Wilkey was a defendant.

- a. Based upon information and belief, Wilkey left his employment with the Rhea County Sheriff sometime in 2017 and was not employed as a law enforcement officer for about 6 to 8 months.

81. The County hired Wilkey sometime in February 2018, and within a short period of time, Wilkey racked up at least 8 internal affairs complaints. The County cleared Wilkey of any wrongdoing in two of the complaints, but there is no indication of the result of any investigation of the remaining 6 complaints.

82. Wilkey has since been indicted by the Hamilton County Grand Jury on 44 criminal counts ranging from rape and stalking to sexual battery and reckless endangerment. The rape charges arise from the Mitchell/Meniffee affair.

- a. **The hiring of Wilkey as a deputy was tantamount to unleashing a monster upon the citizens of Hamilton County and upon the Plaintiff.**

*Criminal charges against A.M. and the "investigation"*

83. Wilkey and Deputy Tyler McRae conducted an unlawful traffic stop of a group of minors, five of them female, on April 18, 2019.

84. Wilkey performed a series of “searches” on the persons of the female minors without probable cause and in the same manner as Wilkey “searched” Plaintiff.

85. One victim, identified as A.M., made an internal affairs complaint about Wilkey’s actions.

86. Rather than investigate A.M.’s complaints, two detectives from the sheriff’s office conducted an “investigation” that resulted in a criminal charge of false report against A.M. This action was merely an exercise to keep A.M. and the other female victims quiet.

87. The State of Tennessee dismissed the charge against A.M.

Deputy Jordan Long

88. Deputy Jordan Long (“Long”) was a police officer with the City of Collegedale Police Department.

89. On January 12, 2019, Long unlawfully and without any justification nearly threw Matthew Gilmore into the path of oncoming vehicular traffic, at night, during heavy rain, and which carried a significant risk of death or serious bodily harm to Mr. Gilmore.

90. Despite Long’s history of unlawful violence against Mr. Gilmore, Hammond approved the hire of Long as a deputy for the County.

91. Consequently, by setting the example through Terrell, Hendrix, Kilpatrick, Hammond, Wilkey, Long, and A.M., the County created an environment that allowed Wilkey to believe that abusive behavior would not be properly monitored, investigated, nor punished and was tantamount to a policy of the County. This failure constitutes deliberate indifference by the County and was the direct and proximate cause of Plaintiff’s damages, and suffering and mental injuries. It was not until the Hamilton County Grand Jury indicted Wilkey on 44 criminal counts, including several that included Plaintiff, that Plaintiff was free from Wilkey’s persistent conduct.

**Count One:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Unreasonable Seizure**

92. Plaintiff incorporates all the prior averments in the previous paragraphs as if fully set forth herein.

93. Wilkey's unlawful conduct was continuous in nature and constituted an ongoing tort against Plaintiff that stretched from 2017 to March 2019.

94. Wilkey had a non-delegable duty to refrain from seizing Plaintiff without probable cause.

95. Wilkey had no lawful basis seize Plaintiff nor any lawful basis to grope and sexually molest the Plaintiff. No reasonable law enforcement officer would have acted in this manner.

96. Once the Plaintiff was in the custody of Wilkey there existed a special relationship between the Plaintiff, Wilkey, and the County.

97. The County's continued employment of Terrell and Hendrix and the County's failure to discipline Terrell and Hendrix in any meaningful manner, created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way.

98. The County's promotion of Terrell to lieutenant after his unnecessary use of force against Nancy Mason created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way.

99. The County's employment of Kilpatrick despite his history of violence against women during the commission of at least one felony, the continued display of violence in the unnecessary killing of Christopher Sexton, the promotion of Kilpatrick to a detective position,

and the delayed suspension of Kilpatrick despite overwhelming video evidence of Kilpatrick's propensity to use violence against a helpless and handcuffed arrestee created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way.

100. The County's employment of Wilkey despite his history of lethal violence against an unarmed person created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way. The hiring of Wilkey as a deputy was tantamount to unleashing a monster upon the citizens of Hamilton County and upon the Plaintiff.

101. Hammond's comments created an atmosphere that other County employees, including Wilkey, could act as he has in this instance, and thus not be punished in any significant way.

102. The "investigation" of A.M.'s complaint and the subsequent retaliatory felony charge of false report created an atmosphere that other County employees, including Wilkey, could act as he has in this instance, and thus not be punished in any significant way.

103. The failures of the County set forth in previous paragraphs constituted deliberate indifference on the part of the County, created an environment that allowed the misconduct of Wilkey against the Plaintiff, constituted a policy of the County, and was the direct and proximate cause of Plaintiff's continuous and lengthy mental anguish, needless suffering, and loss of enjoyment of life.

104. The County hired Kilpatrick despite Kilpatrick's 2006 history of extreme violence. The County's employment of Kilpatrick was either with the full knowledge of the Meigs County incident, and thus condoned by the County, or was a product of a slipshod vetting

process before hiring Kilpatrick. Either way, the County's employment of Kilpatrick constituted a message to other County employees, including Wilkey, that no matter your conduct, you can become employed with the County as a deputy sheriff.

105. The failures of the County in regard to Kilpatrick's employment created an environment that allowed the continuous and lengthy misconduct of Wilkey against the Plaintiff, constituted a policy of the County, and was the direct and proximate cause of Plaintiff's continuous and lengthy mental anguish, needless suffering, and loss of enjoyment of life.

106. The County's employment of Long despite his history of violence against unarmed Matthew Gilmore created an atmosphere that other County employees, including Wilkey could act in a similar manner, and thus not be punished in any significant way. The County's employment of Long was either with the full knowledge of the Collegedale incident, and thus condoned by the County, or was a product of a slipshod vetting process before hiring Long. Either way, the County's employment of Long constituted a message to other County employees, including Wilkey, that no matter your conduct, you can become employed with the County as a deputy sheriff.

107. Wilkey acted under color of law and his negligence and intentional continuous act along with the deliberate indifference of the County deprived the Plaintiff of her rights secured to her under the Fourth Amendment to United States Constitution to be free from unreasonable seizures.

107. Plaintiff sues the County, and sues Wilkey in his official and individual capacities under this Count.

**Count Two:**  
**Violation of Civil Rights Under**  
**Color of Law 42 U.S.C. §1983 –**  
**Unreasonable Search**



108. Plaintiff incorporates all the prior averments in the previous paragraphs as if fully set forth herein.

109. Wilkey had a non-delegable duty to refrain from searching the Plaintiff without probable cause by touching her genitals and breasts in such a manner as to constitute a criminal sexual battery. No reasonable law enforcement officer would have acted in this manner.

110. Wilkey had no lawful basis to fondle and grope the Plaintiff over and over and over again in a continuous basis for nearly two years.

111. The County's continued employment of Terrell and Hendrix and the County's failure to discipline Terrell and Hendrix in any meaningful manner, created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way.

112. The County's promotion of Terrell to lieutenant after his unnecessary use of force against Nancy Mason created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way.

113. The County's employment of Kilpatrick despite his history of violence against women during the commission of at least one felony, the continued display of violence in the unnecessary killing of Christopher Sexton, the promotion of Kilpatrick to a detective position, and the delayed suspension of Kilpatrick despite overwhelming video evidence of Kilpatrick's propensity to use violence against a helpless and handcuffed arrestee created an atmosphere that other County employees, including Wilkey, could act in a similar manner, and thus not be punished in any significant way.

114. The County's employment of Wilkey despite his history of lethal violence against an unarmed person created an atmosphere that other County employees, including Wilkey, could

act in a similar manner, and thus not be punished in any significant way. The hiring of Wilkey as a deputy was tantamount to unleashing a monster upon the citizens of Hamilton County and upon the Plaintiff.

115. Hammond's comments created an atmosphere that other County employees, including Wilkey, could act as he has in this instance, and thus not be punished in any significant way.

116. The "investigation" of A.M.'s complaint and the subsequent retaliatory felony charge of false report created an atmosphere that other County employees, including Wilkey, could act as he has in this instance, and thus not be punished in any significant way.

117. The failures of the County set forth in previous paragraphs constituted deliberate indifference on the part of the County, created an environment that allowed the misconduct of Wilkey against the Plaintiff, constituted a policy of the County, and was the direct and proximate cause of Plaintiff's continuous and lengthy mental anguish, needless suffering, and loss of enjoyment of life.

118. The County hired Kilpatrick despite Kilpatrick's 2006 history of extreme violence. The County's employment of Kilpatrick was either with the full knowledge of the Meigs County incident, and thus condoned by the County, or was a product of a slipshod vetting process before hiring Kilpatrick. Either way, the County's employment of Kilpatrick constituted a message to other County employees, including Wilkey, that no matter your conduct, you can become employed with the County as a deputy sheriff.

119. The failures of the County in regard to Kilpatrick's employment created an environment that allowed the continuous and lengthy misconduct of Wilkey against the Plaintiff,

constituted a policy of the County, and was the direct and proximate cause of Plaintiff's continuous and lengthy mental anguish, needless suffering, and loss of enjoyment of life.

120. The County's employment of Long despite his history of violence against unarmed Matthew Gilmore created an atmosphere that other County employees, including Wilkey could act in a similar manner, and thus not be punished in any significant way. The County's employment of Long was either with the full knowledge of the Collegedale incident, and thus condoned by the County, or was a product of a slipshod vetting process before hiring Long. Either way, the County's employment of Long constituted a message to other County employees, including Wilkey, that no matter your conduct, you can become employed with the County as a deputy sheriff.

121. Wilkey acted under color of law and his negligence and intentional continuous act along with the deliberate indifference of the County deprived the Plaintiff of her rights secured to her under the Fourth Amendment to United States Constitution to be free from unreasonable searches.

122. Plaintiff sues the County, and sues Wilkey in his official and individual capacities under this Count.

**Count Three**  
**Negligence**

123. Plaintiff incorporates all the prior averments in the previous paragraphs as if fully set forth herein.

124. As stated previously, Wilkey, at the time of the events averred in this Complaint acted under the color of his office as a deputy sheriff for the County.

132. Wilkey's continuous act and omission as averred in this Complaint was not based on any lawful execution of his duties as law enforcement officer. Rather, Wilkey acted to inflict physical and mental harm upon Plaintiff.

133. Wilkey's continuous conduct was the direct and proximate cause of Plaintiff's continuous and lengthy mental anguish, needless suffering, and loss of enjoyment of life.

134. Plaintiff sues Wilkey in his individual capacity under this Count.

**Count Five:**  
**Assault**

135. Plaintiff incorporates all the prior averments in the previous paragraphs as if fully set forth herein.

136. Wilkey's continuous act and omission as averred in this Complaint was not based on any lawful execution of his duties as a law enforcement officer. Rather, Wilkey acted to inflict physical persistent and continuous harm upon Plaintiff.

137. Wilkey's continuous conduct was the direct and proximate cause of Plaintiff's persistent and lengthy mental anguish and mental, needless suffering, and loss of enjoyment of life.

138. Plaintiff sues Wilkey in his individual capacity under this Count.

**Count Six:**  
**Intentional Infliction  
of Emotional Distress**

138. Plaintiff incorporates all the prior averments in the previous paragraphs as if fully set forth herein.

139. Despite his full knowledge of the pain and harm his action caused Plaintiff during his physical encounters with the Plaintiff, Wilkey continued in his singular quest to harass, stalk, and intimidate Plaintiff.

140. No reasonable deputy would have acted in this manner toward the Plaintiff.

141. As a direct and proximate cause of Wilkey's conduct, Plaintiff has suffered mental injury.

142. Plaintiff sues Wilkey in his individual capacity under this Count.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants both joint and several and requests the following relief:

A. The omissions of the County constituted willful and wanton indifference to and with deliberate disregard for the constitutional civil rights of the Plaintiff. Thus, the Plaintiff is entitled to actual damages, and attorney fees pursuant to 42 U.S.C. §1988.

B. The individual defendants committed their acts against Plaintiff with actual malice toward the Plaintiff and with willful and wanton indifference to and with deliberate disregard for the constitutional civil rights of the Plaintiff. Thus, Plaintiff is entitled to punitive damages, actual damages, and attorney fees pursuant to 42. U.S.C. §1988.

C. The Court to enter judgment against the Defendants and to award Plaintiff compensatory damages in the amount of FIVE MILLION DOLLARS (\$5,000,000).

D. The Court to enter judgment against Wilkey and to award Plaintiff punitive damages in the amount of TEN MILLION DOLLARS (\$10,000,000).

E. That the Court award costs, and discretionary costs.

F. Any other relief the Court may deem fit and proper.

G. Any other relief the Court may deem fit and proper pursuant to 42 U.S.C. § 1988,  
and

H. Allow a jury trial on all issues.

Respectfully submitted,

By:



**ROBIN RUBEN FLORES**

**TENN. BPR #20751**

**GA. STATE BAR #200745**

Attorney for Plaintiff

4110-A Brainerd Road

Chattanooga, TN 37411

(423) 267-1575

robin@robinfloreslaw.com