

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE TWENTY-FIFTH JUDICIAL DISTRICT AT SOMERVILLE

WENDELL MILLS,
PLAINTIFF
VS.
CONNECTICUT VALLEY ARMS, INC.,
DEFENDANT

NO. 3919
JURY DEMANDED

RECEIVED & FILED
AT _____ M.

NOV 20 1997

COMPLAINT

CIRCUIT COURT CLERK

COMES NOW the Plaintiff who sues the Defendant and would show:

I.

1. The Plaintiff is a resident and citizen of Fayette County, Tennessee with a mailing address of 1220 Old Grand Junction Lane, Grand Junction, TN 38039.

2. The Defendant is a corporation headquartered in Georgia, which does business in Tennessee and all other states by direct sales, catalog sales, and through vendors in Tennessee and elsewhere.

II.

3. The Plaintiff's causes of action arise as a result of personal injuries and losses suffered and sustained by him as a consequence of a gun accident on or about November 21, 1996.

4. Prior to that date, Defendant manufactured, marketed and sold to Plaintiff a bolt action muzzleloader rifle No. 61-13-034899-96. Plaintiff had purchased the rifle at Sam's Wholesale Club, Memphis, TN.

5. Plaintiff was in Marshall County, Mississippi, and was using the rifle according to the instructions that came with it when the rifle exploded in his face and drove the bolt back into his cheekbone, causing him to suffer severe and permanent injuries and damages as more specifically stated hereinafter.

6. Defendant is liable for Plaintiff's injuries per 402A Restatement Torts 2d, strict liability, for manufacturing and

selling the rifle in a defective or unreasonably dangerous conditions.

7. The rifle and others of the same model were negligently manufactured, designed and sold in that the plug behind the powder was not fixed sufficiently to withstand the force of an ordinary load.

8. The aforesaid negligent acts and omissions of the Defendant proximately caused all the injuries and losses complained of herein.

9. As a direct and proximate result of these negligent acts and omissions of the part of the Defendant, the Plaintiff, Wendell Mills, was caused to suffer and incur the following personal injuries and damages, to-wit:

(a) Severe, painful and permanent injury and disfigurement to his head, face, sinuses, nose, eyes, tear ducts, and other parts of his body;

(b) Disturbance of his nervous system;

(c) Fright and serious shock;

(d) Great physical pain and mental suffering;

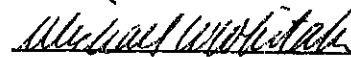
(e) Lost income and impaired future earning capacity;

(f) Inability to enjoy the normal pleasures of life; and

(g) Expenses for medical, hospital, physicians, nurses, transportation, pharmaceutical, and other special services both incurred and to be incurred in the future for an indefinite period of time.

WHEREFORE, your Plaintiff sues for such compensatory damages as a result of the personal injuries and other special damages that he has suffered in an amount not to exceed ONE MILLION DOLLARS (\$1,000,000.00) and demands a jury to try the issues when joined.

RESPECTFULLY SUBMITTED this the 19 day of November, 1997.


MICHAEL W. WHITAKER (#7458)
Attorney for Plaintiff
P. O. Box 1024
Covington, TN 38019
(901) 476-1200

I acknowledge myself as surety for the costs of this cause not to exceed five hundred dollars (\$500.00).

