

JUL 21 2011

DAVID CREWS, CLERK
BY *[Signature]*
Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

RANDY E. PERKINS

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:11-CV-152-M-V

TUNICA ROADHOUSE CORPORATION

DEFENDANT

(Jury Trial Requested)

COMPLAINT

Comes now the plaintiff, Randy E. Perkins, and in support of this his action for damages for personal injuries against the defendant, Tunica Roadhouse Corporation, a foreign corporation, respectfully alleges the following:

I.

PARTIES

1. Plaintiff Randy E. Perkins (hereinafter "Plaintiff"), at all relevant times herein was a resident of Hickman County, Tennessee; his residence address is 6632 Beverly Drive, Lyles, Tennessee 37098-2036.

2. Defendant Tunica Roadhouse Corporation (hereinafter "Roadhouse") is a foreign corporation duly qualified to do business and is doing business in this State, whose business headquarters is located at One Caesars Palace Drive, Las Vegas, Nevada 89109.

The registered agent for process in Mississippi for Defendant Roadhouse is Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

II.

SUBJECT MATTER AND PERSONAL JURISDICTION

3. This Court has jurisdiction over the subject matter and Defendant in this case pursuant to 28 U.S.C. 1332 because there is complete diversity of citizenship between Plaintiff and Defendant Roadhouse and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

III.

VENUE

4. Venue in this cause is proper in this Court pursuant to 28 U.S.C. 1391 because a substantial part of the events or omissions giving rise to the subject claims occurred in the judicial district of the United States District Court for the Northern District of Mississippi, Delta Division.

IV.

FACTS

5. The Plaintiff avers that the Defendant operates a casino and hotel complex located in Tunica, Mississippi.

6. Plaintiff was an invited guest (“invitee”) at the casino of Defendant on August 12, 2010 in Tunica, Mississippi.

7. During this time, Plaintiff sat down on a stool located in front of a slot machine that was provided by the Defendant and began playing said slot machine, which was owned and

operated by Defendant when suddenly, and without warning, the heavy metal front of the slot machine fell onto Plaintiff.

8. Plaintiff avers that at no time while he was playing said slot machine, or at any other time before then, did the subject slot machine demonstrate any outward sign, whatsoever, that it was going to break apart or that the front was going to fall onto Plaintiff.

9. The front of the slot machine struck Plaintiff on his left arm; this caused him to lurch backward, causing him additional injury.

10. As a direct result of being hit by the metal front of the slot machine and being thrown backwards, Plaintiff suffered serious physical injuries including a contusion with possible nerve damage in his left arm and a bulging disc in lumbar spine. These injuries necessitated Plaintiff being treated at the Tunica Medical Center; Horizon Medical Center in Dickson, Tennessee; Dickson Medical Associates; and Vanderbilt University Hospital in Nashville, Tennessee.

11. Plaintiff has incurred medical expenses as a result of the accident; he has endured pain and suffering. Plaintiff avers that due to a prior injury, he had been unable to work, but had recovered to such an extent that he was actively seeking employment at the time of this accident. Further, Plaintiff was offered a job as the Plant Engineer at a food processing company in Louisiana for substantial wages, but he had to decline such employment as a result of the subject injuries he received at the casino of Defendant.

12. Plaintiff's injuries, damages, future lost wages, and pain and suffering were directly proximately caused by the wrongful acts and/or omissions of Defendant as set forth herein.

COUNT I: NEGLIGENCE

13. Plaintiff restates each of the allegations in Paragraph 1-12 as if fully set forth herein.

14. Plaintiff was an “invitee” of Defendant while he was operating the subject slot machine owned and operated by Defendant.

15. Defendant owed Plaintiff the duty to keep the slot machine in a reasonably safe condition and to warn Plaintiff of any hidden danger or peril associated with the playing of the slot machine that was not in plain and open view.

16. Defendant breached this duty of care by failing to maintain the slot machine in a reasonably safe condition and by not warning Plaintiff that 1) the front of the slot machine was likely to fall onto him during the ordinary and foreseeable use of it; or 2) of the peril associated with such danger.

17. Defendant’s breach of its duty was the sole and proximate cause of the subject injuries sustained by Plaintiff.

18. As a direct and proximate result of Defendant Roadhouse’s acts or omissions, Plaintiff suffered the injuries and damages specified herein including, personal injuries, medical expenses, lost future wages, and past and future pain and suffering.

COMPENSATORY DAMAGES

19. Plaintiff restates each of the allegations in Paragraphs 1 through 18 above as though fully set forth herein.

20. As a direct and proximate result of the Defendant's acts and/or omissions, Plaintiff has suffered the injuries and damages specified herein and therefore is entitled to judgment against the Defendant in the amount of \$750,000.

WHEREFORE, Plaintiff Randy E. Perkins, requests the following relief:

- (a) Judgment against Defendant in the amount of \$750,000 as compensatory damages;
- (b) Judgment against Defendant for pre-judgment and post-judgment interest;
- (c) All costs herein; and
- (d) Such other relief as the Court deems just and proper.

Respectfully submitted,

RANDY E. PERKINS, PLAINTIFF

BY: 
Jonathan P. Barrett, MSB # 102426

ATTORNEYS FOR PLAINTIFF:

Jonathan P. Barrett
BARRETT LAW, PLLC
404 Court Square North
P. O. Box 987
Lexington, MS 39095
Telephone No. (662) 834-2376
Facsimile No. (662) 834-4024
jpb@barrettlawpllc.com

Patrick Barrett
BARRETT LAW OFFICE, PLLC
2021 Richard Jones Road
Suite 300
Nashville, Tennessee 37215
Telephone No.: (615) 463-4000
Facsimile No.: (615) 463-3717
pbarrett@barrettlawofficetn.com

Henry F. Todd, Jr.(Pro Hac Vice)
Tennessee Bar No.005574
TODD & SPENCER
404 East College Street
Dickson, TN 37055
Telephone No.: (615) 446-0511
henrytoddjrbellsouth.net