

LAW OFFICES

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June 19, 2019

VIA EMAIL

Jenny Howard
Office of General Counsel
TDEC
Jenny.Howard@tn.gov

**Re: Curtis & Hannah Pierce, individually and as next of kin to
Steven Pierce v. State of Tennessee [Potential Litigation]**

Dear Ms. Howard:

Please be advised that our office represents the Pierce family regarding the tragic death of their son, Steven, at Cummins Falls State Park, during a flash flooding episode on June 9, 2019.

The facts we have gathered so far establish that the State faces significant liability concerning these events based on the State's negligence and gross negligence. The State has waived immunity for these claims pursuant to Tennessee Code Annotated § 9-8-307(a)(1)(c) ("Negligently created or maintained dangerous conditions on state controlled real property.")

The State's negligence and gross negligence in this case stem from:

- Opening the park on Sunday, when rain was in the forecast, after the park had been closed for rain the previous two days;
- Keeping the park open despite receiving a call from the National Weather Service at approximately 12:30 p.m. on Sunday that rain was coming to the park area;
- Failing to install a stream gauge water measurement warning system following the deaths of two people in 2017, despite the State's public statements that it would install such a system;
- Failing to provide life jackets or flotation devices at the scene of the flash flooding (life jackets are available in the park, and Steven Pierce was wearing one that day; but guests must return the life jackets before they reach the scene where the flash flood occurred).

We send this correspondence in the hope of opening settlement discussions with the State. Please let us know if that is something that the State is amenable to. If not, we will proceed with a suit before the Claims Commission.

Very truly yours,

DAVID RANDOLPH SMITH & ASSOCIATES


Christopher Smith