

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

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2014 MAY 21 PM 3:28

RICHARD JONES and ELIZABETH JONES, as the Administrators of the Estate of SARAH ELIZABETH JONES, deceased,

Brian K. Hart

Plaintiffs,

v.

Civil Action No. 3011400752

FILM ALLMAN, LLC; UNCLAIMED FREIGHT PRODUCTIONS, INC.; RANDALL M. MILLER; JODY SAVIN; GREGORY L. ALLMAN; CHARLES BAXTER; JAY SEDRISH; JAY SEDRISH, INC.; MICHAEL LEHMAN; DON MANDRIK; HILLARY SCHWARTZ; MIKE OZIER; WME BI HOLDINGS, LLC; OPEN ROAD FILMS, LLC; MEDDIN STUDIOS, LLC; JEFFREY N. GANT; RAYONIER PERFORMANCE FIBERS, LLC; CSX TRANSPORTATION, INC.; AND UNKNOWN CORPORATIONS A - Z;

JURY TRIAL DEMANDED

Defendants.

COMPLAINT

I. INTRODUCTION

Plaintiffs Richard and Elizabeth Jones bring this action for wrongful death on behalf of their deceased daughter, Sarah Elizabeth Jones, as the duly-appointed Administrators of her Estate, against Defendants Film Allman, LLC, Unclaimed Freight Productions, Inc., Randall M. Miller, Jody Savin, Gregory L. Allman, Charles Baxter, Jay Sedrish, Jay Sedrish, Inc., Michael Lehman, Don Mandrik, Hillary Schwartz, Mike Ozier, WME BI Holdings, LLC, Open Road Films, LLC, Meddin Studios, LLC, Jeffrey N. Gant, Rayonier Performance Fibers, LLC, CSX Transportation, Inc., and Unknown Corporations A through Z, showing the Court as follows:

II. PARTIES

1.

Plaintiffs Richard and Elizabeth Jones (“Plaintiffs”) are residents of South Carolina, the parents of Sarah Elizabeth Jones (“Sarah”), and the Administrators of Sarah’s estate. Plaintiffs submit to the jurisdiction and venue of this Court.

2.

Plaintiffs bring this action for the wrongful death of Sarah and for the injuries she sustained prior to her death. Sarah was a resident of Fulton County, Georgia at the time of her death.

3.

Defendant Film Allman, LLC (“Film Allman”) is a Georgia corporation. Film Allman may be served with a copy of this Complaint through its registered agent, National Corporate Research, Ltd., [REDACTED]

4.

Defendant Film Allman was established to produce the Gregg Allman biopic *Midnight Rider*, and it conducted most of its business in and around Chatham County, Georgia. Film Allman’s principal office in Georgia is located at [REDACTED]

5.

Defendant Unclaimed Freight Productions, Inc. (“Unclaimed Freight”) is a California corporation, with a principal office address at [REDACTED]
[REDACTED] Unclaimed Freight may be served with a copy of this Complaint through its registered agent, Randall M. Miller, at the same address.

6.

Defendant Unclaimed Freight produces and finances independent films, and it was responsible for the production and finance of *Midnight Rider*. Unclaimed Freight is also a member of Film Allman, LLC.

7.

Defendant Randall M. Miller (“Miller”) is the co-owner of Unclaimed Freight and a member of Film Allman, LLC. Miller served as a Producer, Writer, and the Director of *Midnight Rider*.

8.

Defendant Miller is liable to Plaintiffs both in his individual and representative capacities. Miller is a resident of California, and he may be served with a copy of this Complaint at Unclaimed Freight’s and Film Allman’s principal office address [REDACTED]

[REDACTED]

9.

Defendant Jody Savin (“Savin”) is the co-owner of Unclaimed Freight and a member of Film Allman, LLC. Savin served as a Producer and Writer for *Midnight Rider*.

10.

Defendant Savin is liable to Plaintiffs both in her individual and representative capacities. Savin is a resident of California, and she may be served with a copy of this Complaint at Unclaimed Freight’s and Film Allman’s principal office address, [REDACTED]

[REDACTED]

11.

Defendant Gregory L. Allman (“Allman”) served as an Executive Producer of *Midnight Rider*. Allman is a resident of Bryan County, Georgia, and he may be served with a copy of this Complaint at [REDACTED] Defendant Allman is liable to Plaintiffs in both his individual and representative capacities.

12.

Defendant Charles Baxter (“Baxter”) served as the Location Manager for *Midnight Rider*. Baxter is a resident of Chatham County, Georgia and he may be served with a copy of this Complaint at [REDACTED] Defendant Baxter is liable to Plaintiffs in both his individual and representative capacities.

13.

Defendant Jay Sedrish (“Sedrish”) served as an Executive Producer and the Unit Production Manager for *Midnight Rider*. Defendant Sedrish is liable to Plaintiffs both in his individual and representative capacities. Sedrish is a resident of California, and he may be served at [REDACTED]

14.

Defendant Jay Sedrish, Inc. is a California corporation and serves as the “loan-out” corporation for Defendant Sedrish. Jay Sedrish, Inc.’s principal office address is [REDACTED]
[REDACTED]

15.

A “loan-out” corporation is a company formed as a separate legal entity that enters into contracts with producers, production companies, etc. to “loan” the services of the producer, director, writer, actor, or artist that it employs.

16.

Defendant Jay Sedrish, Inc. is liable for the acts of its employee, Sedrish, and may be served with a copy of this Complaint through its registered agent, Jay Sedrish, at [REDACTED]

[REDACTED]

17.

Defendant Michael Lehman (“Lehman”) served as an Executive Producer for *Midnight Rider*. Lehman is a resident of New Jersey, and he may be served with a copy of this Complaint at [REDACTED]. Defendant Lehman is liable to Plaintiffs in both his individual and representative capacities.

18.

Defendant Don Mandrik (“Mandrik”) served as an Executive Producer for *Midnight Rider*. Mandrik is a resident of DeKalb County, Georgia, and he may be served with a copy of this Complaint at [REDACTED]. Defendant Mandrik is liable to Plaintiffs in both his individual and representative capacities.

19.

Defendant Hillary Schwartz (“Schwartz”) served as the First Assistant Director for *Midnight Rider*. Schwartz is a resident of California, and she may be served with a copy of this Complaint at [REDACTED]. Defendant Schwartz is liable to Plaintiffs both in her individual and representative capacities.

20.

Defendant Mike Ozier (“Ozier”) served as the Director of Photography for *Midnight Rider*. Ozier is a resident of California, and he may be served with a copy of this Complaint at

[REDACTED] Defendant Ozier is liable to Plaintiffs both in his individual and representative capacities.

21.

Defendant WME BI Holdings, LLC (“WME”), is a Delaware corporation registered to do business in California, with a principal office address at [REDACTED]

[REDACTED] Upon information and belief, WME served as the loan-out corporation for Defendant Ozier, and is therefore responsible for the acts of its employee, Ozier.

22.

Defendant WME may be served with a copy of this Complaint through its registered agent, Corporation Service Company, [REDACTED]

23.

Defendant Open Road Films, LLC (“Open Road”) is a Delaware corporation with a principal office address at [REDACTED] Open Road, a theatrical distribution and marketing company, was to serve as the distributor for *Midnight Rider*.

24.

Defendant Open Road may be served with a copy of this Complaint through its registered agent, The Corporation Trust Company, Corporation Trust Center, [REDACTED]

25.

Defendant Meddin Studios, LLC (“Meddin Studios”) is a Georgia corporation with a principal office address in Chatham County, at [REDACTED]

26.

Defendant Meddin Studios provided production and filming equipment and personnel for *Midnight Rider*. Meddin Studios may be served with a copy of this Complaint through its registered agent, Jeffrey N. Gant, [REDACTED]
[REDACTED]

27.

Defendant Jeffrey N. Gant (“Gant”) is the co-founder and creative director for Defendant Meddin Studios, and he served as an Executive Producer of *Midnight Rider*. Gant is liable to Plaintiffs in both his individual and representative capacities. Defendant Gant is a resident of Chatham County, Georgia, and he may be served with a copy of this Complaint at [REDACTED]
[REDACTED]

28.

Defendant Rayonier Performance Fibers, LLC (“Rayonier”) is a Delaware corporation with a principal place of business at [REDACTED]
[REDACTED] Rayonier may be served with a copy of this Complaint through its registered agent, Nancy K. Wheeler, at the same address.

29.

Defendant CSX Transportation, Inc. (“CSX”) is a Virginia corporation with a principal place of business at [REDACTED] CSX provides rail-based shipping services. CSX may be served with a copy of this Complaint through its registered agent, Creations Network, Inc., [REDACTED]
[REDACTED]

30.

Unknown Corporations A through Z are not-yet-identified loan-out corporations that contracted with one or more of the Defendants to provide the services of its employees for the *Midnight Rider* film. Said corporations are liable for the acts and/or failures to act of their employees.

31.

At the time of her death, Sarah was working as an independent contractor on the *Midnight Rider* film, alongside Defendants Film Allman, Unclaimed Freight, Miller, Savin, Allman, Baxter, Sedrish, Jay Sedrish, Inc., Lehman, Mandrik, Schwartz, Ozier, WME, Open Road, Meddin Studios, Gant, and any not-yet-identified loan-out corporations for the foregoing Defendants (referred to collectively as the “*Midnight Rider* Defendants”).

32.

Ease Entertainment Systems, L.P. (“Ease Entertainment”), through its subsidiary and/or affiliate, Payees Entertainment, Inc. (“Payees”), issued Sarah’s paycheck, withholding any applicable taxes or deductions. Ease Entertainment and/or Payees maintained Sarah’s workers’ compensation insurance. Plaintiffs have not collected any workers’ compensation payments on behalf of Sarah.

33.

The *Midnight Rider* Defendants operated as independent contractors of each other.

34.

Each of the *Midnight Rider* Defendants was actively involved in the day-to-day activities pertaining to, and was individually and independently responsible for, the filming and production of *Midnight Rider*.

III. JURISDICTION AND VENUE

35.

Jurisdiction is proper because all of the Defendants are residents of Georgia or subject to the exercise of long-arm jurisdiction. Venue is proper as to all of the Defendants, pursuant to O.C.G.A. §§ 9-10-31, 9-10-93 and 14-2-510, as Defendant Meddin has a registered office and principal place of business in Chatham County, Defendants Gant and Baxter reside in Chatham County, Defendant Film Allman's principal place of business is in Chatham County, and the filming of *Midnight Rider* was based in Chatham County.

IV. FACTUAL ALLEGATIONS

36.

Plaintiffs re-allege and incorporate paragraphs 1 through 35 as if fully set forth herein.

37.

Defendants Miller and Savin, through their production company, Defendant Unclaimed Freight, established Defendant Film Allman for the purpose of producing a biopic, *Midnight Rider*, based on Defendant Allman's autobiography.

38.

Sarah served as Second Camera Assistant on the *Midnight Rider* film crew. At the time of the filming described herein, she was 27 years old.

39.

As an assistant camera operator, Sarah's duties included setting up cameras, keeping the cameras loaded with film, and helping track and transport equipment.

40.

The filming of *Midnight Rider* was based in Savannah, in Chatham County, Georgia. Defendant Meddin Studios served as the base of operations for the film, and it provided production, filming equipment, and crew for filming to take place on February 20, 2014.

41.

On February 20, 2014, the film crew organized by Meddin Studios for Defendant Film Allman met at Meddin Studio's facility in Savannah to prepare to shoot a pre-production scene for *Midnight Rider*.

42.

The scene was to be filmed on the property of Defendant Rayonier, which had granted permission to the *Midnight Rider* Defendants to film the scene on its property at 4470 Savannah Highway, Jesup, Wayne County, Georgia 31545.

43.

On February 20, 2014, Sarah and the *Midnight Rider* cast and crew arrived at Defendant Rayonier's property to shoot the scene. The scene itself was to be filmed on railroad tracks on a trestle bridge. The tracks were owned and operated by Defendant CSX.

44.

A representative of Defendant Rayonier, Tina Kicklighter, informed one or more of the *Midnight Rider* Defendants and/or the *Midnight Rider* crew that only two trains would pass by on the railroad tracks per day.

45.

Despite the fact that they planned to film a scene on active railroad tracks, and despite their knowledge of the danger presented by filming a scene on active railroad tracks, none of the

Midnight Rider Defendants, or their agents, representatives, contractors, or employees, obtained the proper permission or approval from Defendant CSX to conduct filming on the trestle bridge.

46.

While the *Midnight Rider* Defendants knew that they did not have permission or approval from CSX to film on the railroad tracks, they concealed this fact from the rest of the *Midnight Rider* cast and crew, including Sarah.

47.

In fact, the *Midnight Rider* Defendants falsely informed, or gave the impression to, the cast and crew, including Sarah, that they had received permission to conduct filming on the railroad tracks.

48.

As a result, Sarah and other members of the cast and crew believed that they had permission to be on the railroad tracks on February 20.

49.

Despite the fact that they planned to film a scene on active railroad tracks, without permission from CSX, and despite their knowledge of the danger presented by filming a scene on active railroad tracks, the *Midnight Rider* Defendants, or their agents, representatives, contractors, or employees, failed to take reasonable, minimum safety precautions and failed to comply with applicable industry standards.

50.

Specifically, among other things, the *Midnight Rider* Defendants, or their agents, representatives, contractors, or employees: selected an unreasonably dangerous site for the filming location; failed to secure approval for filming from CSX; concealed their lack of

approval from CSX from the cast and crew; failed to secure and patrol the filming location; failed to station safety personnel at the filming location; failed to station “look-out” individuals to watch for an approaching train; failed to hold a safety meeting prior to filming; failed to have an on-site medic present for the filming; failed to secure the presence of a CSX representative for the filming; failed to warn of the danger presented by the filming location; and otherwise failed to take measures to protect the safety of the *Midnight Rider* cast and crew.

51.

By committing these acts, or failures to act, the *Midnight Rider* Defendants operated without minimum safety precautions and contrary to standard industry practices for productions of this scale and for productions involving dangerous filming conditions.

52.

On February 20, 2014, at the direction of Defendant Miller, the *Midnight Rider* crew prepared to film a scene that involved a metal-framed hospital bed placed on the railroad tracks on the trestle bridge. Sarah assisted in the preparation of this scene.

53.

Based on the information from Defendant Rayonier that only two trains would pass by per day, the *Midnight Rider* cast and crew waited for two of Defendant CSX’s trains to pass by on the railroad tracks before placing the hospital bed on the tracks and preparing to film the scene. These two trains passed without incident.

54.

After the two trains passed by, Sarah and the *Midnight Rider* cast and crew believed that no other trains were expected to use the railroad tracks on February 20.

55.

Before filming the scene on February 20, the cast and crew were informed by one or more of the *Midnight Rider* Defendants, or their agents, representatives, contractors, or employees, that, if another train approached, the crew would have 60 seconds to remove themselves, their equipment, and the hospital bed from the trestle bridge.

56.

Despite misgivings among the *Midnight Rider* cast and crew over shooting the scene on the trestle bridge with only 60 seconds to evacuate, the crew prepared to film the scene.

57.

At approximately 4:30 p.m. on February 20, a third train operated by Defendant CSX approached the *Midnight Rider* crew, as they were filming or preparing to film the scene on the trestle bridge.

58.

According to eye witnesses, the train was almost as wide as the trestle bridge and approaching at a rapid speed.

59.

The only viable means for the crew on the trestle bridge to escape the path of the oncoming train was to run southwest, to get off of the bridge and off to the side of the railroad tracks. This required the crew to run towards the train, which was coming from the northeast.

60.

While the crew had been told that they would have 60 seconds to remove themselves, the equipment, and the hospital bed from the trestle bridge, the train approached with a rapid speed, and the crew had less than 60 seconds to react.

61.

Several members of the crew, including Sarah, were not able to escape the path of the oncoming train, and some crew members, equipment, and the hospital bed remained on the trestle bridge as the train approached.

62.

The resulting train collision and the flying debris caused Sarah's death.

63.

As the producers and ultimate decision-makers for the film *Midnight Rider*, Defendants Film Allman, Unclaimed Freight, Miller, and Savin, along with any not-yet identified loan-out corporations for Miller and Savin, were each independently and ultimately responsible for ensuring set safety and compliance with applicable laws and regulations during the filming of *Midnight Rider*.

64.

As Executive Producers of *Midnight Rider*, Defendants Allman, Sedrish, Jay Sedrish, Inc., Gant, Lehman, and Mandrik, and any not-yet identified loan-out corporations for the Executive Producers, were each independently responsible for ensuring that filming and production was conducted in a safe and legal manner, in compliance with applicable industry standards.

65.

As Unit Production Manager, Defendant Sedrish retained additional responsibility over all administrative requirements of film production.

66.

As First Assistant Director, Defendant Schwartz retained additional responsibility for holding safety meetings for the cast and crew and to report safety issues. It was also her responsibility to inspect the set for safety concerns and report any unsafe conditions.

67.

As Location Manager, Defendant Baxter retained responsibility for selecting shooting locations and obtaining the necessary authorizations to film in selected areas.

68.

As Director of Photography, Defendant Ozier retained responsibility for overseeing the operation and safety of the camera operators, including Sarah.

69.

Defendants Open Road, Meddin Studios, and Gant each retained individual responsibility for ensuring that the *Midnight Rider* filming was conducted in a safe and legal manner, in compliance with applicable industry standards.

70.

Each of the *Midnight Rider* Defendants had knowledge, actual or constructive, that the scene filmed on February 20 was to take place on active railroad tracks, without permission from CSX, and each *Midnight Rider* Defendant knew of the danger presented by filming under those circumstances.

71.

Despite this knowledge, and as set forth above, the *Midnight Rider* Defendants breached their duties to conduct the February 20 filming in a safe and legal manner, and each *Midnight Rider* Defendant is independently liable to Plaintiffs for Sarah's death and the resulting damages.

72.

As the owner of the property on which the February 20 filming took place, and by giving permission to the *Midnight Rider* Defendants to conduct filming, Defendant Rayonier was responsible for the activities taking place on its property. Moreover, by informing the *Midnight Rider* Defendants regarding the number of trains passing by per day, Rayonier assumed the duty to accurately inform and warn of the dangers presented by the railroad tracks, the trestle bridge, and the passing trains. Rayonier breached its duty to exercise reasonable care, as it incorrectly informed and failed to warn the *Midnight Rider* cast and crew regarding this danger.

73.

Defendant CSX is required by its own safety guidelines to take reasonable precautions when unauthorized individuals are present on the railroad tracks it operates.

74.

Defendant CSX had actual knowledge that the *Midnight Rider* cast and crew would be around the railroad tracks and trestle bridge on or around February 20, 2014.

75.

Despite the fact that multiple CSX trains passed the *Midnight Rider* cast and crew on February 20, with those individuals in view of the trains' operators, no warning was given to the subsequent train that ultimately caused Sarah's death.

76.

Moreover, despite its actual knowledge that the *Midnight Rider* cast and crew were on and around the railroad tracks and trestle bridge on February 20, CSX never sent a representative to the location to secure the removal of individuals and equipment from the railroad tracks.

77.

Additionally, the train that caused Sarah's death on February 20 did not take reasonable precautions to avoid the *Midnight Rider* cast and crew, such as blowing the horn and/or slowing the train's speed.

78.

As a result, Defendant CSX breached its duty to exercise ordinary care and take reasonable safety precautions.

V. ALLEGATIONS OF NEGLIGENCE

79.

Plaintiffs re-allege and incorporate paragraphs 1 through 78, as if fully set forth herein.

80.

Defendants each breached the duty owed to Sarah by failing to exercise ordinary care on and leading up to February 20, 2014, the date of Sarah's death.

81.

Specifically, the *Midnight Rider* Defendants each failed to take reasonable, minimum safety precautions by, among other things: selecting the filming location; failing to inspect properly the filming location; failing to secure approval from CSX to film at the filming location; concealing the lack of approval from CSX from the cast and crew; failing to station safety personnel at the filming location; failing to hold a safety meeting prior to filming; failing to secure and patrol the filming location; failing to warn of the danger presented by the filming location; and failing to take measures to protect the safety of the cast and crew.

82.

The *Midnight Rider* Defendants had knowledge, both actual and constructive, of the danger presented by filming on active railroad tracks, but failed to exercise ordinary care to protect the filming cast and crew.

83.

The *Midnight Rider* Defendants also failed to warn the cast and crew of the danger presented, and actually concealed that danger by leading the cast and crew to believe that they were on the railroad tracks with permission from Defendant CSX.

84.

Defendant Rayonier assumed the duty to inform and to warn the *Midnight Rider* cast and crew regarding the danger presented by the railroad tracks, the trestle bridge, and the passing trains. Defendant Rayonier failed to exercise ordinary care by allowing the *Midnight Rider* Defendants to conduct filming on its property, failing to warn accurately of the danger presented by the trains passing through its property, failing to inform accurately the *Midnight Rider* Defendants regarding this danger, and failing to ensure that the *Midnight Rider* Defendants were taking minimal safety precautions while filming on Rayonier's property.

85.

Defendant CSX failed to exercise ordinary care by taking reasonable safety precautions to avoid the individuals on the trestle bridge.

86.

Specifically, upon information and belief, none of the train operators who passed the *Midnight Rider* cast and crew before the collision informed the train that ultimately caused Sarah's death that individuals were on the railroad tracks.

87.

Moreover, despite its knowledge that individuals were on the railroad tracks, Defendant CSX failed to send a representative to the location to secure the removal of the *Midnight Rider* crew and equipment from the railroad tracks.

88.

Additionally, the CSX train that caused Sarah's death failed to take reasonable precautions, such as blowing the horn and reducing its speed, to avoid hitting the *Midnight Rider* crew and equipment on the trestle bridge.

89.

Defendants' failures, individually and as a whole, amounted to a breach of the duty to exercise reasonable care.

90.

Defendants' negligence actually and proximately caused Sarah's injuries and death, rendering Defendants liable to Plaintiffs' for Sarah's injuries, pain and suffering, the value of her life, and all other elements of damages allowed under the laws of the State of Georgia.

91.

Each of the foregoing acts and omissions constitute an independent act of negligence on the part of Defendants, and one or more of all of the above stated acts, or failures to act, were the proximate causes of Sarah's injuries and death. As a result, Defendants are joint tort-feasors, and their combined negligence renders them liable to Plaintiffs for Sarah's death and all damages recoverable under Georgia law.

VI. DAMAGES

92.

Plaintiffs request general and special damages resulting from Sarah's injuries, pain and suffering, and death, in amount to be determined by the enlightened conscience of the jury.

93.

Further, Defendants showed willful misconduct, wantonness, oppression, or that entire want of care which raises the presumption of conscious indifference to consequences.

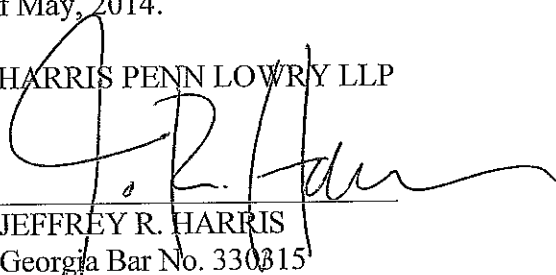
Accordingly, Plaintiffs are entitled to an award of punitive damages, pursuant to O.C.G.A. § 51-12-5.1.

WHEREFORE, Plaintiffs pray for the following relief:


1. That summons and process issue requiring the Defendants to appear as provided by law to answer the allegations of this Complaint;
2. **A TRIAL BY JURY** of all issues so triable;
3. Damages for the full value of Sarah's life;
4. Special damages incurred by Sarah;
6. Damages for the pain and suffering experienced by Sarah before her death;
7. Punitive damages in an amount to be determined by the jury;
8. Payment of any authorized attorneys' fees, interest, and costs;
10. For such other and further relief as this Court deems just and appropriate.

Respectfully submitted this 21st day of May, 2014.

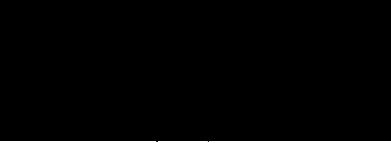
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