

NO. \_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

JUDGE \_\_\_\_\_  
**FILED ELECTRONICALLY**

CHELSEA L. NESON

and

LEA N. TICE

PLAINTIFFS

v.

**COMPLAINT**

2 EVIL LOOKS, LLC d/b/a  
THE CARAVAN COMEDY CLUB  
1250 Bardstown Rd.  
Louisville, KY 40204

**SERVE:** Diannea Comstock  
1233 Garvin Place  
Louisville, KY 40203

JOHN DOE #1, an unknown employee, agent, or  
servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

JOHN DOE #2, an unknown employee, agent, or  
servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

JOHN DOE #3, an unknown employee, agent, or  
servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

JOHN DOE #4, an unknown employee, agent, or

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servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

JANE DOE #1, an unknown employee, agent, or  
servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

JANE DOE #2, an unknown employee, agent, or  
servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

JANE DOE #3 an unknown employee, agent, or  
servant of 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

ANY AND ALL UNKNOWN EMPLOYEES, AGENTS, OR  
SERVANTS OF 2 EVIL LOOKS, LLC

**SERVE:** The Caravan Comedy Club  
1250 Bardstown Road  
Louisville, KY 40204

DEFENDANTS

\*\*\* \*\*

The Plaintiffs, Lea N. Tice and Chelsea L. Nelson, by and through counsel, and for their  
Complaint against the Defendants, states as follows:

**PARTIES**

- 1. The Plaintiff, Chelsea L. Nelson (“Chelsea”), was and is a resident of Fort Knox,

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Kentucky, and has been at all times relevant to the allegations made in the Complaint

2. The Plaintiff, Lea N. Tice (“Lea”), was and is a resident of Fort Knox, Kentucky, and is an active enlisted person in the United States Army, and has been at all times relevant to the allegations made in the Complaint.

3. Upon information and belief, the Defendant, 2 Evil Looks, LLC, is a Kentucky corporation licensed and registered to do business in the Commonwealth of Kentucky, and is the owner and/or operator of the Caravan Comedy Club (“The Caravan”), located at 1250 Bardstown Road, Louisville, Jefferson County, Kentucky.

4. Upon information and belief, the Defendant, John Doe#1, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of his employment.

5. Upon information and belief, the Defendant, John Doe#2, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of his employment.

6. Upon information and belief, the Defendant, John Doe#3, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of his employment.

7. Upon information and belief, the Defendant, John Doe#4, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of his employment.

8. Upon information and belief, the Defendant, Jane Doe#1, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of her employment.

9. Upon information and belief, the Defendant, Jane Doe#2, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of her employment.

10. Upon information and belief, the Defendant, Jane Doe#3, is and was an employee, agent and/or servant of The Caravan, and all times relevant hereto, was acting in the course and scope of her employment.

11. Upon information and belief, the Defendants, Any and All Unknown Employees, Agents or Servant, are and were employees, agents and/or servants of The Caravan, and all times relevant hereto, were acting in the course and scope of their employment.

**VENUE & JURISDICTION**

12. Jurisdiction and Venue are proper in this Court as the incident giving rise to the injuries sustained by the Plaintiffs occurred in Jefferson County, the Defendants are residents of Jefferson County, and the claims made against the Defendants exceed the jurisdictional minimum limits of this Court.

13. This Court has jurisdiction over the Defendants via CR 4.

**FACTS**

14. On or about April 28, 2018, Chelsea and Lea were patrons of the Caravan Comedy Club.

15. As advertised on its website: "The Caravan is more than just a comedy club, it's the best night out in Louisville...The Caravan is the premiere comedy club in Louisville...Spend an evening at The Caravan to see, taste, and experience the difference."

16. Unfortunately, for Chelsea and Lea their night in Louisville, and at the Caravan, was anything but the best night out, and there was absolutely nothing funny about their experience

at the Caravan.

17. During the 2<sup>nd</sup> or 3<sup>rd</sup> performance of the evening, Jane Doe#1 informed Chelsea and Lea that they were going to have to leave the premises.

18. When Chelsea and Lea inquired into the reason behind being forced to leave the premises, Jane Doe#1 simply stated because they were being “too loud.”

19. Just prior to being asked to leave, Chelsea and Lea noticed that two female customers who were seated near them, displayed displeasure at their outward display of affection, i.e. hand-holding, between Chelsea and Lea.

20. Chelsea and Lea are a lawfully married same-sex couple.

21. Upon information and belief, one or both female patrons lodged a complaint about the same-sex couple to employees at the Caravan.

22. When Chelsea and Lea again questioned the reason for being directed to leave, they were once again informed because they were being “too loud” and/or “laughing too loudly.”

23. Shortly thereafter, Jane Doe#2 approached Chelsea and Lea, and with the assistance of Jane Doe#1, began to physically push Chelsea and Lea out of the premises.

24. At some point, John Doe#1 joined Jane Doe#1 & 2 in forcefully removing Chelsea and Lea from the premises, by grabbing Chelsea and putting her in a choke hold.

25. Collectively, John Doe#1 and Jane Doe#1 & 2 physically pushed Chelsea and Lea out the door of the Caravan.

26. Once outside, John Doe #1, and Jane Doe#1 & 2, verbally harassed, and physically and violently assaulted Chelsea and Lea.

27. Upon information and belief, John Doe #2, #3, & #4, and Jane Doe #3, along with other unknown employees, agents or servants of the Caravan also began to verbally harass and

physically assault Chelsea and Lea outside of the Caravan.

28. The verbal harassment lodged at Chelsea and Lea including the term “faggots” and comments insinuating the same-sex couple might have HIV and/or AIDS.

29. As a direct and proximate result of the physical and violent assault and discriminatory actions of the Defendants, the Plaintiffs suffered physical and mental suffering, both past and future, incurred medical expenses, and lost enjoyment of life.

#### **COUNT I: VIOLATIONS OF KRS CHAPTER 344**

30. The Plaintiffs adopt and incorporates by reference all the foregoing paragraphs as if set forth fully herein.

31. The Caravan is a “public accommodation” as defined by KRS 344.130.

32. The intentional and deliberate actions of the Defendants in requiring the Plaintiffs to leave the Caravan was a denial of the full and equal enjoyment of the goods, services, facilities, privileges and advantages of the Caravan due to the Plaintiffs’ gender and/or perceived gender roles, and/or being in a same-sex marriage.

33. The actions of the Defendants thus constituted unlawful discrimination on the basis of sex in violation of KRS Chapter 344.

34. As a direct and proximate result of the discriminatory actions of the Defendants, the Plaintiffs were injured.

#### **COUNT II: ASSAULT**

35. The Plaintiffs adopt and incorporate by reference all the foregoing paragraphs as if set forth fully herein.

36. The actions of the Defendants toward the Plaintiffs created a reasonable apprehension in the Plaintiffs that the Defendants would engage in immediate harmful or offensive

contact with the Plaintiffs' person.

37. As a direct and proximate result of the Defendants' aforementioned conduct, the Plaintiffs suffered physical harm, emotional distress, embarrassment, humiliation, and mental anguish.

### **COUNT III: BATTERY**

38. The Plaintiffs adopt and incorporate by reference all the foregoing paragraphs as if set forth fully herein.

39. The Defendants physically assaulted the Plaintiffs which was intended to, and in fact, subjected the Plaintiffs to harmful and offensive contact.

40. As a direct and proximate cause of the Defendants' aforementioned conduct, the Plaintiffs suffered physical harm, emotional distress, embarrassment, humiliation, and mental anguish.

### **COUNT IV: HARASSMENT**

41. The Plaintiffs adopt and incorporate by reference all the foregoing paragraphs as if set forth fully herein.

42. Acting with intent to intimidate, harass, annoy, or alarm the Plaintiffs, the Defendants struck, shoved, kicked, or otherwise subjected Plaintiffs to physical contact.

43. Acting with intent to intimidate, harass, annoy, or alarm the Plaintiffs, the Defendants made an offensively coarse utterance, gesture, or display, or addressed abusive language toward Plaintiffs in a public place.

44. Acting with intent to intimidate, harass, annoy, or alarm the Plaintiffs, the Defendants engaged in a course of conduct which alarmed or seriously annoyed the Plaintiffs, and which served no legitimate purpose.

45. As a direct and proximate result of the Defendants' aforementioned conduct, the Plaintiffs suffered physical harm, emotional distress, embarrassment, humiliation, and mental anguish.

**COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

46. The Plaintiffs adopt and incorporate by reference all the foregoing paragraphs as if set forth fully herein.

47. The actions of the Defendants were intentional, extreme, reckless, and outrageous.

48. As a direct and proximate result of the Defendants' aforementioned conduct, the Plaintiffs suffered physical harm, emotional distress, embarrassment, humiliation, and mental anguish.

**COUNT VI: RESPONDEAT SUPERIOR**

49. The Plaintiffs adopt and incorporate by reference all the foregoing paragraphs as if set forth fully herein.

50. The Caravan is liable for the acts and/or omissions of the Defendants, John and Jane Does, pursuant to the doctrine of *respondeat superior*.

**WHEREFORE**, the Plaintiffs demand judgment against the Defendants as follows:

1. For the Clerk of the Court to issue Summons, along with the copy of the Complaint, to the Defendants via their respective agent for process of service pursuant to CR 4;
2. For an amount of compensatory damages that is fair and reasonable as established by the trier of fact from the evidence;
3. For an amount of punitive damages that is fair and reasonable as established by the trier of fact from the evidence;
4. For pre-judgment and post-judgment interest from the date of injury until such time

as judgment is paid;

- 5. For attorney's fees'
- 6. For costs herein expended; and
- 7. For any and all other relief to which the Plaintiff may be entitled, including the right

to amend this Complaint.

Respectfully submitted,

**HESSIG & POHL**

/s/ Martin Pohl

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