

246047

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

2019 FEB -7 PM 1:09

RICHARD R. ROOPER, CLERK

JOSEPH VILLARI, )  
 )  
 Plaintiff, )  
 )  
 -VS- )  
 )  
 TN SPORTS, LLC d/b/a )  
 NASHVILLE SPORTS LEAGUES )  
 )  
 and )  
 )  
 JOHN DOE, )  
 )  
 Defendants. )

*R Thomas*  
O.C.  
CASE NO: 19C329

NOTE: WRITTEN DISCOVERY  
IS BEING SERVED WITH  
SUMMONS AND COMPLAINT

COMPLAINT

Plaintiff Joseph Villari, through counsel undersigned, files this Complaint and for his causes of action against Defendants TN Sports, LLC d/b/a Nashville Sports Leagues and John Doe respectfully states to the Court as follows:

I. PARTIES

1. Plaintiff Joseph Villari is an adult citizen and a resident of Nashville, Davidson County, Tennessee.
2. Defendant TN Sports, LLC is a Tennessee limited liability company with a principal office in Nashville, Tennessee and is registered to and does business in Tennessee using the assumed name Nashville Sports Leagues. TN Sports, LLC's registered agent for service of process is Philip Steen, 3 City Avenue, Suite 800, Nashville, Tennessee 37209. Defendant TN Sports, LLC has been properly served with process of the summons and complaint in this case.

3. Upon information and belief, Defendant John Doe is the individual who was a participant in a kickball game sponsored by TN Sports, LLC d/b/a Nashville Sports Leagues and who injured Joseph Villari on September 20, 2018.

**II. JURISDICTION AND VENUE**

4. This is a complaint arising in tort and by virtue of the laws of the State of Tennessee for Plaintiff's damages sustained as a result of an incident that occurred on September 20, 2018 in Nashville, Davidson County, Tennessee.

5. This Court has subject matter jurisdiction over this cause of action pursuant to Tenn. Code Ann. § 16-10-101.

6. This Court has personal jurisdiction over Defendants pursuant to Tenn. Code Ann. § 20-2-222, et seq.

7. This Court is a proper venue for this cause of action, in part pursuant to Tenn. Code Ann. § 20-4-101.

**III. FACTUAL ALLEGATIONS**

8. TN Sports, LLC d/b/a Nashville Sports Leagues (hereinafter "Nashville Sports Leagues") organizes and hosts recreational sports leagues for adults in the Nashville area.

9. Nashville Sports Leagues has adopted a set of rules applicable to Nashville Sports Leagues and all participants in its leagues. The rules are designed to increase a team's level of enjoyment and safety within each league.

10. One of Nashville Sports Leagues' rules requires that any player who participates in a game, even a substitute player, guest player, extra player and/or a drop-in player, must be on a team's roster.

11. The Nashville Sports Leagues requires every play to be over the age of twenty-one.

12. Another rule of the Nashville Sports Leagues requires all players to present a photo ID at the park to verify they are over the age of twenty-one year, verify their registration with the league and to make sure the name on a team roster corresponds to the individual participating in the league.

13. Nashville Sports Leagues hosts recreational kickball leagues at public parks owned by the Metropolitan Government of Nashville & Davidson County, Tennessee including Hadley Park.

14. Alcoholic beverages are not permitted in any park owned by the Metropolitan Government of Nashville & Davidson County, Tennessee.

15. On September 20, 2018 Joseph Villari was a registered participant of a recreational kickball league organized and hosted by Defendant Nashville Sports Leagues.

16. On September 20, 2018 Joseph Villari's kickball team was scheduled to play another kickball team organized by Nashville Sports Leagues named One Kick Wonders at Hadley Park in Nashville.

17. On September 20, 2018 Nashville Sports Leagues hired and assigned referees to Hadley Park to supervise and referee the leagues kickball games including the game Joseph Villari was scheduled to play in versus the One Kick Wonders.

18. The referees at the kickball games were the agents, servants and/or employees of the Nashville Sports Leagues.

19. Several members of the One Kick Wonders team arrived together to the kickball game on September 20, 2018 and were visibly intoxicated at the time of their arrival. The referees at the game saw and were aware of this.

20. Neither the referees nor anyone from Nashville Sports Leagues checked the IDs of the players playing for One Kick Wonders to make sure they were registered players and over the age of twenty-one.

21. Several members of the One Kick Wonders team openly consumed alcohol at the game on September 20, 2018. The referees at the game saw and were aware of this.

22. Several members of the One Kick Wonders took turns taking "shots" from a large bottle of Jack Daniels whiskey. The referees at the game saw and were aware of this.

23. While the One Kick Wonders were batting, the team placed the large bottle of Jack Daniels whiskey near first base. When a member of their team reached first base, the team member would do a "shot" from the bottle of whiskey. The referees at the game saw and were aware of this.

24. Team members of the One Kick Wonders were excessively intoxicated during the game. The referees at the game saw and were aware of this.

25. During the game, one of the team members of the One Kick Wonders loudly proclaimed, "I am so drunk I can't even see." The referees at the game heard and were aware of this.

26. One member of the One Kick Wonders fell over due to intoxication. The referees at the game saw and were aware of this.

27. Another team member of the One Kick Wonders vomited in left field due to intoxication. The referees at the game saw and were aware of this.

28. The Nashville Sports Leagues condones, if not encourages, the consumption of alcohol at its events. It encourages a party-like atmosphere at league games. It's referees and officials do not stop this from occurring. The Defendant hosts drinking games for league members

and its website encourages players to contact Nashville Sports League's office for "directions to the bar."

29. John Doe played on the One Kick Wonders team that played Joseph Villari's team on September 20, 2018 at Hadley Park.

30. John Doe was not a registered player with the One Kick Wonders or Nashville Sports Leagues.

31. John Doe was under twenty-one years of age.

32. John Doe was severely intoxicated.

33. During the game members of Joseph Villari's team complained to the referees about the behavior and intoxication of the members of the One Kick Wonders team. Nothing was done by the referees.

34. Despite everything the referees at the game saw and heard regarding the level of intoxication of the One Kick Wonders team, the referees did not intervene.

35. Nashville Sports Leagues' rules are designed to make the league run as smoothly and safely as possible.

36. The referees of the game on September 20, 2018 did not follow the Nashville Sports Leagues' rules.

37. Near the end of the game John Doe was batting for the One Kick Wonders and Joseph Villari was playing defense at second base. John Doe kicked the ball and headed towards first base. He fell and stumbled into first base, falling to the ground, almost knocking over the player playing defense at first base.

38. With John Doe on first base, the next batter kicked the ball into the outfield. The outfielder caught the ball and threw the ball to second base where Joseph Villari caught the ball creating a force out.

39. Despite being out and the play being over, John Doe continued to run to second base and attempted to dive into second base. He jumped, stumbled and fell directly into Joseph Villari's leg.

40. Had John Doe not been severely intoxicated he would not have attempted to jump and dive into second base.

41. Joseph Villari was severely injured as a result of being struck by John Doe.

42. After the incident John Doe stated that he was intoxicated, under-age and not registered to play in the game. He then quickly left the field.

43. As a result of this incident Joseph Villari sustained a left lateral tibial plateau fracture, left fibular shaft fracture, multiple other fractures in an around his left knee and leg and a torn MCL and ACL. He underwent surgery on September 22, 2018.

44. No act or omission to act on the part of Joseph Villari caused the incident or the injuries resulting therefrom.

#### **IV. DEFENDANT JOHN DOE'S LIABILITY TO PLAINTIFF**

45. Defendant John Doe is liable to Plaintiff Joseph Villari for common law negligence for failing to act in a reasonably prudent manner and failure to exercise due care.

46. Defendant John Doe is liable to Plaintiff Joseph Villari for the intentional tort of battery for making intentional, unlawful and harmful contact with Joseph Villari.

#### **V. DEFENDANT NASHVILLE SPORTS LEAGUE'S LIABILITY TO PLAINTIFF**

47. Defendant Nashville Sports Leagues is liable to Plaintiff Joseph Villari for common

law negligence for failing to act in a reasonably prudent manner, failure to exercise due care and for breaching the standard of care set by its own league rules and common law.

48. Defendant Nashville Sports Leagues is liable to Plaintiff for the negligent acts and omissions and breaches of duties of its referees and officials for which Nashville Sports Leagues is liable pursuant to the principles and doctrines of respondeat superior and agency.

49. Defendant Nashville Sports Leagues is liable to Plaintiff Joseph Villari for gross negligence because its actions, and the actions of its agents and/or employees, were done with utter unconcern for the safety of others, including Joseph Villari, and done with such a reckless disregard for known and unjustifiable risks of danger such that it showed a conscious indifference to the consequences.

50. Defendant John Doe's intentionally tortious conduct and Joseph Villari's resulting injuries and damages were a foreseeable risk created by the grossly negligent acts and omissions and breaches of duty by Nashville Sports Leagues and its agents, servants and/or employees.

51. Nashville Sports Leagues is jointly and severally liable to Joseph Villari for the intentional acts of Defendant John Doe because it has a duty to protect Joseph Villari from the foreseeable acts of Defendant John Doe.

## VI. COMPENSATORY DAMAGES

52. The negligent acts and omissions, grossly negligent acts and omissions and intentional acts of Defendants John Doe and Nashville Sports Leagues directly and proximately caused Plaintiff Joseph Villari to sustain the following personal injury damages for which the Defendants are jointly and severally liable:

- a. Past and future healthcare expenses and medical bills;
- b. Past and future lost wages and earning capacity;

- c. Past and future physical pain and suffering;
- d. Past and future emotional suffering and distress;
- e. Past and future loss of enjoyment of life;
- f. Permanent injuries, scarring and impairment;
- g. Costs of this cause; and
- h. All other damages allowed under Tennessee law to which he may be entitled.

### VI. PUNITIVE DAMAGES

53. Defendants John Doe and Nashville Sports Leagues actions and failures to act alleged above were reckless in that they were each aware of, but consciously disregarded, a substantial and unjustifiable risk of harm of such a nature that its disregard constitutes a gross deviation from the standard of care warranting an award of punitive damages in this case.

WHEREFORE, Plaintiff respectfully requests:

- 1. That service of process issue against Defendants requiring them to appear and to answer this Complaint in the time prescribed by law;
- 2. A judgment for Plaintiff against Defendants, jointly and severally, for compensatory damages in a fair and reasonable amount to be determined by the Court, but based on current information, not to exceed \$1,000,000.00;
- 3. A judgment for Plaintiff against Defendants, jointly and severally, for punitive damages in a fair and reasonable amount to be determined by the Court, but based on current information, not to exceed \$2,000,000.00;
- 4. Court costs and discretionary costs; and
- 5. Such further relief as the Court may deem proper.



Respectfully submitted,

**LARRY R. WILLIAMS, PLLC**



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