

**IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE**

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SHAUNDELLE BROOKS,	§	
as next-of-kin to the deceased,	§	
AKILAH DASILVA,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 19C980
	§	
v.	§	JURY DEMANDED
	§	
THE METROPOLITAN	§	
GOVERNMENT OF NASHVILLE	§	
AND DAVIDSON COUNTY,	§	
	§	
<i>Defendant.</i>	§	

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**PLAINTIFF’S FIRST AMENDED COMPLAINT<sup>1</sup>**

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**I. INTRODUCTION**

1. Akilah DaSilva was a beloved son, brother, and budding musician who was pursuing a promising career in computer engineering at Middle Tennessee State University. He loved his family, photography, writing poetry, and directing music videos.

2. On April 22, 2018, Travis Reinking shot multiple patrons at the Antioch Waffle House located at 3571 Murfreesboro Pike. Reinking shot Mr. DaSilva once in his upper right shoulder region while Mr. DaSilva was dining with his brother and girlfriend.

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<sup>1</sup> On August 8, 2019, Defendant’s counsel indicated that Defendant would provide the Plaintiff information regarding additional defendants who were specifically responsible for the errors alleged in the Plaintiff’s Complaint. *See* Doc. #19. As of this filing, however, that information still has not been provided. Further, although Defendant indicated during the Parties’ July 26, 2019 hearing that the “Emergency Communications District of the Metropolitan Government of Nashville and Davidson County” both is not a part of the Metropolitan Government of Nashville and Davidson County and is the entity responsible for certain allegations alleged in the Plaintiff’s Complaint, the Plaintiff has not yet received any documentation that confirms those representations, and accordingly, the Plaintiff is not yet able to add that entity or any of its employees as defendants in this matter. *See* Tenn. R. Civ. P. 11.02(3). In light of the foregoing, however, the Plaintiff anticipates further amendment following discovery.

3. The mass shooting prompted multiple patrons—including Mr. DaSilva's brother, Abede DaSilva—to call 9-1-1. Although GPS coordinates for at least four callers were readily available, 9-1-1 call takers employed by the Defendant ignored them while processing the calls. Among other mistakes, the Defendant and Defendant's employees negligently operated available equipment that would have verified callers' precise GPS coordinates, negligently operated out-of-date equipment while disregarding specific and accurate location information provided by callers, and failed to ask callers for cross streets.

4. As a result of these catastrophic errors and several other mistakes, the Defendant dispatched first responders to the wrong Waffle House, sending them instead to a restaurant in Hermitage that was approximately nine miles away and located in an entirely different police precinct.

5. The Defendant's negligence, gross negligence, and reckless disregard of callers' readily available location information materially delayed the emergency response to the mass shooting at the Antioch Waffle House, thereby delaying Mr. DaSilva from receiving essential medical treatment from third parties by several precious minutes.

6. As a consequence of the delayed emergency response caused by the Defendant's negligence, gross negligence, and extreme recklessness, Akilah DaSilva suffered extensive and preventable blood loss, contributing to his death.

7. If the Defendant had not negligently and recklessly dispatched first responders to the wrong location, Mr. DaSilva would still be alive today.

## **II. PARTIES**

8. Plaintiff Shaundelle Brooks is Mr. DaSilva's mother, next-of-kin, and the administratrix of his estate. She is a citizen and resident of Davidson County, Tennessee.

9. The Defendant is the Metropolitan Government of Nashville and Davidson County (“Metro”), a governmental entity. The Defendant operates the Metro Nashville Emergency Communications Center (“ECC”), which was established in 2002 to reduce delays in response times after an audit of the city’s 9-1-1 system, and the Emergency Communications District of the Metropolitan Government of Nashville and Davidson County.

### **III. JURISDICTION, AUTHORITY AND VENUE**

10. This Court has jurisdiction over this lawsuit pursuant to Tenn. Code Ann. § 16-10-101.

11. The Plaintiff, Shaundelle Brooks, has the authority to bring this wrongful death action against the Defendant as next-of-kin to the decedent, Akilah DaSilva, pursuant to Tenn. Code Ann. § 20-5-107(a) and Tenn. Code Ann. § 5-1-105.

12. As the county where the causes of action arose and where the Plaintiff and the Defendant reside, venue in this matter is proper pursuant to Tenn. Code Ann. § 20-4-101(a).

### **IV. FACTUAL ALLEGATIONS**

13. On April 22, 2018, Akilah DaSilva was shot in the upper right shoulder region by Travis Reinking during a mass shooting at the Antioch Waffle House located at 3571 Murfreesboro Pike in Nashville, Tennessee.

14. Almost immediately after the shooting began, multiple callers—including Akilah DaSilva’s brother—called 9-1-1 seeking an emergency response.

15. The Defendant receives all 9-1-1 calls in the city of Nashville, and it holds itself out to the public as “one-stop shopping for 9-1-1 services.” Despite a history of fatal

errors, *see, e.g.*, **Exhibit A**, RESOLUTION NO. RS2017-583 (COOPER) (“This resolution would authorize the Department of Law to settle the personal injury claim of Ms. Robin Williamson, as next of kin of Mr. Joseph Garcia, against the Metropolitan Government in the amount of \$125,000.”), and despite extended delays in updating its database to reflect new addresses and developments, the Defendant additionally claims “to serve as the vital link between the citizens and the emergency responders of Nashville & Davidson County by providing emergency and non-emergency services in a prompt, courteous and efficient manner.”

16. The Defendant received all of the 9-1-1 calls that were successfully completed by Waffle House patrons during the April 22, 2018 mass shooting at the Antioch Waffle House.

17. Although GPS coordinates for at least four 9-1-1 callers were readily available to the Defendant’s call takers, the Defendant’s call takers negligently operated their equipment and ignored those callers’ GPS coordinates prior to dispatching first responders to the wrong location.

18. The Defendant and Defendant’s employees negligently operated available equipment that would have verified callers’ precise locations prior to dispatching first responders to the wrong location.

19. During an August 19, 2019 hearing before the Budget and Finance Committee of the Metropolitan Council of Nashville and Davidson County, an ECC employee indicated that:

[T]he call for the wrong location was entered by a call taker that was not familiar of a second Waffle House, and they used the resources we had, which is basically an electronic phone book, which are almost extinct now. And in there it only listed the one Waffle House on Murfreesboro Road.

See **Exhibit B**, p. 13, lines 3-8.

20. After receiving a call from a 9-1-1 caller during the mass shooting at the Antioch Waffle House, one or more of Defendant's employees negligently operated their equipment and failed to press the F-11 key on their keyboard, which would have given the employee(s) accurate and specific caller location information. *See generally* **Exhibit C** (collective).

21. After receiving a call from a 9-1-1 caller during the April 22, 2018 mass shooting, one or more of Defendant's employees failed to ask callers for the Waffle House's cross streets and relied instead on an out-of-date electronic phonebook.

22. At least one 9-1-1 caller provided the exact, correct address of the Antioch Waffle House to an ECC call taker, which the Defendant ignored both prior to dispatching first responders to the wrong location and for minutes afterward.

23. In reckless disregard of 9-1-1 callers' readily available location information, the Defendant failed to dispatch first responders to the Antioch Waffle House where Akilah DaSilva was shot, and it erroneously dispatched first responders to the Hermitage Waffle House located at 816 Murfreesboro Pike instead.

24. Because first responders had to clear the erroneous location to which the Defendant initially dispatched them, critical minutes would pass before first responders arrived at the correct location where the mass shooting occurred.

25. The Hermitage Waffle House was nearly nine miles away from the location where Akilah DaSilva and multiple other patrons had been shot, and it was also located in an entirely different police precinct. The Defendant and Defendant's employees dispatched the emergency response to a location nearly nine miles away and in a different precinct in contravention of essential training and as a result of their gross negligence and

extreme recklessness.

26. **After the above-described errors were discovered, and as a result of them, then-ECC Director Michele Donegan issued “a reminder for call takers to utilize all the tools available to them to verify location of callers,”** which the Defendant’s employees had incompetently failed to do through their negligence, gross negligence, and recklessness. Nonetheless, ECC employees inexplicably received effusive reviews for their negligent operation of equipment and grossly deficient performances during the April 22, 2018 mass shooting, and Donegan declared that “there were no changes to policies or procedures as a direct result of the Waffle House incident.”

27. Akilah DaSilva began bleeding the moment he was shot by Travis Reinking.

28. Because the Defendant dispatched first responders to the wrong location, the emergency response to Mr. DaSilva’s injury was delayed by several indispensable minutes.

29. Every additional second of delay caused by the Defendant’s negligence, gross negligence, and recklessness caused Mr. DaSilva to lose more blood before he reached a third-party hospital.

30. After first responders discovered that the Defendant has dispatched them to the wrong location, and after the emergency response finally arrived at the correct location, Mr. DaSilva was taken to Vanderbilt Hospital’s trauma center.

31. By the time Mr. DaSilva arrived at Vanderbilt Hospital, he had lost a dangerous amount of blood.

32. If the Defendant had dispatched the emergency response to the correct location, Mr. DaSilva would have reached Vanderbilt faster and experienced significantly less blood loss by the time he arrived.

33. Mr. DaSilva's death was proximately caused by a series of negligent and grossly negligent acts and omissions by the Defendant's employees acting within the scope of their employment.

34. After Abede DaSilva and multiple other 9-1-1 callers reported the mass shooting, the Defendant affirmatively undertook to protect Akilah DaSilva, and Mr. DaSilva relied upon that undertaking after multiple patrons, including his brother, communicated to him that they had called 9-1-1 and that the emergency response was forthcoming.

35. The Defendant did not list the Antioch Waffle House in its database even though it was open to the public, had been assigned an address, and had been placed in the Property Tax Assessor's database. Instead, the Defendant dispatched the emergency response to the wrong location because it negligently operated equipment that could have verified precise GPS coordinates and relied instead upon what is "basically an electronic phone book," which is "almost extinct now." See **Exhibit B**, p. 13, lines 3-8.

36. Even months after the shooting occurred, the Antioch Waffle House still had not been placed in the ECC's database, and the former ECC Director indicated that "there were no changes to policies or procedures as a direct result of the Waffle House incident."

37. By disregarding readily available GPS coordinates for multiple 9-1-1 callers; by disregarding the Antioch addresses reported by multiple 9-1-1 callers; by negligently operating and failing to utilize available equipment that would have verified 9-1-1 callers' location data; and by disregarding known information indicating that the mass shooting had not occurred in Hermitage, the Defendant and its employees acted recklessly and grossly negligently in breach of their duties, which prevented Mr. DaSilva from receiving prompt and essential life-saving treatment from third parties, contributing to his death.

## **V. CAUSES OF ACTION**

### **1. Negligent Operation of Equipment**

38. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

39. While acting in the scope of their employment within the meaning of Tenn. Code Ann. § 29-20-202, the Defendant and Defendant's employees negligently operated equipment that would have indicated callers' precise GPS coordinates.

40. While acting in the scope of their employment within the meaning of Tenn. Code Ann. § 29-20-202, the Defendant and Defendant's employees negligently failed to "utilize all the tools available to them to verify location of callers."

41. After receiving calls from 9-1-1 callers during the mass shooting at the Antioch Waffle House, and while acting in the scope of their employment within the meaning of Tenn. Code Ann. § 29-20-202, one or more ECC employees negligently operated their equipment and failed to press the F-11 key on their keyboard, which would have given the employee(s) accurate and specific caller location information.

42. While acting in the scope of their employment within the meaning of Tenn. Code Ann. § 29-20-202, the Defendant and Defendant's employees negligently operated equipment that would have provided accurate and specific caller location information, and relied on an out-of-date electronic phonebook instead.

43. As a result of the negligent operation by Defendant and Defendants' employees of equipment while in the scope of employment, Mr. DaSilva died.

### **2. Gross Negligence/Recklessness**

44. The Plaintiff incorporates and realleges the foregoing allegations as if fully



set forth herein.

45. The Defendant acted with gross negligence and recklessness while processing emergency calls and dispatching the emergency response to the mass shooting at the Antioch Waffle House.

46. After Mr. DaSilva was shot in the shoulder, and after multiple 9-1-1 callers reported a mass shooting at the Antioch Waffle House, the Defendant ignored extensive and readily available location information and dispatched first responders to the wrong address, thereby delaying Mr. DaSilva's medical treatment by several minutes and causing him to experience extensive, preventable blood loss.

47. By dispatching first responders to the wrong address and disregarding extensive and readily available location information that indicated the correct address of the mass shooting, the Defendant acted with an utter lack of concern for Mr. DaSilva's safety and a conscious indifference to the consequences of its grossly negligent actions and omissions.

48. By dispatching first responders to the wrong address and disregarding extensive and readily available location information that indicated the correct address of the mass shooting, the Defendant failed to act in a prompt and efficient manner.

49. By dispatching first responders to the wrong address and disregarding extensive and readily available location information that indicated the correct address of the mass shooting, the Defendant acted in complete disregard for Mr. DaSilva's safety.

50. By dispatching first responders to the wrong address and disregarding extensive and readily available location information, the Defendant consciously neglected its known duty to act reasonably and dispatch a prompt and efficient emergency response.

51. Defendant dispatched first responders to the wrong address and

disregarded extensive and readily available location information in part because the Defendant's employees failed to attain, maintain, and/or comply with required training.

52. As a result of Defendant's gross negligence and reckless conduct, Mr. DaSilva died.

## **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests:

1. That Defendants be required to appear and answer this Amended Complaint within the time required by law;
2. All compensatory, consequential and incidental damages to which the Plaintiff is entitled in an amount not less than \$300,000.00;
3. That the Plaintiff be awarded the discretionary costs of trying this action;
4. That pre-judgment and post-judgment interest be awarded to the Plaintiff;
5. That all costs be taxed against the Defendant;
6. That a jury of 12 be empaneled to try this cause; and
7. All such further relief as this Court deems just and proper.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of September, 2019, a copy of the foregoing was sent via USPS mail, postage prepaid, and/or via email to the following parties:

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