



IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

Emily Dykes, an individual, §
as mother and personal representative §
of the estate of Faithlynn Blankenship, §
§ CV-2019-_____ §
§
§
CITY OF JASPER and FICTITIOUS §
PARTY DEFENDANTS Nos. 1 through §
5, whether singular or plural, are §
those entities, persons, firms, §
corporations or partnerships who trained §
or certified those individual lifeguards §
who were on duty at the §
MEMORIAL PARK NATATORIUM §
during the time made the basis of this §
lawsuit; FICTITIOUS PARTY §
DEFENDANTS 6 through 10, whether §
singular or plural, are those individual §
lifeguards that were on duty July 6, 2019 §
and are being sued in their individual §
capacities, §
§

DEFENDANTS.

COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff Emily Alexis Dykes is a resident citizen of Walker County, Alabama. On August 29, 2019 Plaintiff Dykes was issued letters of administration by the Probate Court of Walker County, Alabama regarding the estate of her daughter, Faithlynn Blankenship. Plaintiff Dykes files this suit as the designated personal representative, administratrix, of the estate of Faithlynn Blankenship.
2. Defendant City of Jasper is an Alabama municipality organized under the laws of the state of Alabama. Defendant City of Jasper is the owner and operator of the Memorial Park Natatorium.

3. Fictitious Party Defendants Nos. 1 through 5, whether singular or plural, are those entities, persons, firms, corporations or partnerships who trained or certified those individual lifeguards who were on duty at the Memorial Park Natatorium during the time made the basis of this lawsuit. Their identities are not currently known. As soon as their identities are ascertained, a proper substitution will be made.
4. Fictitious Party Defendants Nos. 6 through and 10 are those individual lifeguards working in the area of the Memorial Park Natatorium where Faithlynn Blankenship died by drowning. Fictitious Party Defendants 6-10 are being sued in their individual capacities. Their identities are not currently known. As soon as their identities are ascertained, a proper substitution will be made.

STATEMENT OF THE CASE

5. Plaintiff Dykes incorporates by reference all of the previous paragraphs into this Statement of the Case.
6. On July 6, 2019 five-year old Faithlynn Blankenship was swimming at the outdoor pool at the Memorial Park Natatorium in Jasper.
7. On July 6, 2019 Faithlynn Blankenship died from drowning while swimming at the pool.
8. The entire incident is captured on at least one surveillance camera.
9. At the time of the drowning, Fictitious Party Individual Defendants 6 through 10 served as lifeguards overseeing the area of the pool where Faithlynn Blankenship died. Fictitious Party Individual Defendants are being sued in their individual capacities. Defendant Fictitious Party Individuals 6-10 each owed Faithlynn Blankenship a duty to monitor her presence in the pool, keep her safe, rescue her from distress and apply cardiopulmonary resuscitation if necessary.

10. According to the surveillance video, Fictitious Party Individual Defendants 6-10 breached their individual duties. The individual defendants can be seen leaving their post, not paying attention to those swimming, ignoring Faithlynn Blankenship in distress, not rescuing her, and failing to provide cardiopulmonary resuscitation.
11. In total, Faithlynn Blankenship was under water for over five minutes. During this time, the lifeguard closest to Faithlynn Blankenship abandoned his post. Faithlynn Blankenship sinks to the bottom of the pool. Her body is retrieved by another patron at the pool. Fictitious Party Individual Defendants 6-10 never enter the water.
12. Fictitious Party Individual Defendants 6-10 never provide cardiopulmonary resuscitation.
13. Other patrons of the pool provide cardiopulmonary resuscitation.
14. Despite efforts by the good Samaritans, Faithlynn Blankenship died.

(COUNT 1 NEGLIGENCE AND WANTONNESS AGAINST CITY OF JASPER)

15. Plaintiff Dykes incorporates all preceding paragraphs by reference into this count.
16. Defendant City of Jasper owed a duty to all patrons of the Memorial Park Natatorium to keep them safe while swimming.
17. Defendant City of Jasper owed a duty to hire competent employees to serve as lifeguards.
18. Defendant City of Jasper owed a duty to properly train lifeguards.
19. Defendant City of Jasper breached these duties.
20. As a direct and proximate result, Faithlynn Blankenship died.

WHEREFORE THESE PREMISES CONSIDERED, Plaintiff Dykes demands judgment against Defendant City of Jasper for all available damages in an amount to be determined by a jury.

**(COUNT 2—NEGLIGENCE AND WANTONNESS AGAINST FICTITIOUS
PARTIES 1 THROUGH 5 AND 6 THROUGH 10)**

21. Plaintiff Dykes incorporates by reference all preceding paragraphs into this count.
22. Defendant Fictitious Parties 1 through 5 had a duty to properly train and/or certify Fictitious Parties 6 through 10 as lifeguards.
23. Defendant Fictitious Parties 6 through 10 had individual duties to monitor Faithlynn Blankenship's presence in the pool, keep her safe, rescue her from distress and apply cardiopulmonary resuscitation if necessary.
24. Fictitious Party Defendants 1 through 5 failed to properly train and/or certify Fictitious Party Defendants 6 through 10.
25. Fictitious Party Defendants 6 through 10 breached their individual duties.
26. As a direct and proximate result of the negligence and/or wantonness by Fictitious Party Defendants 1 through 5 and 6 through 10, Faithlynn Blankenship died.

WHEREFORE THESE PREMISES CONSIDERED, Plaintiff Dykes demands judgment for all available damages against Defendant Fictitious Parties 1 through 5 and 6 through 10 in an amount to be determined by a jury.

PLAINTIFF DEMANDS TRIAL BY JURY

Respectfully submitted,

/s/R. Matt Glover

R. Matt Glover (GLO-008)

/s/G. Coe Baxter

G. Coe Baxter (BAX-013)

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COMPLAINT TO BE SERVED BY CERTIFIED MAIL BY THE CLERK OF COURT

City of Jasper
c/o Kathy Chambless CMC, CPA, GFO
City Clerk/Administrator
P.O. Box 1589
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