DN.: KNL-CV19-6043790-S	:	SUPERIOR COURT
CAMDEN STARTZ, ppa JENNIFER STARTZ *Plaintiff,*	:	JD OF NEW LONDON
v.	:	AT NEW LONDON
BRANDON SMITH AND GROTON BIBLE CHAPEL, INC. *Defendants*	:	AUGUST 26, 2020

AMENDED COMPLAINT

FIRST COUNT: NEGLIGENCE AS TO BRANDON SMITH

1. At all times mentioned herein, Plaintiff, Camden Startz, was a resident of the Town of Waterford, County of New London, State of Connecticut.

2. The Plaintiff, who is a minor, is proceeding in this matter by and through his parent and next of friend, Jennifer Startz, who at all times was a resident of the Town of Waterford, County of New London, State of Connecticut.

3. At all times mentioned herein, Defendant, Brandon Smith ("Smith"), was a resident of the State of Connecticut.

4. At all times mentioned herein, Defendant Smith was an adult counselor, instructor, agent, employee, volunteer and/or otherwise retained by Chapel to provide services on its behalf to families, including the care and supervision of minors, like the Plaintiff, at the Groton Bible Chapel ("Chapel").

5. At all times mentioned herein, Defendant Chapel, was a non-profit corporation incorporated in the State of Connecticut, with a principal address of 66 Toll Gate Road in Groton, Connecticut.

6. On or about April 24, 2019, at approximately 6:50 p.m., Plaintiff was at the Chapel as an invited guest and participant of the Chapel's Awana Program.

7. At that time, the Plaintiff was participating in a physical activity (the "Game") that was organized and supervised by the Chapel and/or its adult counselors, instructors, agents, employees, volunteers, and/or authorized representatives including Defendant Smith.

8. At same time and place, Defendant Smith was at the Chapel under the supervision and direction of the Chapel and/or its adult counselors, instructors, agents, employees, volunteers, and/or authorized representatives, and was also participating in the Game, when he suddenly and without warning collided and violently made contact with the Plaintiff and fell on top of his right leg.

9. The minor Plaintiff was six (6) years old at the time of the incident.

10. The minor Plaintiff's injuries and losses were caused by the carelessness and negligence of Defendant Smith, in one or more of the following ways:

a.) He failed to keep a reasonable and proper lookout for the Plaintiff;

b.) Given his size and strength as compared to the minor Plaintiff, he engaged in The Game when he knew or should have known had a substantial chance of causing physical injury to the minor children, including the Plaintiff;

c.) He failed to turn his body so as to avoid falling on top of the Plaintiff;

d.) He failed to stop in time to avoid falling on top of the Plaintiff;

e.) He failed to call out or give a timely warning of the impending fall; and

f.) He failed to use proper care while in a gymnasium full of children.

11. As a result of the aforementioned negligence and carelessness of Defendant Smith, Plaintiff sustained and suffered personal injuries and losses to his right knee,

including a nondisplaced spiral fracture of shaft of right femur, some of which are permanent in nature.

12. As a further result of said injuries, the Plaintiff has suffered, and will continue to suffer, great pain, mental anguish, distress of mind, and a loss of enjoyment of life.

13. As a further result of said injuries, the Plaintiff was forced to incur and will continue to incur expenses for medical care, x-rays, physical therapy, and other medically related expenses.

14. As a further result thereof, the Plaintiff in all likelihood will need additional medical treatment; and suffers fears and apprehension of same.

15. As a further result thereof, the Plaintiff was incapacitated, restricted and limited from carrying on life's usual activities all to his emotional and financial loss.

SECOND COUNT: VICARIOUS LIABILITY AS TO GROTON BIBLE CHAPEL, INC

1-15 Paragraphs 1 through 15 of the First Count are re-alleged and incorporated as Paragraphs 1-15 of this Second Count.

16. At the time of the incident, Defendant Smith, was the employee and/or agent of Defendant Chapel and was working within the general authority of his agency and/or employment.

17. Defendant Chapel is liable for the negligence of its employee and/or agent.

THIRD COUNT: NEGLIGENCE AS TO GROTON BIBLE CHAPEL, INC.

1-9. Paragraphs 1 through 9 of the First Count are re-alleged and incorporated as paragraphs 1 through 9 of this Third Count.

10. At all times mentioned herein, Defendant Chapel employed Defendant Smith.

11. The Plaintiff's injuries occurred as a result of Defendant Chapel's negligent hiring, training, supervision and retention of Defendant Smith.

12. The minor Plaintiff's injuries and losses were caused by the carelessness and negligence of the Chapel, in one or more of the following ways:

a.) The Awana Program included activities that had a substantial chance of leading to serious personal injuries for the minor participants;

b.) The Chapel failed to provide a safe environment for its participants;

c.) The Chapel failed to tailor its activities to physical activities that did not include the substantial risk of physical harm;

d.) The Chapel failed to staff the activities with counselors that were capable of participating in the activities without causing severe harm;

e.) The Chapel failed to staff the activities with counselors who knew not to participate in activities with the minor participants;

f.) The Chapel failed train its staff to form groups or teams in activities based on the related size of the participants;

g.) The Chapel failed to administer a policy and procedure that banned adult instructors from participating in activities with minor participants; and

h.) The Chapel failed to train its staff to call emergency services upon the occurrence of a serious injury of a participant.

13. Defendant Chapel's careless and negligent acts and/or omissions caused the accident and the damages sustained by the Plaintiff as a result.

14. As a proximate cause of Defendant Chapel's negligent conduct, the Plaintiff has sustained and suffered personal injuries and losses to his right knee, including a nondisplaced spiral fracture of shaft of right femur, some of which are permanent in nature.

15. As a further result of said injuries, the Plaintiff has suffered, and will continue to suffer, great pain, mental anguish, distress of mind, and a loss of enjoyment of life.

16. As a further result of said injuries, the Plaintiff was forced to incur and will continue to incur expenses for medical care, x-rays, physical therapy, and other medically related expenses.

17. As a further result thereof, the Plaintiff in all likelihood will need additional medical treatment; and suffers fears and apprehension of same.

18. As a further result thereof, the Plaintiff was incapacitated, restricted and limited from carrying on life's usual activities all to his emotional and financial loss.

CLAIM FOR RELIEF

WHEREFORE, Plaintiffs claim:

1. Money damages;
2. Costs;
3. Such other relief as this Court deems just and equitable.

THE PLAINTIFF,

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STATEMENT OF AMOUNT IN DEMAND

The amount of money damages claimed is greater than Fifteen Thousand Dollars ($15,000.00), exclusive of interest and costs.

THE PLAINTIFF,

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