

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

[Filed Electronically]

TIMBERLYNN FLOYD)

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COMPLAINT FOR
DAMAGES AND JURY TRIAL

PLAINTIFFS)

)

v.)

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)

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)

CHIP STAUFFER)

)

and in his Official Capacity as the)
Sheriff of Henderson County)

)

CASE NO: 4:26CV-208-GNS

Serve: Chip Stauffer)

)

20 N. Main Street, Ste. 112)

)

Henderson, Kentucky 42420)

)

-and-)

)

DEPUTY GARY JONES, individually and)
In his Official Capacity as Deputy Sheriff of)
Henderson County)

)

)

)

Serve: Gary Jones)

)

20 N. Main Street, Ste. 112)

)

Henderson, Kentucky 42420)

)

-and-)

)

SERGEANT JOSHUA HENDRICKSON,)
individually and)
In his Official Capacity as Deputy Sheriff of)
Henderson County)

)

)

)

Serve: Josh Hendrickson)

)

20 N. Main Street, Ste. 112)

)

Henderson, Kentucky 42420)

)

-and-)

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-and-)
)
CHIEF BILLY BOLIN ,)
individually and)
in his Official Capacity as Chief of the)
Henderson Police Department)
 Serve: Billy Bolin)
 1990 Barret Ct.)
 Henderson, Kentucky 42420)

-and-)
)
LIEUTENANT KYLE STONE,)
individually and)
in his Official Capacity as an Officer of the)
Henderson Police Department)
 Serve: Kyle Stone)
 1990 Barret Ct.)
 Henderson, Kentucky 42420)

-and-)
)
OFFICER TREG DUVALL,)
individually and)
in his Official Capacity as an Officer of the)
Henderson Police Department)
 Serve: Treg Duvall)
 1990 Barret Ct.)
 Henderson, Kentucky 42420)

-and-)
)
OFFICER ELAM COOTS,)
individually and)
in his Official Capacity as an Officer of the)
Henderson Police Department)
 Serve: Elam Coots)
 1990 Barret Ct.)
 Henderson, Kentucky 42420)

-and-)
)
OFFICER NOAH HOWELL,)
individually and)
in his Official Capacity as an Officer of the)
Henderson Police Department)
 Serve: Noah Howell)
 1990 Barret Ct.)
 Henderson, Kentucky 42420)

DEFENDANTS

I. Introduction

On the night of July 10, 2025, Henderson Police Department Lieutenant Kyle Stone watched in horror as Defendant Deputy Gary Jones fired four shots into the passenger side of a vehicle containing Plaintiff Timberlynn Floyd, audibly exclaiming “**What the fuck.**”

What Lt. Stone witnessed—and what the Henderson County Sheriff’s Office later confirmed in its own Internal Investigative Summary—was an unjustified shooting of an innocent passenger during a pursuit that the Sheriff’s Office itself determined never should have occurred.

Plaintiff Timberlynn Floyd now brings this action for the bullet wound she suffered because Defendants ignored their own policies, training, and constitutional obligations.

A. Jurisdiction and Venue

1. Plaintiff seeks damages under 42 U.S.C. § 1983 for violations of her rights under the Fourth Amendment to the United States Constitution.

2. This Court has federal-question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

3. Supplemental jurisdiction over the state-law claims exists under 28 U.S.C. § 1367.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in Henderson County, Kentucky.

B. Parties

5. Plaintiff Timberlynn Floyd is an adult resident of Indiana.

6. Defendant Henderson County Sheriff’s Office is a governmental entity organized under the laws of the Commonwealth of Kentucky.

7. Defendant Henderson County Government is the political subdivision responsible for the operation of the Henderson County Sheriff's Office.

8. Defendant City of Henderson is the political subdivision responsible for the operation of the Henderson Police Department.

9. Defendant Chip Stauffer is the duly elected Sheriff of Henderson County and the final policymaker for the Sheriff's Office.

10. Defendant Gary Jones was at all relevant times a Deputy Sheriff of Henderson County acting under color of state law.

11. Defendant Joshua Hendrickson was at all relevant times a Sergeant with the Henderson County Sheriff's Office acting under color of state law.

12. Defendant Joshua Hendrickson was at all relevant times a Sergeant with the Henderson County Sheriff's Office acting under color of state law.

13. Defendant Billy Bolin is the Chief of the Police for the Henderson Police Department.

14. Defendant Kyle Stone was at all relevant times an Officer for the Henderson Police Department acting under color of state law.

15. Defendant Treg Duvall was at all relevant times an Officer for the Henderson Police Department acting under color of state law.

16. Defendant Elam Coots was at all relevant times an Officer for the Henderson Police Department acting under color of state law.

17. Defendant Noah Howell was at all relevant times an Officer for the Henderson Police Department acting under color of state law.

C. Nature of Defendants' Conduct

18. Defendants, acting under color of state law, engaged in the conduct described below.

19. The conduct resulted from Defendant's failure to train and supervise its deputies and/or Officers regarding vehicle pursuits and the use of deadly force.

20. The conduct was intentional, deliberately indifferent, objectively unreasonable, and demonstrated reckless disregard for Plaintiff's constitutional rights.

D. Facts

21. On July 10, 2025, at approximately 15:30 hours, the Henderson Police Department initiated a traffic stop for expired registration.

22. Officer Noah Howell from the Henderson Police Department advised dispatch that he would be making a traffic stop for expired registration.

23. According to Officer Howell, the vehicle did not immediately stop when he signaled for it to do so.

24. However, Officer Howell did not call in to dispatch to initiate pursuit of the vehicle.

25. "At this time, the only radio traffic in reference to this stop had been Officer Howell advising dispatch that he was going to be making a vehicle stop." (Henderson Police Department, Interdepartmental Correspondence dated 7/31/2025, at p. 1).

26. Officer Howell did not engage in pursuit of the vehicle.

27. As the vehicle proceeded through downtown Henderson, another Officer, Lieutenant Kyle Stone saw the vehicle.

28. Again, at this time “none of the radio traffic would have given Stone any idea that the vehicle would be travelling down N. Green St.” (Henderson Police Department, Interdepartmental Correspondence dated 7/31/2025, at p. 1).

29. Lt. Stone contacted Officer Howell and learned that the reason for the stop was “expired registration.” (Henderson Police Department, Interdepartmental Correspondence dated 7/31/2025, at p. 1).

30. Per Henderson Police Department policy, “an expired registration plate, does not meet the standard for a vehicle pursuit.” (Henderson Police Department, Interdepartmental Correspondence dated 7/31/2025, at p. 2).

31. Yet, even after Stone learned what prompted the stop, he continued to pursue.

32. More troubling even, is the fact that after Lt. Stone learned about the reason for the initial stop, he turned off his emergency lights and continued to pursue. (Henderson Police Department, Interdepartmental Correspondence dated 7/31/2025, at p. 2).

33. Lt. Stone did not have permission to pursue the vehicle.

34. Yet, he pursued, without emergency equipment activated, at rates of speed well in excess of the posted speed limit. (Henderson Police Department, Interdepartmental Correspondence dated 7/31/2025, at p. 1)(“Stone reached a top speed of 68 miles per hour at approximately 23:48:23 hours in the area of the 1400 block of N. Green Street, without any emergency equipment activated. The speed limit in this area is 45 miles per hour”).

35. Likewise, “at approximately 23:48:22, Officer Howell turned off his lights and siren ...but continued to follow Lt. Stone.” (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 3).

36. Nonetheless, Lt. Stone “contacted dispatch and then advised he had disengaged.” (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 3).

37. Yet, he continued to pursue.

38. Officer Treg Duvall joined the pursuit.

39. Officer Duvall also turned off his emergency lights. (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 5-6).

40. Officer Duvall pursued the vehicle at rates of speed well in excess of the posted speed limit. (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 6)(“Officer Duvall’s top speed on US 60... was 73 mph”).

41. Later, Officer Elam Coots also joined the pursuit.

42. Officer Coots also turned off his emergency lights. (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 5-6).

43. Officer Coots pursued the vehicle at rates of speed well in excess of the posed speed limit. (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 6)(“In the area of Marywood Drive and US 60, he reached a top speed of 79 miles per hour without any emergency equipment activated”).

44. While Officers Coots, Howell, Stone, and Duvall pursued the vehicle, “at 23:48:39 hours, Officer Howell asked dispatch to confirm the expiration date on the Indiana plate.” (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 4).

45. **“Dispatch responded that the registration did not expire until 2026.”**
(Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 4).

46. Yet, all four Officers continued the pursuit for more than five (5) minutes.
(Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 5-6).

47. Lt. Stone then requested that a Henderson County Sheriff’s deputy assume pursuit of the vehicle as well.

48. “At approximately 23:51, Deputy Gary Jones from the Henderson County Sheriff’s Department passed Lt. Stone and took over the pursuit” (Henderson Police Department, Interdepartmental Correspondence Timeline for 25-029206 Pursuit, at p. 6).

49. Sergeant Joshua Hendrickson authorized Deputy Gary Jones to pursue the vehicle.

50. Sergeant Joshua Hendrickson lacked knowledge of any serious felony committed by the occupants.

51. Deputy Gary Jones also lacked knowledge of any serious felony committed by the occupants.

52. Deputy Gary Jones had no logged training on PIT maneuvers.

53. Deputy Gary Jones nonetheless attempted a PIT maneuver on the fleeing vehicle.

54. Deputy Gary Jones did not activate or record any body-worn camera video during the incident.

55. Very little body-worn camera video was recorded overall.

56. The in-car video from Henderson County Sheriff’s Office Unit 1832 (assigned to Deputy Jones) captured the critical events.

57. At approximately 00:52:20 (recording time), the suspect vehicle struck a curb in the roundabout on U.S. 60 East.

58. Deputy Jones exited his patrol vehicle and yelled “stop.”

59. Four gunshots were then fired from Deputy Jones’s duty weapon.

60. Henderson Police Department Lieutenant Kyle Stone reviewed his own in-car video of the same moment.

61. Lt. Kyle Stone observed that “the first round appears to have been fired while the vehicle was still in front of Deputy Jones.”

62. Lt. Kyle Stone further observed “three consecutive rounds discharged from the front passenger-side quarter panel as the vehicle continued past his position.”

63. Lt. Kyle Stone noted that “the vehicle drove onto the median toward Deputy Jones before veering away after the shots were fired.”

64. Upon witnessing the shots, Lt. Kyle Stone audibly stated, “**What the fuck.**”

65. Plaintiff Timberlynn Floyd was merely a passenger in the vehicle at the time of the shooting.

66. Plaintiff Timberlynn Floyd sustained a perforating gunshot wound to her leg.

67. The Henderson County Sheriff’s Office conducted an internal investigation and issued its Internal Investigative Summary Letter, Case #25-29206.

68. The Internal Investigative Summary Letter lists preliminary findings that Sergeant Joshua Hendrickson violated Policy 17.05 section 5-D (Vehicle Pursuit).

69. The Internal Investigative Summary Letter lists preliminary findings that Sergeant Joshua Hendrickson violated Policy 04.01 sections 2-1 and 2-3 (Supervisory Accountability).

70. The Internal Investigative Summary Letter lists preliminary findings that Sergeant Joshua Hendrickson violated Policy 17.13 sections III and IV (Body Worn Cameras).

71. The Internal Investigative Summary Letter lists preliminary findings that Deputy Gary Jones violated Policy 17.05 section 5-D (Vehicle Pursuit).

72. The Internal Investigative Summary Letter lists preliminary findings that Deputy Gary Jones violated Policy 17.05 sections 5-I-4 and 6 (Vehicle Pursuit – PIT Maneuver).

73. The Internal Investigative Summary Letter lists preliminary findings that Deputy Gary Jones violated Policy 01.03 sections 5-I-4 and 4-E (Response to Resistance – Deadly Force).

74. The Internal Investigative Summary Letter expressly concludes that Deputy Jones shot at a vehicle that, according to his statement, was trying to run him over.

75. Video evidence reviewed by the Sheriff’s Office shows the vehicle veered away after the shots were fired.

76. Likewise, Lt. Stone was issued a written warning on September 23, 2025 for “failure or refusal to follow instructions, verbal, or written, and Henderson Police Department Pursuits Policy, SOP 7-1.” (Interdepartmental Correspondence, September 23, 2025 at p. 1).

E. Causes of Action

Count I

(42 U.S.C. § 1983 – Fourth Amendment Excessive Force)

77. Each of the foregoing paragraphs is incorporated herein by reference.

78. The Defendants Jones, Hendrickson, Stone, Duvall, Coots and Howell used objectively unreasonable deadly force against Plaintiff.

79. Plaintiff posed no objective or subjective threat to Defendants or any other person.

80. The force employed violated Plaintiff’s clearly established rights under the Fourth Amendment to the United States Constitution.

Count II

(42 U.S.C. § 1983 – Monell Failure to Train and Supervise)

81. Each of the foregoing paragraphs is incorporated herein by reference.

82. Pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1978), and *City of Canton v. Harris*, 489 U.S. 378 (1989), Defendants Henderson County, Henderson County Sheriff Stauffer, City of Henderson and Henderson Police Department Chief Bolin maintained policies, customs, and failures to train and supervise that were the moving force behind the constitutional violation.

83. The Defendant’s unauthorized continuation of the pursuit and failure to supervise directly caused the shooting of Plaintiff.

84. Sergeant Hendrickson was deliberately indifferent to the Constitutional rights and safety of the public, including the Plaintiff in his failure to train and supervise Defendant Jones.

85. Likewise, Chief Bill Bolin of the Henderson Police Department was deliberately indifferent to the Constitutional rights and safety of the public, including the Plaintiff in his failure to train and supervise Defendants Howell, Stone, Duvall and Coots.

Count III

(Battery)

86. Each of the foregoing paragraphs is incorporated herein by reference.

87. Defendant Gary Jones intentionally caused harmful and offensive contact by shooting Plaintiff.

88. Henderson County and Sheriff Chip Stauffer are vicariously liable for the acts of Deputy Jones pursuant to KRS 70.040, which provides: “The sheriff shall be liable for the acts or omissions of his deputies.”

89. The conduct was malicious and reckless, justifying an award of punitive damages.

Count IV

(Negligence and Gross Negligence)

90. Each of the foregoing paragraphs is incorporated herein by reference.

91. Defendants owed Plaintiff a duty to refrain from initiating or continuing an unauthorized pursuit and from using deadly force without justification.

92. Defendants breached that duty, proximately causing Plaintiff's gunshot wound and resulting damages.

Count V
(Damages)

93. Each of the foregoing paragraphs is incorporated herein by reference.

94. Plaintiff suffered physical injury, past and future medical expenses, pain and suffering, emotional distress, and loss of enjoyment of life.

95. Defendants' reckless and malicious conduct entitles Plaintiff to punitive damages.

F. Prayer for Relief

WHEREFORE, Plaintiff respectfully demands judgment against all Defendants, jointly and severally, as follows:

- A. Compensatory damages in an amount to be determined at trial.
- B. Punitive damages.
- C. Attorney fees and costs pursuant to 42 U.S.C. § 1988.
- D. Pre-judgment and post-judgment interest.
- E. A trial by jury.
- F. Such other and further relief as the Court deems just and proper.

Respectfully Submitted

/s/ Greg Simms
Gregory D. Simms
J.P. Ward Jr.
WARD & SIMMS PLLC

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greg@wardsimms.com
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Counsel for Plaintiff
-and-

s/David Mour
David Mour
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1500 Story Ave.
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dmour@dmourlaw.com
Co-Counsel for the Plaintiff

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Timberlynn Floyd

(b) County of Residence of First Listed Plaintiff Vanderburgh County, IN
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Greg Simms
Ward & Simms PLLC
1500 Story Ave. Louisville, KY 40206

DEFENDANTS

Chip Stauffer

County of Residence of First Listed Defendant Henderson, KY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:
Civil Rights action under 42 U.S.C. § 1983 against Police Department.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND: _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE _____

SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd

Plaintiff(s)

v.

Chip Stauffer, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Billy Bolin
1990 Barret Ct.
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd)

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Plaintiff(s)

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v.

)

Civil Action No.

)

Chip Stauffer, et al.,

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Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Elam Coots
1990 Barret Ct.
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd

Plaintiff(s)

v.

Chip Stauffer, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Treg Duvall
1990 Barret Ct.
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd

Plaintiff(s)

v.

Chip Stauffer, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Josh Hendrickson
20 N. Main Street, Ste. 112
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd

Plaintiff(s)

v.

Chip Stauffer, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Noah Howell
1990 Barret Ct.
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd

Plaintiff(s)

v.

Chip Stauffer, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Gary Jones
20 N. Main Street, Ste. 112
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd)

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Plaintiff(s)

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v.

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Civil Action No.

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Chip Stauffer, et al.,)

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Defendant(s)

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SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Chip Stauffer
20 N. Main Street, Ste. 112
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Timberlynn Floyd

Plaintiff(s)

v.

Chip Stauffer, et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Kyle Stone
1990 Barret Ct.
Henderson, Kentucky 42420

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ward & Simms PLLC
1500 Story Ave.
Louisville KY 40206

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: