

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION
CIVIL CASE NO. _____**

[REDACTED]

PLAINTIFF

VS.

**LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT (“LFUCG”),**

&

LISA FARMER,
Former Chief of Corrections LFUCG Jail,
in her official and individual capacities

&

RODNEY BALLARD,
Former Interim Chief of Corrections LFUCG Jail,
in his official and individual capacities

&

SCOTT COLVIN,
Chief of Corrections LFUCG Jail
in his official and individual capacities

&

HECTOR JOYNER
Deputy Chief of Corrections, LFUCG Jail,
In his official and individual capacities

&

MATT LEMONDS,
Major Of Operations LFUCG Jail,
in his official and individual capacities

&

COURTNEY SPENCER,
Major Intake/Programs LFUCG Jail,
in his official and individual capacities

&

CHARLES BURTON
Corrections Lieutenant LFUCG Jail
In his official and individual capacities

&

GEORGE DEBORD
Corrections Sergeant at LFUCG Jail
in his official and individual capacities

&

SYLVIA COOPER
Corrections Officer at LFUCG Jail
In her individual capacity

&

ABIGAIL LAMBERT
Corrections Officer at LFUCG Jail
In her individual capacity

&

JESSICA PARKER
Corrections Officer at LFUCG Jail
In her individual capacity

&

ADAM ESSEX
Corrections Officer at LFUCG Jail
In his individual capacity

&

JAMES ERISMAN

Corrections Corporal at LFUCG Jail
in his individual capacity

&

**UNKNOWN JAIL GUARD(S) / SUPERVISORS,
AT LFUCG JAIL,**

in their official and individual capacities

&

QUENTIN LEE LOVE

Inmate, LFUCG Jail

DEFENDANTS

COMPLAINT

Comes the Plaintiff, [REDACTED] M. [REDACTED] by Counsel, and for his causes of action against the above-named Defendants, alleges and states to as follows:

PARTIES

1. Plaintiff, [REDACTED] [REDACTED] is a citizen and resident of Fayette County, Kentucky.

2. Defendant, Lexington Fayette Urban County Government (hereinafter referred to as “LFUCG”) is and was at all relevant times a political subdivision of the Commonwealth of Kentucky, organized and existing under and by virtue of the laws and the Constitution of the Commonwealth of Kentucky. The Fayette County Detention Center is a department of Defendant LFUCG.

3. At all times relevant to the matters alleged herein, Defendant LFUCG, by and through the Fayette County Detention Center, owned and operated the Fayette County Detention Center in Lexington, Fayette County, Kentucky (hereinafter referred to as “LFUCG Jail”).

4. At all times relevant to the matters alleged herein, Defendant LFUCG was responsible for providing, staffing, supervision and control over the LFUCG Jail, including the areas where all inmates are detained and housed.

5. At all times relevant to the matters alleged herein, Defendant LFUCG and LFUCG Jail were responsible for implementing Defendant LFUCG Jail policies regarding the classification, detention and housing of all inmates, assisting in developing and implementing those policies, and in training and supervising its employees.

6. At all times relevant to the matters alleged herein, Defendant LFUCG and LFUCG Jail were acting under color of law.

7. Defendant Lisa Farmer, upon information and belief, is a citizen and resident of Fayette County, Kentucky and at all times relevant to the matters alleged herein was employed by Defendant LFUCG as the Director/Administrator of the LFUCG Jail and was responsible for administering all policies of Defendant LFUCG regarding LFUCG Jail including, but not limited to, being responsible for ensuring the safety and well-being of inmates detained and housed at the LFUCG Jail and providing appropriate supervision of inmates housed in the LFUCG Jail. At all times relevant to the matters alleged herein, Defendant Lisa Farmer was responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the Defendant LFUCG and the LFUCG Jail, including the policies, practices, procedures, and/or customs that violated Plaintiff [REDACTED] [REDACTED] rights as set forth herein. At all times relevant to the matters alleged herein, Defendant Lisa Farmer acted under color of law and is sued in her individual and official capacities.

8. Defendant Rodney Ballard, upon information and belief, is a citizen and resident of Fayette County, Kentucky and at all times relevant to the matters alleged herein was employed by

Defendant LFUCG as the Interim Director/Administrator of the LFUCG Jail and was responsible for administering all policies of Defendant LFUCG regarding LFUCG Jail including, but not limited to, being responsible for ensuring the safety and well-being of inmates detained and housed at the LFUCG Jail and providing appropriate supervision of inmates housed in the LFUCG Jail. At all times relevant to the matters alleged herein, Defendant Rodney Ballard was responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the Defendant LFUCG and the LFUCG Jail, including the policies, practices, procedures, and/or customs that violated Plaintiff [REDACTED] [REDACTED] rights as set forth herein. At all times relevant to the matters alleged herein, Defendant Rodney Ballard acted under color of law and is sued in his individual and official capacities.

9. Defendant Scott Colvin, upon information and belief, is a citizen and resident of Fayette County, Kentucky and is employed by Defendant LFUCG as the current Director/Administrator of the LFUCG Jail and is responsible for administering all policies of Defendant LFUCG regarding LFUCG Jail including, but not limited to, being responsible for ensuring the safety and well-being of inmates detained and housed at the LFUCG Jail and providing appropriate supervision of inmates housed in the LFUCG Jail. At all times relevant to the matters alleged herein, Defendant Scott Colvin is responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the Defendant LFUCG and the LFUCG Jail, including the policies, practices, procedures, and/or customs that violated Plaintiff [REDACTED] [REDACTED] rights as set forth herein. Defendant Scott Colvin acted under color of law and is sued in his individual and official capacities.

10. Defendant Harold Byrne, upon information and belief is a citizen and resident of Fayette County, Kentucky. At all times relevant to the matters alleged herein, Defendant Harold

Byrne was employed by Defendant LFUCG as the Deputy Chief of Corrections at the LFUCG Jail. Defendant Harold Byrne was responsible for ensuring the safety and well-being of all inmates detained and housed at the LFUCG Jail, including providing appropriate supervision over its' inmates. At all times relevant to the matters alleged herein, Defendant Harold Byrne was responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the Defendant LFUCG and the LFUCG Jail, including the policies, practices, procedures, and/or customs that violated Plaintiff [REDACTED] [REDACTED] rights as set forth herein. Defendant Harold Byrne acted under the color of law and is sued in his individual and official capacities.

11. Defendant Matt Lemonds, upon information and belief, is a citizen and resident of Fayette County, Kentucky. At all times relevant to the matters alleged herein, Defendant Matt Lemonds was employed by Defendant LFUCG as a Major at the LFUCG Jail. Defendant Matt Lemonds was responsible for implementing all of Defendant LFUCG Jail Polices and for overseeing Plaintiff [REDACTED] [REDACTED] health and well-being, and assuring that housing and supervision requirements concerning Plaintiff [REDACTED] [REDACTED] were met during the time he was in the custody of the LFUCG Jail. Further, at all times relevant to the matters alleged herein, Defendant Matt Lemonds was responsible for supervising the inmate population in the LFUCG Jail, including Plaintiff [REDACTED] who was involved in the incident described herein. Defendant Matt Lemonds acted under the color of law and is sued in his individual and official capacities.

12. Defendant Courtney Spencer, upon information and belief is a resident of Fayette County, Kentucky. At all times relevant to the matters alleged herein, Defendant Courtney Spencer was a Major and Director of Inmate Management Bureau, overseeing Intake, Programs and the

LFUCG Jail's Auxiliary Services. Defendant Courtney Spencer acted under the color of law and is sued in his individual and official capacities.

13. Defendant Charles Burton, at all times relevant to the matters alleged herein, was employed as a Lieutenant / corrections officer at the LFUCG Jail. He is sued in his official and individual capacities.

14. Defendant George Debord, at all times relevant to the matters alleged herein, was employed as a Sergeant / corrections officer at the LFUCG Jail. He is sued in his individual capacity.

15. Defendant Sylvia Cooper, at all times relevant to the matters alleged herein, was employed as a corrections officer at the LFUCG Jail. She is sued in her individual capacity.

16. Defendant Abigail Lambert, at all times relevant to the matters alleged herein, was employed as a corrections officer at the LFUCG Jail. She is sued in her individual capacity.

17. Defendant Jessica Parker, at all times relevant to the matters alleged herein, was employed as a corrections officer at the LFUCG Jail. She is sued in her individual capacity.

18. Defendant Adam Essex, at all times relevant to the matters alleged herein, was employed as a corrections officer at the LFUCG Jail. He is sued in his individual capacity.

19. Defendant James Erisman, at all times relevant to the matters alleged herein, was employed as a corrections officer at the LFUCG Jail. He is sued in his individual capacity.

20. Defendant Unknown Jail Guards and Supervisors at the LFUCG, at all times relevant were employed as corrections officers and / or supervisors at the LFUCG Jail. They are sued in their individual and official capacities.

21. Defendant Quentin Lee Love, at all times relevant to the matters alleged herein, was a citizen and resident of Fayette County and housed as an inmate at the LFUCG Jail.

JURISDICTION AND VENUE

22. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1343 to secure protection of and to redress deprivations of rights secured by the Fourteenth Amendment to the United States Constitution as enforced by 42 U.S.C. §1983, which provides for the protection of all persons in their civil rights and the redress of deprivation of rights under color of law.

23. The jurisdiction of this Court is also invoked under 28 U.S.C. §1331 to resolve a controversy arising under the Constitution and laws of the United States, particularly the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983.

24. This Court has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. §1367 since the claims form part of the same case or controversy arising under the United States Constitution and federal law.

25. Plaintiff ██████ claims in this matter in controversy exceeds the jurisdictional limit (\$75,000.00) of this Court, exclusive of interest and costs.

26. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District in Lexington, Fayette County, Kentucky.

FACTUAL BACKGROUND

27. Paragraphs 1-26 are incorporated herein by reference.

28. On September 25, 2022, Plaintiff ██████ ██████ ("Plaintiff ██████" was booked into the custody of LFUCG Jail in Lexington, Fayette County, Kentucky.

29. Prior to September 25, 2022, Plaintiff ██████ had never been arrested in his life and had no prior criminal record.

30. On this same date, Defendant Quentin Love (“Defendant Love”) was already an inmate at the LFUCG Jail as a pretrial inmate under Fayette Circuit Court Case numbers 20-CR-393 and 20-CR-394.

31. In Fayette Circuit Court Case numbers 20-CR-393 and 20-CR-394, Defendant Love has been accused of extremely violent crimes. Specifically, he was charged with the following offenses in those cases:

- a. Murder;
- b. Convicted Felon in Possession of a Handgun;
- c. Wanton Endangerment 1st;
- d. Assault 2nd Degree;
- e. Assault 4th Degree;
- f. Terroristic Threatening 3rd Degree; and
- g. Two Counts of Persistent Felony Offender 2nd Degree.

32. During his time as an inmate at the LFUCG Jail and prior to Plaintiff [REDACTED] arriving at the jail, Defendant Love was disciplined for engaging in approximately 34 instances of misconduct, including these violent and potentially violent, or offensive incidents:

- a. March 14, 2020: Threats of Serious Bodily Harm to staff.
- b. October 6, 2020: Observed exposing himself.
- c. October 8, 2020: Physically assaulted another inmate.
- d. January 27, 2021: Fought with a fellow inmate, struck the inmate and knocked him unconscious.
- e. August 9, 2021: Possessed dangerous contraband – observed placing a “shank” into a trash can.

f. October 23, 2021: Possessed dangerous contraband – Razor blade recovered from his eyeglasses case.

33. Despite having no criminal record, upon entering the LFUCG Jail, Plaintiff [REDACTED] was assessed by LFUCG Jail corrections officers, misclassified and placed in a maximum security, general population cell / pod “KK” with Defendant Love where he remained in custody until he was released from custody on October 5, 2022.

34. On or about October 5, 2022, Plaintiff [REDACTED] was physically and sexually assaulted by Defendant Love while both were in the custody of Defendant LFUCG and LFUCG Jail in pod “KK.”

35. Following the violent assault, Plaintiff [REDACTED] was taken to the hospital to be treated for the injuries he sustained from Defendant Love. While at the hospital, Plaintiff [REDACTED] was released from the custody of the LFUCG Jail on October 5, 2022.

36. The Lexington Fayette Metro Police Department (“LFMPD”) responded to LFUCG Jail and began their investigation of the assault. Subsequently, the investigation by the LFMPD led to Defendant Love being charged and indicted with two (2) counts of Sodomy 1st Degree, Strangulation 1st Degree, Assault 4th Degree and Persistent Felony Offender 2nd Degree under Fayette Circuit Court Case No. 22-CR-1098.

37. Upon information and belief, at the time of the violent assault, only one corrections officer, believed to be Defendant James Erisman (“Defendant Erisman”) or an Unknown Defendant, was supposed to be supervising and monitoring the pod, including the area where the incident occurred. However, without authorization he and / or unknown Defendant(s) left his post in the pod and left the inmates completely unsupervised for a considerable period of time. During

period of time the unauthorized break was taken is when Defendant Love took advantage of the situation and unlawfully assaulted, sexually abused and raped Plaintiff [REDACTED]

38. Additionally, during Defendant Erisman's and / or Unknown Defendant's unauthorized break, on information and belief no supervisors or other corrections officers monitored the live video surveillance of pod "KK" and left Plaintiff [REDACTED] to fend for himself against Defendant Love. Parts of this violent assault were recorded on the LFUCG Jail's video surveillance system.

39. Due to the nature of the violent assault that Plaintiff [REDACTED] suffered, numerous media outlets in the area reported on the sexual assault that Plaintiff [REDACTED] suffered. In one story, a Sgt. Steve Parker gave the following quote and information regarding the violent assault:

[REDACTED] At the time of the alleged attack, the unit officer was not there, according to the FOP.

"There was no break clearance, so the officer in this unit took a lunch break as well as his 15-minute break," said Sgt. Steve Parker. "He had left the unit for a break and when he returned the inmate caught his attention and told him what had happened."

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40. Incidents reports produced by the LFUCG Jail, state that Plaintiff [REDACTED] was seen running to the pod's door for help with Defendant Love chasing him when he caught Defendant Erisman's attention.

41. In another news article, Michael Harris with the Fraternal Order of Police stated the following:

¹ <https://www.wtvq.com/update-investigations-continue-in-alleged-inmate-sexual-assault-report/>

Michael Harris, the president of Fraternal Order of Police Lodge No. 83, said the assault happened while an officer was on break. Lodge No. 83 is the union which represents Lexington's corrections officers. Harris said the incident was tragic but that the jail is still dealing with staffing shortages and incidents aren't "unexpected."

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42. Clearly, Defendant Erisman and / or Unknown Defendant, his supervisors, or any corrections officers were not monitoring the pod, or the live video feed at the time Plaintiff [REDACTED] suffered this violent assault. The male inmates in pod "KK", including Plaintiff [REDACTED] and his attacker, Defendant Love, were left completely alone and unsupervised.

43. Pod "KK" at the LFUCG Jail was left without any supervising officer on October 5, 2022, due to the long-standing custom and practice of Defendant LFUCG understaffing the LFUCG Jail.

44. At the time Plaintiff [REDACTED] was violently assault, WTVQ of Lexington reported that "the Fayette County Detention Center is 121 officers short which is only about 56% of what it should be operating at. The jail also houses nearly 1,000 inmates at the county, state and federal levels."³

45. Defendant LFUCG Councilmember Richard Maloney stated the following in regard to understaffing the jail and the violent assault to Plaintiff [REDACTED] to WTVQ of Lexington:

² [ps://www.kentucky.com/news/local/corrections/article26695064](https://www.kentucky.com/news/local/corrections/article26695064).

³ <https://www.wtvq.com/update-investigations-continue-in-alleged-inmate-sexual-assault-report/>

“What happened yesterday was my biggest concern, that was my biggest fear and it happened,” said Richard Moloney, Lexington-Fayette Urban County councilmember. “If we don’t get the staff up to what it’s supposed to be, those numbers, those kind of things are going to continue to happen.”

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46. Defendant Matt LeMonds stated to WTVQ of Lexington that “We’ll have some units that have an officer bouncing between one or two, occasionally it might be three units, but they’re going to each of those units,” because of the consistent understaffing of the jail.⁵

47. The Eighth and Fourteenth Amendment alike require that inmates and detainees be provided reasonably adequate conditions of confinement. The right to be protected against violence committed by other inmates is part of the conditions of confinement requirement afforded by the United States Constitution.

48. Any reasonable LFUCG Jail employee knew or should have known those rights at the time of the complained of conduct as they were clearly established.

49. Defendant Erisman and / or Unknown Defendant(s) failed to protect Plaintiff [REDACTED] from harm by leaving pod “KK” of the LFUCG Jail unsupervised for lengthy period of time, with knowledge that Plaintiff [REDACTED] was housed with Defendant Love – a known violent offender.

50. The failure to provide any supervision of pod “KK” during the violent assault constitutes deliberate indifference to Plaintiff [REDACTED] health and safety.

51. With deliberate indifference, Defendant Erisman and / or Unknown Defendant(s) failed to protect Plaintiff [REDACTED] from harm, and disregarded the known, obvious and excessive risks of harm to Plaintiff [REDACTED]

⁴ *Id.*

⁵ *Id.*

52. This violent assault was preventable and only occurred through Defendants' willful, wanton, malicious, and reckless conduct and with deliberate indifference to the health and safety of all housed inmates, including male inmates more particularly, Plaintiff [REDACTED]

53. As a direct and proximate result of the aforementioned unlawful conduct, Plaintiff [REDACTED] suffered actual and severe physical injuries, physical pain and suffering and severe emotional and mental distress.

▪ **DEFENDANT LFUCG POLICIES AND CUSTOMS:**

54. Paragraphs 1-53 are incorporated herein by reference.

55. There is an affirmative link between the aforementioned unconstitutional acts and / or omissions of Defendant Erisman and / or Unknown Defendant(s) and the policies, practices and / or customs which Defendant LFUCG promulgated, created, implemented and / or possessed responsibility for.

56. Defendant LFUCG, and all other Defendants responsible for policies and customs, are liable under a theory of a systemic failure of policies and procedures as outlined below. There were such gross deficiencies in staffing, facilities and procedures that Plaintiff [REDACTED] was effectively denied constitutional conditions of confinement.

57. In 2018 the following was reported in the media:

LEXINGTON, Ky. — Lexington officials said they are transferring more inmates to state prisons and will move staff into different positions to deal with staff shortages at the crowded Fayette County Detention Center that employees say are leading to multiple overtime shifts and staff burnout.

"I've never, ever seen it this bad," said Emily Brian, an 11-year corrections officer at the Fayette County Detention Center during an Oct. 25 Lexington-Fayette Urban County Council meeting. "We need change."

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⁶ <https://www.corrections1.com/kentucky/articles/ive-never-seen-it-this-bad-staff-shortages-spur-departures-at-ky-jail-V76B91k5mVIQZx1K/>

58. In 2021, it was reported that the LFUCG jail was not a safe place for inmates to reside due to the understaffing.⁷

59. By April of 2022 (6 months before Plaintiff ██████ was violently assaulted), the same Emily Brian quoted in 2018 stated that the LFUCG Jail did not have enough manpower to keep anybody safe:

"It's unsafe," Brian said. "We don't have enough staff to cover overtime."

Since 2018, seven officers have been assaulted, she said.

In the past year, two inmates died by suicide. There were offices in those units but the deaths happened during a shift change, she said.

Over the past two years, officers have found six shanks made by inmates. That's not typical, Brian said.

"We don't have the manpower to keep anybody in that building safe, not even ourselves," she said.

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60. It is clear that the systemic shortage of staff at the jail has contributed to a lack of control over the inmates at the jail. As noted earlier, at the time Plaintiff ██████ was assaulted, LFUCG was operating at 56% staff capacity – 121 corrections officers short.

61. Due to the lack of adequate staffing, overcrowding and an attitude of indifference toward inmate safety, inmate-on-inmate assaults are not uncommon at LFUCG jail.

⁷ <https://www.officer.com/command-hq/corrections/news/21245060/union-staff-loss-creating-unsafe-conditions-at-ky-detention-center>

⁸ <https://www.kentucky.com/news/local/counties/fayette-county/article260438022.html>

62. This particular case is also an example of a systemic and deep-seated failure to train and supervise with respect to the most basic aspects of correctional operations and constitutional conditions of confinement.

63. Defendant LFUCG and all other supervisory Defendants plainly failed to adequately train and supervise its officers, in violation of policies and procedures, including Defendant Erisman and / or Unknown Defendant(s), with respect to, *inter alia*: protection of inmates, inmate-on-inmate assault, cruel and inhumane corrections practices and constitutional requirements for the conditions of confinement.

64. These systemic deficiencies that have plagued the LFUCG Jail for years now has resulted to injuries to multiple inmates including Plaintiff [REDACTED]. Defendant LFUCG's failure to alleviate known and substantial risks to inmates Plaintiff [REDACTED] constitutes deliberate indifference at a municipal level.

65. As noted earlier, in regards to the type of assault Plaintiff [REDACTED] endured, Defendant LFUCG's own councilmember stated the following:

"What happened yesterday was my biggest concern, that was my biggest fear and it happened," said Richard Moloney, Lexington-Fayette Urban County councilmember. "If we don't get the staff up to what it's supposed to be, those numbers, those kind of things are going to continue to happen."

66. In fact, this type of violent sexual assault has continued to happen. After being indicted and charged with the sexual assault on Plaintiff [REDACTED] Defendant Love was charged and indicted again for sexual assault upon another inmate. Specifically, Defendant Love has been indicted and charged in Fayette Circuit Court Case No. 23-CR-594 with Sodomy 1st Degree, Terroristic Threatening 3rd Degree, and Persistent Felony Offender 2nd Degree for assaulting another inmate yet again. This is clearly indicative of a systemic failure by all Defendants to protect the health and safety of all inmates even after Plaintiff [REDACTED] was violently assaulted by Defendant

Love. All Defendants were put on notice of Defendant Love's propensity for violence and apparently did nothing to protect other inmates because it happened again with the same person – Defendant Love.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

**VIOLATION OF THE FOURTEENTH AMENDMENT TO THE
TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA
(42 U.S.C. §1983)**

A. Allegations Applicable to all Defendants

67. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 66.

68. At all times relevant to the matters alleged herein, Plaintiff [REDACTED] was a pretrial detainee who was entitled to the protections of the Due Process Clause of the 14th amendment to the United States Constitution and was guaranteed the same protections that post-conviction inmates have under the 8th amendment to the United States Constitution.

69. The right to be protected against violence committed by other inmates as part of the conditions of confinement requirement afforded by the Constitution.

70. Any reasonable Jail employees knew or should have known those rights at the time of the complained conduct as they were clearly established.

71. All Defendants knew of the potential for harm to Plaintiff [REDACTED] and all other inmates due to the long-term policy of understaffing of the jail facility by Defendant LFUCG and LFUCG Jail and knew there was a complete lack of adequate supervision throughout the jail facility, including the pod where Plaintiff [REDACTED] was housed.

72. All Defendants failed to provide adequate supervision for Plaintiff [REDACTED] while he was housed in pod KK with inmate Defendant Love.

73. Defendants' acts and/or omissions constitute deliberate indifference to Plaintiff [REDACTED] health and safety.

74. Defendants' unconstitutional acts and/or omissions include, but are not limited to:

A. the failure to provide adequate supervision of all inmates, including Plaintiff [REDACTED] and the other inmates in the pod.

B. the failure to create, promulgate, and/or implement appropriate supervision plans over all inmates, including Plaintiff [REDACTED] and the other inmates in the pod.

C. the failure to properly classify Plaintiff [REDACTED]

D. the failure to take precautions necessary to protect the health and safety of Plaintiff [REDACTED] and other inmates like Plaintiff [REDACTED] including additional monitoring and supervision.

E. the failure to adequately monitor video surveillance of the pod.

F. the failure to alleviate known security risks with respect to Plaintiff [REDACTED] and other inmates.

G. the failure to adequately staff the pod(s) housing all inmates, leaving inmates, including Plaintiff [REDACTED] in pod KK, vulnerable and increasing the risk of harm from other inmates.

75. As a direct and proximate result of Defendants' conduct, Plaintiff [REDACTED] suffered injuries and damages alleged herein.

B. Supervisor Liability (Defendants Lisa Farmer, Rodney Ballard, Scott Colvin, Hector Joyner, Matt Lemonds, Courtney Spencer, Charles Burton, and George Debord).

76. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 74.

77. The acts and/or omissions of Defendants in being deliberately indifferent to Plaintiff [REDACTED] health and safety and in violating Plaintiff [REDACTED] civil rights were the direct and proximate result of the customs, practices, policies, and/or procedures of the Defendants and that Defendants promulgated, created, implemented, possessed responsibility for, and/or failed to promulgate, create, or implement.

78. These customs, practices, policies, and/or procedures include, but are not limited to:

- A. the failure to ensure adequate supervision of male inmates, including Plaintiff [REDACTED] and the other inmates in the pod.
- B. the failure to create, promulgate, and/or implement adequate supervision plans over male inmates, including Plaintiff [REDACTED] and the other inmates in the pod.
- C. the failure to properly classify Plaintiff [REDACTED]
- D. the failure to ensure adequate monitoring of the video surveillance of the pod.
- E. the failure to ensure adequate safety precautions for male inmates, including Plaintiff [REDACTED]
- F. the failure to alleviate known security risks with respect to male inmates, including Plaintiff [REDACTED]
- G. the pattern of understaffing the pod(s) housing male inmates, leaving inmates, including Plaintiff [REDACTED] vulnerable and increasing the risk of harm.
- H. the tight budgetary restrictions that create substantial risks to male inmate safety.

- I. the failure to adequately train and supervise jail personnel and staff, including Defendant Erisman and / or Unknown Defendant(s), regarding the supervision of male inmates.
- J. the failure to adequately train and supervise jail personnel and staff, including Defendant Erisman and / or Unknown Defendant(s), regarding the safety of male inmates.

79. Defendants, through their continued encouragement, ratification, and/or approval of the customs, practices, policies, and/or procedures, in spite of their known inadequacies and dangers, have been deliberately indifferent to inmates', including Plaintiff [REDACTED] health and safety.

80. As a direct and proximate result of the aforementioned customs, practices, policies, and/or procedures, Plaintiff [REDACTED] suffered injuries and damages as alleged herein.

C. Municipal Liability (Defendant LFUCG)

81. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 80.

82. Defendant LFUCG is a "person" for purposes of 42 U.S.C. §1983.

83. Defendant LFUCG is charged with implementing and developing the policies and procedures with respect to supervision and safety of inmates at the LFUCG Jail.

84. Defendant LFUCG County is responsible for adequately training and supervising its employees, including the other Defendants in this action.

85. The acts and/or omissions of Defendants in being deliberately indifferent to Plaintiff [REDACTED] health and safety and in violating Plaintiff [REDACTED] civil rights were the direct and proximate result of the customs, practices, policies, and/or procedures of Defendant LFUCG

, and that Defendant LFUCG, by and through its employees and/or agents, promulgated, created, implemented, possessed responsibility for, and/or failed to promulgate, create, or implement.

86. Such customs, practices, policies, and/or procedures include, but are not limited to:
- A. the failure to ensure adequate supervision of male inmates, including Plaintiff [REDACTED] and the other inmates in the pod.
 - B. the failure to create, promulgate and/or implement adequate supervision plans over male inmates, including Plaintiff [REDACTED] and the other inmates in the pod.
 - C. the failure to properly classify Plaintiff [REDACTED]
 - D. the failure to ensure adequate monitoring of the video surveillance of the pod where Plaintiff [REDACTED] was violently assaulted.
 - E. the failure to ensure adequate safety precautions for male inmates, including Plaintiff [REDACTED] [REDACTED]
 - F. the failure to alleviate known security risks with respect to male inmates, including Plaintiff [REDACTED]
 - G. the pattern and practice of understaffing LFUCG Jail, pod(s) within the LFUCG Jail housing male inmates, leaving inmates, including Plaintiff [REDACTED] vulnerable and increasing the risk of harm.
 - H. the tight budgetary restrictions that create substantial risks to male inmate safety.
 - I. the failure to adequately train and supervise jail personnel and staff, including Defendant Erisman and / or Unknown Defendant(s), regarding the supervision of male inmates.

J. the failure to adequately train and supervise jail personnel and staff, including Defendant Erisman and / or Unknown Defendant(s), regarding the safety of male inmates.

87. Defendant LFUCG tacitly encouraged, ratified, and/or approved of the aforementioned customs, practices, and/or procedures, in spite of their known inadequacies and dangers, and has been deliberately indifferent to male inmates', including Plaintiff [REDACTED] health and safety.

88. As a direct and proximate result of the aforementioned customs, practices, policies, and/or procedures, Plaintiff [REDACTED] suffered injuries and damages as alleged herein.

SECOND CLAIM FOR RELIEF

**NEGLIGENCE/GROSS NEGLIGENCE
(ALL INDIVIDUAL DEFENDANTS & UNKNOWN DEFENDANTS)**

89. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 88.

90. It was Defendants' duty to exercise ordinary care for the safety of other persons, including Plaintiff [REDACTED] to avoid foreseeable injuries.

91. Defendants knew or should have known Plaintiff [REDACTED] was at a risk of injury.

92. Defendants breached their duty to Plaintiff [REDACTED] which was a substantial factor in causing Plaintiff [REDACTED] injuries.

93. As the direct and proximate result of the Defendants wanton, reckless, willful, negligent, and grossly negligent conduct, which resulted in the injuries to Plaintiff [REDACTED] and Plaintiff [REDACTED] suffered damages, including pain and suffering, mental anguish, medical expenses, all in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF

**BATTERY
(DEFENDANT LOVE)**

94. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 93.

95. At the time of the transactions which give rise to this dispute, Defendant Love did unlawfully and maliciously contact Plaintiff [REDACTED] causing injuries.

96. As a result of the injuries sustained, Plaintiff [REDACTED] is entitled to compensation in excess of the jurisdictional limit of this Court for damages including, but not limited to, medical expenses, bodily injury, physical impairment, pain and suffering, mental anguish, inconvenience, disfigurement, disability, punitive, and all other damages to be proven at trial.

THIRD CLAIM FOR RELIEF

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(DEFENDANT ERISMAN AND / OR UNKNOWN DEFENDANT(S))**

97. Plaintiff re-alleges and incorporates by reference paragraphs 1- 96.

98. Defendant Erisman and / or Unknown Defendant(s) acted intentionally and / or recklessly when he took an unauthorized break from supervising and monitoring pod KK in the LFUCG where Plaintiff [REDACTED] was housed with Defendant Love.

99. The actions taken by Defendant Erisman and / or Unknown Defendant(s) clearly offend the accepted standards of decency and morality.

100. Defendant Erisman and / or Unknown Defendant(s) caused Plaintiff [REDACTED] to suffer emotional distress.

101. As a result of the injuries sustained, Plaintiff [REDACTED] is entitled to compensation in excess of the jurisdictional limit of this Court for damages including but not limited to, medical

expenses, bodily injury, physical impairment, pain and suffering, mental anguish, inconvenience, disability, punitive, and all other damages to be proven at trial.

FOURTH CLAIM FOR RELIEF

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (RESPONDEAT SUPERIOR)

102. Plaintiff re-alleges and incorporates by reference paragraphs 1-101.

103. Defendant Erisman and / or Unknown Defendant(s) an employee of Defendant LFUCG and LFUCG Jail who at the time which give rise to this action was acting within the course and scope of his employment, acted intentionally and / or reckless when he took an unauthorized break from supervising and monitoring pod KK in the LFUCG where Plaintiff [REDACTED] was housed with Defendant Love.

104. The actions taken by Defendant Erisman and / or Unknown Defendant(s) clearly offend the accepted standards of decency and morality.

105. Defendant Erisman and / or Unknown Defendant(s) caused Plaintiff [REDACTED] to suffer emotional distress.

106. Defendant LFUCG is liable for the actions of Defendant Erisman and / or Unknown Defendant(s) under the doctrine of Respondeat Superior.

107. As a result of the injuries sustained, Plaintiff [REDACTED] is entitled to compensation in excess of the jurisdictional limit of this Court for damages including but not limited to, medical expenses, bodily injury, physical impairment, pain and suffering, mental anguish, inconvenience, disability, punitive, and all other damages to be proven at trial.

DAMAGES

108. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 107.

109. Plaintiff [REDACTED] has incurred and will continue to incur medical bills and other expenses as a direct and proximate result of the Defendants' conduct.

110. Plaintiff [REDACTED] has endured and will continue to endure pain and suffering, including mental anguish, as a direct and proximate result of the Defendants' conduct.

111. Plaintiff [REDACTED] has endured and will continue to endure lost enjoyment of life as a direct and proximate result of the Defendants' conduct.

112. Plaintiff [REDACTED] is entitled to punitive damages on his claims brought pursuant to 42 U.S.C. §1983 because Defendants' conduct, acts, and omissions alleged herein constitute reckless or callous indifference to Plaintiff's federally protected rights.

113. Plaintiff [REDACTED] seeks to recover for all of his damages allowed under the law, including compensatory and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff [REDACTED] [REDACTED] prays for the following relief:

1. A judgment for compensatory damages against Defendants in an amount to be determined by a jury;
2. A judgment for punitive damages against Defendants in an amount to be determined by a jury;
3. An award of all discretionary costs and court costs;
4. An award of reasonable expenses in this litigation, including reasonable attorney and expert fees and costs, pursuant to 42 U.S.C. §1988;
5. A Trial by Jury; and
6. Such other and further relief to which Plaintiff may be entitled the interests of justice demanding it.

Respectfully submitted,

/s/ Noel Caldwell

Noel Caldwell

NOEL CALDWELL ATTORNEY AT LAW PLLC

153 Market Street

Lexington, Kentucky 40507

Telephone: 859-494-4780

Facsimile: 859-231-7588

ncaldwell@noelcaldwell.com

AND

S/ Brent L. Caldwell

Brent L. Caldwell

Caldwell Law Firm, PLLC

153 Market Street

Lexington, KY 40507

Telephone: 859-225-1400

Facsimile: 859-231-7588

bcaldwell@caldwelllawyers.com

Counsel for Plaintiff