

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

**PETER BRENNAN and AIMEE
BRENNAN,**

Plaintiff,

vs.

**NASHVILLE DOWNTOWN HOTEL, LLC
d/b/a HILTON NASHVILLE
DOWNTOWN, HILTON RESORTS
CORPORATION, and DAVID NEAL,**

Defendants.

CASE #:

**JURY DEMAND
PUNITIVE DAMAGES**

COMPLAINT

Plaintiffs, Peter and Aimee Brennan, for their cause of action against the Defendants, Nashville Downtown Hotel, LLC d/b/a Hilton Nashville Downtown, Hilton Resorts Corporation, and David Neal, respectfully states as follows:

THE PARTIES

1. Plaintiffs are citizens and residents of Round Rock, Texas.
2. The defendant, Nashville Downtown Hotel, LLC d/b/a Hilton Nashville Downtown ("Hilton"), is a for-profit foreign corporation registered to do business in the state of Tennessee. It conducts business at 121 Fourth Avenue, South in Nashville, Tennessee. Nashville Downtown Hotel, LLC can be served with process through its agent, National Registered Agents, Inc., 300 Montvue Rd., Knoxville, Tennessee 37919-5546.
3. The defendant, Hilton Resorts Corporation, is a for-profit foreign corporation registered to do business in the state of Tennessee. Hilton Resorts Corporation can be served with process through its agent, Corporation Service Company at 2908 Poston Ave., Nashville, TN

37203-1312.

4. Plaintiff is unsure as to the exact business relationship amongst the Hilton entities and hereby refers to them collectively as “Hilton”.

5. Upon information and belief, Defendant David Neal, is and at all times relevant to this cause of action, a citizen and resident of Wilson County, Tennessee and resides at 2282 Africa Rd., Lebanon, TN 37087-7310.

6. As of March 30, 2023, Defendant Neal was an employee of Defendant Hilton.

JURISDICTION AND VENUE

7. This is a Complaint for personal injuries, intrusion of seclusion, and invasion of privacy sustained by Plaintiff Peter Brennan on March 30, 2023 on Defendant Hilton’s premises in Davidson County, Tennessee.

8. Jurisdiction and venue are proper in this Court.

FACTUAL ALLEGATIONS RELATING TO HILTON

9. Hilton is one of the world’s largest hotel chains.

10. Hilton claims to be “a business serving people, and our Team Members extend their passion for hospitality beyond our hotel walls every day.” – President and CEO Chris Nassetta.

11. Hilton’s values are as follows:

- a. H – Hospitality – Passionate about delivering exceptional guest experiences.
- b. I – Integrity – We do the right thing, all the time.
- c. L – Leadership – We’re leaders in our industry and in our communities.
- d. T – Teamwork – We’re team players in everything we do.
- e. O – Ownership – We’re the owners of our actions and decisions.
- f. N – Now – We operate with a sense of urgency and discipline.

<https://www.hilton.com>

12. Hilton markets itself as a top-tier hotel chain.

13. Guests staying with Hilton entrust the hotel with their safety and right to privacy.

14. Hilton has allowed employees, such as Defendant Neal, to have unlimited access to guests' rooms.

15. Hilton has failed to prioritize guest safety and privacy by employing defendant Neal and allowing him to have access to guests' rooms.

FACTUAL ALLEGATIONS RELATING TO PLAINTIFF

16. On March 30, 2023, Mr. Brennan was visiting Nashville on business and was staying at Defendant Hilton's hotel located at 121 Fourth Avenue, South in Nashville, Tennessee.

17. Mr. Brennan was a guest of the Defendant Hilton staying in room 628.

18. Mr. Brennan had an expectation of privacy and safety when staying with defendant Hilton's.

19. At approximately 5:00 a.m. on March 30, 2023, Plaintiff was asleep in his hotel room with his door securely locked.

20. Around that same time, Defendant Neal used a cloned guest key card to access Mr. Brennan's room without knocking or announcing himself.

21. Suddenly and without warning, Mr. Brennan was awakened by Defendant Neal who had begun to sexually assault Mr. Brennan with his mouth including simulating fellatio on Mr. Brennan's feet.

22. Mr. Brennan did not consent to the actions of defendant Neal.

23. Mr. Brennan was vulnerable and was taken advantage of while he was asleep.

24. Mr. Brennan immediately started yelling at defendant Neal.

25. Defendant Neal then exited the room and attempted to flee.

26. Mr. Brennan reported the incident to security who did not appear to take his complaint seriously.

27. Mr. Brennan then called the police to the scene who are actively investigating the incident.

28. Distraught by this incident, Mr. Brennan returned to his home in Texas earlier than previously planned.

29. Defendant Hilton failed to check on Mr. Brennan after this assault and has not offered an apology for their employee's behavior.

30. Defendant Hilton has failed to respond to Plaintiff's counsel despite repeated attempts.

31. Defendant Hilton has surveillance video showing defendant Neal taking the elevator to the 6th floor at the time of the subject incident.

32. Defendant Hilton has key card data that shows a cloned key card accessing Mr. Brennan's room immediately prior to the subject incident.

33. Defendant Hilton has refused to voluntarily provide this data and footage to MNPd.

34. Defendant Hilton is more concerned with protecting their employee from criminal charges than protecting their guests.

35. At all relevant times herein, Defendant Neal was working within the course and scope of his employment for Defendant Hilton.

36. As a result of the assault and invasion of privacy, Mr. Brennan has suffered severe psychological injuries.

37. As a result of the negligent and reckless actions of the Defendants, Mr. Brennan suffered severe mental injury and emotional distress which has and will continue to require medical treatment.

38. Defendants are 100% at fault for Mr. Brennan's injuries and violations of his rights.

39. Mr. Brennan is not at fault in any way for this incident.

CAUSES OF ACTION

ASSUALT AND BATTERY BY DEFENDANT NEAL

40. Defendant Neal intended to cause Mr. Brennan to have apprehension of a harmful or offensive contact.

41. Defendant Neal intentionally made harmful and offensive contact with Mr. Brennan.

42. At no time did Mr. Brennan consent to any of this offensive and unwelcome contact.

43. Defendant Neal is guilty of the tort of assault.

44. Defendant Neal guilty of the tort of battery.

45. As a direct and proximate result of the offensive contact from Defendant Neal, Mr. Brennan suffered severe emotional injury.

46. Defendant Neal was negligent in violating one or more of the following statutes of the State of Tennessee, which were in full force and effect at the time and place of the incident, constituting negligence *per se*, in that they committed assault and aggravated assault by intentionally, knowingly or recklessly causing injury and/or serious injury to Mr. Brennan, intentionally or knowingly causing Mr. Brennan to reasonably fear imminent bodily injury, and intentionally or knowingly causing physical contact with Mr. Brennan, and Mr. Brennan regarded the contact as extremely offensive in violation of Tenn. Code Ann. § 39-13-101 and § 39-13-102.

NEGLIGENCE OF DEFENDANT DAVID NEAL

47. Defendant Neal had a duty of reasonable care not to harm Mr. Brennan.

48. Defendant Neal violated this duty by negligently and recklessly entering Mr.

Brennan's room without his knowledge or consent and by his unwanted physical contact with Mr. Brennan.

49. As a direct and proximate result of Defendant Neal negligence and recklessness, Mr. Brennan suffered severe grief, embarrassment, and mental anguish.

VICARIOUS LIABILITY OF HILTON

50. At all relevant times herein, Defendant Neal and the other Hilton employees were acting within the course and scope of their employment and/or as agents of Hilton. Under the doctrine of *Respondeat Superior*, Hilton is vicariously liable for the negligent, reckless and/or intentional acts of Defendant Neal and any other Hilton employees.

NEGLIGENCE OF HILTON

51. Defendant Hilton, individually, and by and through its agents and/or joint venturers, had a duty to exercise reasonable and ordinary care and caution in and about the ownership, management, maintenance, supervision, control and operation of the Downtown Nashville Hilton and its key system and each of its employees, agents, servants and independent contractors, all to the benefit of guests, patrons, business invitees and persons like Plaintiff Peter Brennan.

52. Defendants Hilton, by and through their agents, employees, servants, and/or independent contractors, were negligent in their acts and/or omissions by, amongst other things, allowing persons and employee unnecessary access to Plaintiff's hotel room, employing Defendant Neal despite his record and history of mischief.

53. As a direct and proximate result of the above-said conduct of Defendants Hilton, Plaintiff Peter Brennan has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

54. Upon information and belief and to the extent proved in discovery, the incident and Mr. Brennan's injuries were proximately and in fact caused by one or more of the following acts of negligence of Defendant Hilton:

- (A) Hilton negligently and recklessly hired, re-hired, supervised and/or retained Defendant Neal by allowing him to continue to work as an employee on its behalf when it knew or should have known Defendant Neal was not fit to be an employee due to prior acts and/or conduct while working as an employee.
- (B) Defendant Hilton put Defendant Neal in a position where he would have access to guests' rooms during nighttime hours while they were sleeping.
- (C) Hilton negligently and recklessly supervised Defendant Neal.

55. Hilton owes a duty of care to all persons not to place others at a foreseeable risk of harm or create an unreasonable risk of harm for others through its actions or inactions.

56. In serving members of the public through the hotel service industry, Hilton operates in a critical position of public safety and has a duty to hire employees that are competent to provide safe, professional customer service.

57. Defendant Neal and all other employees involved in the incident were unfit and/or incompetent to perform the work for which they were hired, to provide safe, professional customer service.

58. Hilton breached its duty of care by permitting Defendant Neal and all other employees involved in the incident to work as employees.

59. It was reasonably foreseeable to Hilton that Defendant Neal would expose customers to an unreasonable risk of harm.

60. Hilton knew or should have known that Defendant Neal was not fit to work for Hilton.

61. As a direct and proximate cause of Hilton's negligent and reckless failure to exercise reasonable care in its hiring, supervision and retention of Defendant Neal, Mr. Brennan was injured and embarrassed, and Mr. Brennan has sustained and will continue to sustain harms and losses as outlined herein.

62. Upon information and belief, Hilton was reckless in allowing Defendant Neal to continue as an employee after prior instances of misconduct which were known to Hilton directly through its managing employees or agents. Hilton's reckless conduct warrants an award of punitive damages to punish and deter Hilton from tolerating an invasive and perverse atmosphere and the conduct of its employees.

INVASION OF PRIVACY and INTRUSION OF SECLUSION

63. The intrusions by Hilton, by and through their agents, employees, servants, and/or independent contractors, were and are objectionable and offensive to any reasonable person, including Plaintiff.

64. As set forth above, the intrusions by Hilton, by and through their agents, employees, servants, and/or independent contractors were specific to Plaintiff's privacy and private matters.

65. As a direct and proximate result of the intrusion of seclusion and invasion of privacy by Defendants Hilton, by and through their agents, employees, servants, and/or independent contractors, Plaintiff Peter Brennan has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS BY DEFENDANTS

66. The aforementioned acts and omissions of the Defendants constitute the tort of intentional infliction of emotional distress in that the acts or omissions were intentional or reckless and so outrageous as to not be tolerated by civilized society. These acts or omissions resulted in serious mental injury to Mr. Brennan.

NEGLIGENT/RECKLESS INFLICTION OF EMOTIONAL DISTRESS BY DEFENDANTS

67. The aforementioned acts and omissions of the Defendants constitute the tort of negligent infliction of emotional distress in that the acts or omissions constitute negligence and/or recklessness and resulted in serious mental injury which required medical treatment for Mr. Brennan.

HARMS AND LOSSES

68. As a direct and proximate result of the negligence, gross negligence, and/or reckless conduct of Defendants, Plaintiff Peter Brennan has suffered the following damages:

- (A) Past and Future Medical Expenses;
- (B) Past and Future Mental Pain, Discomfort, and Suffering;
- (C) Past and Future Severe Mental Anguish and Emotional Distress;
- (D) Past and Future Loss of Enjoyment of Life;
- (E) Permanent Disability and Impairments;
- (F) Lost wages and earning capacity.

69. Plaintiff Aimee Brennan brings an action for loss of consortium.

70. The Defendants are jointly and severally liable for Plaintiffs' damages, harms and losses.

SERVICE OF PROCESS

71. Defendant Nashville Downtown Hotel, LLC. has been properly served with process.

72. Defendant Hilton Resorts Corporation has been properly served with process.

73. Defendant David Neal has been properly served with process.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That service of process issue and be served upon the Defendants requiring them to appear and answer within the time required by law.

2. A judgment against the Defendants, jointly and severally, holding them liable for compensatory damages in a reasonable amount determined by the jury in this cause sufficient to adequately compensate Plaintiffs for their harms and losses.

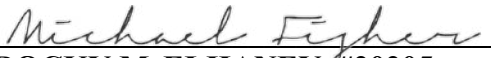
3. A judgment against the Defendants, jointly and severally, holding them liable for punitive damages in a reasonable amount determined by the Davidson County jury in this cause sufficient to adequately punish Defendants for their reckless conduct and deter further such violent and reckless behavior.

4. For any further and general relief to which Plaintiff may be entitled from this Court, including court costs, discretionary costs, and post-judgment interest.

5. For a jury of twelve to try this cause.

Respectfully submitted,

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