

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION

TIMBERLYNN FLOYD

v.

CHIP STAUFFER, et al.

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Case no. 4:26-CV-00208-GNS

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**ANSWER**

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Comes Defendant, Sergeant Joshua Henderickson, in his individual capacity, by and through counsel for his Answer to Plaintiff’s Complaint and states as follows,

1. The Complaint fails, in whole or in part, to state claims against this Defendant for which relief can be granted.

2. Paragraphs 1, 2, 3 and 4 of Jurisdiction and Venue call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraphs 1, 2, 3 and 4 of Jurisdiction and Venue.

3. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 5, 6, 7 and 8 of Parties and same are therefore denied.

4. This Defendant admits Paragraph 9 of Parties.

5. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Parties and same are therefore denied.

6. This Defendant admits Paragraphs 11 and 12 of Parties to the extent he was employed with Henderson County Sheriff's Office during all relevant times. All other allegations set forth in Paragraphs 11 and 12 of Parties call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies all other allegations set forth in Paragraphs 11 and 12 of Parties.

7. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 13, 14, 15, 16 and 17 of Parties and same are therefore denied.

8. This Defendant denies Paragraph 18 of Nature of Defendants' Conduct to the extent he engaged in the conduct described in the Complaint. All other allegations set forth in Paragraph 18 of Nature of Defendants' Conduct call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies all other allegations set forth in Paragraph 18 of Nature of Defendants' Conduct.

9. This Defendant denies Paragraph 19 of Nature of Defendants' Conduct.

10. Paragraph 20 of Nature of Defendants' Conduct calls for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraph 20 of Nature of Defendants' Conduct.

11. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,

33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Facts and therefore same are denied.

12. This Defendant admits Paragraph 49.

13. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75 and 76 of Facts and same are therefore denied.

14. This Defendant adopts, incorporates, re-asserts and re-alleges all previous defenses, denials and responses to the allegations incorporated, both numbered and unnumbered, as previously set forth in this Answer and referenced in Paragraph 77, Causes of Action, Count I.

15. Paragraphs 78, 79 and 80, Causes of Action, Count I call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraph 78, Causes of Action, Count I.

16. This Defendant adopts, incorporates, re-asserts and re-alleges all previous defenses, denials and responses to the allegations incorporated, both numbered and unnumbered, as previously set forth in this Answer and referenced in Paragraph 81 Causes of Action, Count II.

17. Paragraph 82, Causes of Action, Count II calls for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraph 82, Causes of Action, Count II.

18. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 83, Causes of Action, Count II and same are therefore denied.

19. Paragraphs 84 and 85, Causes of Action, Count II call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraphs 84 and 85, Causes of Action, Count II.

20. This Defendant adopts, incorporates, re-asserts and re-alleges all previous defenses, denials and responses to the allegations incorporated, both numbered and unnumbered, as previously set forth in this Answer and referenced in Paragraph 86 Causes of Action, Count III.

21. Paragraphs 87, 88 and 89, Causes of Action, Count III call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraph 87, 88 and 89, Causes of Action, Count III.

22. This Defendant adopts, incorporates, re-asserts and re-alleges all previous defenses, denials and responses to the allegations incorporated, both numbered and unnumbered, as previously set forth in this Answer and referenced in Paragraph 90, Causes of Action, Count IV.

23. Paragraphs 91 and 92, Causes of Action, Count IV call for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraph 91 and 92, Causes of Action, Count IV.

24. This Defendant adopts, incorporates, re-asserts and re-alleges all previous defenses, denials and responses to the allegations incorporated, both numbered and unnumbered, as previously set forth in this Answer and referenced in Paragraph 93, Causes of Action, Count V.

25. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 94, Causes of Action, Count V and same are therefore denied.

26. Paragraph 95, Causes of Action, Count V calls for legal conclusions to which no response is required nor appropriate pursuant to the Federal Rules of Civil Procedure. To the extent this Court deems a response necessary, this Defendant denies Paragraph 95, Causes of Action, Count V.

27. At all times referenced in the Complaint, this Defendant exercised sound judgment and discretion, acted in good faith, with probable cause, without malice and within the scope of his duties.

28. Plaintiff's damages were caused by the actions or conduct of individuals or third parties not under the direction or control of this Defendant with the actions or conduct being intervening causes sufficient to rise to being deemed the superseding cause of Plaintiff's enumerated injuries.

29. The doctrine of comparative fault should be applied in this case to reduce Plaintiff's recovery, if any.

30. Plaintiff's claim against this Defendant is barred, in whole or in part, by the doctrines of absolute and/or common law and/or sovereign and/or official and/or government and/or qualified immunity.

31. For all times relevant to the allegations in the Complaint, this Defendant acted consistently with the statutes, regulations, codes and ordinances of the Commonwealth of Kentucky.

32. For all times relevant to the allegations in the Complaint, this Defendant complied with all state and county personnel law and policies.

33. Plaintiff's claims are barred secondary to their failure to mitigate any and all alleged damages.

34. Plaintiff's claims are barred, in whole or in part, by the affirmative defenses of accord and satisfaction, settlement and release and failure to join an indispensable party.

35. The imposition of punitive or exemplary damages against this Defendant would violate this Defendant's constitutional rights under the due process clauses of the Fifth and Fourteenth Amendment to the Constitution of the United States, the double jeopardy clause of the Fifth Amendment to the Constitution of the United States, similar provisions in the applicable Kentucky Constitution and/or the common law or public policies of the Commonwealth of Kentucky and/or applicable statutes and court rules, and the circumstances of this litigation, including but not limited to:

- a. imposition of such punitive damages by a jury which, (1) has not been provided standards of sufficient clarity for determining the appropriateness, and the appropriate size, of such a punitive damage award; (2) is not adequately and clearly instructed on the limits on punitive damages imposed by the principles of deterrence and punishment; (3) is not expressly prohibited from awarding punitive damages, or determining an amount of an award thereof, in whole or in part, on the basis of invidiously discriminatory characteristics, including the status, wealth, or state of residence of Defendant; (4) is permitted to award punitive damages under a standard for determining liability for such damages which is vague and arbitrary and does not define with sufficient clarity the conduct or mental state which makes punitive damages permissible; and, (5) is not subject to trial court and

appellate judicial review for reasonableness and the furtherance of legitimate purposes on the basis of objective standards;

b. imposition of such punitive damages, and determination of the amount of an award thereof, where applicable state law is impermissibly vague, imprecise and/or inconsistent;

c. imposition of such punitive damages, and determination of the amount of an award thereof, employing a burden of proof less than clear and convincing evidence;

d. imposition of such punitive damages, and determination of the amount of an award thereof, without bifurcating the trial and trying all punitive damage issues only if and after the liability of this Defendant has been found on the merits;

e. imposition of such punitive damages, and determination of the amount of an award thereof, under the laws of the Commonwealth of Kentucky, subject to no predetermined limit, such as a maximum multiple of compensatory damages or a maximum amount; and/or

f. imposition of such punitive damages, and determination of the amount of an award thereof, based on anything other than this Defendant's conduct in connection with the matters alleged in this litigation, or in any other way subjecting this Defendant to impermissible multiple punishment for the same alleged wrong.

36. This Defendant may have defenses that are not currently known. This Defendant incorporates by reference and adopts as part of his Answer all those appropriate defenses set forth in Rule 8 and 12 of the Federal Rules of Civil Procedure. Moreover, this Defendant reserves all rights pursuant to Civil Rule 15 to subsequently amend this Answer in order to clarify or add, if necessary, any such affirmative defenses or any other defenses pertinent to this action.

37. All averments not expressly admitted are denied.

WHEREFORE, Defendant, Sergeant Johsua Hendrickson, in his individual capacity, hereby demands as follows:

1. Plaintiff's Complaint be dismissed, with prejudice;
2. For his costs herein expended, including reasonable attorney fees;
3. For trial by jury; and,
4. For any and all further relief to which he may appear entitled.

Respectfully submitted,

/s/ Carol Schureck Petitt

Carol Schureck Petitt

Tess M. Fortune

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*COUNSEL FOR SERGEANT JOSHUA*

*HENDERICKSON*

### **CERTIFICATE OF SERVICE**

It is hereby certified that on this 29<sup>th</sup> day of May 2026, the foregoing document was filed and sent via electronic service through the CM/ECF filing system and/or U.S. Mail to:

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