

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA**

Kenneth Andrew Colbaugh,	§	
Individually and as Surviving Spouse	§	
on behalf of the Estate of	§	
Tabatha Marie Colbaugh,	§	
f/k/a Tabatha Marie Smith	§	
(Deceased),	§	No.
Plaintiff,	§	Jury Demanded
	§	
Vs.	§	
	§	
Meigs County, Meigs County	§	
Sheriff Department	§	
The Estate of Robert J. Leonard	§	
c/o Neil Pinkston Administrator	§	
Ad Litem, and John Doe 1-10	§	
Defendants.	§	

COMPLAINT

NOW COMES PLAINTIFF, KENNETH ANDREW COLBAUGH, (hereinafter “Mr. Colbaugh”) individually and as surviving spouse on behalf of the Estate of Tabatha Marie Colbaugh (deceased), and in support of his Complaint states as follows:

Introduction

1. This Complaint, pursuant to 42 U.S.C. §1983 and §1988 as well as attendant state law claims, follows the death of Tabatha Marie Colbaugh (hereinafter “Ms. Colbaugh”) who was in the custody of Meigs County generally, and officer

Robert J. Leonard (hereinafter “Mr. Leonard”) specifically when the patrol car, driven by Mr. Leonard left the roadway and plunged into the Tennessee River, killing both Mr. Leonard and Ms. Colbaugh, who was handcuffed in the back seat.

Jurisdiction and Venue

2. This Court maintains jurisdiction of this case pursuant to 28 U.S.C. §1331 and §1343 for violation of federal laws, and pursuant to 28 U.S.C. §1357 for state law claims arising from the same set of circumstances.
3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because all acts that give rise to this cause of action occurred in Meigs County, Tennessee.

Parties

4. Mr. Colbaugh is a resident of Meigs County, Tennessee and was a resident of Meigs County, Tennessee at all relevant times set forth in this Complaint; and is the surviving spouse of Ms. Colbaugh. As the surviving spouse, Mr. Colbaugh has priority to bring this claim pursuant to Tenn. Code Ann. § 20-5-107.
5. Ms. Colbaugh, likewise, was a resident of Meigs County, Tennessee and was a resident of Meigs County, Tennessee at all relevant times set forth in this Complaint.

6. Mr. Leonard, likewise, was a resident of Meigs County, Tennessee and was a resident of Meigs County, Tennessee at all relevant times set forth in this Complaint. His Estate is established in Meigs County and represented by Mr. Neil Pinkston, administrator ad litem.
7. Meigs County is a political sub-division of the State of Tennessee.
8. Meigs County is directly responsible for their own acts and omissions pled herein; and as the employer of Mr. Leonard; vicariously liable for all acts and/or omissions plead against Mr. Leonard herein.
9. Meigs County Sheriff Department is a subdivision of Meigs County; and was the employer of Mr. Leonard at all times set forth herein and as such were responsible for his training, actions and omissions.
10. Both the Estate of Tabatha Colbaugh and the Estate of Robert J. Leonard were organized in Meigs County Tennessee probate court.
11. Ms. Colbaugh has four biological children who, along with Mr. Colbaugh, are heirs at law of Ms. Colbaugh's estate:
 - a. Nathan Smith, an adult son, currently represented by other counsel¹;

¹ Nathan Smith has filed a case in this Court, bearing case number 1:24-cv-00104. The case contains his own, rightfully filed loss of consortium claim; but also wrongfully purports to bring the wrongful death claim that is stated herein, despite Nathan Smith not being the surviving spouse and despite having not been appointed as the personal representative for the estate of Ms. Colbaugh. Proceedings are ongoing in the probate court in Meigs County and scheduled to reconvene April 15, 2024 regarding Nathan Smith's efforts to deny Mr. Colbaugh surviving spouse status. Mr. Colbaugh has sought the appointment of a public administrator for the Estate, and that effort has been joined by the custodians and guardians of the three minor children. But for Nathan Smith and his counsel, all beneficiaries are united in the request for the

- b. Three minor children, identified herein as N.R., J.E., and L.C.². who are all the subjects of custodial orders and/or guardianship orders.
- c. The custodians and guardians for the minor children share the same counsel as Mr. Colbaugh in this matter and the related probate matter.

Facts

12. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

13. Prior to death, Mr. Leonard was employed for less than three months by Defendant Meigs County in the Meigs County Sheriff's Department as a deputy.

14. On February 14, 2024 Mr. Leonard was dispatched to respond to a disturbance involving a female and male fighting on the Tennessee Highway 60 bridge in Birchwood, Tennessee.

15. Mr. Leonard handcuffed Ms. Colbaugh behind her back, and placed her in the back of his patrol car.

16. Thereafter, Mr. Leonard reported same to dispatch, indicating he was headed back to the police station.

appointment of a public administrator in the probate matter. Ginger Buchanan represents all beneficiaries except Nathan Smith in the probate matter.

² L.C. is Mr. Colbaugh's daughter in common with Ms. Colbaugh.

17. Mr. Leonard also was texting with his wife at this time.
18. Texting and driving is a class C misdemeanor in Tennessee.
19. Mr. Leonard did not return to the police station, but rather drove in the opposite direction and plunged the patrol car into the Tennessee River despite multiple rumble strips on the roadway, and with Ms. Colbaugh literally trapped inside.
20. The vehicle was found at the bottom of the river.
21. Mr. Leonard's body was found outside of the vehicle; Ms. Colbaugh's body was found in the back seat of the patrol vehicle – her hands still cuffed behind her.
22. Ms. Colbaugh's death certificate lists the injury causing death as “drowning while in custody”.
23. Upon information and belief, Meigs County provided some, but yet inadequate, training for Mr. Leonard prior to allowing him to act as an officer and effectuate arrests.
24. As a direct and proximate result of the acts and omissions of Mr. Leonard and Meigs County, Ms. Colbaugh wrongfully died while in their custody.

Count I – Violation of Civil Rights under Color of Law – Deprivation of 14th Amendment's Protection of Liberty Interest and Bodily Integrity

25. The foregoing paragraphs are adopted and incorporated as if stated in full herein.
26. In placing Ms. Colbaugh under arrest and in the back of his patrol car in handcuffs, Mr. Leonard created a special relationship wherein Ms. Colbaugh

was wholly reliant upon Defendants to ensure that she would not be injured or killed.

27. By committing a Class C misdemeanor by texting and driving while Ms. Colbaugh was handcuffed in the back seat, Mr. Leonard engaged not only in criminal activity, but acted with deliberate indifference to the safety of Ms. Colbaugh.

28. That, coupled with the apparent inability of Mr. Leonard to navigate the route from the arrest scene to the police department reflects a failure in training where: 1) Mr. Leonard disregarded criminal statutes; 2) Mr. Leonard lacked knowledge of his patrol area; and 3) Mr. Leonard disregarded rumble strips and warnings designed to avoid driving into the river.

29. Upon information and belief formed from public reporting; it appears that there is time unaccounted for between Mr. Leonard's dispatch that he was headed back to the station; and a subsequent call from Mr. Leonard that stated: "water".³

30. While the specifics of the delay are unclear; any delay between the arrest of Ms. Colbaugh, reporting the arrest to dispatch, and beginning transport of Ms.

³ At this time, the Freedom of Information Request is outstanding regarding the specifics; and no discovery has commenced that can enlighten regarding this time frame. Plaintiff's may seek amendment of this Complaint when more information is available.

Colbaugh to the station would be violative of standards regarding these protocols.

31. These violations reflect a lack of training by Meigs County as it relates to Mr. Leonard.

32. As a direct and proximate result of the acts and omissions of Mr. Leonard and Meigs County, Ms. Colbaugh wrongfully died while in their custody.

33. Defendants were acting under the color of law at all relevant times herein, and their acts and omissions violated Ms. Colbaugh's Fourteenth Amendment right to be free from infliction of physical pain, suffering and death, and not to be harmed by Defendants without the due process of law.

34. Plaintiff has been harmed by Defendants as more fully set forth below.

Count II – Wrongful Death

35. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

36. Tenn. Code Ann. §20-5-106 provides that an action exists for the wrongful death of another, and that the surviving spouse has priority in the initiation of same.

37. Defendant's acts and omissions as described herein were the direct and proximate cause of Ms. Colbaugh's death.

38. Defendants are sued in their individual and official capacities.

39. Plaintiff has been harmed by Defendants as more fully set forth below.

Count III – Gross Negligence

40. Mr. Leonard had a duty to protect Ms. Colbaugh, and to refrain from inflicting harm and death to her.

41. All of Mr. Leonard's activities that are subject to this Complaint were undertaken under the color of law and in accordance with his employment with Meigs County.

42. Meigs County had a duty to reasonably train new officers to act, or refrain from acting, in the manner that Mr. Leonard acted and refrained from acting as described herein.

43. Both Mr. Leonard and Meigs County breached their duties in conducting their activities with the recklessness described herein.

44. As a direct and proximate cause of these breaches, Plaintiff has been harmed by Defendants as more fully set forth below.

Count IV – Negligence

45. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

46. Meigs County has the duty to maintain the bridge and roads whereupon the events of this Complaint unfolded⁴.

⁴ <https://www.meigscounty.org/directory-pages/highway-department>

47. Public records recount accidents occurring prior the events that are the subject of this Complaint in the same area, and in the same manner.

48. Meigs County breached this duty by failing to provide risk-appropriate warnings for drivers on the bridges and roads.

49. Meigs County had prior knowledge of the danger presented by the status quo regarding their maintenance of the subject bridge and roads; but failed to act affirmatively to decrease the danger.

50. As a direct and proximate cause of these breaches, Plaintiff has been harmed by Defendant Meigs County as more fully set forth below.

Count V – Assault and Battery

51. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

52. By plunging the patrol car with Ms. Colbaugh handcuffed inside into the Tennessee River, Mr. Leonard engaged in an unlawful touching of Ms. Colbaugh's person without permission, causing the damages more fully described below.

53. As Ms. Colbaugh was a lifetime resident of the area, it is certain that she would have been aware of the danger of the patrol car ending up in the river as it moved

down the street toward it and formed a reasonable, imminent fear of same, causing the damages more fully described below.

Count VI – Intentional Infliction of Emotional Distress

54. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

55. The actions of Defendants as described herein exceed the bounds of what is accepted in a civilized society, and raise to the level of extreme and outrageous.

56. These actions were intentional, and were the direct and proximate cause of Ms. Colbaugh's emotional distress leading up to her death

57. Plaintiff has been injured by Defendants as more fully set forth below.

Count VII – Liability Pursuant to Tenn. Code Ann. §8-8-302

58. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

59. Tenn. Code Ann §8-8-302 provides that anyone incurring any wrong, injury, loss, damage or expense from any act or failure to act on the part of any deputy appointed by the sheriff to bring suit against the County.

60. As such, Meigs County is the appropriate Defendant for the claims set forth by Plaintiff herein; and is liable for Plaintiff's damages as more fully set forth below.

Count IX – Liability Pursuant to Tenn. Code Ann. §29-20-202

61.The foregoing paragraphs are adopted and incorporated as if stated in full herein.

62.Tenn. Code Ann. §29-20-202 provides that immunity from suit of all governmental entities is removed for injuries resulting from the negligent operation by any employee of a motor vehicle while in the scope of employment.

63.As such, Meigs County is the appropriate Defendant for the claims set forth by Plaintiff herein; and is liable for Plaintiff’s damages as more fully set forth below.

Count X – Loss of Consortium

64.The foregoing paragraphs are adopted and incorporated as if stated in full herein.

65.As a direct and proximate cause of Defendants’ conduct alleged herein, Mr. Colbaugh⁵ lost his wife and his ability to have a continuing relationship with her and benefit from her love and affection.

⁵ N.R., J.E and L.C. intend to bring their own loss of consortium claims and will seek to amend this Complaint to include them upon the appointment of a public administrator.

Damages

66. The foregoing paragraphs are adopted and incorporated as if stated in full herein.

67. Plaintiff⁶ has been damaged by the wrongful actions set forth herein as follows:

- a. Injury as to Tabatha Colbaugh;
- b. Death as to Tabatha Colbaugh;
- c. Emotional distress as to Tabatha Colbaugh;
- d. Fright, mortification and fear as to Tabatha Colbaugh;
- e. Injury as to Kenneth Andrew Colbaugh;
- f. Emotional distress as to Kenneth Andrew Colbaugh;
- g. Emotional distress as to Kenneth Andrew Colbaugh;
- h. Loss of consortium as to Kenneth Andrew Colbaugh;
- i. Attorney fees;
- j. Interest;
- k. Cost of Suit;
- l. All other damages that flow naturally for the occurrences described herein.

Respectfully Submitted,

⁶ Plaintiff will seek to amend damages to include all damages available to N.R., J.E. and L.C. upon the appointment of a public administrator.

SUMMERS, RUFOLO, & RODGERS, P.C.

By: s/Jeffrey Rufolo
Jeffrey Rufolo
BPR No. 015013
Attorney for Plaintiffs
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735 Broad Street, Suite 800
Chattanooga, Tennessee 37402
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Facsimile: (423) 266-5211

OLIVER BELL GROUP, P.C.

/s/ Alyson Oliver
Alyson Oliver*
50 W. Big Beaver Road Ste. 200
Troy, MI 48084
(248) 327-6556
notifications@oliverlawgroup.com

*Pro hac vice motion pending

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2024, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Jeffrey Rufolo
Jeffrey Rufolo BPR No. 015013

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Kenneth Andrew Colbaugh (b) County of Residence of First Listed Plaintiff <u>Meigs</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small> (c) Attorneys (Firm Name, Address, and Telephone Number) (See Attached)	DEFENDANTS Meigs County, Meigs County Sheriff Department, Estate of Robert J. Leonard, and John Doe 1-10 County of Residence of First Listed Defendant <u>Meigs</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) (See Attached)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																		
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<small>(For Diversity Cases Only)</small> <table style="width:100%;"> <tr> <td style="text-align: right;">Citizen of This State</td> <td style="text-align: center;">PTF DEF</td> <td style="text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="text-align: left;">Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;">PTF DEF</td> <td style="text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: right;">Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="text-align: left;">Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: right;">Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="text-align: left;">Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> <td colspan="2"></td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5			Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6		
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6																

Click here for: Nature of Suit Code Descriptions.					
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983


Brief description of cause:
14th Amendment violation - failure to protect pre-trial detainee resulting in death

VII. REQUESTED IN COMPLAINT:

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ 10000000.00	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE Clifton Corcor DOCKET NUMBER 1:24-cv-00104

DATE: 4/12/24 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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Plaintiff Attorneys

Jeffrey Rufolo
Summers, Rufolo, & Rodgers
735 Broad Street, Suite 800
Chattanooga, TN 37402
Telephone: (423) 265-2385

Alyson Oliver*
50 W. Big Beaver Road, Suite 200
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*Pro hac vice motion pending

Defendant Attorneys (Known)

Alix Michel
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Telephone: 423-602-9523

David Ward
735 Broad Street, Suite 406
Chattanooga, TN 37402
Telephone: 423-602-9524

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Kenneth Andrew Colbaugh, individually and as surviving spouse on behalf of the Estate of Tabatha Marie Colbaugh, f/k/a Tabatha Marie Smith (deceased)

Plaintiff(s)

v.

Meigs County, Meigs County Sheriff Department, The Estate of Robert J. Leonard c/o Neil Pinkston Administrator Ad Litem and John Doe 1-10

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Meigs County Sheriff Department 410 River Road Decatur TN 37322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Kenneth Andrew Colbaugh, individually and as surviving spouse on behalf of the Estate of Tabatha Marie Colbaugh, f/k/a Tabatha Marie Smith (deceased)

Plaintiff(s)

v.

Meigs County, Meigs County Sheriff Department, The Estate of Robert J. Leonard c/o Neil Pinkston Administrator Ad Litem and John Doe 1-10

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Estate of Robert J. Leonard c/o Neil Pinkston Administrator Ad Litem 1216 East Main Street Suite 206 Chattanooga, TN 37408

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

Kenneth Andrew Colbaugh, individually and as
surviving spouse on behalf of the Estate of Tabatha
Marie Colbaugh, f/k/a Tabatha Marie Smith
(deceased)

Plaintiff(s)

v.

Meigs County, Meigs County Sheriff Department,
The Estate of Robert J. Leonard c/o Neil Pinkston
Administrator Ad Litem and John Doe 1-10

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Meigs County
410 River Road Decatur TN 37322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: