

“Electronically Filed”
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LONDON DIVISION
ACTION NO. 6:20-CV-_____

STEPHEN CODY SIMPSON, PLAINTIFF,

VS. CIVIL RIGHTS COMPLAINT WITH REQUEST FOR TRIAL BY JURY

CITY OF CUMBERLAND, KENTUCKY
SERVE: Mayor Charles Raleigh
402 W. Main St.
Cumberland, Kentucky 40823

CHARLES RALEIGH
Individually and in his official capacity as Cumberland City Mayor
SERVE: Main Charles Raleigh
402 W. Main St.
Cumberland, Kentucky 40831

CODY WILLIAMSON
Individually and in his official capacity as Cumberland Police Chief
SERVE: Chief of Police Cody Williamson
402 W. Main St.
Cumberland, Kentucky 40831

KENNY RAY RALEIGH
Individually and in his official capacity as Cumberland Police Assistant Chief
SERVE: Asst. Chief Kenny Ray Raleigh
402 W. Main St.
Cumberland, Kentucky 40823

ZACK SMITH
Individually and in his official capacity as Cumberland Police Officer
SERVE: Officer Zack Smith
402 W. Main St.
Cumberland, Kentucky 40823

Plaintiff, STEPHEN CODY SIMPSON, by and through his attorney, complains against the

Defendants and requests Trial by Jury as follows:

I. INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. Sections 1983, 1988, and the Fourth, and Fourteenth Amendments to the United States Constitution and the laws of the State of Kentucky. The Defendants inflicted gratuitous and excessive force upon Mr. Simpson violating his constitutional rights and causing him physical harm, and physical and emotional pain and suffering.

II. JURISDICTION, VENUE, AND NOTICE

2. This action arises under the Constitution and laws of the United States, including Article III, Section I of the United States Constitution and is brought pursuant to 42 U.S.C. §§ 1981, 1983 and 42 U.S.C. § 1988. The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, 1343, 2201.

3. This case is instituted in the United States District Court for the Eastern District of Kentucky pursuant to 28 U.S.C. § 1391 as the judicial district in which all relevant events and omissions occurred and in which Defendants maintain offices and/or reside.

III. PARTIES

4. At all times relevant hereto, Plaintiff, Stephen Cody Simpson, was a resident of the State of Kentucky and a citizen of the United States of America.

5. Defendant, City of Cumberland hereinafter referred to as “Defendant City” is a Kentucky municipal corporation and is a legal entity responsible for itself and for Cumberland Police Department. The Defendant is also the employer of the individual Defendants and is the proper entity to be sued under 42 U.S.C. § 1983.

6. At all relevant times hereto, Defendant, Charles Raleigh, was a citizen of the United States and a resident of the State of Kentucky and was acting under color of state law in his capacity as a

Mayor of the City of Cumberland. This Defendant is sued individually and in his official capacity as Mayor of the City of Cumberland.

7. At all relevant times hereto, Defendant, Cody Williamson, was a citizen of the United States and a resident of the State of Kentucky and was acting under color of state law in his capacity as a law enforcement officer employed by the Defendant, City of Cumberland and/or of the Cumberland Police Department. This Defendant is sued individually and in his official capacity as Chief of Police of Cumberland Police Department.

8. At all times relevant hereto, Defendant, Kenny Ray Raleigh, was a citizen of the United States and a resident of the State of Kentucky and was acting under color of state law in his capacity as a law enforcement officer employed by the Defendant, City of Cumberland and/or of the Cumberland Police Department. The Defendant, Kenny Ray Raleigh, is sued individually and in his official capacity as Assistant Police Chief of Cumberland Police Department.

9. At all times relevant hereto, Defendant, Zack Smith, was a citizen of the United States and a resident of the State of Kentucky and was acting under color of state law in his capacity as a law enforcement officer employed by the Defendant, City of Cumberland and/or of the Cumberland Police Department. The Defendant, Zack Smith, is sued individually and in his official capacity as an Officer of Cumberland Police Department.

10. As the Mayor of the City of Cumberland, Charles Raleigh, both exercised and delegated his municipal final decision making power and failed to act after receiving numerous complaints in regard to the actions of the Defendant, Kenny Ray Raleigh, in regard to his capacity as a City of Cumberland Police Officer.

11. The Defendants, Mayor Charles Raleigh and Chief Cody Williamson were made fully aware of complaints that Assistant Chief Kenny Ray Raleigh had been drinking on duty and had

failed to properly supervise Assistant Chief Kenny Ray Raleigh or take any action to stop Assistant Chief Kenny Ray Raleigh from acting inappropriately resulting in contributing to Assistant Chief Kenny Ray Raleigh having viciously beaten Mr. Simpson, the Plaintiff, herein. The Defendant, Mayor Charles Raleigh, is also the brother of the Defendant, Kenny Ray Raleigh, and has allowed this relationship to affect his judgment in regard to Assistant Police Chief Raleigh.

12. The Defendants are properly sued directly under 42 U.S.C. § 1983 for their own and their delegated deliberately indifferent unconstitutional decisions, policies, practice, habits, customs, usages, training and derelict supervision, ratification, acquiescence and intentional failure which were moving forces in the complained of constitutional and statutory violations and resulting injuries.

13. The Defendant City is also properly sued under 42 U.S.C. § 1983 for the challenged delegated final decisions of Defendant, Charles Raleigh, in his capacity as the Mayor of the City of Cumberland, and for those of any final delegated decision makers, with respect to the hereinafter challenged deliberately indifferent policies, decision, widespread habits, customs, usages and practices.

IV. STATEMENT OF FACTS

14. Plaintiff incorporates all of the preceding paragraphs, including the allegations in the Introduction, as if they were fully set forth again at this point.

15. Plaintiff was arrested by Defendant Officer Zach Smith and Officer Jonathan Franklin of the Cumberland Police Department. He was placed into custody and placed on the ground outside of 1603 Liquor.

16. The Defendant, Kenny Ray Raleigh, made initial contact with the Plaintiff after arriving on the scene after the Plaintiff had been placed under arrest and was laid on the ground outside of

1603 Liquors.

17. Defendant Officer Zach Smith and Officer Jonathan Franklin were standing behind Plaintiff, while Plaintiff was laid on his stomach on the ground.

18. The Plaintiff was then approached by the Defendant, Kenny Ray Raleigh, who was off duty and in plain clothes and smelled of alcohol. Defendant Raleigh asked, "Who is this?" One of the other officers in attendance replied, "It's Cody Simpson". Defendant, Kenny Ray Raleigh, said "You're a piece of shit". As the Plaintiff laid on his stomach on the ground, Assistant Chief Kenny Ray Raleigh proceeded to punch Plaintiff in the left side of his face repeatedly. Defendant Raleigh continued to strike Plaintiff's face several more times over his left eye, left cheek bone, left ear and the back of his head. While Assistant Chief Kenny Ray Raleigh was bent over striking the Plaintiff, Plaintiff could smell the alcohol on his breath. Plaintiff stated he yelled, "He's drunk. Give him a breathalyzer". Assistant Chief Kenny Ray Raleigh continued to strike Plaintiff in the head and started kicking him in the left side of his ribs. Plaintiff was fearful of his life but offered no resistance despite the assault.

19. Defendant Officer Zack Smith then grabbed the Plaintiff by the throat and slammed him against the ground.

20. After several minutes of this abuse, Officer Jonathan Franklin stepped in stating, "That's enough. Now stop". Officer Franklin then walked the Plaintiff down the street to the police station and while he was writing up the police report, the Plaintiff requested again, "Will somebody please give Officer Raleigh a breathalyzer?" Assistant Chief Kenny Ray Raleigh became more angry and stated, "I dare you to say breathalyzer one more time". Assistant Chief Kenny Ray Raleigh then told Officer Franklin, "You make sure and write him up for resisting arrest".

21. The Plaintiff was then taken to the Harlan County Detention Center and was booked.

22. Upon being released the next day, the Plaintiff was taken to Appalachian Regional Hospital in Hazard, Kentucky and treated for his injuries.

23. The above described acts were done by the Defendants intentionally, knowingly, willfully, wantonly, maliciously and/or recklessly in disregard for Mr. Simpson's federally protected rights, and were done pursuant to the preexisting and ongoing deliberately indifferent official custom, practice, decision, policy, training, and supervision of the Defendant City and Defendants Charles Raleigh and Cody Williamson, acting under the color of state law.

24. With deliberate indifference to the rights of citizens to be free from excessive force by police, the Defendant City and Defendant, Charles Raleigh, Mayor, Defendant, Cody Williamson, Chief of Police, and the Defendant, Kenny Ray Ralcih, have ongoingly encouraged, tolerated, ratified and acquiesced to a dangerous environment of police brutality by:

a. failing to conduct sufficient training or supervision with respect to the constitutional limitations on the use of force;

b. by failing to adequately punish unconstitutional uses of force;

c. by tolerating the use of unconstitutional force;

d. by ongoingly failing to properly or neutrally investigate citizen complaints of excessive force; and,

e. by tolerating, encouraging, and permitting collusive statements by involved officers in such situations.

25. It is the longstanding widespread deliberately indifferent custom, habit, practice and/or policy of the Defendant City, Defendant, Charles Raleigh, Mayor, Defendant, Cody Willimason, Chief of Police, and the Defendant, Kenny Ray Raleigh, to permit police officers to use excessive force against individuals when such use is unnecessary and unjustified, as well as to fail to

supervise and to train deputies in the appropriate constitutional limits on the use of force, knowing that these members of law enforcement therefore pose a significant risk of injury to the public.

26. With deliberate indifference to the rights of citizens to be free from retaliation for exercising their First Amendment Rights, the Defendant City and Defendant, Charles Raleigh, Mayor, Defendant Cody Williamson, Chief of Police, and Defendant, Kenny Ray Raleigh, have ongoingly encouraged, tolerated, ratified, and acquiesced to a dangerous environment of police retaliation to the exercise of such rights by:

- a. failing to conduct sufficient training or supervision with respect to the protected speech rights of citizens to question the actions of police without retaliation;
- b. by failing to adequately punish retaliation by police against members of the public who exercise their protected speech rights to object to police conduct;
- c. by tolerating the use of retaliation based on protected speech;
- d. and by ongoingly failing to properly investigate citizen complaints of retaliation for exercising their First Amendment Rights.

27. It is the longstanding widespread deliberately indifferent custom, habit, practice and/or policy of the Defendant City, Defendant, Charles Raleigh, Mayor, Defendant, Cody Williamson, Chief of Police, and Defendant, Kenny Ray Raleigh, to permit police officers to retaliate against individuals for exercising First Amendment Rights, as well as to fail to supervise and to train deputies in the constitutional rights of individuals.

28. It is the longstanding widespread custom, habit, practice and/or policy of the Defendant City, Defendant, Charles Raleigh, Mayor, Defendant, Cody Williamson, Chief of Police, and Defendant, Kenny Ray Raleigh, to find no fault with police conduct as long as any story is given by police, regardless of how incredible.

29. As a direct and proximate result of the wrongful conduct of each of the Defendants, Plaintiff has been substantially injured. These injuries include, but are not limited to, loss of constitutional and federal rights, physical injuries, impairments and disfigurements, great pain and emotional distress, and/or aggravation of pre-existing conditions, and ongoing special damages for medically/psychologically related treatment caused by the unconstitutional and moving forces concerted conduct of all these Defendants.

30. Mr. Simpson also suffers persisting neurological damage and sequelae from this closed head injury, the extent of which has not yet been fully ascertained.

31. Plaintiff also continues to suffer ongoing emotional distress, with significant PTSD type symptoms, including sadness, anxiety, stress, anger, depression, frustration, sleeplessness, nightmares and flashbacks from being beaten like this.

32. Plaintiff is also entitled to punitive damages on all of his claims against the individual Defendants personally to redress their willful, malicious, wanton, reckless and fraudulent conduct.

V. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

42 U.S.C. § 1983 – Federal Claim of Excessive Force in violation of the Fourth and Fourteenth Amendments (Against Defendant City, Defendant, Charles Raleigh, Mayor, Defendant, Cody Williamson, Chief of Police, Defendant, Zack Smith and Defendant, Kenny Ray Raleigh)

33. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

34. 42 U.S.C. § provides that: Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress.

35. Plaintiff in this action is a citizen of the United States and all of the individual police officer Defendants to this claim are persons for purposes of 42 U.S.C. § 1983.

36. All individual Defendants to this claim, at all times relevant hereto, were acting under the color of state law in their capacity as City of Cumberland employees and their acts or omissions were conducted within the scope of their official duties or employment.

37. At the time of the complained of events, Plaintiff had a clearly established constitutional right under the Fourth Amendment to be secure in his person from unreasonable seizure through excessive force.

38. Plaintiff also had the clearly established Constitutional right under the Fourteenth Amendment to bodily integrity and to be free from excessive force by law enforcement.

39. Any reasonable police officer knew or should have known of these rights at the time of the complained of conduct as they were clearly established at that time.

40. Defendants Kenny Ray Raleigh and Zack Smith's actions and use of force, as described herein, were objectively unreasonable in light of the facts and circumstances confronting them and violated these Fourth Amendment rights of Plaintiff.

41. Defendants Kenny Ray Raleigh and Zack Smith's actions and use of force, as described herein, were also malicious and/or involved reckless, callous, and deliberate indifference to Mr.

Simpson's federally protected rights. The force used by the Defendants shocks the conscience and violated these Fourteenth Amendment rights of Plaintiff.

42. Defendants Kenny Ray Raleigh and Zack Smith unlawfully seized Plaintiff by means of objectively unreasonable, excessive and conscious shocking physical force, thereby unreasonably restraining Plaintiff of his freedom.

43. The force used constituted deadly force in that it could have caused death and did cause serious bodily injury.

44. None of the Defendant officers took reasonable steps to protect Plaintiff from the objectively unreasonable and conscience shocking excessive force of other Defendant officers or from the excessive force of later responding officers despite being in a position to do so.

45. Defendants Kenny Ray Raleigh and Zack Smith engaged in the conduct described by this Complaint willfully, maliciously, in bad faith, and in reckless disregard of Mr. Simpson's federally protected constitutional rights.

46. The Defendants did so with shocking and willful indifference to Plaintiff's rights and their conscious awareness that they would cause Plaintiff severe physical and emotional injuries.

47. The acts or omissions of the Defendants were moving forces behind Plaintiff's injuries.

48. These individual Defendants acted in concert and joint action with each other.

49. The acts or omissions of Defendants as described herein intentionally deprived Plaintiff of his constitutional rights and caused him other damages.

50. These individual Defendants are not entitled to qualified immunity for the complained of conduct.

51. The Defendants to this claim at all times relevant hereto were acting pursuant to municipal/county custom, policy, decision, ordinance, regulation, widespread habit, usage, or

practice in their actions pertaining to Plaintiff.

52. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered actual physical and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. As a further result of the Defendants' unlawful conduct, Plaintiff has incurred special damages, including medically related expenses and may continue to incur further medically and other special damages related expenses, in amounts to be established at trial.

53. On information and belief, Plaintiff may suffer lost future earnings and impaired earnings capacities from the not yet fully ascertained sequelae of his closed head injury, in amounts to be ascertained in trial. Plaintiff is further entitled to attorney's fees and costs pursuant to 42 U.S.C. § 1988, pre-judgment interest and costs as allowable by federal law. There may also be special damages for lien interests.

54. In addition to compensatory, economic, consequential and special damages, Plaintiff is entitled to punitive damages against each of the individually named Defendants under 42 U.S.C. § 1983, in that the actions of each of these individual Defendants have been taken maliciously, willfully or with a reckless or wanton disregard of the constitutional rights of Plaintiff.

SECOND CLAIM FOR RELIEF

Violation of 42 U.S.C. § 1983 – Federal Claim of Deliberately Indifferent Policies, Practices, Customs, Training, and Supervision in violation of the Fourth, Fourteenth, and First Amendments and in violation of 42 U.S.C. § 1981 (Against Defendant City, Defendant, Charles Raleigh, Mayor, Defendant, Cody Williamson, and Defendant, Kenny Ray Raleigh)

55. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

56. 42 U.S.C. § 1983 provides that: Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes

to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress .

57. Plaintiff in this action is a citizen of the United States and Defendants to this claim are persons for purposes of 42 U.S.C. § 1983.

58. The Defendants to this action at all times relevant hereto were acting under the color of state law.

59. Plaintiff had the following clearly established rights at the time of the complaint of conduct:

a. the right to be secure in his person from unreasonable seizure through excessive force, under the Fourth Amendment;

b. the right to bodily integrity and to be free from excessive force by law enforcement under the Fourteenth Amendment;

c. the right to exercise his constitutional rights of free speech under the First Amendment without retaliation;

d. the right to be free from discrimination by police under the Equal Protection Clause of the Fourteenth Amendment and under 42 U.S.C. § 1981; and

e. the right to be free from malicious prosecution under the Fourth and Fourteenth Amendments.

60. Defendants knew or should have known of these rights at the time of the complained of conduct as they were clearly established at that time.

61. The acts or omissions of these Defendants, as described herein, deprived Mr. Simpson of his constitutional and statutory rights and caused him other damages.

62. Defendants are not entitled to qualified immunity for the complained of conduct.

63. Defendant City, Defendant, Charles Raleigh, Mayor, Defendant Cody Williamson, Chief of Police, and Defendant, Kenny Ray Raleigh, Assistant Chief of Police, were, at all times relevant, policymakers for the City of Cumberland and the City of Cumberland Police Department, and in that capacity established policies, procedures, customs, and/or practices for the same.

64. These Defendants developed and maintained policies, procedures, customs, and/or practices exhibiting deliberate indifference to the constitutional rights of citizens, which were moving forces behind and proximately caused the violations of Mr. Simpson's constitutional and federal rights as set forth herein and in the other claims, resulted from a conscious or deliberate choice to follow a course of action from among various available alternatives.

65. Defendant City, Defendant, Charles Raleigh, Mayor, Defendant Cody Williamson, Chief of Police, and Defendant, Kenny Ray Raleigh, Assistant Chief of Police, have created and tolerated an atmosphere of lawlessness, and have developed and maintained long-standing, department-wide customs, law enforcement related policies, procedures, customs, practices, and/or failed to properly train and/or supervise its officers in a manner amounting to deliberate indifference to the constitutional rights of Plaintiff and of the public.

66. In light of the duties and responsibilities of those police officers that participate in arrests and preparation of police reports on alleged crimes, the need for specialized training and supervision is so obvious, and the inadequacy of training and/or supervision is so likely to result in the violation of constitutional and federal rights such as those described herein that the failure to provide such specialized training and supervision is deliberately indifferent to those rights.

67. The deliberately indifferent training and supervision provided by Defendant City, Defendant, Charles Raleigh, Mayor, Defendant Cody Williamson, Chief of Police, and Defendant, Kenny Ray Raleigh, Assistant Chief of Police, resulted from a conscious or deliberate choice to

follow a course of action from among various alternatives available to Defendants, and were moving forces in the constitutional and federal violation injuries complained of by Plaintiff.

68. As a direct result of Defendants' unlawful conduct, Plaintiff has suffered actual physical and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. As a further result of the Defendants' unlawful conduct, Plaintiff has incurred special damages, including medically related expenses and may continue to incur further medically or other special damages related expenses, in amounts to be established at trial.

69. On information and belief, Plaintiff may suffer lost future earnings and impaired earnings capacities from the not yet fully ascertained sequelae of his closed head injury, in amounts to be ascertained in trial. Plaintiff is further entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, pre-judgment interest and costs as allowable by federal law. There may also be special damages for lien interests.

70. Finally, Plaintiff seeks appropriate declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 to redress Defendants' above described ongoing deliberate indifference in policies, practices, habits, customs, usages, training and supervision with respect to the rights described herein, and with respect to the ongoing policy and/or practice of the Internal Affairs Bureau of failing to investigate or appropriately handle complaints of the same, which Defendants have no intention for voluntarily correcting despite obvious need and requests for such correction.

THIRD CLAIM FOR RELIEF

State Claim of Assault (Against Defendants Kenny Ray Raleigh, Zack Smith, City of Cumberland, Charles Raleigh and Cody Williamson)

71. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

72. Defendants Kenny Ray Raleigh and Zack Smith intentionally threatened the Plaintiff with unwanted contact.

73. As a direct result of Defendants' unlawful conduct, Plaintiff has suffered actual physical and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. As a further result of the Defendants' unlawful conduct, Plaintiff has incurred special damages, including medically related expenses and may continue to incur further medically or other special damages related expenses, in amounts to be established at trial.

74. The actions of Defendants Kenny Ray Raleigh and Zack Smith were in furtherance of their employment by Defendants City of Cumberland, Charles Ralcih, and Cody Williamson and said Defendants are vicariously liable for their actions.

75. Defendants' unlawful conduct is so outrageous it entitles Plaintiff to an award of punitive damages.

FOURTH CLAIM FOR RELIEF

State Claim of Battery (Against Defendants Kenny Ray Raleigh, Zack Smith, City of Cumberland, Charles Raleigh and Cody Williamson).

76. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

77. Defendants Kenny Ray Raleigh and Zack Smith intentionally had unwanted contact with the Plaintiff.

78. As a direct result of Defendants' unlawful conduct, Plaintiff has suffered actual physical and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. As a further result of the Defendants' unlawful conduct, Plaintiff has incurred special damages, including medically related

expenses and may continue to incur further medically or other special damages related expenses, in amounts to be established at trial.

79. The actions of Defendants Kenny Ray Raleigh and Zack Smith were in furtherance of their employment by Defendants City of Cumberland, Charles Raleigh, and Cody Williamson and said Defendants are vicariously liable for their actions.

80. Defendants' unlawful conduct is so outrageous it entitles Plaintiff to an award of punitive damages.

FIFTH CLAIM FOR RELIEF

State Claim of Intentional Infliction of Emotional Distress (Against Defendants Kenny Ray Raleigh, Zack Smith, City of Cumberland, Charles Raleigh and Cody Williamson)

81. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

82. The actions of Defendants Kenny Ray Raleigh and Zack Smith complained of herein were intentional and so outrageous that it offends generally accepted standards or morality.

83. As a direct and proximate result of the conduct of the Defendants complained of herein Plaintiff suffered severe emotional distress.

84. The actions of Defendants Kenny Ray Raleigh and Zack Smith were in furtherance of their employment by Defendants City of Cumberland, Charles Raleigh, and Cody Williamson and said Defendants are vicariously liable for their actions

85. Defendants' unlawful conduct is so outrageous it entitles Plaintiff to an award of punitive

damages.

SIXTH CLAIM FOR RELIEF

State Claim of Negligent Inflection of Emotional Distress (Against Defendants Kenny Ray Raleigh, Zack Smith, City of Cumberland, Charles Raleigh and Cody Williamson)

86. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

87. The actions of Defendants Kenny Ray Raleigh and Zack Smith complained of herein were negligent and/or grossly negligent, and so outrageous that it offends generally accepted standards or morality.

88. As a direct and proximate result of the conduct of the Defendants complained of herein Plaintiff suffered severe emotional distress.

89. The actions of Defendants Kenny Ray Raleigh and Zack Smith were in furtherance of their employment by Defendants City of Cumberland, Charles Raleigh, and Cody Williamson and said Defendants are vicariously liable for their actions.

90. The negligence of the Defendants rises to the level of wanton or gross negligence and Plaintiff is therefore entitled to punitive damages.

SEVENTH CLAIM FOR RELEIF

State Claim of Negligence (Against Defendants Kenny Ray Raleigh, Zack Smith, City of Cumberland, Charles Raleigh and Cody Williamson)

91. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

92. Defendants City of Cumberland, Charles Raleigh, Cody Williamson, Kenny Ray Raleigh, and Zack Smith owed a duty to the Plaintiff to act in the manner as any reasonable person would under the same set of circumstances.

93. Defendants breached this duty by performing the acts or failing to act in the manner complained of herein.

94. The Defendants' breach of this duty is a direct and proximate cause of the damages suffered by the Plaintiff.

VI. PRAYER FOR RELIEF

Plaintiff prays that this Court enter judgment for the Plaintiff and against each of the Defendants and grant:

a. compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;

b. economic losses on all claims allowed by law;

c. special damages in an amount to be determined at trial;

d. punitive damages on all claims allowed by law against individual Defendants and in amount to be determined at trial;

e. attorneys' fees and the costs associated with this action under 42 U.S.C. § 1988, including expert witness fees, on all claims allowed by law;

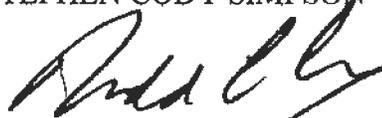
f. pre- and post-judgment interest at the lawful rate; and

g. any further relief that this Court deems just and proper, and any other appropriate relief at law and equity.

PLAINTIFF REQUESTS A TRIAL BY JURY

Respectfully submitted on this the 19 day of March,
2020.

STEPHEN CODY SIMPSON



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I, STEPHEN CODY SIMPSON, hereby state I have read the statements contained in the foregoing Civil Rights Complaint with Request for Trial by Jury and they are true to the best of my knowledge and belief.

This the 19 day of March, 2020.

Stephen Cody Simpson
STEPHEN CODY SIMPSON

STATE OF KENTUCKY
COUNTY OF HARLAN

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me by STEPHEN CODY SIMPSON on this the 19 day of March, 2020.

My Commission Expires: 01-24-2021

M. O'Connell
Notary Public