



IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

MICHELLE SHEEKS, an individual;)

Plaintiff,)

v.)

BRANDY DOWDY, an individual;)

BILLY JOE CRUMPTON, an individual; and)

CIVIL ACTION NO.:

Fictitious Party Defendant(s) No. 1, whether singular or plural, that person(s) or that entity(ies) who or which owned, maintained or had any interest in the dogs involved in the occurrence made the basis of this lawsuit; No .2, whether singular or plural, that person(s) or that entity(ies) who or which owned the premises where the dogs were harbored; No. 3, whether singular or plural, that person(s) or that entity(ies) who or which was the lessee of the premises where the dogs were harbored at the time of the subject attack; No. 4, whether singular or plural, that person(s) or that entity(ies) who or which controlled and/ or had the right to control the dogs involved in the occurrence made the basis of this lawsuit at the time of or at any time before said occurrence; No. 5, whether singular or plural, that person(s) or that entity(ies), including, but not limited to, the general liability insurance carrier of the entity which owned, maintained, insured, or had any interest in premises involved in the in the occurrence made the basis of this lawsuit; No. 6, whether singular or plural, that person(s) or that entity(ies) who or which provided any insurance coverage, of whatever kind or character, for any of the named defendants or fictitious party defendants listed or named herein; No. 7, whether singular or plural, person(s) or that entity(ies), other than those entities described above, whose breach of contract or warranty contributed to cause the occurrence made the basis of this lawsuit; No. 8, whether singular or plural, that entity or those person(s) or that entity(ies) whose negligence, or wantonness, or other wrongful conduct contributed to cause the occurrence made the basis of plaintiff's complaint; No. 9, whether singular or plural, that entity or those person(s) or that entity(ies), other than those entities described above, which is the successors in interest of those entities described herein; Plaintiff avers that the identities of the fictitious parties defendant herein are otherwise unknown to plaintiff at this time or, if their names are known to plaintiff their identities as proper parties defendant are not known to plaintiff at this time, and their true names will be substituted by amendment when ascertained.

Defendants.)

COMPLAINT

PARTIES

1. Plaintiff **MICHELLE SHEEKS** is an adult resident of Red Bay, Franklin County, Alabama.

2. Defendant **BRANDY DOWDY**, at all times material to this action, was an adult resident of Red Bay, Franklin County, Alabama.

3. Defendant **JIMMY CRUMPTON** is an adult resident of Red Bay, Franklin County, Alabama.

VENUE & JURISDICTION

4. The incident made the basis of this action occurred at or near 96 Crumpton Road, Red Bay, Alabama 35582. As such, jurisdiction is proper to this Court pursuant to Ala. Code § 12-11-30, and venue is proper in this Court pursuant to Ala. Code § 6-3-2(a)(3).

STATEMENT OF FACTS

5. On or about April 28, 2022, Plaintiff **MICHELLE SHEEKS** was walking along or near County Highway 11 in Red Bay, Franklin County, Alabama.

6. During her walk, Plaintiff **MICHELLE SHEEKS** was violently attacked and mauled by a pack of dogs that Defendant **BRANDY DOWDY** owned, controlled, and harbored at 96 Crumpton Road, Red Bay, Alabama 35582 (the “Premises”).

7. Upon information and belief, the Premises is owned by Defendant **BILLY JOE CRUMPTON**, and said Defendant allowed Defendant **BRANDY DOWDY** to harbor said dogs at the subject Premises.

8. Prior to the subject attack, Defendant **BRANDY DOWDY** and/or Defendant **BILLY JOE CRUMPTON** knew or should have known of the subject dogs’ aggressive behavior and vicious propensities.

9. Despite such knowledge, Defendant **BRANDY DOWDY** and/or Defendant **BILLY JOE CRUMPTON** carelessly managed such dogs, and such careless management allowed the subject attack to occur.

10. Additionally, or in the alternative, Defendant **BILLY JOE CRUMPTON** carelessly allowed Defendant **BRANDY DOWDY** to harbor the subject dogs on said Premises, which allowed the subject attack to occur.

11. As a proximate result of Defendants' aforementioned negligent and/or wanton conduct, Plaintiff was caused to suffer significant, permanent injuries as described in detail below.

COUNT I
Strict Liability Pursuant to Ala. Code § 3-1-3

12. Plaintiff adopts and re-alleges all previous paragraphs as if set out in full herein. If any previous or subsequent count is inconsistent with allegations of this count, said counts are pleaded in the alternative.

13. Ala. Code § 3-1-3 provides:

When any person owns or keeps a vicious or dangerous animal of any kind and, as a result of his careless management of the same or his allowing the same to go at liberty, and another person, without fault on his part, is injured thereby, such owner or keeper shall be liable in damages for such injury.

14. On said date and place, Defendant **BRANDY DOWDY, BILLY JOE CRUMPTON**, and/or one or more of the fictitious party defendants violated Ala. Code § 3-1-3 by carelessly managing the above-described dogs, of which Defendant knew or should have known to be dangerous.

15. The aforesaid negligent, wanton, reckless, willful, wrongful, and/or unlawful conduct by Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON** combined and concurred with the tortious conduct of all other name and/or fictitious party defendants to cause Plaintiff to sustain the following:

- a. Plaintiff sustained permanent, disfiguring physical injuries in and about her body.
- b. Plaintiff incurred, and will incur in the future, medical expenses for medications, equipment, surgeries, and treatment of her injuries.
- c. Plaintiff suffered, and will suffer in the future, physical pain and mental anguish.
- d. Plaintiff incurred, and will incur in the future, miscellaneous of-of-pocket expenses.

WHEREFORE, Plaintiff demands judgment against each of the Defendants, jointly and severally, including the fictitious party Defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, which will fairly and adequately compensate Plaintiff for injuries

and damages sustained, together with interest from the date of injury, and the cost of this proceeding. Further, Plaintiff request that the jury selected to hear this case render a verdict for Plaintiff and against each Defendant, and that it award punitive damages in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and which will effectively prevent other similar wrongful acts.

COUNT II
Negligence

16. Plaintiff adopts and re-alleges all previous paragraphs as if set out in full herein. If any previous or subsequent count is inconsistent with allegations of this count, said counts are pleaded in the alternative.

17. At the aforesaid time and place, Defendant **BRANDY DOWDY, BILLY JOE CRUMPTON**, and/or one or more of the fictitious party defendants negligently controlled and/or harbored the above-referenced dogs.

18. Defendant **BRANDY DOWDY, BILLY JOE CRUMPTON**, and/or one or more of the fictitious party defendants had the ability to restrain, confine, or take other reasonable actions with regard to the harboring of said dogs that would have prevented the subject attack.

19. Because Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON**, knew or should have known of the dog's dangerous propensities, Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON** were negligent in harboring said dogs upon the subject Premises or allowing said dogs to be harbored upon the subject Premises.

20. Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON**, and/or one or more of the fictitious party defendants negligently, wantonly, or recklessly failed to take reasonable steps to restrain, confine, or take other reasonable actions that would have prevented the subject attack.

21. The aforesaid negligent, wanton, reckless, willful, wrongful, and/or unlawful conduct by Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON** combined and concurred with the tortious conduct of all other name and/or fictitious party defendants to cause Plaintiff to sustain the following:

- a. Plaintiff sustained permanent, disfiguring physical injuries in and about her body.
- b. Plaintiff incurred, and will incur in the future, medical expenses for medications, equipment, surgeries, and treatment of her injuries.
- c. Plaintiff suffered, and will suffer in the future, physical pain and mental anguish.
- d. Plaintiff incurred, and will incur in the future, miscellaneous of-of-pocket expenses.

WHEREFORE, Plaintiff demands judgment against each of the Defendants, jointly and severally, including the fictitious party Defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, which will fairly and adequately compensate the Plaintiffs for injuries and damages sustained, together with interest from the date of injury, and the cost of this proceeding. Further, Plaintiff request that the jury selected to hear this case render a verdict for Plaintiff and against each Defendant, and that it award punitive damages in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and which will effectively prevent other similar wrongful acts.

COUNT III
Wantonness

22. Plaintiff adopts and re-alleges all previous paragraphs as if set out in full herein. If any previous or subsequent count is inconsistent with allegations of this count, said counts are pleaded in the alternative.

23. Prior to the subject attack, Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON** knew that the subject dogs were dangerous. Equipped with such knowledge, Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON** consciously disregarded the risks associated with the dangerous dogs and harbored them, or allowed them to be harbored, upon said Premises in a manner that allowed for attacks such as the subject attack to occur.

24. Defendant **BRANDY DOWDY, BILLY JOE CRUMPTON**, and/or one or more of the fictitious party defendants had the ability to restrain, confine, or take other reasonable actions with regard to the harboring of said dogs that would have prevented the subject attack.

25. Defendant **BRANDY DOWDY, BILLY JOE CRUMPTON**, and/or one or more of the fictitious party defendants negligently, wantonly, or recklessly failed to take reasonable steps to restrain, confine, or take other reasonable actions that would have prevented the subject attack.

26. The aforesaid negligent, wanton, reckless, willful, wrongful, and/or unlawful conduct by Defendant **BRANDY DOWDY** and/or **BILLY JOE CRUMPTON** combined and concurred with the tortious conduct of all other name and/or fictitious party defendants to cause Plaintiff to sustain the following:

- a. Plaintiff sustained permanent, disfiguring physical injuries in and about her body.
- b. Plaintiff incurred, and will incur in the future, medical expenses for medications, equipment, surgeries, and treatment of her injuries.
- c. Plaintiff suffered, and will suffer in the future, physical pain and mental anguish.
- d. Plaintiff incurred, and will incur in the future, miscellaneous of-of-pocket expenses.

WHEREFORE, Plaintiff demands judgment against each of the Defendants, jointly and severally, including the fictitious party Defendants, in a sum in excess of the jurisdictional limits of this court, to be determined by a jury, which will fairly and adequately compensate the Plaintiffs for injuries and damages sustained, together with interest from the date of injury, and the cost of this proceeding. Further, Plaintiff request that the jury selected to hear this case render a verdict for Plaintiff and against each Defendant, and that it award punitive damages in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and which will effectively prevent other similar wrongful acts.

COUNT IV
Fictitious Defendants

27. Plaintiff re-alleges all preceding paragraphs of the Complaint as if fully set forth herein. If any previous or subsequent count is inconsistent with allegations of this count, said counts are pleaded in the alternative.

28. The conduct of Fictitious Party Defendants Nos. 1-9 combined and concurred with the tortious conduct of all other name and/or fictitious party defendants to cause Plaintiff to sustain the following:

- a. Plaintiff sustained permanent, disfiguring physical injuries in and about her body.
- b. Plaintiff incurred, and will incur in the future, medical expenses for medications, equipment, surgeries, and treatment of her injuries.
- c. Plaintiff suffered, and will suffer in the future, physical pain and mental anguish.
- d. Plaintiff incurred, and will incur in the future, miscellaneous of-of-pocket expenses.

29. Fictitious Party Defendants Nos. 1-9, whose current names and identities are unknown to the Plaintiff at the present time, will be correctly named and identified by amendment when properly ascertained.

WHEREFORE, Plaintiff demands judgment against each of the Defendants, jointly and severally, including the fictitious party defendants, in a sum in excess of the jurisdictional limits of this court, to be determine by a jury, which will fairly and adequately compensate the Plaintiff for injuries and damages sustained, together with interest from the date of the injury, and the costs incurred as a result of this proceeding. Further, Plaintiff requests that the jury selected to hear this case render a verdict for Plaintiff and against each Defendant, and that it award punitive damages in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and which will effectively prevent other similar wrongful acts.

/s/ Keith T. Belt, Jr.
KEITH T. BELT, JR. (BEL-026)
W. RYAN MYERS (MYE-014)
Attorneys for Plaintiff

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JURY DEMAND

Pursuant to the Alabama Rules of Civil Procedure, Plaintiff demands a trial by jury on all counts herein in this action.

/s/ Keith T. Belt, Jr.

ATTORNEY FOR PLAINTIFF

REQUEST FOR CERTIFIED MAIL SERVICE BY CLERK

Attorney for Plaintiff hereby requests that the Clerk serve the following Defendants by certified mail, return receipt requested.

BRANDY DOWDY

25791 HWY. 23 NORTH

GOLDEN, MS 38847

BILLY JOE CRUMPTON

96 CRUMPTON ROAD

RED BAY, AL 35582

/s/ Keith T. Belt, Jr.

OF COUNSEL