

03C I 02830

NO.

JEFFERSON CIRCUIT COURT

DIVISION _____

HELEN N. HINES, Administratrix of the
Estate of Terry L. Hines, Deceased
1826 Payne Street
Louisville, KY 40206

PLAINTIFF
JEFFERSON CIRCUIT COURT
DIVISION ELEVEN (11)

vs.

COMPLAINT

CITY OF LOUISVILLE

City Hall
601 West Jefferson Street
Louisville, KY 40202

SERVE: Hon. Jerry Abramson, Mayor
City Hall
601 West Jefferson Street
Louisville, KY 40202

SERVE: Irvin G. Maze
429 West Muhammad Ali Blvd.
Louisville, KY 40202

and

LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT

City Hall
601 West Jefferson Street
Louisville, KY 40202

SERVE: Hon. Jerry Abramson, Mayor
City Hall
601 West Jefferson Street
Louisville, KY 40202

SERVE: Irvin G. Maze
429 West Muhammad Ali Blvd.
Louisville, KY 40202

DEFENDANT

Comes the Plaintiff, Helen N. Hines, Administratrix of the Estate of Terry L. Hines,

deceased, by counsel, and for her Complaint against Defendants, City of Louisville and Louisville-Jefferson County Metro Government (hereinafter referred to as "Louisville Metro"), and each of them, jointly and severally, and states as follows:

1. Plaintiff, Helen N. Hines, resides in Louisville, Jefferson County, Kentucky and brings this action in her capacity as the Administratrix of the Estate of her deceased son, Terry L. Hines, having qualified as Administratrix of the Estate on July 30, 2002 in Jefferson District Court. (A copy of said Qualification attached hereto as Exhibit A)

2. Plaintiff's son, Terry L. Hines, died on June 21, 2002, while a resident of Louisville, Jefferson County, Kentucky.

3. Defendant, City of Louisville, is a municipal corporation duly organized under Kentucky law and conducted business in Louisville, Jefferson County, Kentucky and operated a police department at all times mentioned herein known as the Louisville Division of Police, and is subject to the jurisdiction of the Court.

4. Defendant, Louisville-Jefferson County Metro Government, is a municipal corporation duly organized under Kentucky law and conducted business in Louisville, Jefferson County, Kentucky, and at all times mentioned herein operated a police department known as the Louisville Division of Police, and is subject to jurisdiction of this Court.

5. On or about April 19 and 20, 2002, Defendants, City of Louisville and/or Louisville Metro, and each of them, through their agents, servants, employees and/or other persons for whom there were directly responsible, all said persons acting within the course and scope of their employment with Defendants, City of Louisville and/or Louisville Metro, shot and assaulted Plaintiff's son, Terry L. Hines, while in his residence located at 205 Knob Hill Lane, Louisville, Jefferson County, Kentucky, causing Plaintiff's son to suffer serious physical injuries

which were the direct and proximate cause of his death on June 21, 2002.

6. The actions of Defendants, City of Louisville and/or Louisville Metro, and each of them, jointly and severally, through their agents, servants, employees and other persons for whom they were directly responsible, as aforesaid, were negligent and careless and/or grossly negligent and grossly careless and/or were performed with oppression and/or malice and/or with a reckless disregard for the safety of Plaintiff's son, Terry L. Hines, and such actions, independently and/or concurrently, caused the injuries and death of Plaintiff's son, Terry L. Hines.

7. Defendants, City of Louisville and/or Louisville Metro, and each of them, jointly and severally, negligently and carelessly and/or with gross negligence and gross carelessness, and/or with oppression and/or malice and/or with a reckless disregard for the safety of others, including Plaintiff's decedent, failed to properly train and supervise their police department and officers, and other persons for whom they were directly responsible, and such actions, independently and/or concurrently, caused the injuries and death of Plaintiff's son, Terry L. Hines.

8. As a direct and proximate result of the above-described acts of the Defendants, City of Louisville and/or Louisville Metro, and each of them, as aforesaid, jointly and severally, Plaintiff's son, Terry L. Hines, was caused to suffer severe physical, mental and emotional pain and suffering from the time of his injuries on April 19, 2002 until his death on June 21, 2002.

9. As a direct and proximate result of the above-described acts of the Defendants, City of Louisville and/or Louisville Metro, and each of them, as aforesaid, jointly and severally, the estate has been damaged by reason of the permanent destruction of Terry L. Hines' power to labor and earn money, has incurred expenses for medical treatment of Terry L. Hines from the

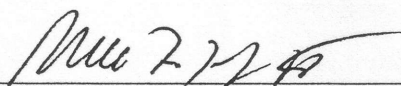
date of his injury until his death and has incurred funeral and burial expenses.

10. As a direct and proximate result of the above-described acts of the Defendants, City of Louisville and/or Louisville Metro, and each of them, as aforesaid, jointly and severally, Defendants are hereby placed on notice Plaintiff is claiming punitive damages in the herein action.

11. The damages suffered by Plaintiff's estate as described herein are in excess of the amount necessary to establish jurisdiction of this Court.

12. Plaintiff demands trial by jury.

WHEREFORE, Plaintiff, Helen N. Hines, Administratrix of the Estate of Terry L. Hines, deceased, prays for judgment against the Defendants, City of Louisville and/or Louisville-Jefferson County Metro Government, and each of them, jointly and severally, for compensatory damages in an amount in excess of that necessary to establish jurisdiction of this Court, for punitive damages in an amount to be proven at trial, for her cost herein expended, for a reasonable attorney's fee and for any and all other just and proper relief to which she may appear entitled.



Marshall F. Kaufman, III
KAUFMAN, STIGGER & HUGHES, PLLC
301 Nolan Building
2100 Gardiner Lane
Louisville, KY 40205
(502) 458-5555

Commonwealth of Kentucky
Court of Justice



CERTIFICATE
OF QUALIFICATION

Case No. 02P02998

County Jefferson

Court District Probate

IN Re: Estate of Terry L. Hines, Deceased

Proper petition having been filed and the Court having appointed Helen N. Hines

as Administratrix

of the above estate on the 30 day of July, 19 2002 and the fiduciary has
filed in Court bond in the sum of \$ 5,000, the amount fixed, with aw

as surety, which
approved by the Court, said fiduciary was thereupon duly sworn as required by law and thus qualified on the at
date.

The above Order and Qualification is in full force and effect this

JUL 30 2002

Attest: TONY MILLER
CERTIFIED COPY OF RECORDS
OF JEFFERSON DISTRICT COURT

By

TONY MILLER
BY Deputy Clerk

D.C.

Exhibit A