

NOT ORIGINAL

DOCUMENT

PM

CIVIL ACTION NO. _____

01/22/2025 01:51:13
JEFFERSON CIRCUIT COURT
DIVISION _____
JUDGE _____ MEDIA5042-1

ELECTRONICALLY FILED

DONNA STUKENBORG

PLAINTIFF

v.

DAVIS MCCUE
KRISTOPHER PEDIGO
ANDREW GRAVES, JR
BOBBY LEWIS
CHRISTOPHER HARDIN
EARL RINEHART
HOLLY EXLEY
JONATHON ROSE
JULIANO LUTZ
MEGAN DOUGLAS
TIMOTHY KING
CODY WOOLSTON
BRETT MATHIS
DALE COTTINGIM, AND
JOHN/JANE DOE #1
OF THE LOUISVILLE METRO POLICE DEPARTMENT
IN HIS OR HER OFFICAL CAPACITY AND INDIVIDUALLY

DEFENDANTS

Serve each at: Louisville Metro Police Department, Fifth Division
2301 Douglass Boulevard
Louisville, Kentucky 40205

AND

DESIREE SHECKELL
DEDRA BARANSKI, AND
JOHN/JANE DOE #2
OF METROSAFE 911 OF LOUISVILLE
IN HIS OR HER OFFICAL CAPACITY AND INDIVIDUALLY

Serve each at: MetroSafe 911 of Louisville
410 S. 5th Street
Louisville, Kentucky 40202

COMPLAINT

Donna Stukenborg, by and through counsel, states her complaint and causes of action against Defendants herein as follows:

JURISDICTION AND VENUE

1. Donna Stukenborg is, and was at all times relevant herein, a resident of Louisville, Jefferson County, Kentucky.

2. Defendants Andrew Graves, Jr., Bobby Lewis, Christopher Hardin, Dale Cottingim, Earl Rinehart, Holly Exley, Jonathon Rose, Juliano Lutz, Megan Douglas, Timothy King, Davis McCue, Kristopher Pedigo, Cody Woolston, and Brett Mathis are or were officers of Louisville Metro Police Department (LMPD) in Jefferson County Kentucky at all times relevant herein, and each may be served in care of Louisville Metro Police Department, Fifth Division, 2301 Douglass Boulevard, Louisville, Kentucky 40205

3. John/Jane Doe #1 is or was an employee/agent or multiple employees/agents of LMPD. PLEASE NOTE: John/Jane Doe #1 may be more than one employee/agent of LMPD as discovery will show. As noted below, MetroSafe and LMPD have refused to provide evidence to Donna Stukenborg or her undersigned counsel in response to Open Records Requests and other in-person requests for information which would identify all MetroSafe and LMPD individuals involved in the acts and omissions which are the basis of this Complaint. This information includes documentation and other evidence provided by the prosecution to defense counsel in the related criminal prosecution for the events described below, which is comprised in large part of records

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

also in the possession of MetroSafe and/or LMPD which have similarly been withheld from Donna Stukenborg and her undersigned counsel by those agencies

MEDIA5042-1

4. Upon information and belief, Defendant Desiree Sheckell is or was an employee/agent or multiple employees and/or agents of MetroSafe 911 of Louisville (MetroSafe) which provides dispatching services for LMPD and the City of Louisville. Desiree Sheckell can be served with process at 410 S. 5th Street, Louisville, Kentucky 40202.

5. Upon information and belief, Defendant Dedra Baranski is or was an employee/agent or multiple employees and/or agents of MetroSafe 911 of Louisville (MetroSafe) which provides dispatching services for LMPD and the City of Louisville. Dedra Baranski can be served with process at 410 S. 5th Street, Louisville, Kentucky 40202.

6. John/Jane Doe #2 is or was an employee/agent or multiple employees and/or agents of Louisville Metro MetroSafe (MetroSafe) which provides dispatching services for LMPD and City of Louisville. PLEASE NOTE: John/Jane Doe #2 may be more than one employee of MetroSafe as discovery will show. As noted below, MetroSafe and LMPD have refused to provide evidence to Donna Stukenborg or her undersigned counsel in response to Open Records Requests and other in-person requests for information which would identify all MetroSafe and LMPD individuals involved in the acts and omissions which are the basis of this Complaint. This information includes documentation and other evidence provided by the prosecution to defense counsel in the related criminal prosecution for the events described below, which is comprised in large part of records also in the possession of MetroSafe and/or LMPD which have similarly been withheld from Donna Stukenborg and her undersigned counsel by those agencies.

7. Damages are in excess of the minimum jurisdictional limits of this Court.

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

8. Venue is proper as the conduct alleged herein occurred in Jefferson County, Kentucky.

MEDIA5042-1

FACTS AND ALLEGATIONS COMMON TO ALL CLAIMS

9. Allegations are premised on information and belief and incomplete disclosure of information from LMPD, MetroSafe, and the Office of the Jefferson County Commonwealth’s Attorney.

10. At all times relevant hereto each of the Defendants was acting individually and in their official capacities with LMPD and/or MetroSafe within the course and scope of their employment.

11. At all times relevant hereto all the individual Defendants were officers/employees and/or agents of LMPD and/or MetroSafe and residents of Jefferson County, Kentucky.

12. LMPD has created policies and Standard Operating Procedures (SOPs) which apply to called in reports of domestic violence and police responses.

13. MetroSafe works for and with LMPD and City of Louisville in providing dispatching services which are also subject to standard operating policies and procedures, including those of LMPD.

14. Domestic violence calls are classified as high-priority due to the potential for immediate harm or escalation and require a high-priority response.

15. LMPD officers must respond immediately if the situation involves violence, a history of abuse, threats, or imminent danger to life.

16. MetroSafe personnel assist LMPD with dispatching services related to calls for assistance including domestic violence calls.

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

17. LMPD SOPs mandate that MetroSafe personnel shall ensure the timely dispatch of units to calls involving domestic violence, prioritizing them as emergencies requiring immediate attention.

MEDIA5042-1

18. LMPD SOPs provide that the safety of the victim and others must take precedence, requiring officers to act swiftly to secure the scene and neutralize any threats.

19. LMPD officers must arrest the perpetrator immediately if probable cause exists for domestic violence offenses to ensure the safety of victims and prevent further offenses.

20. Delays in responding to domestic violence calls increase the risk of further harm to the victim and allow the perpetrator additional time to evade arrest or escalate the situation.

21. LMPD officers must also respond immediately when a situation involves violence, a history of abuse, or imminent danger to life.

22. LMPD officers must provide or ensure the prompt provision of medical assistance to the victim if needed.

23. Officers must arrest the perpetrator immediately if there is probable cause for any domestic violence-related event, including assault, threats, or and violation of a condition of an active Domestic Violence or Protective Order (DVO/EPO).

24. The officers' duties in the event of a violation of a DVO/EPO are based not only on LMPD SOPs, but Kentucky Revised Statutes (KRS) governing enforcement for protective order violations.

25. LMPD officers also must promptly conduct a Lethality Assessment Program (LAP) screening to identify whether the victim is at high risk of further harm or fatality, and connect the victim to advocacy services and shelter resources if the LAP indicates elevated risk.

Presiding Judge: HON. ANNIE O'CONNELL (630384)

COM : 000005 of 000013

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

26. When a suspect is located in the victim’s residence, officers must contain the area to prevent escape or further harm and plan a safe apprehension of the suspect.

MEDIA5042-1

27. LMPD mandates regarding responses to domestic violence calls are consistent with Kentucky Revised Statutes which also mandate high priority response to protect the victim from ongoing or additional harm.

28. All of the actions and choices of the Defendants described herein were carried out within the scope of employment and/or authority to act for LMPD and/or MetroSafe.

29. On January 12, 2024 at 6:12 PM, Donna Stukenborg’s neighbors in her residential building made a call, answered and handled by MetroSafe, in which they reported their concern that ongoing domestic violence was occurring in Stukenborg’s residence.

30. Upon information and belief, the neighbors reported to MetroSafe that they were not only hearing alarming sounds of aggressive and angry yelling and shouting from the distinct male voice of the man they knew to be the perpetrator but also heard slamming and thumping sounds which they interpreted to be the sounds of physical interpersonal violence.

31. The neighbors were disconnected by the MetroSafe dispatcher but not until they were given the impression that officers would be immediately dispatched to their building.

32. The neighbors fearfully waited and wondered why it took LMPD several hours to respond.

33. The neighbors’ call was justified, in that Stukenborg’s former boyfriend was in the residence committing ongoing acts of domestic violence against Stukenborg which continued for hours and are described below.

34. At the time of the call, the perpetrator was subject to an active DVO/EPO and was actively violating it in many ways, including simply being on the premises.

Presiding Judge: HON. ANNIE O’CONNELL (630384)

COM : 000006 of 000013

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

35. MetroSafe logged the call and commented that the neighbors reported male and female arguing with the male at times outside of the residence running up and down the common stairwell in the building, possible intoxication, and unknown weapons involvement.

MEDIA5042-1

36. LMPD were notified withing thirty seconds of MetroSafe’s receipt of the call and opening of the incident log.

37. Portions of the MetroSafe log provided to Ms. Stukenborg were first redacted for unknown reasons.

38. The MetroSafe log indicates that two assigned LMPD units were dispatched to Ms. Stukenborg’s residence at 6:27:42 PM.

39. The MetroSafe log indicates that both assigned LMPD units cleared the call at 6:29:04 PM with no arrival at the scene or resolution of the reported situation.

40. The perpetrator’s kidnapping, threats, and ultimately life-threatening physical attacks against Ms. Stukenborg—described below—continued for nearly three more hours.

41. One or more of the Defendants was aware when MetroSafe notified LMPD of the call that the perpetrator was subject to an active Protective Order and had a history of violence, as documented in the associated Child, Adult, Domestic and Dating Abuse Standard Report (JC-3). However, the only documentation provided by any of the agencies to date does not identify any specific officer with that knowledge by name, but instead states that a “day shift officer was familiar with the parties involved and knew the suspect had a warrant and there was an active DVO.”

42. The JC-3 states that the incident was reported at 6:13 PM.

Presiding Judge: HON. ANNIE O'CONNELL (630384)

COM : 000007 of 000013

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

43. The JC-3 and the Uniform Citation of the perpetrator's arrest both state that the "incident" occurred at 6:13 PM, and that no LMPD officers were dispatched to the scene until after 9 PM.

MEDIA5042-1

44. Ms. Stukenborg is slight, whereas the perpetrator was 6'3" and 240 pounds.

45. The neighbors' reported concerns were valid because Ms. Stukenborg arrived home from work to discover the perpetrator in her apartment behaving bizarrely and directing abusive language and threats of violence and death to her.

46. The perpetrator's conduct escalated and he:

- Told her that she was not allowed to leave.
- Twisted her arm and threatened to break it if she tried to leave or call for help.
- Menaced her with pliers, a hammer and a large knife, all within inches of her face.
- Refused to allow her to use her phone to call for help.
- Placed his hand over her nose and mouth so that she could not breathe.
- Repeatedly threatened to kill her.
- Stabbed the knife into her kitchen table.
- Struck her multiple times in the face, breaking her orbital bone and other bones in her face and skull and causing her permanent injuries including brain damage and the need for orbital bone prosthesis and surgeries.
- Beat her unconscious and caused her permanent memory loss.

47. As documented in the final "officer comments" of the JC-3, "Officers had the suspect contained in the apartment" on January 12, 2024. "The suspect had committed multiple violent felonies and 'shall arrest' offenses per LMPD policy. While gathering additional resources and drafting a plan to apprehend the suspect, officers were ordered to stand down and pull out by

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

commanding officers” who are not identified in the JC-3 or other documentation available to Ms. Stukenborg.

MEDIA5042-1

48. Ms. Stukenborg was transported to and treated at local hospitals and took refuge with her family the next day because LMPD did not arrest the perpetrator that day but instead left and allowed him to remain in her residence.

49. Neighbors later stated that they were fearful because the perpetrator was still on the premises the next day, and he apparently went in and out of Ms. Stukenborg’s residence while leaving the door standing open.

50. The perpetrator was arrested at Ms. Stukenborg’s residence the evening of the following day, January 13, 2024, when police responded to the family’s request for law enforcement assistance in retrieving some of Ms. Stukenborg’s possessions from her residence.

51. When the perpetrator was arrested on January 13, 2024, the initial charges included First Degree Assault, Kidnapping With Serious Physical Injury, First Degree Strangulation, Violation of an Emergency Protective Order, Terroristic Threatening, Menacing, and Intimidating a Participant in a Legal Proceeding.

52. Ms. Stukenborg attempted to obtain information—including readily available information which the prosecutor has already provided to the perpetrator’s public defender and other information readily available to both MetroSafe and LMPD—and was refused full access to 911 logs, 911 audio recordings, the narrative portion of the police investigation report which would list investigating or responding officers, descriptions of evidence and evidence including dash and bodycam footage.

53. Ms. Stukenborg’s counsel also requested information identified by the prosecutor as having been provided in the criminal prosecution, but the Commonwealth’s Attorney, LMPD,

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

and MetroSafe have not provided full documentation of the 911 call responses, officers who investigated or responded, dash and bodycam footage, or other evidence.

MEDIA5042-1

54. A prosecutor from the office of the Commonwealth Attorney for Jefferson County provided counsel with the list of officers named as Defendants herein which were represented to have been involved in the response and/or investigation but not copies of documentation such as the investigative narrative, and so Ms. Stukenborg was forced to name all those officers as Defendants as well as the unknown defendants.

55. The list of officers represented by the prosecutor to include the officers involved in the response and/or investigation did not include the first two LMPD units which were dispatched by MetroSafe, then cleared the call in less than two minutes without going to the scene or resolving the situation.

56. Ms. Stukenborg suffered permanent injuries from being assaulted and beaten, including physical and mental conscious pain and suffering, disfigurement, medical and surgical bills and expenses, and lost income.

57. On January 12, 2024, Defendants knew or should have known that their conduct placed Ms. Stukenborg at an unreasonable risk of danger from third-party criminal acts.

58. Defendants' conduct was in violation of ministerial policies and the general duty to perform their duties with due regard for the safety and protection of persons at high risk for domestic violence such as Ms. Stukenborg.

59. On January 12, 2024, Defendants knew that their choices described above were not reasonable or safe choices, and that their choices increased the unnecessary risk of further violent crimes against Ms. Stukenborg.

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

MEDIA5042-1

60. Defendants, and each of them, should have responded to the report of domestic violence at Ms. Stukenborg’s residence on January 12, 2024, immediately and in compliance with applicable standard procedures, and if they had done so, Ms. Stukenborg would not have endured her ongoing and permanent injuries and damages as described herein.

61. While the perpetrator also bears responsibility for the injuries and damages claimed herein, Defendants are liable and their tortious conduct was a of a significantly different kind, such that the perpetrator and the Defendants were not *in pari delicto*, meaning the Defendants may claim indemnity but not apportionment of fault against the perpetrator under Kentucky law.

62. Defendants are not entitled to qualified official immunity for their alleged actions and choices described herein because this type of conduct is ministerial, is controlled by LMPD’s SOPs which they violated and is governed by state law.

COUNT 1: NEGLIGENCE

63. The foregoing allegations are incorporated herein by reference.

64. Defendants breached their duties to Ms. Stukenborg, a citizen of the Commonwealth who was to be protected by the Defendants.

65. Defendants’ negligence was a substantial factor in Ms. Stukenborg sustaining damages due to the events herein including, but not limited to, physical injuries from being beaten in the head and face, mental and physical conscious pain and suffering, disfigurement, medical bills and expenses, and lost income.

COUNT 2: NEGLIGENCE PER SE

66. The foregoing allegations are incorporated herein by reference.

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

67. The Defendants' actions and choices violated standards in Kentucky law which resulted in the types of harms suffered by Ms. Stukenborg and which the laws were intended to prevent.

MEDIA5042-1

68. Defendants *per se* negligence was a substantial factor in Ms. Stukenborg sustaining damages due to the events herein including, but not limited to, physical injuries from being beaten in the head and face, mental and physical conscious pain and suffering, disfigurement, medical bills and expenses, and lost income.

COUNT 3: GROSS NEGLIGENCE

69. The foregoing allegations are incorporated herein by reference.

70. The conduct of the Defendants demonstrated a wanton or reckless disregard for the lives, safety, or property of others, and was gross negligence under Kentucky law.

71. The actions and choices of all individual employees/agents herein were authorized, ratified, or should have been anticipated by their employers/principals.

72. Punitive damages should be assessed against the Defendants as a deterrent to repetition of such conduct by these Defendants, as well as a deterrent to similar members of the community and state.

WHEREFORE, Donna Stukenborg hereby requests the following relief:

1. Judgment against Defendants, and each of them, in a fair and reasonable amount of compensatory damages in favor of Donna Stukenborg for all of her harms and losses, including:
 - a. Mental and physical pain and suffering;
 - b. Disfigurement;

NOT ORIGINAL

DOCUMENT

01/22/2025 01:51:13

PM

MEDIA5042-1

- c. Medical expenses; and
- d. Lost income;
2. Punitive and/or exemplary damages against Defendants, and each of them;
3. Trial by jury;
4. Pre-judgment and post-judgment interest, as appropriate;
5. Costs expended herein;
6. Any and all other relief to which she may be entitled.

Respectfully submitted,

/s/ David Bryce Barber

David Bryce Barber (KY 85530)

Julie P. Anderson (KY 99449)

THOMAS LAW OFFICES, PLLC

9418 Norton Commons Blvd., Ste. 200

Prospect, KY 40059

(502) 819-3375

david.barber@thomaslawoffices.com

Julie.pahler@thomaslawoffices.com

Counsel for Donna Stukenborg

Presiding Judge: HON. ANNIE O'CONNELL (630384)

COM : 000013 of 000013