

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

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

**HON. \_\_\_\_\_**

KENNETH WALKER III

PLAINTIFF

v.

COMMONWEALTH OF KENTUCKY,  
*ex rel.* Daniel Cameron, in his official capacity as Attorney General;  
and Thomas Wine, in his official capacity as Commonwealth's  
Attorney for the 30<sup>th</sup> Judicial Circuit

Serve: Hon. Daniel Cameron, Attorney General  
Office of the Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, Kentucky 40601

Serve: Hon. Thomas Wine, Commonwealth's Attorney  
Office of the Commonwealth's Attorney  
30<sup>th</sup> Judicial Circuit  
514 West Liberty Street  
Louisville, Kentucky 40202

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT,  
*ex rel.* Greg Fischer, in his official capacity as Mayor; Michael  
O'Connell, in his official capacity as County Attorney; Robert  
Schroeder, in his official capacity as Chief of Police and on behalf of  
all officers, employees, and agents of the Louisville/Jefferson County  
Metro Police Department a/k/a Louisville Metro Police Department

Serve: Mayor Greg Fischer  
Metro Hall  
527 W. Jefferson Street  
4th Floor  
Louisville, KY 40202

Serve: Hon. Michael O'Connell  
County Attorney  
Jefferson Hall of Justice  
600 West Jefferson Street  
Louisville, KY 40202

Serve: Robert Schroeder  
Chief of Police  
633 W. Jefferson Street  
Louisville, Kentucky 40202

LOUISVILLE AREA GOVERNMENTAL SELF INSURANCE TRUST

Serve: Kevin L. O'Donnell  
Trust Administrator/President  
611 West Jefferson Street  
Louisville, Kentucky 40202

DETECTIVE JOSHUA JAYNES, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

DETECTIVE BRETT HANKISON, in his individual capacity  
2203 Wendell Avenue  
Louisville, Kentucky 40205

DETECTIVE MYLES COSGROVE, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

SERGEANT JONATHAN MATTINGLY, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

LIEUTENANT SHAWN HOOVER, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

DETECTIVE TONY JAMES, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

DETECTIVE MICHAEL NOBLES, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

OFFICER MICHAEL CAMPBELL, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

OFFICER MICHAEL KING, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

OFFICER JOSH DOERR, in his individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

OFFICER ANDREA SHAW, in her individual capacity  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

SERGEANT CHAD TINNELL, in his individual capacity  
Louisville Metro Police Department  
Public Integrity Unit  
633 West Jefferson Street  
Louisville, Kentucky 40202

SERGEANT AMANDA SEELYE, in her individual capacity  
Louisville Metro Police Department  
Public Integrity Unit  
633 West Jefferson Street  
Louisville, Kentucky 40202

FORMER CHIEF STEVE CONRAD, in his individual capacity  
9208 Whitegate Court  
Louisville, Kentucky 40222

MAYOR GREG FISCHER, in his individual capacity  
Metro Hall  
527 W. Jefferson Street  
4th Floor  
Louisville, KY 40202

UNNAMED AGENTS, OFFICERS, AND EMPLOYEES OF THE  
LOUISVILLE METRO POLICE DEPARTMENT INVOLVED  
IN THE MARCH 13, 2020 RAID AT 3003 SPRINGFIELD  
DRIVE, LOUISVILLE, KENTUCKY OR THOSE WHO  
CONTRIBUTED TO DETAINING, ARRESTING,  
CHARGING, OR PROSECUTING KENNETH WALKER III,  
in their individual capacities

Serve: Louisville Metro Police Department  
c/o Robert Schroeder  
Chief of Police  
633 W. Jefferson Street  
Louisville, Kentucky 40202

DEFENDANTS

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**COMPLAINT FOR DECLARATORY AND MONETARY RELIEF**

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**PRELIMINARY STATEMENT**

In the early morning of March 13, 2020, Breonna Taylor lay on the floor of Apartment Unit #4 at 3003 Springfield Drive in southwestern Jefferson County, bleeding to death. Her longtime boyfriend, Kenneth (“Kenny”) Walker III, held her for the last time. Moments earlier, assailants violently broke down the door, prompting Kenny to discharge a single shot from his licensed firearm. The perpetrators shot over thirty-five times, eight of which fatally wounded Breonna. After the shooting, Kenny could hear people outside the apartment. He screamed for help. No one came to his aid. Kenny called his mother who told him to call 911. He did as she instructed. He also called Breonna’s mother. That’s when Kenny heard the police yell at him – and that’s when Kenny realized the police *were* the perpetrators. Although Breonna’s life tragically ended that morning, Kenny’s nightmare had just begun.

Kentucky’s “stand your ground” law, KRS 503.085, protects all Kentuckians who seek to protect themselves or loved ones in self-defense. Kentuckians have no duty to

retreat or submit to force. “It is the tradition that a Kentuckian never runs. He does not have to.” *Gibson v. Commonwealth*, 237 Ky. 33, 34 S.W.2d 936, 936 (1931). In 2006, the Kentucky General Assembly codified the right recognized in *Gibson* by enacting KRS 503.085. In so doing, the General Assembly did not simply protect Kentuckians like Kenny from criminal liability. The statutes referenced in KRS 503.085 (including KRS 503.050, KRS 503.055, KRS 503.070, KRS 503.080, KRS 503.085) already did that. KRS 503.085 recognizes Kentuckians are “immune” from state officials or police “arresting, detaining in custody, and charging or prosecuting” any person who acted in self-defense. KRS 503.085(1)(emphasis added).

Louisville Metro Police Department officers ignored KRS 503.085, threatened Kenny’s life, illegally detained Kenny, interrogated him under false pretenses, ignored his account as corroborated by neighbors, and arrested and jailed Kenny. A false charge of “murder of a police officer” was brought in Jefferson District Court, *Commonwealth v. Kenneth Walker III*, Case No. 20-F-0002767. That charge was later amended to unsupported attempted murder and first-degree assault charges and prosecuted in *Commonwealth v. Kenneth Walker, III*, Case No. 20-CR-00767, Jefferson Circuit Court, Division Six.

Kenny was confined to jail while COVID-19 raged, but he was eventually ordered to home incarceration. Ryan Nichols, President of the River City Fraternal Order of Police, issued a statement to all LMPD officer members and nearly 3,000 Facebook followers describing Kenny as an active “threat to the men and women of law enforcement.” Nichols also said that Kenny “poses a significant danger to the community we protect!”

Despite the FOP's statements – statements the FOP has never retracted – months later, the Commonwealth's Attorney for the 30<sup>th</sup> Judicial Circuit, Thomas Wine, moved to fully dismiss the charges against Kenny in *Commonwealth v. Kenneth Walker, III*, Case No. 20-CR-00767 “without prejudice” due to concerns about the quality of the investigation. Although Wine supported Kenny's version of the events, Wine indicated that further investigation was necessary “before we go forward with any prosecution of Kenneth Walker.” The dismissal terminated the charges in Walker's favor, but left Walker in limbo. Indeed, the Commonwealth Attorney's Office *objected* to dismissal of the charges “with prejudice” which would prevent re-indictment. The Commonwealth Attorney's Office then turned the investigation over to the Attorney General's Office where it remains pending.

Kenny continues to reel from the death of the love of his life, but he is also the victim and survivor of police misconduct – misconduct that threatens his freedom *to this day*. Kenny, who has already sustained life-long trauma, still fears harm from those who consider him a danger and seek to take away his freedom again. Kenny seeks a declaration of his rights under KRS 503.085 pursuant to the Kentucky Declaratory Judgment Act. Declaratory relief is the only way Kenny can fully realize his rights under KRS 503.085 and prevent government actors from again “arresting, detaining in custody, and charging or prosecuting” him again as a result of the March 13, 2020 incident. Kenny seeks other civil relief for the wrongs committed on and after March 13, 2020, some of which also rely on a declaration and findings under KRS 503.085.

**SPECIFIC FACTUAL ALLEGATIONS**

1. On March 12, 2020 Louisville Metro Police Department Detective Joshua Jaynes requested a “no-knock” search warrant of Breonna Taylor’s apartment at 3003 Springfield Drive, Apt #4 located in the St. Anthony Apartment Complex in Southern Jefferson County.

2. Jaynes’ affidavit in support of the “no-knock” warrant included materially false, incorrect, inaccurate, and stale information supported by boilerplate text are taken from other four (4) affidavits in support of search warrants for locations more than ten (10) miles away. The false statements include, but are not limited to, the following:

9.) Affiant verified through a US Postal Inspector that Jamarcus Glover has been receiving packages at 3003 Springfield Drive #4. Affiant knows through training and experience that it is not uncommon for drug traffickers to receive mail packages at different locations to avoid detection from law enforcement. Affiant believes through training and experience, that Mr. J. Glover may be keeping narcotics and/or proceeds from the sale of narcotics at 3003 Springfield Drive #4 for safe keeping.

3. The last paragraph of the affidavit states that the Jaynes is requesting “no-knock” entry due to the nature of how “these drug traffickers operate,” with no explanation as to who “these drug traffickers” refers to. The affidavit also states that “these drug traffickers” have a history of attempting to destroy evidence, have cameras on the location, and have a history of fleeing from police.

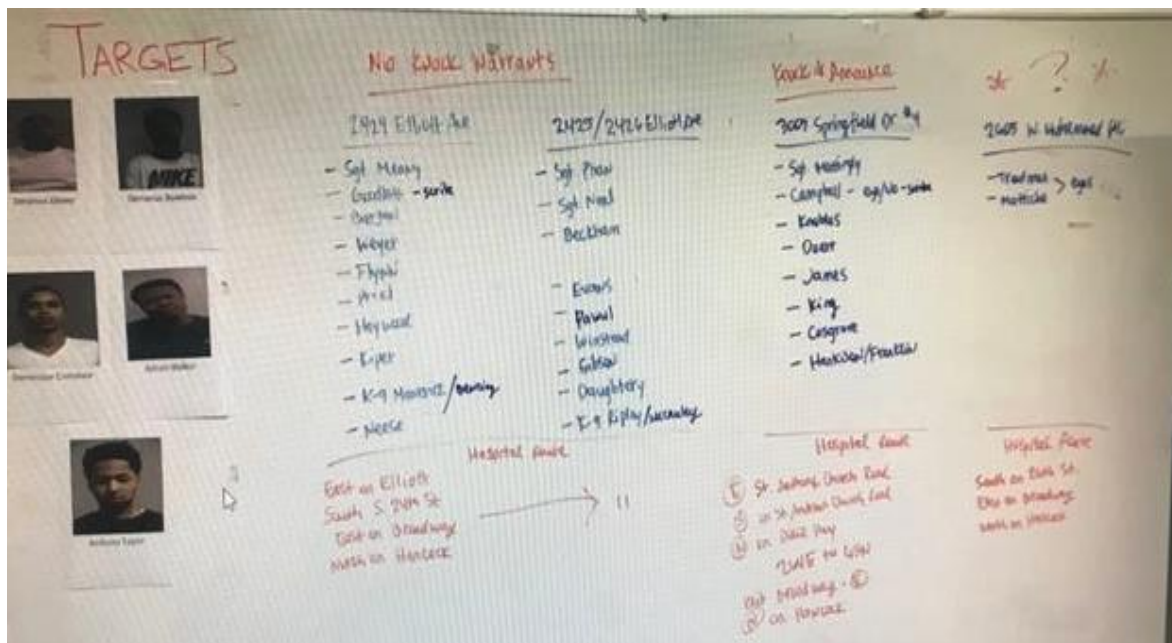
4. None of the above statements are truthful or accurate in reference to Breonna Taylor’s apartment located at 3003 Springfield Drive, Apt #4.

5. Despite the claimed surveillance of Breonna’s apartment, neither Jaynes’ affidavit nor the search warrant mentioned the presence of Kenneth (“Kenny”) Walker III, who often stayed with Breonna. Kenny, who had just been hired by the United States Postal Service, is not mentioned and did not fit the description in the affidavit. The affidavit also omitted

that Breonna's sister, Juniyah Palmer, lived at the apartment and that a two-year-old child was often present, usually overnight.

6. Absent the false, incorrect, inaccurate, and/or stale information provided by Jaynes contrary to Louisville Metro Police Department Police policy, a "no-knock" warrant would not have been issued.

7. Despite the illegally obtained warrant, Louisville Metro Police Officers decided to go forward with the raid at 3003 Springfield Drive, Apt #4 as part of the planned raid of other locations. At the pre-operational briefing, police would classify the apartment as a "Knock & Announce" rather than a "no-knock" location:



8. During the pre-operational briefing, Louisville Metro Police Department Officers Brett Hankison Myles Cosgrove, Jonathan Mattingly, Shawn Hoover, Tony James, Michael Nobles, Michael Campbell, Michael King, Josh Doerr and others were assigned to the raid at 3003 Springfield Drive, Apt #4.



9. Mattingly, who drove by the location with Campbell before the raid on March 12th, described 3003 Springfield Drive, Apt #4 as a “soft target” that posed “no threat.” Indeed, neither Breonna nor Kenny were ever identified as “targets” of the operation.

10. Shortly after midnight, on March 13, 2020, the raid team arrived at 3003 Springfield Drive.

11. Upon arrival, the officers had a verbal exchange with an upstairs neighbor in the complex neighbor. Hankison pointed a gun and told the neighbor to get back in his apartment.

12. According to Mattingly, Hankison was “a little worked up” and Mattingly did not know if they identified themselves as police to the neighbor.

13. Hankison, Cosgrove, Mattingly and others chose to execute the raid on 3003 Springfield Drive, Apt #4 in plain clothes, even though the apartment was a “soft target” that posed “no threat.”

14. Hankison, Cosgrove, Mattingly and others chose to execute the raid on 3003 Springfield Drive, Apt #4 under cover of darkness, even though the apartment was a “soft target” that posed “no threat.”

15. Hankison, Cosgrove, Mattingly and others executed the raid on 3003 Springfield Drive, Apt #4 without body cameras, as required by standard operating procedures, thereby preventing any record or video evidence of the raid.

16. Hankison, Cosgrove, Mattingly and others had no lawful authority to forcibly enter 3003 Springfield Drive, Apt #4.

17. Hankison, Cosgrove, Mattingly and others did not in fact announce themselves in a manner and for a duration that could be heard by the occupants before forcibly entering 3003 Springfield Drive, Apt #4.
18. On the other side of the apartment door, Breonna and Kenny were in bed. The couple was watching a movie when Breonna fell asleep.
19. Kenny and Breonna were startled and awakened by a loud boom at the door.
20. Breonna asked, "Who is it?" She received no response.
21. Breonna and Kenny got up and started to put their clothes on.
22. The couple heard another knock at the door, so Breonna again screamed, "Who is it?" Again, she received no response.
23. Kenny obtained his licensed firearm for their protection.
24. Breonna yelled for a third time, "Who is it?" Again, she received no response.
25. The couple started walking out of the bedroom when the front door flew open in the darkness.
26. Kenny immediately reacted by firing a single shot to scare away the intruder or intruders.
27. At 12:43 a.m., Mattingly reported he was shot in the leg after forcibly, improperly, and illegally entering the apartment.
28. Mattingly claimed he shot four rounds into the apartment and then fired two more rounds after that.
29. Mattingly claimed he heard additional shots from Hankison and/or Cosgrove.
30. In all, thirty-five (35) rounds were discharged by police into the apartment.
31. At 12:44 a.m. a neighbor called 911 and reported hearing shooting.

32. After the shooting, Kenny sat on the floor with Breonna as she bled to death. Kenny yelled for help, but no one came, so Kenny called his mom. His mom told him to call 911.

33. At 12:48 a.m., Kenny called 911. "I don't know what is happening," Walker told the 911 operator, "Somebody kicked in the door and shot my girlfriend."

34. At 12:54 a.m., the police ordered Kenny to leave the apartment.

35. Before Kenny stepped out of the apartment as directed, he yelled "Hey, I got my phone in my hand, like, I'm unarmed."

36. As Kenny walked out the door, the police ordered him to put the phone down and walk backwards toward them. He did as he was directed and placed the phone on the ground in front of the front door and walked backwards.

37. An unknown officer asked him, "Are you hit with any – did you get hit by any bullets?" Kenny said no. The officer responded, "Oh, that's unfortunate."

38. A police dog barked about three feet behind Kenny. Although Kenny fully complied with the officers' demands, an unknown officer threatened deadly force by unleashing the dog to attack Kenny. "I'm going to let this dog on you," the officer said, "If you don't get down on your knees. I'm going to let the dog go. I'm going to let the dog go." Kenny begged, "Please don't let the dog go."

39. Still fully complying with all demands, Kenny got on the ground and the officers placed him in handcuffs. An unknown officer told him, "You're going to jail for the rest of your life."

40. At 12:59 a.m., Kenny was reported as placed in police custody.

41. The police asked Kenny, "Is there anybody else in there?" Kenny said, "No, it's just her on the ground. You all shot her."

42. The police again asked, “Is there a white male in there?” Kenneth says, “No there’s not a white male in there; there’s never been a white male in there.”

43. Kenny looked around at the officers while he was handcuffed on the ground; the officers appeared confused.

44. Kenny was placed in a police car and taken away. The officer operating the vehicle pulled into a parking lot. Another officer walked up to the car window and asks Kenny his name and if Breonna was alive. The officer said they would talk to Kenny when Kenny got to where he was going, but the officer confirmed: “there’s been a big misunderstanding here tonight.”

45. At 2:35 a.m., Officer Andrea Shaw reported transferring Kenny to Public Integrity Unit (PIU) to be interviewed.

46. At 2:54 a.m., Shaw arrived at the PIU with Kenny.

47. From 3:53 a.m. to 5:42 a.m., Amanda Seelye and Chad Tinnell in the PIU questioned Kenny. Although the Commonwealth’s Attorney previously told former Chief of Police Steve Conrad that only officers *outside* the PIU should investigate underlying allegations in a police shooting, Conrad ignored the directive. Conrad acknowledged that “there were potential issues” with the practice, but he allowed officers to do it anyway.

48. At the outset of the interview, Tinnell told Kenny, “This is like the internal affairs unit.” He added, “So we’re just kind of figuring stuff out at this point, and you’ve got a pretty good perspective, and we’d always like to hear that if that would be all right with you.”

49. Kenny explained to Seelye and Tinnell that the police had threatened his life with the dog and that he was scared. Seelye and Tinnell continued to question him anyway.

Although Seelye and Tinnell gave Kenny a rights waiver, Seelye and Tinnell gave no indication that Kenny was a suspect.

50. During the interview, Kenny explained that he did not hear any officer announce themselves before they entered the apartment, only bangs and knocks at the door before police broke in. Nothing in the interview suggests Kenny acted other than in defense of himself and Breonna.

51. Despite Kenny’s statement, and despite the factual impossibility of the charge, Seelye formally charged Kenny with “murder – police officer”:

NUMBER	VIOLATION CODE	ASCF	STATUTE/ORD.	CHARGE(S)	STARTING CASE	ENDING CASE	DRUG TYPE
1	of 1	09152	0	507.020	1		
	of						
	of						
	of						

POST-ARREST COMPLAINT  
Charge 1: MURDER - POLICE OFFICER

On March 13, 2020, LMPD Narcotic's Detectives attempted to execute a narcotic search warrant at the listed location. Detectives knocked multiple times and announced their presence in an attempt to get occupants to answer the door. After repeatedly knocking and announcing their presence, detectives utilized a ram to gain entry to apartment door. As soon as the apartment door came open, detectives were met with gun fire. One detective was immediately struck by gun fire coming from inside the apartment. The detective was shot in his upper left thigh striking his femoral artery. The listed subject gave a Mirandized statement admitting to being the only person to shoot from inside of the apartment at detectives as they attempted to serve the search warrant. The injured detective was transported to U of L Hospital for a gun shot wound to his upper left thigh.

52. Kenny was taken to jail.

53. The next day, on March 14, 2020, the charges against Kenny were amended to “Attempted Murder – Police Officer” according to the Jefferson District Court docket in *Commonwealth v. Kenneth Walker III*, Case No. 20-F-0002767:

Charges	20-F-002767
<p><b>MURDER - POLICE OFFICER - 507.020</b> CHARGE 1 ORIGINAL 0091520 Charged on 03/13/2020 by citation ODL899222-1</p> <p><b>AMENDED DOWN</b> Disposition on 03/14/2020 by NO TRIAL</p>	
<p><b>ATT MURDER - POLICE OFFICER - 507.020</b> CHARGE 1 AMENDED 0091521 Charged on 03/14/2020 by citation ODL899222-1</p> <p><b>DISMISSED</b> Disposition on 03/24/2020 by NO TRIAL DISMISS W/O PREJUDIC DISMISSED 20CR000767</p>	

54. On March 19, 2020, Seelye testified before the grand jury for less than two minutes. During that testimony, Seelye said that Kenny shot a police officer while the police

lawfully executed a search warrant. Seelye mentioned nothing about Breonna or Kenny's statement that he acted in self-defense.

55. The grand jury indicted Kenny for attempted murder of a police officer and first-degree assault in *Commonwealth v. Kenneth Walker, III*, Case No. 20-CR-00767. The case was assigned to Jefferson Circuit Court, Division Six.

56. Although Kenny had been confined to jail, he was later ordered to home incarceration due to the spread of COVID-19. Ryan Nichols, President of the River City Fraternal Order of Police issued a statement to all LMPD officer members and nearly 3,000 Facebook followers describing Kenny as an active "threat to the men and women of law enforcement" and "a significant danger to the community we protect!":



Yesterday, Judge Olu Stevens, released inmate Kenneth Walker on home incarceration. The Fraternal Order of Police condemns this Judge's actions. Just one week ago, this man violently attacked our officers, and was charged with attempted murder after shooting a sergeant! Not only is he a threat to the men and women of law enforcement, but he also poses a significant danger to the community we protect!



LMPD officers put their lives on the line everyday protecting the citizens of this community. Judge Stevens' actions are a slap in the face to everyone wearing a badge, and places our community at risk of further violence. While we understand the current needs of our local corrections facility, we must sound the alarm now. Home incarceration was not designed for the most violent offenders! I call on the public to condemn the actions of Judge Olu Stevens, and support your Louisville Metro Police Officers and protect your community.

**Ryan Nichols**  
**President**  
**River City Lodge 614**  
**Fraternal Order of Police**

57. On May 21, 2020, Kenny's criminal defense attorney, Rob Eggert, filed a motion to dismiss the indictment due to Seelye's grand jury misconduct.

58. The very next day, on May 22, 2020, the Commonwealth's Attorney for the 30<sup>th</sup> Judicial Circuit, Thomas Wine, held a press conference during which he agreed that "more

should have been presented to the grand jury, including the statement of Kenneth Walker which he made on March the 13th in the early morning hours following the shooting.”

59. During the press conference, Wine explained that he would recommend dismissing all charges against Kenny. However, he would allow for further prosecution against Kenny. Wine said he was turning over the investigation to the Attorney General’s Office because Wine “made the decision to recuse our office.” Wine noted that further investigation was necessary “before we go forward with any prosecution of Kenneth Walker.”

60. On May 26, 2020, the charges in *Commonwealth v. Kenneth Walker, III*, Case No. 20-CR-00767 were dismissed “without prejudice”.

61. After dismissal, Kenny’s criminal defense counsel filed a motion to dismiss the charges in *Commonwealth v. Kenneth Walker, III*, Case No. 20-CR-00767 “with prejudice,” to protect Kenny from any further arrest, detainment, charges, or prosecution on new charges under KRS 503.085.

62. Despite recusal, the Office of the Commonwealth’s Attorney filed a response and objection, representing to the Circuit Court that it “lacks jurisdiction” to decide that issue because the criminal charges had already been dismissed.

63. Despite recusal, the Office of the Commonwealth’s Attorney represented that “[s]hould [Kenny] be re-indicted in relation to this matter, and properly raise a claim of immunity, the Commonwealth will fully respond.” By that time, Kenny would already be subjected to police intimidation, arrest, custodial interrogation, and detainment again and would therefore not be able to fully vindicate his rights under KRS 503.085.

64. On June 12, 2020, Metro Council passed Ordinance 2020-69 titled “Breonna’s Law.” The Ordinance signed by Mayor Greg Fischer and approved by County Attorney

Michael O’Connell not only bans “no-knock” warrants, but it codifies the requirement that all Metro police officers *must* “[p]hysically knock on an entry door to the premises in a manner and duration that can be heard by the occupants”; “[c]learly and verbally announce as law enforcement having a search warrant in a manner than can be heard by the occupants”; and “[a]bsent exigent circumstances, wait a minimum of 15 seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.” The Ordinance also codified LMPD standard operating procedure requiring officers executing a search warrant to be equipped with an operating body camera. The requirements codified in Breonna’s Law were not followed by the police officers on March 13, 2020.

65. The Attorney General’s Office continues to investigate this matter, but there has been no indication as to when the Attorney General’s Office will conclude its investigation.

66. In the meantime, Kenny, already the victim of life-long trauma after witnessing the death of the love of his life, lives in constant fear of those who label him a “threat to the men and women of law enforcement, a “significant danger to the community,” and want to arrest, detain, charge, or prosecute him again.

67. Kenny seeks a declaration and findings under KRS 503.085 to prevent state and local government actors from “arresting, detaining in custody, and charging or prosecuting” him as a result of the March 13, 2020 shooting.

68. A declaratory judgment allows Kenny to fully vindicate his rights under KRS 503.085.



69. Kenny seeks other declaratory and civil relief for the wrongs committed against him on and after March 13, 2020, some of which also depend on a declaration of his rights and findings under KRS 503.085.

70. Whether Kenny is protected by KRS 503.085 presents an actual controversy and is therefore ripe for declaratory relief.

#### PARTIES

71. Plaintiff incorporates the preceding numbered paragraphs by reference.

72. Plaintiff, Kenneth Walker III, is a resident of Jefferson County.

73. Defendant Commonwealth of Kentucky is a governmental entity which may be sued for declaratory relief pursuant to Kentucky's Declaratory Judgment Act. *Commonwealth v. Ky. Ret. Sys.*, 396 S.W.3d 833, 838 (Ky. 2013)("[W]hen the state is an interested party in a declaratory judgment action, the state must be a proper party because only legal rights are being declared between the plaintiff and the state."); *Univ. of Ky. v. Moore*, 599 S.W.3d 798, 813 (Ky. 2019)("*Retirement Systems* makes clear that the state is not sovereignly immune from a declaratory judgment action."). Defendant Commonwealth of Kentucky is a party only for the purpose of declaratory relief.

74. As a governmental entity with the power to arrest, detain, and charge or prosecute Plaintiff, the Commonwealth of Kentucky is a proper party in this declaratory judgment action involving a determination and findings under the "stand your ground" law, KRS 503.085.

75. Defendant Daniel Cameron is the duly elected Attorney General of the Commonwealth of Kentucky.

76. Defendant Cameron is authorized pursuant to Sections 91 through 93 of the Kentucky Constitution and KRS 15.020 to defend this action on behalf of the Commonwealth and to pursue declaratory relief to ensure that the laws of this state are enforced, including Kentucky's "stand your ground" law, KRS 503.085.

77. The Commonwealth's Attorney for the 30<sup>th</sup> Judicial Circuit recused his office and turned the entire investigation over to Cameron and his Office. *See* KRS 15.733(4).

78. A declaratory judgment in favor of Plaintiff must bind Cameron and his Office for Walker to realize the full benefits of KRS 503.085.

79. Defendant Cameron is proper party for all of the above reasons. He is sued in his official capacity and only for the purpose of declaratory relief.

80. Defendant Thomas Wine is the duly elected Commonwealth's Attorney for the 30<sup>th</sup> Judicial Circuit. Wine is sued in his official capacity and only for the purpose of declaratory relief.

81. Pursuant to KRS 15.725(1), Wine and the Office of the Commonwealth's Attorney for the 30<sup>th</sup> Judicial Circuit shall "prosecute all violations whether by adults or by juveniles subject to the jurisdiction of the Circuit Court of the criminal and penal laws which are to be tried in the Circuit Court in his judicial circuit."

82. A declaratory judgment must bind Wine and his Office for Plaintiff to realize the full benefits of KRS 503.085. Therefore, Wine is proper party.

83. Defendant Louisville/Jefferson County Metro Government ("Metro") is an entity formed in 2003 as a result of the merger of Jefferson County and the City of Louisville.

84. Defendant Metro is a "municipality" and "municipal corporation." *See* Louisville/Jefferson County Metro Government Code of Ordinances, § 10.06.

85. Defendant Metro is a “Consolidated Local Government” and “shall have all powers and privileges that cities of the first class and their counties are, or may hereafter be, authorized to exercise under the Constitution and the general laws of the Commonwealth of Kentucky.” KRS § 67C.101(2)(a).

86. Defendant Metro, as a statutorily defined “City,” has the capacity to “sue and be sued.” *See* KRS 82.081.

87. Defendant Metro has no immunity from declaratory relief under the Kentucky Declaratory Judgment Act. *Jewish Hosp. Healthcare Servs. v. Louisville/Jefferson Cty. Metro Gov't*, 270 S.W.3d 904, 908 (Ky. App. 2008)(“[I]t was improper for the trial court to dismiss its motion for declaratory judgment against Metro Government because sovereign immunity does not apply to declaratory judgment actions...”).

88. Although Metro claims to have “county sovereign immunity” for tort liability, Defendant Metro has the statutory authority to “expend funds necessary to insure any of its employees, officials and property against any liability ... arising out of an act or omission committed in the scope and course of performing legal duties.” KRS 65.150(1).

89. Upon information and belief, Defendant Metro self-insures for such liability up to \$500,000.00. Beyond that amount, upon information and belief, Metro participates in the Louisville Area Governmental Self Insurance Trust (LAGIT) which insures Metro’s liability through a private insurance carrier for in excess of \$10,000,000.00. LAGIT is registered with the Kentucky Department of Insurance as a “liability self-insurance group.” LAGIT has a Department of Insurance ID, 300065.

90. The purchase and provision for such funds by a county or city represents an indirect waiver of any immunity for tort claims that might be asserted directly against Metro.

*Lexington-Fayette Urban Cty. Gov't v. Smolcic*, 142 S.W.3d 128, 132 n.2 (Ky. 2004)(Unlike express statutory waivers of immunity for the state or state agencies, the waiver “does not have to be direct.”).

91. A declaratory judgment in favor of Plaintiff must be binding on Metro, including the Mayor, the Chief of Police, and the County Attorney for Walker to realize the full benefits of KRS 503.085. “All executive and administrative power of the government shall be vested in the office of the mayor,” KRS 67C.105(1). The Chief of Police is responsible for all duties, regulations, policies and procedures for the Louisville Metro Police Department and has authority over the agents and employees of the department, subject only to the mayor’s authority. Louisville/Jefferson County Metro Code of Ordinances, § 36.02. The County Attorney “shall give legal advice to the fiscal court or consolidated local government and the several county or consolidated local government officers in all matters concerning any county or consolidated local government business within their jurisdiction,” KRS 69.210(3). Such authority necessarily dictates whether Mr. Walker will be arrested, detained, charged or prosecuted within the meaning of KRS 503.085. Accordingly, Metro, Mayor Greg Fischer, County Attorney Michael O’Connell, and Chief of Police Robert Schroeder are proper parties in their official capacities.

92. Plaintiff also seeks a declaratory judgment that Metro’s alleged “sovereign immunity,” which prevents suit against Metro for tort claims, violates the 1891 Kentucky Constitution. *Jewish Hosp. Healthcare Servs.*, 270 S.W.3d at 908 (“[T]he Kentucky Supreme Court has held that governmental bodies and their officials do not enjoy sovereign immunity from declaratory judgment actions concerning the constitutionality of their actions.”).

93. To the extent the 1891 Kentucky Constitution may authorize county “sovereign immunity”, Plaintiff seeks a declaration that such immunity is waived up to the limits of any self-insurance or policy of insurance, as referenced above. Metro’s taxpayers paid premiums for insurance which contractually obligates insurers to pay for damages flowing from the claims asserted in this case. Continued recognition of Metro’s immunity under the circumstances results in a windfall for those insurers. Metro and LAGIT are proper parties for this reason.

94. Metro and LAGIT are also proper parties as Plaintiff requests a declaration that Metro’s self-insurance fund, LAGIT, and/or any applicable private insurance policies purchased by Metro or LAGIT will compensate Plaintiff for liability and damages arising from the individual-capacity claims asserted in this case.

95. Upon information and belief, Joshua Jaynes, Brett Hankison Myles Cosgrove, Jonathan Mattingly, Shawn Hoover, Tony James, Michael Nobles, Michael Campbell, Michael King, Josh Doerr, Andrea Shaw, Chad Tinnell, Amanda Seelye were, at all times relevant herein, residents of Kentucky.

96. Upon information and belief, Joshua Jaynes, Brett Hankison Myles Cosgrove, Jonathan Mattingly, Shawn Hoover, Tony James, Michael Nobles, Michael Campbell, Michael King, Josh Doerr, Andrea Shaw, Chad Tinnell, Amanda Seelye were, at all times relevant herein, acting within the scope of their employment with Defendant Metro, but the claims in this complaint are brought against them exclusively in their individual capacity for their ministerial negligence or their malicious and/or intentional conduct.

97. Former Chief Steve Conrad and Mayor Greg Fischer are sued in their individual capacity for their ministerial negligence in training and supervising.

98. Plaintiff also asserts claims against unnamed Louisville Metro Police Department agents, officers, and employees who were involved in the March 13, 2020 raid at 3003 Springfield Drive, Louisville, Kentucky or contributed to Plaintiff's arrest, detainment, charging, or prosecution, all in their individual capacities.

99. Plaintiff seeks the identity and whereabouts of unnamed adverse parties, including the unnamed officer or officers who threatened Plaintiff and the officer who informed Walker that there had been a "misunderstanding". Plaintiff seeks the identity of supervisors of the named or unnamed individual-capacity defendants. Plaintiff does not have information concerning the name of the officers, their addresses, badge numbers, or whereabouts. Plaintiff anticipates deposing the currently named individual-capacity defendants as well as Chief Schroeder on an expedited basis.

#### **JURISDICTION AND VENUE**

100. Plaintiff incorporates the preceding numbered paragraphs by reference.

101. An active controversy exists between the parties to the declaratory judgment action, and this Court has jurisdiction over each of the declaratory judgment claims pursuant to KRS 418.040, KRS 418.045, KRS 418.050, KRS 418.055, KRS 23A.010, CR 57, and the equitable powers of the Court.

102. Venue is appropriate in this Court for the declaratory judgment action because this Court is "a court of record of this Commonwealth having general jurisdiction" pursuant to KRS 418.040.

103. Plaintiff asserts only state-law claims for declaratory relief.

104. This Court has jurisdiction over the claims for monetary relief claims asserted solely against the individual-capacity defendants, as those claims exceed the minimum jurisdictional threshold for circuit court. KRS 23A.010; KRS 24A.120.

105. Venue is appropriate in this Court for the claims for monetary relief claims asserted solely against the individual-capacity defendants, as Walker sustained his injuries in Jefferson County, Kentucky. KRS 452.460.

106. Plaintiff asserts only state-law claims for monetary relief.

### CLAIMS FOR DECLARATORY RELIEF

#### **COUNT I: KENNETH WALKER III IS IMMUNE FROM FURTHER ARREST, DETENTION, CHARGES, AND PROSECUTION UNDER KRS 503.085**

(AGAINST THE COMMONWEALTH, METRO, AND THE OFFICIAL CAPACITY DEFENDANTS)

107. Plaintiff incorporates the preceding numbered paragraphs by reference.

108. KRS 503.085, Kentucky's "stand your ground" law, provides:

(1) A person who uses force as permitted in KRS 503.050, 503.055, 503.070, and 503.080 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom the force was used is a peace officer, as defined in KRS 446.010, who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law, or the person using force knew or reasonably should have known that the person was a peace officer. As used in this subsection, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant.

(2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

109. Kentuckians have no duty to retreat or submit to force. "It is the tradition that a Kentuckian never runs. He does not have to." *Gibson v. Commonwealth*, 237 Ky. 33, 34 S.W.2d 936, 936 (1931).

110. In 2006, the Kentucky General Assembly codified the right recognized in *Gibson* by enacting KRS 503.085.

111. In so doing, the General Assembly did not simply protect Kentuckians like Plaintiff from criminal liability. The statutes referenced in KRS 503.085, including KRS 503.050, KRS 503.055, KRS 503.070, KRS 503.080, KRS 503.085, already do so. KRS 503.085 renders Kentuckians “*immune*” from state officials or police “*arresting, detaining in custody, and charging or prosecuting*” any person who acted in self-defense. KRS 503.085(1)(emphasis added).

112. On March 13, 2020, the Louisville Metro Police officers who forcibly entered the apartment located at 3003 Springfield Drive, Apt. #4 did not clearly and verbally announce themselves as law enforcement having a search warrant in a manner than could be heard by the occupants of the apartment.

113. On March 13, 2020, Plaintiff did not in fact know, nor should he have known, that Louisville Metro Police officers were present when they broke down the door and Plaintiff fired a single shot downward to scare away intruders.

114. Despite KRS 503.085, Plaintiff was wrongfully and illegally arrested, detained in custody, charged and prosecuted.

115. Although the Commonwealth ultimately dismissed criminal charges against Plaintiff, the Commonwealth did so only “without prejudice,” noting that further investigation was necessary “before we go forward with any prosecution of Kenneth Walker.”

116. Plaintiff seeks a declaration and findings that he is immune from criminal liability pursuant to KRS 503.085 to prevent state and local government entities and officials from



“arresting, detaining in custody, and charging or prosecuting” Plaintiff as a result of the March 13, 2020 shooting.

117. A declaratory judgment is the only way Plaintiff can fully vindicate his rights under KRS 503.085.

118. Plaintiff seeks other declaratory and monetary relief for the wrongs committed against him on and after March 13, 2020 as enumerated herein. Some of those claims depend on a declaration of his rights and findings under KRS 503.085.

119. Whether Plaintiff is protected by KRS 503.085 therefore presents an actual controversy and is ripe for declaratory relief pursuant to KRS 418.040 *et seq.*

**COUNT II: METRO’S ALLEGED “COUNTY SOVEREIGN IMMUNITY” VIOLATES  
THE 1891 KENTUCKY CONSTITUTION  
(AGAINST METRO)**

120. Plaintiff incorporates the preceding numbered paragraphs by reference.

121. Defendant Louisville/Jefferson County Metro Government (“Metro”) is an entity formed in 2003 as a result of the merger of Jefferson County and the City of Louisville.

122. Defendant Metro is a “municipality” and “municipal corporation.” *See* Louisville/Jefferson County Metro Government Code of Ordinances, § 10.06.

123. Defendant Metro is a “Consolidated Local Government” and “shall have all powers and privileges that cities of the first class and their counties are, or may hereafter be, authorized to exercise under the Constitution and the general laws of the Commonwealth of Kentucky.” KRS § 67C.101(2)(a).

124. Defendant Metro, as a statutorily defined “City” has the capacity to “sue and be sued.” *See* KRS 82.081.

125. Defendant Metro has previously invoked its status as a “City” under KRS 82.081 to sue individuals and corporations for the recovery of tort damages.

126. Defendant Metro is not a state government.

127. Defendant Metro is not an agent or agency of the Commonwealth of Kentucky.

128. Defendant Metro is not within the Executive Department of the Commonwealth of Kentucky.

129. Defendant Metro is not within the Legislative Department of the Commonwealth of Kentucky.

130. Defendant Metro is not within the Judicial Department of the Commonwealth of Kentucky.

131. The General Assembly has the constitutional power to abolish Metro as a political subdivision of the state, just as it could a city or county. *See* Ky. Const. §§ 63, 156a.

132. Defendant Metro is bound by the 1891 Kentucky Constitution, specifically the Kentucky Constitution’s Bill of Rights, Section 26, which provides: “To guard against transgression of the high powers which we have delegated, We Declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, *shall be void.*” (emphasis added).

133. Among other things, Section 26 of the Kentucky Constitution declares that Walker and other Kentuckians have the following rights, which are excepted from any governmental powers, including immunity, and such rights exist in addition to the rights provided by the federal constitution:

(a) “The right of enjoying and defending their lives and liberties.” Ky. Const. § 1.

- (b) “The right of seeking and pursuing their safety and happiness.” *Id.*
- (c) “The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.” *Id.*
- (d) Prohibition against “[a]bsolute and arbitrary power over the lives, liberty and property of freemen....” Ky. Const. § 2.
- (e) That “[a]ll men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services.” Ky. Const. § 3.
- (f) “All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property.” Ky. Const. § 4.
- (g) “The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.” Ky. Const. § 7.
- (h) “The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.” Ky. Const. § 10.
- (i) “All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.” Ky. Const. § 14.

134. Recently, the Kentucky Supreme Court reaffirmed that the above sections supersede *all* other laws. *Commonwealth of Kentucky v. Claycomb by & Through Claycomb*, 566 S.W.3d 202, 208 (Ky. 2018).

135. Before the merger in 2003, the predecessor to the Kentucky Supreme Court eliminated immunity for cities in *Haney v. City of Lexington*, 386 S.W.2d 738 (Ky. 1964).

136. Before the merger in 2003, the former City of Louisville could be sued in tort and held liable for tort damages as a result of *Haney* and progeny.

137. Before the merger in 2003, the former City of Louisville could be held liable for tort damages, even though the City preexisted statehood and the City was a political subdivision of the Commonwealth – the two reasons mentioned in caselaw for maintaining county sovereign immunity. *See, e.g., Lexington-Fayette Urban Cty. Gov't v. Smolcic*, 142 S.W.3d 128 (Ky. 2004).

138. Tort liability and damages, if assessed against Metro, would not affect the state treasury as “[t]he Commonwealth shall not assume the debt of any county, municipal corporation or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion or to suppress insurrection.” Ky. Const. § 176; *see also* Ky. Const. §§ 177, 230, 231.

139. Defendant Metro is also not subject to tort liability under the Kentucky Claims Commission Act, formerly known as the “Board of Claims Act,” KRS 49.010 *et seq.* because it is not the state, a state agent, or a state agency. *See Commonwealth Bd. of Claims v. Harris*, 59 S.W.3d 896 (Ky. 2001)

140. Since the merger, Defendant Metro nevertheless claims to have complete “sovereign immunity” from *any* tort liability, unlike cities, state agents, or agencies of the

state, and despite the fact it is not subject to tort liability under the Kentucky Claims Commission Act.

141. “The rule of governmental immunity for tort is an anachronism, without rational basis, and has existed only by the force of inertia.” *Haney v. City of Lexington*, 386 S.W.2d 738, 739 (Ky. 1964)(internal citation omitted).

142. Immunity “should be limited strictly to what the Constitution demands, for the simple reason that in a civilized society it is morally indefensible.” *Cullinan v. Jefferson County*, 418 S.W.2d 407, 411 (Ky. 1967) (Palmore, J., dissenting)(emphasis added).

143. Nothing in the 1891 Kentucky Constitution authorizes “sovereign immunity” for Defendant Metro, and the source of immunity for the Commonwealth and state agencies, Sections 230 and 231 of the Kentucky Constitution, do not apply to Metro. Therefore, any such immunity must be abandoned.

144. Plaintiff seeks a declaration that any “sovereign immunity” extended to Metro via KRS 67C.101(2)(e) or otherwise violates the 1891 Kentucky Constitution, specifically the Bill of Rights in Sections 1-26, Section 54, Sections 176 and 177, and Sections 230 and 231.

145. Furthermore, Plaintiff seeks a declaration that any claimed limitation on damages that Metro might assert under the Claims Against Local Government Act (CALGA), KRS 65.200, *et seq.*, is unconstitutional in violation of the previous constitutional sections, as well as Section 51 relating to title and subject, Sections 59 and 60 concerning special legislation, and Section 27, 28, and 116 relating to separation of powers. The Attorney General has been served with a copy of this Complaint because the Attorney General is party. Therefore, Plaintiff satisfies the requirements of KRS 418.075 and CR 24.03.

146. Without Metro's immunity from suit or damages, Plaintiff would assert the tort claims he asserts against the individual-capacity defendants in this Complaint against their employer, Metro.

147. Whether Metro is immune from suit or damages is therefore an actual controversy and ripe for declaratory relief pursuant to KRS 418.040 *et seq.*

**COUNT III: METRO'S IMMUNITY IS WAIVED UP TO THE LIMITS OF INSURANCE  
(AGAINST METRO AND LAGIT)**

148. Plaintiff incorporates the preceding numbered paragraphs by reference.

149. Defendant Metro has the statutory authority to "expend funds necessary to insure any of its employees, officials and property against any liability ... arising out of an act or omission committed in the scope and course of performing legal duties." KRS 65.150(1).

150. Upon information and belief, Defendant Metro self-insures for such liability up to \$500,000.00.

151. Beyond that amount, upon information and belief, Metro participates in the Louisville Area Governmental Self Insurance Trust (LAGIT) which insures Metro's liability through a private insurance carrier for in excess of \$10,000,000.00.

152. LAGIT is registered with the Kentucky Department of Insurance as a "liability self-insurance group."

153. LAGIT has a Department of Insurance ID # 300065.

154. The purchase and provision for such funds represents an indirect waiver Metro's immunity for tort claims that might be asserted directly against Metro. *Lexington-Fayette Urban Cty. Gov't v. Smolcic*, 142 S.W.3d 128, 132 n.2 (Ky. 2004)(Unlike express statutory waivers of immunity for the state or state agencies, the waiver "does not have to be direct.").

155. If such an indirect waiver applies, Plaintiff would assert the tort claims he asserts against the individual-capacity defendants in this Complaint against their employer, Metro, at least up the limits of any available liability insurance proceeds.

156. Whether any immunity is waived to the extent of insurance proceeds maintained by Metro and/or LAGIT is therefore an actual controversy and ripe for declaratory relief KRS 418.040 *et seq.*

157. Metro and LAGIT are proper parties as Plaintiff requests a declaration that Metro's self-insurance fund, LAGIT, and/or any applicable private insurance policies purchased by Metro or LAGIT will indemnify the individual-capacity defendants for all liability and damages arising from the individual-capacity claims asserted in this Complaint.

158. LAGIT is a named party solely for the above-referenced declaratory relief. Plaintiff asserts no direct action against LAGIT for liability or damages in lieu of obtaining a judgment against the individual-capacity defendants. Walker reserves the right to assert claims against LAGIT in the event of settlement or judgment with such defendants.

### **CLAIMS FOR MONETARY RELIEF**

#### **COUNT IV: ASSAULT**

(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

159. Plaintiff incorporates the preceding numbered paragraphs by reference.

160. On March 13, 2020, Defendants Hankison, Cosgrove, Mattingly, or unnamed individual-capacity defendants intended to cause harmful or offensive contact or apprehension to the Plaintiff and did so by, among other things, shooting over thirty-five (35) times at Plaintiff. Named or unnamed individual-capacity defendants also threatened to release a dog to physically harm or kill Plaintiff and threatened to imprison Plaintiff for life.

161. Plaintiff feared imminent contact.
162. Named or unnamed individual-capacity defendants had the present apparent ability to carry out the threats.
163. Named or unnamed individual-capacity defendants did so willfully or maliciously.
164. Defendants Jaynes, Hoover, James, Nobles, Campbell, King, Doerr, or unnamed individual-capacity defendants aided and abetted in the assault or assaults on Plaintiff or conspired with other individual-capacity defendants whether named or unnamed and are therefore jointly liable.
165. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered.
166. Plaintiff is also entitled to punitive damages.

**COUNT V: BATTERY**

(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

167. Plaintiff incorporates the preceding numbered paragraphs by reference.
168. On March 13, 2020 and thereafter, named or unnamed individual-capacity defendants intended and in fact committed multiple batteries and committed unlawful contact on the Plaintiff.
169. Named or unnamed individual-capacity defendants did so willfully or maliciously.
170. Named or unnamed individual-capacity defendants aided and abetted in the batteries on Plaintiff or conspired with other individual-capacity defendants named or unnamed and are therefore jointly liable.
171. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered.
172. Plaintiff is also entitled to punitive damages.



**COUNT VI: FALSE ARREST AND IMPRISONMENT**

(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

173. Plaintiff incorporates the preceding numbered paragraphs by reference.
174. On March 13, 2020 and thereafter, Defendants Shaw, Tinnell, Seelye, or unnamed Louisville Metro Police officer-defendants unlawfully confined and restrained Plaintiff despite KRS 503.085 and although Plaintiff acted in self-defense.
175. Defendants Shaw, Tinnell, Seelye, or unnamed individual-capacity defendants did so willfully, maliciously, and without the Plaintiff's consent.
176. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, or unnamed individual-capacity defendants aided and abetted in the false arrest and imprisonment of Plaintiff or conspired with the individual-capacity defendants whether named or unnamed and are therefore jointly liable.
177. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered.
178. Plaintiff is also entitled to punitive damages.

**COUNT VII: MALICIOUS PROSECUTION**

(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

179. Plaintiff incorporates the preceding numbered paragraphs by reference.
180. Defendant Seelye, acting alone or together with named or unnamed individual-capacity defendants, instituted or procured a criminal proceeding against the Plaintiff.
181. Defendant Seelye, acting alone or together with named or unnamed individual-capacity defendants, acted without probable cause.
182. Defendant Seelye, acting alone or together with named or unnamed individual-capacity defendants, acted with malice.

183. The proceeding terminated in favor of Plaintiff

184. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Tinnell, or unnamed individual-capacity defendants acting alone or together with other named or unnamed individual-capacity defendants, aided and abetted in the malicious prosecution or conspired with the individual-capacity defendants whether named or unnamed and are therefore jointly liable.

185. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered.

186. Plaintiff is also entitled to punitive damages.

**COUNT VIII: ABUSE OF PROCESS**

(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

187. Plaintiff incorporates the preceding numbered paragraphs by reference.

188. Defendant Seelye, acting alone or together with named or unnamed individual-capacity defendants, procured criminal process, including but not limited to the grand jury proceedings, for an ulterior purpose, namely, to obfuscate the individual-capacity defendants' illegal activities on March 13, 2020.

189. Defendant Seelye, acting alone or together with named or unnamed individual-capacity defendants, acted willfully or maliciously by, among other things, asserting criminal charges without probable cause and for which Plaintiff was statutorily protected.

190. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Tinnell, or unnamed individual-capacity defendants acting alone or together with other named or unnamed individual-capacity defendants, aided and abetted in the abuse of process or conspired with the individual-capacity defendants whether named or unnamed and are therefore jointly liable.

191. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered.

192. Plaintiff is also entitled to punitive damages.

**COUNT IX: STATUTORY VIOLATIONS/NEGLIGENCE PER SE**  
(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

193. Plaintiff incorporates the preceding numbered paragraphs by reference.

194. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Shaw, Tinnell, Seelye, or unnamed individual-capacity defendants owed statutory duties to Plaintiff, including those in KRS 503.085 and KRS 431.025, not to arrest, detain, or charge Plaintiff and not to use excessive or unlawful force.

195. The violations of statutory duties are ministerial and actionable pursuant to KRS 446.070.

196. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Shaw, Tinnell, Seelye, or unnamed individual-capacity defendants breached those statutory duties.

197. Defendants' breach of the duties caused harm to Plaintiff.

198. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered, including the negligent infliction of severe emotional distress as a result of witnessing the shooting and death of Breonna Taylor.

199. Plaintiff is also entitled to punitive damages for gross negligence.

**COUNT X: GENERAL NEGLIGENCE**  
(AGAINST NAMED AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

200. Plaintiff incorporates the preceding numbered paragraphs by reference.

201. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Shaw, Tinnell, Seelye, and unnamed individual-capacity defendants owed common-law ministerial duties, including ministerial duties found in statute, regulations, caselaw, standard operating procedures, policies and through professional customs and practices, including but not limited to policies, procedures, customs, and practices to thoroughly vet criminal targets, present verified facts to support an search warrant, use the least amount of force necessary to carry out their duties, safely execute search warrants, among other duties.

202. Defendants Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Shaw, Tinnell, Seelye, and unnamed individual-capacity defendants breached those ministerial duties.

203. Defendants' breach of the duties caused harm to Plaintiff.

204. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered, including the negligent infliction of severe emotional distress as a result of witnessing the shooting and death of Breonna Taylor.

205. Plaintiff is also entitled to punitive damages for gross negligence.

#### **COUNT XI: SUPERVISORY NEGLIGENCE**

(AGAINST FISCHER, CONRAD, AND UNNAMED INDIVIDUAL-CAPACITY DEFENDANTS)

206. Plaintiff incorporates the preceding numbered paragraphs by reference.

207. Defendants Fischer, Conrad, or unnamed individual capacity defendants had a ministerial duty to train and supervise Jaynes, Hankison, Cosgrove, Mattingly, Hoover, James, Nobles, Campbell, King, Doerr, Shaw, Tinnell, Seelye, or unnamed individual-capacity defendants.

208. Defendants Fischer, Conrad, or unnamed individual capacity defendants breached those duties.

209. Defendants' breach of the duties caused harm to Plaintiff.

210. As a result, Plaintiff is entitled to compensatory damages for the trauma, humiliation, indignity, physical pain, mental suffering, or mental anguish he suffered, including the negligent infliction of severe emotional distress as a result of witnessing the shooting and death of Breonna Taylor.

211. Plaintiff is also entitled to punitive damages for gross negligence.

**REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiff, Kenneth Walker III, respectfully requests the following:

- (a) A declaratory judgment finding that Plaintiff is entitled to the protections of KRS 503.085, Kentucky's "stand your ground" law.
- (b) A declaratory judgment that Metro has no immunity from suit for tort damages and that Plaintiff may assert tort claims against Metro. Alternatively, a declaratory judgment that Metro has no immunity from suit for tort damages at least up to the limits of insurance available through Metro or LAGIT.
- (c) Recovery of compensatory and punitive damages from the named and yet unnamed individual-capacity defendants, both jointly and severally.
- (d) Expedited discovery pursuant Kentucky Rules of Civil Procedure so Plaintiff may discover the identity of the unnamed defendants.
- (e) A trial by jury on all issues so triable.
- (f) Pre-judgment and post-judgment interest.

(g) Such further relief in law or equity as this Court may deem just, proper, and equitable.

Respectfully submitted,

/s/Frederick W. Moore, III

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