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IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY

STATE OF UTAH

TERRY LEE CHAPMAN, Individually and
as Representative of the Estate of
CHRISTOPHER JORDAN CHAPMAN,
deceased,

Plaintiff,

vs.

The Estate of TANNER JAMES HOLT,
DIAMOND FLYING, LLC, and
BRADFORD R. HOLT,

Defendants.

**COMPLAINT
Tier 3**

Case No. :

Judge:

Plaintiff, by and through their counsel, hereby complain against Defendants and allege as follows:

1. TERRY LEE CHAPMAN, Individually and as Representative of the Estate of

CHRISTOPHER JORDAN CHAPMAN, (hereinafter “Plaintiff”) is a resident of Washington County, State of Utah.

2. Upon information and belief, TANNER JAMES HOLT, deceased, was a resident of Utah County, State of Utah.

3. Upon information and belief, BRADFORD R. HOLT is a resident of the State of Georgia. Defendant Bradford R. Holt, pursuant to Utah Code Ann. §78-27-22 *et seq.*, is subject to the jurisdiction of this court by conducting business and establishing sufficient minimum contacts within this state.

4. Upon information and belief, DIAMOND FLYING, LLC (hereafter “Diamond Flying”) is a Utah Limited Liability Company conducting and/or transacting business in the State of Utah.

JURISDICTION AND VENUE

5. The Third Judicial District Court in and for Salt Lake County, State of Utah, has jurisdiction of the claims asserted below pursuant to the provision of §78A-5-102, Utah Code Ann. (1953 as amended).

6. Pursuant to Rule 26(c)(3), of the New Utah Rules of Civil Procedure, the amount in controversy exceeds \$300,000, qualifying this claim for a Tier 3 standard discovery.

FACTUAL ALLEGATIONS

7. Plaintiff is the mother and heir of decedent, and is thus entitled to bring this action pursuant to Utah Code Ann. § 78B-3-106.

8. On or about May 26, 2012, Defendant Tanner Holt, and three friends, including, Christopher Jordan Chapman, were killed after the single-engine, four passenger aircraft in which they were riding suddenly plunged to the earth shortly after take-off. At the time of the accident, Tanner Holt was piloting the aircraft and the group was departing St. George, Utah for arrival in Mesquite, Nevada.

9. Upon information and belief, the subject aircraft was a Cessna 172S, registration number N953SP, was owned by Defendant Diamond Flying. Further, upon information and belief, Defendant Bradford R. Holt, the father of Tanner Holt, also had an ownership interest, contractual control and/or other responsibilities for the aircraft, and/or was involved in the management, maintenance, availability and/or control over the subject aircraft.

10. Upon information and belief, in the late evening of May 25, 2012 and early morning hours of May 26, 2012, the pilot, Tanner Holt, along with several other individuals, had been consuming alcoholic beverages and/or liquor at a friend's house. Christopher Jordan Chapman was not consuming alcoholic beverages and toxicology results show he had no alcohol and/or ETOH detected in his system at the time of his death.

11. At approximately 1:20 a.m. on May 26, 2012 the Cessna aircraft attempted to take off from the St. George airport. Tanner Holt flew the aircraft at a low altitude just above the runway for some time, eventually rapidly ascending the plane into the night sky. Several

seconds later, the aircraft suddenly entered a rapid descent, and crashed, propeller first, merely 300 feet from the airport runway.

12. Upon information and belief, Diamond Flying and/or Bradford R. Holt had provided Tanner Holt unrestricted access to the subject aircraft. Despite being under the influence of alcohol, Tanner Holt, attempted to pilot the Cessna aircraft with several passengers, including Christopher Jordan Chapman on board. Further, Diamond Flying and/or Bradford R. Holt negligently entrusted the aircraft to Tanner Holt when they knew or should have known that Tanner Holt was operating the aircraft impaired, under the influence of alcohol or in a manner inconsistent with the plane's load weight limitations.

13. As a direct and proximate result of defendants' acts and omissions, Christopher Jordan Chapman suffered fatal personal injuries; traumatic mental, physical, and emotional pain, anxiety and fear of impending death as the plane rapidly descended and crashed.

14. As a direct and proximate result of the incident, the Plaintiff has suffered the loss of love, society, care, comfort, companionship, affection, services, guidance, association and support of Christopher Jordan Chapman.

15. As a direct and proximate result of the incident, Plaintiff and the estate of Christopher Jordan Chapman have incurred funeral and burial expenses.

FIRST CAUSE OF ACTION – Negligence
(AGAINST ALL DEFENDANTS)

16. Plaintiff fully incorporates the preceding paragraphs as if fully set forth herein.

17. At all times relative hereto, defendants owed Plaintiff a duty to use reasonable care to avoid injuring Christopher Jordan Chapman. The defendants breached their duty and were negligent. Defendants' conduct as described herein was at a minimum negligent and at worst knowingly or recklessly indifferent to the rights and safety of other persons, including Christopher Jordan Chapman, in one or more of the following particulars:

- a. In operating an aircraft under the influence of alcohol;
- b. In providing unfettered access to the subject plane to Tanner Holt, who was impaired and/or under the influence of alcohol at the time of the accident;
- c. Failing to properly maintain, inspect, service and/or keep the plane in good working condition for flight;
- d. In operating the aircraft in excess of the load and/or weight restrictions;
- e. In operating the aircraft in unfavorable weather conditions;
- f. In failing to properly supervise or monitor the use of the aircraft by Tanner Holt and/or others.
- g. Recklessly and/or dangerously piloting the aircraft; and
- h. Other negligent and reckless conduct which discovery may reveal.

18. Defendants' acts and omissions were the direct and proximate cause of Christopher Chapman's death and of the harms and losses suffered by the decedent, his heirs and his estate.

SECOND CAUSE OF ACTION – *Negligent Entrustment*
(AGAINST DIAMOND FLYING AND BRADFORD R. HOLT)

20. Plaintiff fully incorporates the preceding paragraphs as set forth herein.
21. At all times relative hereto, defendants Diamond Flying and Bradford R. Holt negligently provided unfettered access of the subject aircraft to Tanner Holt. Defendants Diamond Flying and Bradford R. Holt, provided Tanner Holt access to the aircraft despite knowing or in the exercise of reasonable care should have known that Tanner Holt was incompetent, careless, reckless, inexperienced or an intoxicated operator of the aircraft.
22. Defendants' acts and omissions were the direct and proximate cause of Christopher Chapman's death and of the harms and losses suffered by the decedent, his heirs and his estate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against defendants as follows:

1. For economic (special) damages in amounts to be determined at trial.
2. For non-economic (general) damages in amounts to be determined at trial.
3. For all other damages as the circumstances merit and as allowed by law, including costs, interest, and attorney's fees.

JURY DEMAND

Pursuant to Rule 38(b) of the Utah Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury in this case, and submits herewith the applicable fee.

DATED this 25th day of September, 2013.

DEWSNUP, KING & OLSEN

/s/ Alan W. Mortensen
Alan W. Mortensen
Attorneys for Plaintiffs

Plaintiffs' Address

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