



minor children and next of kin of James Malcolm Cannon. Since June 26, 2008, per order of the Juvenile Court of Davidson County, Tennessee, Ann Kate Stallings has been the physical custodian of the children.

2. Ms. Stallings, J.I.C. (dob 09/16/98), A.S.C. (dob 09/12/00) and E.M.C. (dob 12/14/06) are citizens and residents of Nashville, Davidson County, Tennessee. Anna Kate Cannon Stallings shall hereinafter be referred to as “Ms. Stallings.” J.I.C., A.S.C., and E.M.C. shall hereinafter be referred to collectively as the “surviving children.”

3. On September 22, 2008, the Seventh Circuit Court of Davidson County, Tennessee appointed Jennifer Evans as the guardian *ad litem* for purpose of protecting the best interests of the surviving children as it relates to all custody and parenting issues. Ms. Evans is a citizen and resident of Springfield, Robertson County, Tennessee. Jennifer Evans shall hereinafter be referred to as “Ms. Evans.”

4. On October 8, 2008, the Seventh Circuit Court of Davidson County, Tennessee appointed Jeanan Stuart as the guardian for the purpose of protecting the best interests of the surviving children in all matters as it relates to all probate and property rights. Ms. Stuart is a citizen and resident of Nashville, Davidson County, Tennessee. Jeanan Stuart shall hereinafter be referred to as “Ms. Stuart.”

5. The Decedent, James Malcolm Cannon, was a resident and citizen of Nashville, Davidson County, Tennessee. At the time of his death, Mr. Cannon resided at 710 Bowling Avenue, Nashville, Tennessee 37215 with the minor children. James Malcolm Cannon shall hereinafter be referred to as “Mr. Cannon.”

6. Kelley Elizabeth Sanders Cannon is a resident and citizen of Nashville, Davidson County, Tennessee. She is currently incarcerated in Davidson County, Tennessee awaiting trial

on first degree murder charges for killing Mr. Cannon. Kelly Elizabeth Cannon Sanders shall hereinafter be referred to as “Ms. Cannon.”

7. The Plaintiffs bring this action on behalf of and as guardians and as next friends of the surviving children and next of kin of their father, Mr. Cannon, pursuant to Tennessee Code Annotated §20-5-106, §20-5-107, and §31-1-106. As Ms. Stallings, Ms. Evans, and Ms. Stuart are each entrusted with and obligated to a separate aspect of the surviving children’s well-being, each is listed as a Plaintiff both individually and collectively in this matter for pleading purposes.

**FACTUAL ALLEGATIONS**

8. The Plaintiffs re-allege all allegations set forth in paragraphs 1 – 7 as if fully set forth herein.

9. James Malcolm Cannon and Kelly Elizabeth Sanders Cannon were married on November 30, 1996 in Nashville, Tennessee. On February 29, 2008, Mr. Cannon filed a Complaint for Divorce against Ms. Cannon. On March 3, 2008, the Eighth Circuit Court of Davidson County, Tennessee in response to Ms. Cannon’s violent and erratic behavior, entered a restraining order preventing Ms. Cannon from threatening, physically abusing, verbally abusing and/or harassing Mr. Cannon and also awarded Mr. Cannon temporary custody of the parties’ minor children. On March 4, 2008, the court also awarded Mr. Cannon exclusive temporary possession of the marital residence located at 710 Bowling Avenue, Nashville, Tennessee 37215.

10. On May 21, 2008, Ms. Cannon in a bizarre display, violated the restraining order. She physically assaulted Mr. Cannon, slammed her car into Mr. Cannon’s car, ran over one of the children’s bicycles, and verbally abused and harassed the parties’ minor children. Directly thereafter, Ms. Cannon grabbed E.M.C., threw her in her car, and fled. Later that evening, Ms. Cannon was arrested by police and charged with felony evading the police, felony endangerment

to a minor child, and assault and battery against Mr. Cannon.

11. On May 21, 2008, Mr. Cannon obtained an Order of Protection against Ms. Cannon as a result of the conduct as set forth herein above. The order of protection prevented Ms. Cannon from having any contact with Mr. Cannon or the parties' minor children.

12. Upon information and belief, on or about June 23, 2008, Ms. Cannon entered the marital residence and killed Mr. Cannon. As a proximate result of Ms. Cannon's violent, wrongful and intentional act, Mr. Cannon died on June 23, 2008 or shortly thereafter.

13. After Ms. Cannon killed Mr. Cannon, on or about June 23, 2008, she removed the parties' minor children from the marital residence and took them to her apartment. The following morning, June 24, 2008, officers of the Nashville Metropolitan Police Department located the children at Ms. Cannon's apartment.

#### **WRONGFUL DEATH**

14. The Plaintiffs re-allege and incorporate all allegations contained in paragraphs 1 – 13 as if fully set forth herein.

15. On or about June 23, 2008, without provocation or justification, Ms. Cannon intentionally killed Mr. Cannon.

16. As a direct and proximate result of Ms. Cannon's unlawful and intentional assault and battery upon Mr. Cannon, he suffered fatal injuries proximately resulting in his death.

17. Mr. Cannon suffered great physical and emotional pain and suffering prior to his death related to the fatal assault of the Defendant.

18. Ms. Cannon's wrongful act of killing Mr. Cannon constitutes intentional, reckless and malicious conduct. As such, Ms. Cannon is liable to the Plaintiffs for punitive damages.

**LOSS OF CONSORTIUM**

19. Plaintiffs re-allege all allegations contained in paragraphs 1 – 18 as if fully set forth herein.

20. The surviving children as next of kin of Mr. Cannon, by and through the Plaintiffs, have sustained and continue to suffer emotional distress as well as a loss of consortium including, but not limited to, a loss of companionship and familial relationship with their father, James M. Cannon, due to the death of Mr. Cannon as a direct and proximate result of the Ms. Cannon's intentional wrongdoing.

**GENERAL AND SPECIAL OTHER DAMAGES**

21. Plaintiffs re-allege all allegations contained in paragraphs 1 – 20 as if fully set forth herein.

22. The foregoing intentional acts of Ms. Cannon proximately caused the death of Mr. Cannon, thus entitling the surviving children, as next of kin, by and through Plaintiffs, to recover compensatory damages from Ms. Cannon for all such damages including, but not limited to, funeral and burial expenses as well as economic and other damages for the loss of Mr. Cannon's life including the pecuniary value of Mr. Cannon's life.

23. Furthermore, the surviving children, as next of kin, by and through Plaintiffs, further allege that the intentional, reckless, and malicious acts of Ms. Cannon herein referenced give rise to punitive damages in an amount to be decided by a jury in this cause.

24. The surviving children, as next of kin, by and through Plaintiffs, are entitled to damages for Mr. Cannon's pain and suffering incurred by Mr. Cannon prior to his death.

25. The surviving children, as next of kin, by and through Plaintiffs, have sustained and continue to suffer emotional distress as well as a loss of consortium including, but not

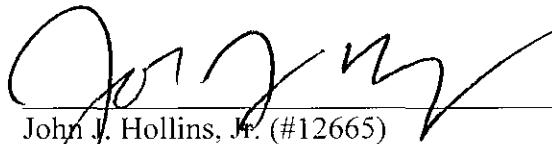
limited to, loss of companionship and familial relationship with their father, Mr. Cannon, and are entitled to recovery of compensatory and punitive damages in regards to same.

***WHEREFORE, the Plaintiffs, on behalf of the surviving children and as guardians and next of kin of James Malcolm Cannon, sue Kelly Elizabeth Sanders Cannon and pray:***

1. That proper process issue on Ms. Cannon requiring her to respond to the allegations set forth in this Complaint within the time permitted by law.
2. That the Plaintiffs be awarded a judgment against Ms. Cannon in the amount of \$20,000,000.00 in compensatory damages and \$20,000,000.00 in punitive damages.
3. That the Plaintiffs be awarded pre-judgment interest.
4. That all costs associated with this matter be taxed to Ms. Cannon, including any and all discretionary costs.
5. That a jury of six (6) be impaneled to try any and all issues joined in this case.
6. That the Plaintiffs receive such other and further relief as this Court may deem fit and proper.

Respectfully Submitted,

***HOLLINS, WAGSTER,  
WEATHERLY & RAYBIN, P.C.***



John J. Hollins, Jr. (#12665)  
David J. Weissman (#25188)  
Fifth Third Center  
424 Church Street, Suite 2200  
Nashville, Tennessee 37219  
615-256-6666  
615-254-4254 – fax  
Attorneys for the Plaintiffs