

Doctor sues Rippy's after battle with brawny bouncer

Honky-tonk's attorney calls doc arrogant

By Bobby Allyn

The Tennessean

A local anesthesiologist walked into a honky-tonk bar along Lower Broadway in early June and, hours later, left in handcuffs.

Now his encounter with the staff at Rippy's Bar and Grill has led to a confrontation of another sort, in the form of a lawsuit.

Dr. Donald Mitchell, his wife, Barbara Mitchell, and several

friends went to Rippy's on the last day of the CMA Music Festival to share an afternoon meal and a few drinks.

Before their food arrived, Donald Mitchell closed the group's tab, as their server requested. The server told the party that another member of the wait staff would soon arrive, according to the lawsuit that Mitchell and his wife recently filed in Davidson County Circuit Court.

But since another server nev-

er showed up, Mitchell and others in his party ordered drinks from the bar, something that was against Rippy's "house rules," according to the civil suit.

Soon after, according to the suit, a security guard, Joshua Hightower, approached the party and told them they had to leave because they broke one of the restaurant's rules.

Apparently, the server who was assigned to the party after the original server left complained that she was not making money off of Mitchell's table, the suit says.

Mitchell asked if his party could finish their meal before leaving. At that moment, the suit alleges, Hightower slapped Mitchell's drink out of his hand and put him in a choke hold. The suit claims the attack was unprovoked, a point disputed by Rippy's.

David Lyons, a Nashville attorney representing Rippy's, said Mitchell incited the quarrel.

"It would have been better for everyone had Mr. Mitchell not been so arrogant and aggressive," Lyons said. "Even doctors are not immune from acting a

fool."

However the fight began, the suit says Mitchell was struggling to breathe in Hightower's grip and that witnesses screamed at Hightower to stop.

Several witnesses dialed 911.

"There's a guy that's choking a guy out, and he's on the back staircase of Rippy's ... he's trying to kill him," a witness told an emergency responder, according to a 911 transcript provided by attorney Joey Fuson, who is representing Mitchell.

» LAWSUIT, 2B

Lawsuit alleges bouncer choked patron until he turned purple

»LAWSUIT FROM 1B

Tempers flared and the suit alleges Mitchell was choked twice more, once by another bouncer, Justin Shatto, and again by Hightower.

At one point, according to the suit, Hightower

choked Mitchell so intensely that he turned purple and lost consciousness.

Fuson said witnesses remember hearing Hightower saying, "It's time for you to go to sleep," while restraining Mitchell.

The suit says Hightower is a trained mixed-martial-

arts fighter who practices Brazilian jiu-jitsu.

Hightower subsequently dragged Mitchell by the neck down a set of stairs and waited for police to arrive and arrest Mitchell, the suit states.

Fuson, Mitchell's attorney, said the bouncers

characterized Mitchell as an aggressor to the police.

A Metro police spokeswoman confirmed that authorities responded to a reported fight at Rippy's that night. The arrest, however, has since been expunged.

Hightower and Shatto filed assault charges

against the Mitchells. That case was dismissed in July.

The Mitchells' civil lawsuit alleges negligence, willful and wanton misconduct and the negligent infliction of emotional distress, among other charges. The suit is seeking nearly \$4.5 million.

"It's scary to think that's what people come down to Lower Broad to see," Fuson said. "There's cowboy hard down there. But it ain't the wild, wild west."

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