

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

The Estate of JAMES C. ANDERSON, by and
through the Administratrix, BARBARA ANDERSON YOUNG,
and ANNZORA ANDERSON, EDWIN J. ANDERSON,
LOUIS ANDERSON, BARBARA ANDERSON YOUNG, Individually, PLAINTIFFS

VS.

CIVIL ACTION NO. 11-804-civ

DERYL DEDMON, JR.; JOHN AARON RICE;
SARAH GRAVES; SHELBIE RICHARDS;
WILLIAM KIRK MONTGOMERY;
JOHN BLAYLOCK; and DYLAN BUTLER,

FILED

SEP - 6 2011

BARBARA DUNN, CIRCUIT CLERK DEFENDANTS
BY  D.C.

COMPLAINT
(JURY TRIAL DEMANDED)

NATURE OF THE ACTION

This is a civil action for damages brought by the estate, heirs, and beneficiaries of James C. Anderson. After a night of drinking, seven white teenagers, primarily from Rankin County, set out on a mission to find and “fuck with some niggers” in Jackson, Mississippi. They found Mr. Anderson, a black man, at a motel parking lot in Jackson. Several teenagers took turns beating him for an extended period of time, and then one of the teenagers drove over Mr. Anderson with a Ford F-250 truck. James C. Anderson died as a result of the injuries he sustained. Plaintiffs seek compensatory and punitive damages as a result of Mr. Anderson’s injuries and death.

PARTIES

1. Plaintiff, Barbara Anderson Young (“Young”), is the sister and wrongful death beneficiary of James C. Anderson, deceased. Young is also the duly appointed Administratrix of the Estate of James C. Anderson. Young is, and, at all times relevant hereto, has been, an adult resident citizen of Lafayette County, Mississippi.

2. Plaintiff, Annzora Anderson, is the mother and wrongful death beneficiary of James C. Anderson, deceased. She is, and, at all times relevant hereto, has been, an adult resident citizen of Holmes County, Mississippi.

3. Plaintiff, Louis Anderson, is the brother and wrongful death beneficiary of James C. Anderson, deceased. He is, and, at all times relevant hereto, has been, an adult resident citizen of Holmes County, Mississippi.

4. Plaintiff, Edward J. Anderson, is the brother and wrongful death beneficiary of James C. Anderson, deceased. He is, and, at all times relevant hereto, has been, an adult resident citizen of Holmes County, Mississippi.

5. Defendant, Deryl Dedmon, Jr. (“Dedmon”), is and, at all times relevant hereto, has been, a resident of Mississippi and may be served with process, through personal service, while incarcerated in the Hinds County Jail in Jackson, Mississippi. Prior to his incarceration, Dedmon resided in Rankin County at 1101 Orchardview Cove, Brandon, Mississippi, 39042.

6. Defendant, John Aaron Rice (“Rice”), is and, at all times relevant hereto, has been, a resident of the City of Brandon, County of Rankin, State of Mississippi. He presently resides at 260 Joe Davis Drive, Brandon, Mississippi, 39042.

7. Defendant, Sarah Graves (“Graves”), is and, at all times relevant hereto, has been, a resident of the City of Crystal Springs, County of Copiah, State of Mississippi. She presently resides at 3197 County Line Road, Crystal Springs, Mississippi, 39059.

8. Defendant, Shelbie Richards (“Richards”), is and, at all times relevant hereto, has been, a resident of the City of Pearl, County of Rankin, State of Mississippi. She presently resides at 637 Mary Ann Drive, Pearl, Mississippi, 39208.

9. Defendant, William Kirk Montgomery (“Montgomery”), is and, at all times relevant hereto, has been, a resident of the City of Brandon, County of Rankin, State of Mississippi. He presently resides at 6416 Hwy 18, Brandon, Mississippi, 39042.

10. Defendant, John Blaylock (“Blaylock”), is and, at all times relevant hereto, has been, a resident of the City of Brandon, County of Rankin, State of Mississippi. He presently resides at 105 Ridge Road, Brandon, Mississippi, 39042.

11. Defendant, Dylan Wade Butler (“Butler”), is and, at all times relevant hereto, has been, a resident of the City of Brandon, County of Rankin, State of Mississippi. He presently resides at 123B Prescott Drive, Brandon, Mississippi, 39042.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this action pursuant to § 9-7-81 of the Mississippi Code. The action arises under Mississippi statutes and common law, the amount in controversy exceeds two hundred dollars, and original jurisdiction of this matter is not vested by the Constitution in some other court.

13. This Court has personal jurisdiction over the parties because the civil action arises out of negligent or intentional acts or omissions committed in Mississippi by residents of Mississippi against a resident of Mississippi.

14. Venue is proper in Hinds County pursuant to § 11-11-3(1)(a)(i) of the Mississippi Code because decedent's injuries and death as well as substantial alleged acts and/or omissions that are the subject of this lawsuit occurred in Hinds County, Mississippi.

STATEMENT OF FACTS

15. All facts pertaining to any and all of Defendants' actions as set forth herein are based upon information and belief.

16. During the evening of June 25 and the morning of June 26, 2011, Defendants Dedmon, Rice, Graves, Richards, Montgomery, Blaylock, and Butler (collectively, "Defendants") attended one or more gatherings in Rankin County where alcohol was consumed. The seven individuals are teenagers and at all times relevant to this Complaint, under the legal drinking age in Mississippi.

17. During one of the gatherings, Defendants joined together to, in Dedmon's words, "go fuck with some niggers." Defendants, all white, then left the gathering in two vehicles, a green Ford F-250 driven by Dedmon and a white Jeep Cherokee driven by Montgomery, and drove to Jackson, Mississippi.

18. In the early morning of June 26, the Defendants in the Jeep saw a black man, James C. Anderson ("Anderson" or the "deceased"), in the parking lot of the Metro Inn on Ellis Avenue in Jackson, Mississippi. One of the Defendants then contacted Defendant Dedmon who arrived at the Metro Inn shortly thereafter with the remaining Defendants.

19. The Defendants stopped the Jeep and the F-250, respectively, near the motel's entrance. Defendants Dedmon, Rice, Butler, and Blaylock got out of the vehicles and approached Anderson. Defendants Montgomery, Graves, and Richards stayed in the vehicles to

provide support to the others and to act as lookouts. All Defendants surrounded Anderson, preventing his escape.

20. After briefly speaking with Anderson, Defendants Dedmon and Rice, acting with the cooperation and encouragement of the remaining Defendants, began to physically attack Anderson. They attacked Anderson for an extended period of time. Anderson sustained serious injuries as a result of the attack.

21. At one point, a Defendant yelled "White Power!"

22. Once the beating stopped, the Jeep drove away. Defendant Dedmon and several remaining Defendants returned to the F-250. Defendant Dedmon drove the F-250 out of the parking lot and turned right onto Ellis Avenue. Just as Dedmon turned right, his headlights shown directly on Anderson, who, having been severely beaten, was stumbling in a grassy area near the motel's entrance. Dedmon accelerated, drove onto and over the street curb, and struck Anderson with the front of the F-250. After hitting Anderson, Dedmon immediately informed the other Defendants that he had "ran that nigger over."

23. Anderson died on June 26, 2011, as a result of the injuries he sustained.

COUNT I: BATTERY
Against all Defendants

24. Plaintiffs reiterate and reaffirm all allegations set forth heretofore in this Complaint.

25. Defendants Dedmon, Rice, Butler, and Blaylock surrounded Anderson. Defendants Rice and Butler, acting with the aid and encouragement of Defendants Butler and Blaylock, repeatedly hit, kicked, and/or punched Anderson. They did so intentionally and without his permission or consent.

26. Defendants Montgomery, Graves, and Richards aided, abetted, and/or encouraged the battery by acting as lookouts and by surrounding Anderson, preventing any means of escape.

27. All Defendants acted jointly, in concert, in the wrongful conduct inflicted on Anderson by coming together to Jackson to “fuck with some niggers,” and by beating, surrounding, and/or acting as lookouts.

28. As a result of Defendants’ concerted action, Anderson’s person was violated and he sustained physical injuries, emotional distress, and pain and suffering.

29. Plaintiffs seek compensatory and punitive damages against all Defendants.

COUNT II: BATTERY
Against all Defendants

30. Plaintiffs reiterate and reaffirm all allegations set forth heretofore in this Complaint.

31. Defendant Dedmon intentionally drove a green F-250 truck into and over Anderson. As a result of being hit by the truck, Anderson’s person was violated, and he suffered physical injuries and death.

32. Defendant Dedmon’s actions were a foreseeable consequence of the agreement made and carried out by all Defendants to go “fuck with some niggers.”

33. Plaintiffs seek compensatory and punitive damages against all Defendants for the battery.

COUNT III: NEGLIGENCE
Against Defendants Graves, Richards, Montgomery, Blaylock, and Butler

34. Plaintiffs reiterate and reaffirm all allegations set forth heretofore in this Complaint.

35. Defendants Graves, Richards, Montgomery, Blaylock, and Butler agreed with the other Defendants to “go fuck with some niggers.”

36. Having made an agreement to “fuck with some niggers,” and having seen Defendants Dedmon and Rice severely and repeatedly attack Anderson, Defendants Graves, Richards, Montgomery, Blaylock, and Butler owed an affirmative duty to Anderson to exercise reasonable care.

37. Defendants Graves, Richards, Montgomery, Blaylock, and Butler breached their duty by:

- a. failing to intervene or take any remedial action to prevent and/or stop Dedmon and Rice from repeatedly beating Anderson;
- b. failing to alert law enforcement during or immediately after the beating;
- c. failing to provide medical aid to Anderson during and/or after the attack;
- d. failing to transport Anderson to a hospital where he could receive medical attention;
- e. failing to move Anderson to a safe location away from Ellis Avenue after the beating to lessen the risk that he would be struck by a vehicle; and/or
- f. leaving the scene of the beating without taking any remedial action to treat Anderson’s injuries or prevent further injuries.

38. Anderson’s injuries and death were a foreseeable result of the negligence of Defendants Graves, Richards, Montgomery, Blaylock, and Butler.

39. As a direct and proximate result of the negligent conduct of Defendants Graves, Richards, Montgomery, Blaylock, and Butler as set forth above, Anderson suffered damages.

40. The failures and actions of Defendants Graves, Richards, Montgomery, Blaylock, and Butler as heretofore described constitute gross negligence, as they acted in reckless disregard for Anderson's safety.

41. Plaintiffs seek compensatory and punitive damages for the negligence.

COUNT IV: NEGLIGENCE
Against Defendant Dedmon

42. Plaintiffs reiterate and reaffirm all allegations set forth heretofore in this Complaint.

43. Defendant Dedmon owed a duty to Anderson to operate his vehicle in a reasonable and safe manner, keeping a proper lookout and being on alert for persons ahead in the roadway. As the driver of the vehicle, Dedmon is charged with the absolute duty of seeing what he should have seen. He was also required to have his car under proper control, to be on the alert while on the roadway, and avoid striking plain objects. Moreover, it was the duty of Dedmon to take reasonably proper steps to avoid an accident or injury to persons after having knowledge of the danger.

44. Defendant Dedmon breached this duty of care when he operated his vehicle in a careless manner. Dedmon was aware that Anderson had just sustained a severe and prolonged physical attack and that his reaction time would therefore be diminished.

45. Dedmon also breached his duty to Anderson by:
- a. failing to maintain a proper lookout for Anderson near the Ellis Avenue entrance to the motel;
 - b. driving the vehicle after consuming alcohol;
 - c. failing to stop or slow down once his headlights shown directly on Anderson;
 - d. jumping the curb before hitting Anderson;

- e. accelerating before making impact with Anderson;
- f. not operating the vehicle at a safe speed under the circumstances;
- g. failing to stay within the lane of traffic along Ellis Avenue prior to striking Anderson.

46. Anderson's death was a foreseeable result of Dedmon's negligence.

47. As a direct and proximate result of the negligent conduct of Dedmon, Anderson suffered damages.

48. The failures and actions of Defendant Dedmon as heretofore described constitute gross negligence as he acted in reckless disregard for Anderson's safety.

49. Plaintiffs seek compensatory and punitive damages for Defendant Dedmon's negligence.

COUNT V: WRONGFUL DEATH
Against all Defendants

50. Plaintiffs reiterate and reaffirm all allegations set forth heretofore in this Complaint.

51. As a direct and proximate result of the Defendants' above-described negligent, grossly negligent, and/or intentional acts, Anderson suffered injuries, extreme pain, and suffering, all of which required Anderson to incur medical expenses.

52. As a direct and proximate result of the Defendants' above-described negligence, gross negligence, and/or intentional conduct, Anderson died on June 26, 2011, thereby incurring funeral, burial and other related expenses.

53. As a result of Anderson's death directly and proximately caused by the Defendants, Anderson's siblings assert this cause of action pursuant to the Wrongful Death statute, seeking all compensatory and punitive damages against Defendants.

54. As a result of the Defendants' negligence, gross negligence, and/or intentional conduct, James C. Anderson lost his life, and his three siblings will forever be deprived of the comfort, society, services, companionship, and financial support of their brother and son, James C. Anderson.

COUNT VI: SURVIVAL CLAIM
Against all Defendants

55. Plaintiffs reiterate and reaffirm all allegations set forth heretofore in this Complaint.

56. Additionally, and in the alternative, Plaintiff Young, as Administratrix of the Estate of James C. Anderson, asserts a survival action against all Defendants.

57. As a direct and proximate result of the Defendants' above-described negligent, grossly negligent, and/or intentional acts, Anderson suffered personal injuries, extreme pain, and suffering, all of which required Anderson to incur medical expenses.

58. As a direct and proximate result of the Defendants' negligent, grossly negligent, and/or intentional acts, Anderson died on June 26, 2011, thereby incurring funeral, burial, and other related expenses.

59. As a result of the Defendants' negligence, gross negligence, and/or intentional conduct, James C. Anderson lost his life and his three siblings will forever be deprived of the comfort, society, services, and companionship of their brother and son, James C. Anderson, as well as loss of financial support.

DAMAGES

60. Plaintiffs reiterate and reaffirm all allegations set forth in this Complaint.

61. As a direct and proximate result of the negligent, grossly negligent and/or intentional acts of Defendants Dedmon, Rice, Graves, Richards, Montgomery, Blaylock, and

Butler, James C. Anderson sustained severe and painful injuries. As a result of these injuries, Anderson incurred medical expenses. Further, Anderson sustained severe physical pain and suffering, mental anguish and anxiety, disability, and impairment from his injuries. Finally, Anderson sustained a loss of enjoyment of life.

62. Plaintiffs are entitled to recover all damages arising out of the personal injuries sustained by Anderson, including, but not limited to, funeral costs, present net cash value for the life of the decedent, loss of career and future earnings, pain and suffering of the decedent, loss of services of the decedent and other damages.

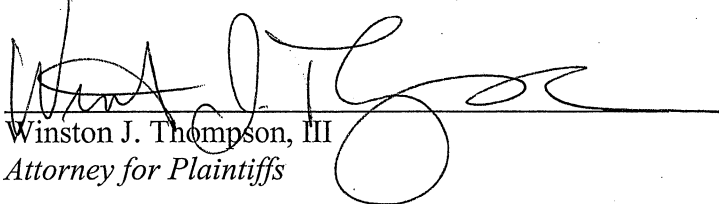
63. The conduct of all the Defendants as aforesaid was grossly negligent and/or willful and wanton, and evidenced a willful, reckless disregard for the safety of others. As such, Plaintiffs are entitled to an award of punitive damages pursuant to Miss. Code § 11-1-65.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the estate of JAMES C. ANDERSON, by and through the Administratrix, BARBARA ANDERSON YOUNG, and ANNZORA ANDERSON, LOUIS ANDERSON, EDWARD J. ANDERSON, and BARBARA ANDERSON YOUNG, individually, filed this Complaint against Defendants Dedmon, Rice, Graves, Richards, Montgomery, Blaylock, and Butler, and demand judgment of and from the Defendants, jointly and severally, in a sum sufficient to fully compensate the Plaintiffs for actual and punitive damages as aforesaid, in a reasonable amount to be determined by the jury, together with pre-judgment and post-judgment interest, attorney's fees, and all costs of this Court, and any other damages which a jury may find fair and reasonable. Damages sought in this matter exceed the jurisdictional minimum amount required.

Respectfully submitted, this the 6th day of September, 2011.

The Estate of JAMES C. ANDERSON, by and through the Administratrix, BARBARA ANDERSON YOUNG, and ANNZORA ANDERSON, LOUIS ANDERSON, EDWARD J. ANDERSON, BARBARA ANDERSON YOUNG, Individually


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