Heather Ashley Tuck and David Alan McCarter, who were stabbed by Tuck's ex-husband Tommy Nelson Tuck at her residence in July of 2007, filed a civil action suit against the City of Red Boiling Springs, the Red Boiling Springs Police Department and Red Boiling Springs Police Chief Terry Tuck on Monday, April 14.

The civil suit accuses the City of Red Boiling Springs and Red Boiling Spring Police Chief Terry Tuck, who is the brother of Heather's ex-husband Tommy Tuck, of negligence and recklessness in the events leading up to the couple's injuries.

At the time of the stabbing, 33-year-old Heather, of 166 Windle Lane in Red Boiling Springs, and boyfriend David, 28, of Hartsville, were at Heather's residence when Tommy broke into his ex-wife's home, cut her throat and stabbed her boyfriend multiple times at approximately 2:15 a.m. on Saturday, July 14.

Both victims were transported by Macon County EMS to a landing zone in front of the Nestlé Waters plant, where they were transferred to Air Evac Lifeteam air ambulances and flown to Vanderbilt University Medical Center in Nashville.

Heather and Tommy Tuck were married on Feb. 27, 1999 and Heather filed for a divorce, in July of 2007, filing for an order of protection against her estranged husband, claiming that he had broken into her home in May armed with a hammer and a knife and had kept her hostage for more than six hours before she was able to grab her 13-year-old daughter and escape.

Heather claims that Tommy repeatedly broke into her home and threatened her during that time, violating the Order of Protection, but Tommy's brother and Police Chief Terry refused to arrest him even though Tommy was in clear violation of the Order of Protection and had a known criminal history of attacking women with knives.(Tommy Tuck was also convicted of assault with intent to commit first-degree murder and aggravated assault in 1991 after he stabbed his first wife, Janie Tuck, several times with a small butcher knife on July 14, 1989. He was sentenced to 10 years imprisonment, but was reportedly released after serving approximately seven or eight years.)

The lawsuit states that 'as a direct and approximate result of Police Chief Terry Tuck's negligent and reckless omission, the Plaintiffs (Heather Tuck and David McCarter) suffered serious bodily injuries at the hands of Tommy Tuck' and 'Police Chief Terry Tuck, in the course and scope of his employment, knew of Tommy Tuck's violation of the Order of Protection but committed the

negligent omission of failing to arrest Tommy Tuck despite having ample notice, opportunity and a legal duty to do so.'

Once the civil action lawsuit has been served, the defendants will have 30 days to respond and a possible court date will then be set.

he civil action suit filed against the City of Red Boiling Springs, the RBS Police Department and RBS Police Chief Terry Tuck is as follows:

IN THE CIRCUIT COURT FOR MACON COUNTY, TENNESSEE

HEATHER ASHLEY TUCK and
DAVID ALAN McCARTER,

Plaintiffs, No. 5617

v.

CITY OF RED BOILING SPRINGS,
RED BOILING SPRINGS POLICE DEPARTMENT, and
RED BOILING SPRINGS POLICE CHIEF TERRY TUCK,

Defendants.

COMPLAINT

Come now the Plaintiffs, Heather Ashley Tuck and David Alan McCarter, by and through the undersigned counsel, and for their causes of action against the Defendants, City of Red Boiling Springs, Red Boiling Springs Police Department and Red Boiling Springs Police Chief Terry Tuck, would show unto the court as follows:

1. Plaintiff Heather Tuck is a resident of Red Boiling Springs, Macon County, Tennessee.
2. Plaintiff David Alan McCarter is a resident of Hartsville, Trousdale County, Tennessee.
3. Defendant City of Red Boiling Springs is now, and at all times mentioned in this Complaint was, a municipal corporation organized and existing under the laws of the State of Tennessee and situated in Macon County.
4. The City of Red Boiling Springs may be served with process through its City Attorney, Jon A. Wells, 206 Public Square, Lafayette, Tennessee 37082.
5. The Red Boiling Springs Police Department is the duly organized law enforcement authority of the City of Red Boiling Springs.
6. The Red Boiling Springs Police Department may be served through its Police Chief, Terry Tuck, at 166 Dale Street, Red Boiling Springs, Tennessee 37150-0190.
7. At all times mentioned in this Complaint, Defendant Terry Tuck was the sworn and

empowered Chief of the Red Boiling Springs Police Department and acted pursuant to his powers and duties as such agent and employee of Defendant City of Red Boiling Springs.
8. Police Chief Terry Tuck may be served at the Red Boiling Springs Police Department, 166 Dale Street, Red Boiling Springs, Tennessee 37150-0190.
JURISDICTION AND VENUE
9. As all acts in this Complaint occurred in Macon County, Tennessee, jurisdiction properly lies with the Circuit Court of Macon County, Tennessee.
10. Venue is proper pursuant to Tenn. Code Ann. § 20-4-101(a) and § 29-20-308.
PRELIMINARY STATEMENT
11. This is a civil action for injuries sustained as a proximate legal result of the negligence and recklessness of agents for the City of Red Boiling Springs, Tennessee.
12. Red Boiling Springs Chief of Police Terry Tuck proximately caused Defendants' injuries in his negligent and reckless refusal to arrest his brother, Tommy Tuck, even though Tommy Tuck was in clear violation of an Order of Protection issued to protect the Defendant Heather Tuck and even though Tommy Tuck had a known criminal history of attacking women with knives. As a direct and proximate result of Police Chief Terry Tuck's negligent and reckless omission, the Plaintiffs Heather Tuck and David McCarter suffered serious bodily injury at the hands of Tommy Tuck.
STATEMENT OF FACTS
13. Plaintiff Heather Ashley Tuck ("Heather") and Tommy Nelson Tuck ("Tommy Tuck") were married in February, 1999. On March 39, 2007, Tommy Tuck sued Heather Tuck for divorce, and their divorce became final on July 13, 2007, the day before his vicious attack on the Plaintiffs.
14. Tommy Tuck was imprisoned previously for attacking a woman with a knife. Specifically, in 1989, Tommy Tuck stabbed his first wife, Janie Tuck, with a butcher knife, and he was imprisoned for that offense.
15. Police Chief Terry Tuck was aware that his brother, Tommy Tuck, had been previously imprisoned for attacking a woman with a knife.
16. In May of 2007, Tommy Tuck committed egregious acts of intimidation, false imprisonment and assault against Heather Tuck, including threatening Heather with a hammer and a knife. Tommy Tuck's conduct caused Heather to apply for an Ex Parte Order of Protection on June 25, 2007. The Order was granted, and subsequently served upon Tommy Tuck on June 27, 2007.
17. On the morning of July 13, the scheduled day of the Order of Protection hearing, Tommy Tuck again broke into Heather Tuck's home. Tommy Tuck harassed Heather and intimidated her in a threatening manner, all in clear and willful violation of the Order. Tommy Tuck eventually left Heather's residence.
18. After the July 13 break-in, Heather saw the two brothers, Tommy Tuck and Police Chief Terry Tuck talking on the roadway near her house.
19. On the morning of July 13, after the break-in and threats by Tommy Tuck, Heather Tuck called Police Chief Terry Tuck and talked with him by phone.
20. On the morning of July 13, Heather Tuck told Police Chief Terry Tuck that Tommy Tuck had broken into Heather's house in violation of the Order of Protection.
21. While in route to the hearing on the Order of Protection scheduled for 9:00 a.m. on July 13, Heather phoned Police Chief Terry Tuck, who is also the brother of Tommy Tuck, in order to inform him of Tommy's whereabouts. Heather specifically requested that Police Chief Terry

Tuck “come get” his brother, which Police Chief Terry Tuck declined to do.
22. Heather Tuck and Tommy Tuck eventually arrived at the hearing in Carthage at 9:00 a.m., but their names did not appear on the docket. Heather left the Courthouse to go to work, although she found out later that they had been on a docket scheduled for 1:00 p.m. The hearing on the Order of Protection was continued to a later date.
23. The Order of Protection remained in effect until it was heard on August 24, 2007 at which point it was extended for a period of one year.
24. In the early hours of the following morning, on July 14, 2007, Tommy Tuck broke into Heather Tuck’s house a final time. Armed with a knife, Tommy Tuck viciously attacked Heather and co-Plaintiff David McCarter, slitting Heather’s throat, and stabbing and slashing each victim multiple times. After the bloody attack, Heather and David were transferred to Air Evan Lifeteam air ambulances and flown to the Vanderbilt University Medical Center. Tommy Tuck was arrested and charged with two counts of attempted first degree murder.
CAUSES OF ACTION
25. Pursuant to Tenn. Code Ann. § 29-20-205, Macon County’s immunity from suit is removed for injuries and damages proximately caused by negligent operational acts or omissions by an employee within the scope of his or her employment. The exceptions enumerated in that statute do not apply to Police Chief Terry Tuck in this case, and therefore immunity is unavailable under the Act.
26. Police Chief Terry Tuck, in the course and scope of his employment, knew of Tommy Tuck’s violation of the Order of Protection but committed the negligent omission of failing to arrest Tommy Tuck despite having ample notice, opportunity and a legal duty to do so.
27. Given Tommy Tuck’s violent history, it was foreseeable that Tommy Tuck would become violent against Heather Tuck and her boyfriend, David McCarter.
28. As a direct and proximate result of Police Chief Terry Tuck’s negligent omission, Plaintiffs suffered severe bodily injury, extreme pain and suffering, continuing emotional and metal distress, permanent disfigurement, and loss of enjoyment of life. In addition, the Plaintiffs suffered lost earning and incurred medical expenses as a result of their horrific injuries.
WHEREFORE, Heather Ashley Tuck and David Alan McCarter pray as follows:
1. That proper process issue to the Defendants requiring a response to the Complaint within the time allowed by law;
2. That each Plaintiff have a judgment for compensatory damages against the Defendants in the maximum amount allowed by law;
3. That all court costs be taxed to the Defendants; and
4. For such other and further relief as this Court deems just and equitable.
Respectfully submitted,
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