

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

TERRY ARMSTRONG,	[
]	
Plaintiff,]	
]	
v.]	No. 2:19-CV-
]	
BAE SYSTEMS, INC., and]	
BAE SYSTEMS ORDNANCE]	
SYTEMS, INC. (OSI),]	
]	
Defendants.]	

COMPLAINT

Plaintiff Terry Armstrong files his complaint for slander, defamation, professional disparagement, intentional infliction of emotional distress, and, alternately, portraying him in a false light against the defendant BAE Systems, Inc., and for cause of action avers:

1. This Court is empowered to hear the plaintiff's different state law tort claims by virtue of its diversity of citizenship jurisdiction conferred by the terms of *28 U.S.C. §1332*. The plaintiff's slander/defamation claims, intentional infliction of emotional distress claims, and alternately, the plaintiff's claim that the defendants' have placed him in a false light are premised upon

Tennessee common law as delineated by the Supreme Court of the State of Tennessee.

2. Plaintiff Terry Armstrong is a 46-year-old white male who resides in Hawkins County, Tennessee. The plaintiff was employed as the site Safety Manager by defendants BAE Systems, Inc. and its operating division BAE Systems Ordnance Systems, Inc. (OSI), hereinafter referred to collectively as BAE Systems at the Holston Army Ammunition Plant (HSAAP) in Hawkins County, Tennessee, when a fire broke out at the facility on January 3, 2019 and an explosion occurred. Thereafter, BAE Systems, as part of its maliciously contrived scheme and campaign to blame the plaintiff for the January 3, 2019 fire and explosion unjustifiably discharged him and then slandered, disparaged, and defamed him. Alternately, BAE Systems' corporate managers engaged in its tortious campaign to blame plaintiff Armstrong for the fire and explosion by deliberately and maliciously portraying him in a false light, and make him the "fall guy" for senior BAE managers' mistakes and failure to comply with operational and manufacturing protocols which contributed to the explosion of RDX-based compounds stored in a HSAAP building and being loaded into a transport trailer on the BAE job site. The plaintiff is a citizen of the State of Tennessee for purposes of this Court's diversity of citizenship jurisdiction.

3. BAE Systems, Inc., is a foreign corporation engaged in global

defense, aerospace, and security company and related businesses which started in the United Kingdom and which now employs more than 83,000 people worldwide. BAE Systems, Inc., which operates throughout the United States, is a Delaware corporation which maintains its headquarters in the United States at 1101 Wilson Boulevard, Suite 2000, Arlington, Virginia, 22209. BAE Systems, Inc. is a citizen of the Commonwealth of Virginia for purposes of this Court's diversity of citizenship jurisdiction. Its registered agent for service of process is the C T Corporation System, 4710 Cox Road, Suite 285, Glen Allen, VA 23060. As described herein, BAE Systems, Inc., does business in the state of Tennessee.

4. Defendant BAE Systems Ordnance Systems, Inc., is a foreign corporation incorporated in the state of Delaware. It is part of BAE System's Inc. for-profit operations. Through the operation of BAE Systems Ordnance Systems, Inc. (OSI), BAE Systems, Inc. acts as the operating contractor for the United States Department of Defense at the U.S. government's Radford Army Ammunition Plant in Radford, Virginia, and at the U.S. Government's Holston Army Ammunition Plant located in Kingsport, Tennessee. At both locations, BAE Systems, Inc. and its division BAE OSI manufacture, store, and ship hazardous high explosive ordnance products and propellants.

5. Defendant BAE Systems Ordnance Systems Inc. (OSI) is a

citizen of the Commonwealth of Virginia for purposes of this Court's diversity of citizenship jurisdiction under the corporate "nerve center" activities test described in *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010). The plaintiff avers that the corporate managers and officers of BAE Systems, Inc., make the operational, personnel, and financial decisions from their offices of OSI at the Radford Army Ammunition Plant or from their BAE Systems, Inc., offices in Arlington and eastern Virginia. BAE Systems, Inc., and its OSI have periodically utilized staff from its Kingsport Holston Army Ammunition Plant, including the plaintiff Armstrong, to perform work at its Radford Army Ammunition Plant. BAE Systems, Inc., advertizes its OSI operations under the company umbrella name of BAE Systems.

6. BAE's OSI lists is registered agent for service of process in Tennessee as the C T Corporation System, 300 Montvue Road, Knoxville, TN 37919-5546. BAE Systems, Inc., and its operating division OSI will be referred to herein as BAE Systems, BAE, or the defendant.

7. Plaintiff Armstrong was off work on the morning of January 3, 2019 when he received several telephone calls, including one from BAE Safety Assistant Wes Trent, regarding the outbreak of a fire in a loading building designated as N-8 on the HSAAP property. The plaintiff was informed by BAE agents and employees that explosives had been delivered to the building

the night before and employees had noticed smoke coming from the building. A tractor trailer loaded with 2700 pounds of explosives was backed up to the loading dock.

8. When the plaintiff arrived at the HAAP, he drove to the Command Post which had been set up per BAE protocols by Safety Assistant Wes Trent. BAE Safety Technologist Eric Dobbs, BAE Safety Assistant Wes Trent, Government Safety Specialist Gene Faxon, BAE Safety Assistant Shannon Kelly, BAE Safety Assistant Jason Wiseman, and BAE Security manager Tony Armstrong were already present.

9. Per BAE protocols, the command post group began the process of evacuating all HAAP production buildings. Additional managerial level employees began arriving at the Command Post including General Manager Todd Hayes, Director of Explosives Manufacture Larry Barnette, HSAAP Commander's Representative Joe Kennedy, members of the Centerra Fire Department, and members of the City of Kingsport Fire Department.

10. The Command Post group discussed options, all of which were dangerous, such as attempting to move the loaded trailer away from the loading dock of the burning building. The plaintiff flew his personal drone over the fire and adjacent buildings and photographed the area. Because of the distance and location of other buildings, the fire area was not directly visible from the

Command Post.

11. At the suggestion of government safety representative Gene Faxon, the Command Post staff discussed their placing a water cannon or “monitor” near the burning building’s barricade and shooting water at the trailer loaded with explosives to cool it down and minimize the scope of the explosion. Mr. Faxon assigned the individual tasks associated with transporting and setting the water monitor.

12. There was no discussion of actually fighting the fire itself because BAE and government protocols prohibit personnel from fighting explosive fires. BAE site General Manager Todd Hayes was present during the discussion and did not comment on the placement of the water monitor. Mr. Faxon notified HSAAP Commander’s Representative Joe Kennedy by telephone of the group’s decision to place the water monitor.

13. The plaintiff flew his drone above the burning building again before helping set the water monitor. Plaintiff Armstrong and the other staff present at the Command Post followed Government Safety Specialist Gene Faxon’s directions. The plaintiff rode in the backseat of the pickup truck which carried the water cannon. An HAAP fireman drove the truck closer to the fire.

14. The group set up the water monitor and aimed it in the direction of the trailer parked at the burning building. The plaintiff attached the

monitor's hose to the nearby fire hydrant and turned the water on. Because the building had barricades on three sides, the Command Post group could not see how much of the water stream was actually hitting the trailer.

15. The group returned to the command post. Within minutes of placing the water monitor, they heard the explosion at the building. The building was demolished. However, several thousand pounds of explosives on the trailer did not detonate and the barricades remained intact.

16. Plaintiff Armstrong remained at the HSAAP site for the next 16 hours. With the assistance of several different safety specialists, the plaintiff monitored the fire grounds and secured the area around the loading dock. He and his assistants made certain that the explosion and building fire had not started any grass fires. They isolated industrial waste water and utilities from the affected fire area. He reported his activities to GM Todd Hayes.

17. While at HSAAP on January 3, 2019, the plaintiff was advised and informed that the rising temperatures of the RDX-based explosives which had been manufactured by BAE and stored for shipment in Building N-8 had not be reported to the safety department. BAE and Army protocols require that the manufacturing and operational staff and supervisors immediately notify BAE's safety department staff of manufactured explosives' rising temperatures. Instead, BAE's operational supervision and staff withheld the critical

information of a temperature increase from BAE and Army safety personnel. BAE operational and quality control staff visited Building N-8 at approximately 7 a.m. on the morning of January 3, 2019 to check the overheated explosives when they observed that the Building N-8 was on fire.

18. The plaintiff avers that when the temperature of RDX-based explosives significantly exceeds its “safe” temperature, the explosives can spontaneously combust. Had the BAE safety department staff been advised of the RDX-based explosives’ rising temperatures during the shift before the discovery of the building fire, the plaintiff and/or his staff would have insisted that the explosives be “put underwater” to lower their temperature and lessen the risk of a spontaneous explosion. Had BAE operational supervisors and staff reported the explosives’ rising temperatures as required by all applicable safety protocols, the RDX-explosive material could have been cooled safely. Once put under water, the explosive material would then have to be “reprocessed” and re-manufactured into new packs of explosives.

19. The HSAAP production facilities remained shut down on January 4, 2019 and production employees stayed off work. The facility’s administrative offices were open.

20. On Saturday, January 5, and Sunday, January 6, BAE General Manager Holston Todd Hayes, Director of Explosives Manufacturing Larry

Barnett, and Safety, Health, and Environmental (SHE) Manager Dan Sweeten, directed the plaintiff to remove all of the un-detonated explosives from the destroyed building. The plaintiff worked on his hands and knees with a plastic scoop to retrieve and remove the remaining un-detonated explosives. Mr. Armstrong performed the task alone rather than endanger the safety department assistants. The BAE managers, Government Safety Specialist Gene Faxon, and HSAAP Commander's Representative Joe Kennedy participated in placing the explosives bagged by the plaintiff into fiber drums outside of the loading dock. Fortunately, approximately 800 pounds of the 2700 pounds of explosives loaded on the trailer had detonated during the fire.

21. From January 7 through January 23, 2019, the plaintiff and approximately 25 other individuals worked on the investigative team which collected and analyzed data on the fire at the building site. The team reported their findings to the FBI, OSHA, and the Army Safety and Fire Marshall offices. The plaintiff and the investigative team disclosed all the information they had regarding the events of January 3.

22. Approximately a week after the explosion, plaintiff Armstrong was questioned by a Virginia-based telephone call from Brian Gathright who the defendants had designated as Vice-President and General Manager of Ordnance Systems at BAE Systems, Inc., and as BAE Systems Vice President of Strategic

Campaigns, by telephone in the presence of BAE Systems Senior Counsel David DeFrieze. The conversation lasted approximately five minutes. The plaintiff advised VP Gathright and attorney DeFrieze of the activities which the Command Post staff undertook in reaction to the fire and impending explosion. The plaintiff explained how the group had discussed alternatives and decided to place the water monitor in an effort to minimize the scope of the explosion.

23. On the morning of January 23, 2019, George Rodenburg, BAE's corporate Director of BAE's Safety Department, Health Department, and Environmental Department visited the HSAAP site and talked with the plaintiff. Director Rodenburg reported directly to BAE Systems, Inc., Director Environmental, Health, and Safety in Arlington Virginia. Ms. Amanda Burns, BAE System, Inc.'s Human Resources Director who was stationed in Minneapolis, Minnesota was also present for the meeting in Kingsport. Director Rodenburg told the plaintiff that because of the "individual decision" which the plaintiff had made on January 3, BAE no longer had confidence in the plaintiff as the Safety Manager.

24. Plaintiff Armstrong assumed that Rodenburg was referring to the Command Post staff's decision to place the water monitor so it could shoot cooling water on the trailer from a distance. He reminded Rodenburg and HR Director Burns that the Field Command Post members, and not himself

individually, had made the decision to place the water monitor behind the barricade of the burning building. HR Director Burns commented that disciplinary actions would be taken against the government staff involved in the decision. The plaintiff is unaware that any disciplinary actions were taken by the U.S. Army.

25. BAE manager Rodenburg told the plaintiff that his employment with BAE Systems was terminated effective immediately, that the plaintiff should turn in his work phone and badge, and that HR Manager Derrick Hinkle was waiting at the door to escort him to his vehicle.

26. At the time of his discharge, the plaintiff had worked for various contractors at the HSAAP facility for 22-years. Mr. Armstrong had begun work at the HSAAP site as a Wackenhut contract fire fighter and then fire department Captain from 1995-1999. The plaintiff was the Fire Department Chief from 1999 through 2002 when he began employment with BAE as a safety technician. Mr. Armstrong was promoted to Manager of the BAE Safety Department in 2014. At the time of his discharge by BAE, Mr. Armstrong had an exemplary work record.

27. BAE's malicious slander and defamation or, alternatively, portraying the plaintiff in a false light. As subsequent developments have confirmed, the plaintiff's discharge was the first step by BAE to publicly blame

him for other BAE managers' and supervisors' mistakes and to make him the "fall guy" for the January 3, 2019 fire and explosion. Approximately one hour after BAE had discharged the plaintiff, BAE management sent an 11:30 a.m. e-mail to employees and supervisors in the HSAAP BAE health department, safety department, and environmental department who knew and worked with the plaintiff notifying them to attend a "mandatory meeting" being held at 12:30 p.m.

28. Director George Rodenburg, HR Director Amanda Burns, Communications Manager Chris Finley, and Safety, Health, and Environmental Director Dan Sweeten chaired the hastily-called "mandatory meeting." Rodenburg announced to the assembled managerial and non-managerial employees that BAE had terminated Mr. Armstrong.

29. The attending non-managerial employees openly and vigorously expressed their surprise and displeasure with BAE's discharging the plaintiff. Communications Manager Chris Finley texted Brian Gathright, BAE Vice President to come to the meeting and calm the raucous employees. When Gathright appeared, Safety Assistant Jason Wiseman asked why Terry Armstrong had been terminated. Gathright responded deliberately, maliciously, and falsely that he "did not want to say that Terry Armstrong was dishonest, but that he wasn't forthcoming with information."

30. BAE Vice-President Gathright deliberately and maliciously used the word “dishonest” in his comments about the plaintiff in order to prejudice the plaintiff before his employees and to besmirch his reputation and character. Contrary to Gathright’s false accusation, the plaintiff had never failed to be “forthcoming with information.” Gathright’s untrue accusation against the plaintiff was maliciously defamatory and was motivated by BAE’s intention to deflect blame for the explosion away from BAE’s operational managers and officers and focus it instead upon the plaintiff. Alternately, Gathright’s deliberately false and malicious statements portrayed the plaintiff in a false light.

31. The plaintiff had never withheld any information from anyone in authority at BAE or HSAAP. There were numerous witnesses to each comment he made and each action he took on the day of the explosion after he arrived at HSAAP. V-P Gathright avoided describing exactly what information the plaintiff had purportedly concealed from BAE officers and managers.

32. Several of the employees who personally heard BAE Vice-President Gathright falsely accuse, slander, blame, and defame the plaintiff reported Gathright’s false accusations to the plaintiff the next day. As BAE’s Vice-President Gathright expected, foresaw, and intended, his slanderous defamation of the plaintiff spread through the HSAAP facility and the local

Kingsport, Tennessee community. The plaintiff and his family received inquiries from friends and acquaintances regarding the plaintiff's participation in the HSAAP explosion, what he had done wrong, and the reasons for his having been discharged.

33. A BAE corporate manager subsequently told the plaintiff that BAE management had made him the "fall guy" for the explosion. The plaintiff suffered significant mental distress as a result of BAE's senior management's deliberately and maliciously fabricating and spreading falsehoods about him and his workplace conduct. As a result of the defamation and consequent mental distress, the plaintiff was unable to sleep, lost his appetite, and lost weight.

34. The plaintiff was not able to locate comparable employment because of the defendant's malicious slander and defamation or, alternatively, its placing or portraying him in a false light. He received no responses from the industries with which he applied for a managerial-level position. As a result of a personal and professional friendship, the plaintiff finally located non-comparable employment in the area.

35. The defendant's deliberately malicious slander and defamation of the plaintiff, or alternately, the defendant's deliberately and maliciously portraying the plaintiff in a false light, have continued.

36. BAE Vice-President Brian Gathright returned to the HSAAP

work site and met again with non-managerial members of the BAE Safety Department, Health Department, and Environmental Department staff on May 6, 2019 during BAE's regular quarterly "Town Hall Open Discussion." V-P Gathright continued BAE's malicious corporate campaign to vilify the plaintiff by publicly announcing that Mr. Armstrong had been discharged for failing to set up the Emergency Operation Center (EOC) according to BAE protocols during the events of January 3, 2019.

37. Gathright's second disparaging accusation was deliberately and maliciously false. Per BAE and HSAAP protocols, the Field Command Post was immediately established on January 3, 2019 by the BAE Safety Assistant Wes Trent who was on duty at the facility when the fire broke out.

38. The EOC referred to by BAE Vice-President Gathright in his malicious slander was actually set up by Safety Assistant Wes Trent in HSAAP Building P-3. The EOC included BAE General Manager Holston Todd Hayes, Director of Explosives Manufacturing Larry Barnett, Commander's Representative HSAAP Joe Kennedy, government safety specialist Gene Faxon, the plaintiff and other members of the Field Command Post.

39. During the May 6, 2019 "Town Hall Open Discussion," Safety Technologist Eric Dobbs and Environmental Affairs Specialist Jimmy Ogle called Vice-President Gathright's attention to the fact that BAE's published

protocols and the Site Emergency Plan contradicted Gathright's latest accusation that Mr. Armstrong had failed to set up the EOC. Other employees criticized Gathright for falsely accusing Mr. Armstrong. V-P Gathright attempted to excuse his false and malicious accusation against the plaintiff by responding that the BAE Site Emergency Plan would be changed.

40. Vice-President Gathright's May 6 malicious defamation was a continuation of BAE's corporate scheme to wrongfully blame the plaintiff for the January 3 explosion and to deflect blame from its senior management staff and officers for failing to make certain that explosive production and quality assurance managers and staff were following the company's explosive manufacturing, storing, and shipping protocols including the handling of overheated explosives which detonated on January 3, 2019. The plaintiff is informed that no explosive operations manager or staff and that no quality assurance manager or staff were disciplined for failing to report the overheating explosives to the BAE safety department prior to the January 3, 2010 fire and explosion.

41. Vice-President Gathright's May 6, 2019 accusations were deliberately and maliciously false and slanderous. Alternatively, V-P Gathright's May 6 accusations were deliberately and maliciously intended to portray the plaintiff in a false light. Gathright's defamatory remarks are

additional evidence of BAE's corporate mendacity and of its malicious motivations for its continuing to blame and defame the plaintiff.

42. As part of BAE's continuing bad-faith efforts to deflect blame from its senior operational management for the January 3, 2019-explosion, V-P Gathright also accused government safety director Gene Faxon of deliberate misconduct which contributed to the explosion. V-P Gathright contacted Army Colonel Luis Ortiz at the Pine Bluff Arsenal in White Hall, Arkansas and demanded that government Safety Director Faxon be blamed and disciplined for the events of January 3, 2019. The plaintiff is informed that the investigation undertaken by the Army revealed no evidence of misconduct by Safety Director Faxon regarding the January 3 fire and explosion or regarding the efforts undertaken to minimize the scope of the explosion.

43. The plaintiff avers that at all times described in his Complaint BAE's Vice-President Brian Gathright was acting in his managerial capacity as a decision-making managing agent and officer of BAE, on behalf of BAE, on the business of BAE, and in the interests of BAE. V-P Gathright and the other BAE senior managerial agents and officers who participated in, and concurred in maliciously discharging the plaintiff on January 23, 2019, and in immediately and maliciously slandering and defaming him, or alternately, in maliciously portraying him in a false light, and in deliberately inflicting

emotional distress upon him as described herein, were acting within the scope of their authority as decision-making managing agents of BAE with regard to matters which were within the scope of their corporate authority and in furtherance of the business interests of BAE. The maliciously tortious conduct of BAE's managing agents described herein is the maliciously tortious conduct of the corporate defendant BAE Systems, Inc. and its division known as OSI. The defendant's malicious and tortious conduct described herein humiliated and embarrassed the plaintiff, caused the plaintiff to suffer mental and physical distress, caused the plaintiff to lose wages and benefits, impaired the plaintiff's earning capacity, and diminished his enjoyment of life.

44. **BAE's intentional infliction of emotional distress.** Defendant BAE's malicious campaign to set the plaintiff up as the "fall guy" for upper management's mistakes and failure to supervise which led to the January 3, 2019-fire and explosion included the plaintiff's unjustified discharge, Vice-President Gathright's January 23, 2019-public defamatory accusations, including the use of the descriptive word "dishonest" in his comments about the plaintiff, and Gathright's additional public May 6, 2019-maliciously false and defamatory accusations regarding the plaintiff's allegedly violating additional BAE protocols on the day of the explosion constitute the tort of deliberate infliction of emotional distress.

45. BAE senior managers and officers were aware of Terry Armstrong's excellent work record and of his personal and professional reputation for truth and integrity. In spite of that knowledge, BAE senior managers and officers maliciously, intentionally, recklessly, and outrageously engaged in a pattern of tortious conduct on behalf of BAE to wrongfully destroy the plaintiff's professional reputation by discharging him and then immediately and publicly blaming him for the explosion and defaming him to various non-managerial members of BAE workforce. The plaintiff avers that BAE's intentional or reckless slanderous accusations were highly offensive to him and would be highly offensive to any reasonable person in his circumstances and cannot be tolerated by civilized society. BAE's outrageous and malicious scheme to protect its operational managing agents at the expense of the plaintiff involved its discharging the plaintiff from employment and recklessly, maliciously, and offensively slandering and disparaging him. BAE's intentional infliction of emotional distress/outrageous conduct damaged the plaintiff's reputation and standing in his community, made it impossible for him to locate comparable employment in the area, and caused him mental and physical injury and distress.

46. Plaintiff Armstrong was humiliated and embarrassed by BAE's scheme and pattern of intentional infliction of emotional distress. He was unable to sleep. He was unable to eat and lost approximately 26-pounds. Because of

the defendant's tortious misconduct, the plaintiff had to seek medical treatment for his emotional distress and take prescribed medications for the anxiety, depression, abdominal pain, and weight loss.

47. Plaintiff Armstrong is entitled to recover an award of compensatory damages and an award of punitive damages from the defendant BAE for its malicious slander and defamation. Alternately, he is entitled to recover an award of compensatory damages and an award of punitive damages from the defendant BAE for its offensive statements which maliciously placed him, or portrayed him, in a false light.

48. Plaintiff Armstrong is also entitled to recover an award of compensatory damages and an award of punitive damages from the defendant BAE under Tennessee common law for its intentional infliction of emotional distress.

WHEREFOR THE PLAINTIFF DEMANDS:

1. An award of compensatory damages from the defendant in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) for BAE's malicious slander and defamation.

2. An award of punitive damages from the defendant in the amount of Three Million Dollars (\$3,000,000.00) for BAE's malicious slander and

defamation.

3. Alternately, an award of compensatory damages from the defendant in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) for BAE's maliciously placing him, or portraying him, in a false light.

4. Alternately, an award of punitive damages from the defendant in the amount of Three Million Dollars (\$3,000,000.00) for BAE's maliciously placing him or portraying him in a false light.

5. An additional award of compensatory damages from the defendant in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) for BAE's intentional infliction of emotional distress upon the plaintiff.

6. An additional award of punitive damages from the defendant in the amount of Three Million Dollars (\$3,000,000.00) for BAE's intentional infliction of emotional distress upon the plaintiff.

7. A jury to try the plaintiff's claims.

8. Such other relief to which the plaintiff may be entitled.

s/ C. R. DeVault, Jr. _____
CHARLTON R. DEVAULT, JR.
TN BPR #000428
102 Broad Street
Kingsport, TN 37660
(423) 246-3601

ATTORNEY FOR THE PLAINTIFF

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

TERRY ARMSTRONG

Plaintiff(s)

v.

BAE SYSTEMS INC. and
BAE SYSTEMS ORDNANCE SYSTEMS INC.

Defendant(s)

Civil Action No. 2:19-CV-

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

BAE SYSTEMS INC
c/o C T CORPORATION SYSTEM
4710 COX ROAD, SUITE 285
GLEN ALLEN, VA 23060

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

CHARLTON R. DEVAULT, JR.
102 BROAD STREET
KINGSPORT, TN 37660

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 07/18/2019

Signature of Clerk or Deputy Clerk

Civil Action No. 2:19-CV-

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

TERRY ARMSTRONG

Plaintiff(s)

v.

BAE SYSTEMS INC. and
BAE SYSTEMS ORDNANCE SYSTEMS INC.

Defendant(s)

Civil Action No. 2:19-CV-

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

BAE SYSTEMS ORDNANCE SYSTEMS INC.
c/o C T CORPORATION SYSTEM
300 MONTVUE ROAD
KNOXVILLE, TN 37919-5546

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

CHARLTON R. DEVAULT, JR.
102 BROAD STREET
KINGSPORT, TN 37660

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 07/18/2019

Signature of Clerk or Deputy Clerk

Civil Action No. 2:19-CV-

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IT _____ JUDGE _____ MAG. JUDGE _____
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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.