

1
2 Kevin Garrison SB# 011860
3 Daniel Garrison SB# 036598
4 **GARRISON LAW FIRM**
5 7972 W. Thunderbird Rd., Suite 107
6 Peoria, AZ 85381
7 TELEPHONE:(623) 915-1100
8 FACSIMILE: (623) 435-8687
9 kevin@garrisonlawfirm.com
10 daniel@garrisonlawfirm.com
11 Attorneys for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF PIMA**

11 KARMEN JONES,

12 Plaintiff,

13 vs.
14

15 NATIONAL RAILROAD PASSENGER
16 CORP. d/b/a AMTRAK,
17 Defendant.

Case No.:

**COMPLAINT FOR DAMAGES (F.E.L.A.)
AND JURY TRIAL**

18 **COMPLAINT FOR DAMAGES (F.E.L.A.) AND JURY TRIAL**

19
20 Karmen Jones, Plaintiff, complaining of the National Railroad Passenger Corporation,
21 Defendant, shows this Honorable Court the following:

22 **PARTIES**

- 23
24 1. This action is based upon and brought under the Federal Employers' Liability Act,
25 45 U.S.C. § 51, *et seq.* also known and referred to as the FELA.
26 2. Plaintiff Karmen Jones resides at 13137 Sunland Street, Oak Hills, CA 92344.
27
28

1
2
3
4 7. Immediately before this incident, Ms. Jones was approached and questioned by
5 agents of the United States Drug Enforcement Agency (DEA) inquiring about a possible suspect
6 or suspects on the train who were allegedly involved in felonious behavior. These DEA agents
7 showed Ms. Jones a photograph of suspects and Ms. Jones directed the DEA agents upstairs to
8 two of her passengers.
9

10 8. One of the DEA agents removed one of the suspects from the train while additional
11 DEA agents boarded the train car in which the other suspect was located from opposite ends of
12 that same rail car.
13

14 9. At the time of shooting, Ms. Jones was outside the train discussing with her co-workers
15 plans to board passengers onto the very cars containing the suspects.
16

17 10. Shooting broke out between the DEA agents and the remaining suspect with dozens
18 of bullets being fired and with damage to various cars in the train in close proximity to Ms. Jones
19 from the altercation. In her effort to protect herself, Ms. Jones took cover under a bed in a sleeping
20 car in close proximity and within the zone of danger to the shooting.
21

22 11. One DEA agent and the remaining suspect were shot and killed.
23

24 12. As a result of the events described above, Ms. Jones suffers from severe anxiety and
25 post-traumatic stress disorder (PTSD), now widely recognized scientifically as a physical injury
26 to the brain, which condition also has prevented her from returning to work, despite her best
27 efforts to obtain treatment and resume gainful employment.
28

- 1 f) Defendant failed to train plaintiff and its employees similarly situated to the
2 Plaintiff on the proper protocol and procedures to handle active shooter
3 situation(s) without unreasonable risk of harm to herself and to other
4 employees similarly situated;
- 5
- 6 g) Defendant failed to provide adequate training;
- 7 h) Defendant failed to provide adequate safety or personal protective
8 equipment;
- 9 i) Defendant knew of the risks of trauma to its employees and failed to warn
10 Plaintiff; and
- 11 j) The Defendant violated its non-delegable duty not to expose the Plaintiff to
12 unreasonable risks of harm.

13 **CAUSATION**

14 15. As a direct and proximate result of the negligence of the Defendant, Plaintiff suffered
15 severe and permanent injuries as described herein.

16 **DAMAGES**

17 18. Prior to her injuries, Plaintiff was a strong and able-bodied woman who fully
18 performed her assignments as required by the Defendant.

19 17. Plaintiff is unaware of any weaknesses or infirmities that were present before her
20 injury, but if any were present, the Defendant's negligence caused them to be activated by the
21 trauma Plaintiff endured on October 4, 2021.

22 18. Because of the Defendant's negligence, Plaintiff has suffered and will continue to
23 suffer damages in the following particulars:

- 24 a) Plaintiff has undergone medical treatment, including counseling for her
25 anxiety and PTSD;
- 26
27
28

- b) Plaintiff may undergo medical treatment in the future, including additional anxiety and PTSD;
- c) Plaintiff has sustained physical, mental, and emotional pain and suffering in the past;
- d) Plaintiff will continue to suffer physical, mental, and emotional pain and suffering for an indefinite period of time into the future;
- e) Plaintiff has incurred medical bills in the past, including prescription drugs, therapy, counseling, and appliances as needed for treatment of her injuries;
- f) Plaintiff will continue to incur medical bills for an indefinite period of time into the future;
- g) Plaintiff has sustained lost benefits and lost wages in the past the amount of which will be calculated and presented at trial;
- h) Plaintiff will continue to suffer lost benefits and lost wages over her future work life the amount of which will be calculated and presented at trial;
- i) Plaintiff has incurred costs and expenses to maintain this action, which she is entitled to recover; and,
- j) Plaintiff's physical, mental, and emotional health has been irreparably harmed by the events of October 4, 2021 as complained of herein.

19. This case is a Tier 3 case pursuant to Arizona Rule of Civil Procedure Rule 26.2

(c)(3).

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays the Defendant be cited to appear and answer herein; that upon final trial of her cause, Plaintiff have judgment against the Defendant in an amount to be determined by the Trier of Fact; court costs; post-judgment interest

1 and, other relief, both general and special, at law and in equity to which she may show herself
2 justly entitled.
3

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PLAINTIFF DEMANDS A JURY TRIAL.

Filed with the Clerk of the Court this 26th day of January, 2022.

Respectfully submitted,
GARRISON LAW FIRM

By: /s/Kevin Garrison
Kevin M. Garrison
Attorney for Plaintiff