

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION
CASE NO. 4:26-cv-00208-GNS

TIMBERLYNN FLOYD

PLAINTIFF

v.

CHIP STAUFFER, et. al.

DEFENDANTS

ANSWER

Comes now the Defendant, Deputy Gary Jones, Individually and in his Official Capacity as Deputy Sheriff of Henderson County, and states as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

All allegations not specifically admitted herein are denied.

THIRD DEFENSE

As an affirmative defense, Defendant states that in the event Plaintiff sustained the damages alleged in his Complaint, said damages were the result of Plaintiff's negligence, contributory negligence, or comparative negligence.

FOURTH DEFENSE

As an affirmative defense, the Defendant states that to the extent he is sued in his official capacity, he is an arm and political subdivision of the Commonwealth of Kentucky and entitled to the protection of sovereign immunity, absolute, official and/or governmental immunity.

FIFTH DEFENSE

As an affirmative defense, Defendant states that at all times alleged in Plaintiff's Complaint, he was acting within the scope of his official duties, in good faith and performing discretionary functions and is further entitled to absolute and/or qualified immunity and/or qualified official immunity from suit in his individual capacity.

SIXTH DEFENSE

As an affirmative defense, the Defendant states that to the extent the Plaintiff seeks punitive damages, Defendant is immune from suit for punitive damages.

SEVENTH DEFENSE

As an affirmative defense, the Defendant pleads all affirmative defenses set forth in Federal Rule of Civil Procedure 8(c) and 12, including, but not limited to, the affirmative defenses of statute of limitations, waiver, estoppel, laches, unclean hands, insufficient process, insufficient service of process, improper venue, lack of personal jurisdiction and lack of subject-matter jurisdiction..

EIGHTH DEFENSE

Defendant affirmatively pleads that the alleged actions and events set forth in Plaintiff's Complaint are barred due to intervening and superseding occurrences and/or occurrences, actions and/or conduct which were not known, anticipated or actionably foreseeable and thus no duty exists on the part of the Defendant.

NINTH DEFENSE

Plaintiff's Complaint is barred, in whole or in part, by operation of KRS 65.200 *et seq.*

TENTH DEFENSE

Any damages allegedly sustained by Plaintiff's injuries are the result of her own actions, omissions or wrongdoing or the actions, omissions or wrongdoing of other individuals for whom the Defendant is not responsible nor liable.

ELEVENTH DEFENSE

As an affirmative defense, Plaintiff's claim for punitive damages is barred by the due process clause of the Fourteenth Amendment to the United States Constitution; the proscription of the Eighth Amendment to the United States Constitution as applied to the States through the Fourteenth Amendment prohibition against the imposition of the excessive fines; the "double-jeopardy" clause of the Fifth Amendment to the United States Constitution as applied to the States through the Fourteenth Amendment; the Constitution of the United States, the Constitution of Kentucky and KRS 411.184.

TWELFTH DEFENSE

As an affirmative defense, the Defendant states that he did not deprive the Plaintiff of any right, privilege or immunity secured by the United States Constitution so as to bar any recovery by Plaintiff herein.

THIRTEENTH DEFENSE

As an affirmative defense, Defendant states that there exists no official Henderson County policy or custom that caused the Plaintiff's alleged injury so as to bar any recovery by Plaintiff herein.

FOURTEENTH DEFENSE

As an affirmative defense, Defendant pleads the protections, rights and privileges set forth in KRS Chapter 503, et seq.

FIFTEENTH DEFENSE

With regard to the specific allegations in the Plaintiff's Complaint, Defendant pleads as follows. If Defendant does not specifically admit any allegation contained in Plaintiff's Complaint, it is denied.

1. The Defendant admits the allegations contained in Paragraphs 9, 49, 52 and 54 of the Complaint.

2. The Defendant denies the allegations contained in Paragraphs 19, 20, 53, 78, 79, 80, 87, 89, 92 and 95 of the Complaint.

3. The Defendant is without sufficient information or knowledge so as to form a belief as to the truth of the allegations contained in Paragraphs 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 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, 50, 51, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 83, 84, 85, 88 and 94 of the Complaint and, therefore, denies same.

4. The allegations contained in Paragraphs 1, 2, 3, 4, 82 and 91 of the Complaint contain legal assertions or conclusions which are to be determined by the Court and not the parties hereto. Until such time as those legal determinations are made by the Court, Defendant denies.

5. The Defendant incorporates and re-alleges his responses to Paragraphs 77, 81, 86, 90 and 93 as if set forth fully herein.

6. With regard to the allegations contained in Paragraph 10, Defendant admits only that he was employed as a Deputy Sheriff with Henderson County at all relevant times. The remainder of the allegations contained therein assert legal assertions or conclusions which are to be determined by the Court and not the parties hereto. Until such time as those legal determinations are made by the Court, Defendant denies.

7. With regard to the allegations contained in Paragraph 18, Defendant denies that he engaged in all of the conduct described in the Complaint. The remainder of the allegations contained therein assert legal assertions or conclusions which are to be determined by the Court and not the parties hereto. Until such time as those legal determinations are made by the Court, Defendant denies.

8. With regard to the allegations contained in Paragraph 47, Defendant admits only that a Henderson County Sheriff's Deputy was requested to assist. Any remaining allegations are denied.

9. With regard to the allegations contained in Paragraph 48, Defendant admits only that he became involved in pursuit of the subject vehicle. Defendant is without sufficient information or knowledge so as to form a belief as to the truth of the remaining allegations contained therein are therefore denies same.

10. With regard to the allegations contained in Paragraph 57, Defendant admits only that the suspect vehicle struck a curb in the roundabout on U.S. 60 East. Defendant is without sufficient information or knowledge so as to form a belief as to the truth of the remaining allegations contained therein are therefore denies same.

11. With regard to the allegations contained in Paragraph 58, Defendant admits only that he exited his patrol vehicle and yelled "stop." Defendant denies any suggested or implied timing of events made by the allegations of the Complaint.

12. With regard to the allegations contained in Paragraph 59, Defendant admits only that he fired four shots from his duty weapon. Defendant denies any suggested or implied timing of events made by the allegations of the Complaint.

13. With regard to the allegations contained in Paragraph 74, the contents of the Investigative Summary Letter speak for themselves. To the extent the allegations of Paragraph 74 differ from those terms, Defendant deny.

14. Defendant denies that Plaintiff is entitled to the relief requested.

WHEREFORE, the Defendant, Gary Jones, requests that Plaintiff's Complaint be dismissed with prejudice and held for naught, a trial by jury, that the Defendant recover his costs and attorney fees herein expended and any and all other relief to which he may appear to be entitled.

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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing has been filed with the Clerk of the Court using the CM/ECF system, or served upon Counsel, on June 1, 2026, and electronic notice of the same will be sent to the following Counsel of record:

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