

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

CHRISTOPHER HESTER

FILED

PLAINTIFF

VS.

DEC 01 2010

CAUSE NO.: 251-10-64796W

BARBARA DUNN, CIRCUIT CLERK

CHARLES W. "CHIP" PICKERING, JR. BY ME D.C.

DEFENDANT

COMPLAINT WITH DISCOVERY ATTACHED

JURY TRIAL REQUESTED

COMES NOW, the Plaintiff, Christopher Hester, by counsel, and files this his Complaint against named Defendant, as follows:

1.

Plaintiff Christopher Hester is an adult male resident of Madison County, Mississippi.

2.

Defendant Charles W. "Chip" Pickering (hereinafter "Pickering") is an adult resident citizen of Hinds County, Mississippi, who may be served with Summons and Complaint at his residence located at 2055 Heritage Hill, Jackson, Hinds County, Mississippi 39211.

3.

Jurisdiction and venue are proper in this matter as a portion of the cause of action and damages occurred and/or accrued, and the Defendant may be found in the First Judicial District of Hinds County, Mississippi.

FACTS

4.

On or about December 6, 2009, Christopher Hester was a patron and an invitee of the soccer

fields located at Liberty Park in Madison, Madison County, Mississippi. While there, Mr. Hester was stalked and approached by Defendant Pickering. Defendant Pickering came up to Mr. Hester's vehicle and began yelling at him. Defendant Pickering then touched, grabbed, and physically attacked Mr. Hester inside and outside Mr. Hester's vehicle. Defendant Pickering initiated physical contact and was not acting in self-defense. During this time, Defendant Pickering repeatedly grabbed, punched and threw Mr. Hester to the ground. The actions of the Defendant caused the Plaintiff to suffer painful physical and emotional injuries.

CLAIMS FOR RELIEF AGAINST DEFENDANT PICKERING

5.

Plaintiff adopts and incorporates by reference the foregoing paragraphs as if fully set forth herein.

6.

Plaintiff Christopher Hester was physically attacked by Defendant Pickering.

7.

Defendant Pickering had a duty to Plaintiff Hester to act with reasonable care under the circumstances, but the Defendant breached this duty. The conduct of Defendant Pickering was negligent, grossly negligent, reckless and/or intentional. The conduct of Defendant Pickering also constituted negligent and/or intentional infliction of emotional distress. The conduct of Defendant Pickering also constitutes the independent tort of outrage. Moreover, Defendant Pickering failed to render aid to the Plaintiff when the Plaintiff requested that aid be rendered during and after the Defendant participated in injuring the Plaintiff.

8.

The conduct of Defendant Pickering constituted assault and battery of the Plaintiff.

9.

Plaintiff Christopher Hester's injuries occurred as a result and proximate consequence of Defendant Pickering's negligent, grossly negligent, reckless and/or intentional conduct. As a result of the conduct of Defendant Pickering, Mr. Hester sustained severe, permanent physical injuries including: 1) past, present, and future medical and other expenses caused by the incident; 2) loss of income and wages; 3) past, present, and future physical pain and suffering; 4) past, present, and future emotional distress and mental anguish; 5) permanent physical impairment, scarring, and disfigurement; and 6) other damages to be shown at the trial of this matter.

PUNITIVE DAMAGES

10.

Plaintiff adopts and incorporates by reference the foregoing paragraphs as if fully set forth herein.

11.

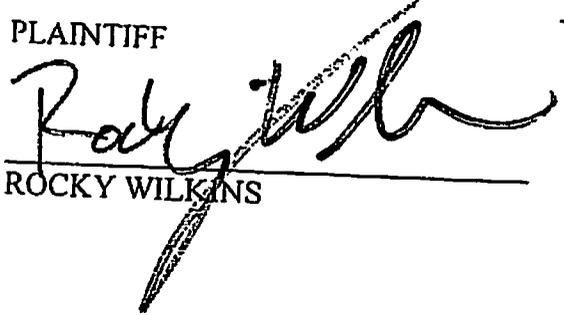
The conduct of the Defendants was grossly negligent, intentional, and/or reckless and gives rise to punitive damages.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Christopher Hester, demands a trial by jury and judgment from Defendant Charles W. "Chip" Pickering, for actual, compensatory, consequential and incidental damages in an amount within the jurisdictional limits of this Court for compensatory damages and for punitive damages including all expenses and costs of this civil action, and such other general relief as the Court and the jury deem just.

RESPECTFULLY SUBMITTED, this the 1st day of December, 2010.

PLAINTIFF

BY:


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