

NO.

JEFFERSON CIRCUIT COURT

ODESSA RILEY  
As Administratrix of the ESTATE OF DAVID MCATEE

And

MACHELLE MCATEE

PLAINTIFFS

V. COMPLAINT

KATIE CREWS, LMPD OFFICER  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

And

ALLEN AUSTIN, LMPD OFFICER  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, Kentucky 40202

And

JOHN DOE #1-10, UNNAMED KENTUCKY NATIONAL GUARD SOLDIERS  
INVOLVED IN THE JUNE 1, 2020 ASSAULT ON DAVID MCATEE'S BUSINESS  
AND HOME

Serve:

And

JONH DOE #11-20, UNNAMED LOUISVILLE METRO POLICE DEPARTMENT  
OFFICERS INVOLVED IN THE JUNE 1, 2020 ASSAULT ON DAVID MCATEE'S  
BUSINESS AND HOME

Serve: Louisville Metro Police Department  
c/o Chief Robert Schroeder  
633 West Jefferson Street  
Louisville, Kentucky 40202

DEFENDANTS

\* \* \* \* \*

## **PRELIMINARY STATEMENT**

At approximately 12:15 a.m. on June 1, 2020, a black sedan, five unmarked vans and two armored vehicles rolled into the intersection of 26th Street and Broadway in Louisville, Kentucky. Nearby, unaware of the police presence, David McAtee was grilling in his restaurant, YaYa's BBQ, a staple of the West End of Louisville where the neighborhood regularly gathered on Sunday nights. Two minutes and thirteen seconds later, the police had blocked the intersection and yelled at a crowd at a food mart to leave, pursued and fired upon those leaving, shot into the door of the restaurant kitchen striking Mr. McAtee's niece, Maychelle, and shot and killed David McAtee inside the kitchen of his business and home.

The weekend had been filled with dramatic protests over police killings of Black citizens, including the killing of Breonna Taylor by officers of the Louisville Metro Police Department ("LMPD"). After several days of protests, Louisville Mayor Greg Fischer had requested Governor Andy Beshear activate the Kentucky National Guard, and on May 31, 2020, National Guard troops patrolled the streets of Louisville for the first time since 1975. Simultaneously, Mayor Fischer and the LMPD were warning the citizens of Louisville about the presence of "outside agitators", who allegedly were in the city for the sole purpose of fomenting unrest and violence. Armed militia group members walked the streets, often in military-style clothing and carrying rifles and handguns.

Despite the unrest, YaYa's BBQ remained a safe haven, a place of refuge where neighborhood locals, police officers, or anyone in search of a good barbecue sandwich

could find one of the city's best, cooked up by David McAtee in his small restaurant that also served as his home, at the intersection of 26th Street and Broadway.

Nonetheless, the defendants, members of the Louisville Metro Police Department and the Kentucky National Guard, jumped out of the vehicles blocking the intersection and started yelling at people in a food mart parking lot to "Go!" The individuals at the food mart, who were not engaged in violence, threats, or other criminal activity, started to leave, but the vehicles blocking the intersection impeded their progress and congested traffic. Some fled on foot to YaYa's BBQ, across the street from the food mart.

In violation of LMPD policy and in direct contravention of specific orders, the officers turned off their body cameras, and unprovoked, pursued the crowd onto the restaurant property, firing pepper balls at the fleeing citizens seeking protection inside the kitchen of YaYa's BBQ. Even after everyone retreated, police continued to fire into the kitchen door, striking Maychelle McAtee, David's niece, while she was standing inside the kitchen. Unaware of what was causing the chaos and who was shooting at his customers and his niece, David McAtee stepped out of the kitchen door to try and defend his restaurant, home, family and customers. Immediately, the police shot and killed him. Less than thirty seconds after David McAtee was cooking a sandwich, he lay dying on his kitchen floor.

## **PARTIES**

### **Plaintiffs**

1. Plaintiff Odessa Riley, is the mother of David McAtee, and the duly appointed administratrix of his estate. She is and at all relevant times was a resident of Jefferson County, Kentucky, as was her son. David McAtee was shot and killed by the defendants while standing in the doorway of his business and home on June 1, 2020.

2. Plaintiff Maychelle McAtee, is the niece of David McAtee and worked at his restaurant. She is is and at all relevant times was a resident of Jefferson County, Kentucky. Maychelle McAtee was shot multiple times by the defendants while standing inside the doorway at YaYa's BBQ on June 1, 2020.

### **Defendants**

3. Defendant Katie Crews and Austin Allen was, at all times relevant to this action, employed by the Louisville Metro Police Department ("LMPD") as a police officer. She is sued in her individual capacity.

4. Defendant Austin Allen was, at all times relevant to this action, employed by LMPD as a police officer. He is sued in his individual capacity.

5. Unnamed Kentucky National Guard soldiers #1-10 are yet unnamed Kentucky National Guard personnel, activated by the Governor at the request of the Mayor of Louisville Metro on May 30, 2020, and assigned to assist police officers of the Louisville Metro Police Department. To date, Louisville Metro, the Kentucky National Guard, and the Commonwealth of Kentucky have refused to name or otherwise identify the

individuals who participated in the raid and shootings of David McAtee and others at YaYa's BBQ on June 1, 2020. They are sued in their individual capacities.

6. Unnamed LMPD Officers #1-10 are yet unnamed police officers employed by the Louisville Metro Police Department, who participated in the raid and shootings of David McAtee, Michelle McAtee and others at YaYa's BBQ on June 1, 2020. To date, Louisville Metro has refused to name or otherwise identify these officers. They are sued in their individual capacities.

### **JURISDICTION AND VENUE**

7. Jurisdiction and venue is proper in Jefferson Circuit Court because the complaint alleges violations of Kentucky law which occurred in Jefferson County, Kentucky and the matters and amounts in controversy are proper in circuit court.

### **FACTUAL ALLEGATIONS**

8. During the days preceding when the defendants shot Maychelle McAtee and David McAtee, the Louisville Metro Police Department, and the Kentucky National Guard members acting at their direction, were out of control. During the final week of May 2020, the city and nation were in turmoil after a number of high-profile instances of police killing unarmed Black citizens. In Louisville, and across the nation, large-scale demonstrations and public sentiment against police brutality and killings of unarmed Black citizens grew after the killings of George Floyd and Breonna Taylor.

9. In response, the Louisville Metro Police Department escalated the tension by quickly resorting to riot gear, excessive demonstrations of force, beating protestors with batons, and firing rubber bullets, pepper balls, canisters of tear gas, flash bang grenades and live ammunition into crowds of protestors, the vast majority of whom were protesting peacefully in downtown Louisville. After the police show of force escalated the tensions, incidents of vandalism occurred downtown at night.

10. Protestors, elected officials, and media crews were shot or injured by law enforcement officers. At the time police had resorted to these extreme measures, no officers had been reported injured during the protests.<sup>1</sup>

11. On the afternoon of May 30, 2020, LMPD officers, in plain clothes, rushed into Jefferson Square Park, where crowds were peacefully protesting, and destroyed the protestors' stockpiles of water and milk, to be used for hydration and eyewash due to LMPD's indiscriminate use of tear gas.

12. On May 30, Mayor Greg Fischer claimed that "out-of-towners, and anarchists intending to destroy our city" had escalated the peaceful protests to violence and vandalism, imposed a curfew,<sup>2</sup> and asked Governor Andy Beshear to send in Kentucky

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<sup>1</sup> Mike Baker, 7 People Shot at Louisville Protest Over the Death of Breonna Taylor, NYTimes (May 29, 2020) at <https://www.nytimes.com/2020/05/29/us/louisville-protest-shooting-breonna-taylor.html>.

<sup>2</sup> Mayor Fisher imposed a curfew from 9:00 pm until 6:30 am, which ordered individuals to remain off of all common areas, including but not limited to streets, parks, right of ways, and other public spaces. However, the curfew did not apply to individuals commuting to and from their place of employment or engaging in employment, and did not impede any business from engaging in their regular manner of operations, among other exceptions. Mayor Greg Fischer, Executive Order No. 2020-06.

National Guard troops.<sup>3</sup> Governor Beshear then ordered units of the Kentucky National Guard into active state duty to work in joint operations with the local law enforcement “to assist those agencies in the protection of life, public health and safety, to promote the public welfare, to prevent undue loss or suffering, and to mitigate the effects of such events.”<sup>4</sup> This was the first time National Guard troops had patrolled the streets of Louisville since September of 1975, when Guardsmen were sent in to quell violence during protests of court-order busing to achieve desegregation in local public schools.<sup>56</sup>

13. The National Guard soldiers that were activated and sent to Louisville did not receive proper command, instruction, equipment, or training from the local officials, before being assigned to work in the streets of the city. The chain of command was not made clear for each group of soldiers. The National Guard soldiers were not to make arrests or fire their weapons without proper instruction from their commanding officers. The soldiers were armed with military long rifles, proper for military combat, rather than

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<sup>3</sup> Kentucky National Guard activated, curfew implemented in response to Louisville protests, WHAS-11 (May 30, 2020) at <https://www.whas11.com/article/news/kentucky/beshear-to-activate-national-guard-in-response-to-louisville-protests/417-0432f822-5719-437b-878c-33d4ed98a454>.

<sup>4</sup> Letter of Governor Andy Beshear to Brigadier General Haldane Lamberton (May 30, 2020).

<sup>5</sup> Andrew Wolfson, *The last time Louisville called in the National Guard was 45 years ago. Here's why*, The Courier Journal (June 2, 2020) at <https://www.courier-journal.com/story/news/local/2020/06/02/breonna-taylor-protests-city-doesnt-often-call-national-guard/5307355002/>.

<sup>6</sup> Kentucky, like other states, has been reluctant to use its National Guard troops alongside local police because “soldiers make bad police officers. Soldiers are heavily armed and taught to regard the population as ‘threats.’ Police officers are lightly armed and trained to protect the citizenry. Using soldiers for law enforcement entails the risk of abuse and misunderstanding.” *Use of Military Forces in the Covid-19 Emergency*, Mark Cancian, Center for Strategic & International Studies (March 17, 2020).



handguns or proper equipment for policing or crowd control.

14. On May 31, 2020, approximately 1000 protestors gathered at the Muhammad Ali Center and marched to Jefferson Square Park downtown, arriving at 8 p.m., an hour before the newly imposed curfew.

15. Well before the curfew, LMPD officers surrounded the protestors at the park and began firing flash bang grenades<sup>7</sup> and tear gas<sup>8</sup> at the crowd.

16. As protestors attempted to leave downtown in their vehicles, LMPD officers lined an overpass and fired at the vehicles, striking some vehicles in moving traffic.<sup>9</sup> These actions, captured on video, violated LMPD Standard Operating Procedure (“SOP”) 9.1.<sup>10</sup>

17. LMPD and National Guard arrested over 100 protestors that evening.

18. Before midnight on May 31st, the protest activity in downtown Louisville had been suppressed and the downtown park at the center of the protests was quiet. But the officers were still amped up, armed to the hilt, and still spoiling for a fight.

19. LMPD Officer Katie Crews had publicly stated her desire to inflict harm on protestors or others due to her frustration over the protests. Crews had been depicted in

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<sup>7</sup>Flash bang grenades are used by military forces to cause temporary blindness, deafness, and loss of balance.

<sup>8</sup>Tear gas is defined by the Center for Disease Control as “a chemical compound that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin.” The 1925 Geneva Protocol categorized tear gas as a chemical warfare agent and banned its use in war shortly before World War I.

<sup>9</sup> Painkiller Gillz (@ltz5500Gillz), “This is LMPD shooting at peoples vehicles as they tried to go home from the protest...they want us dead in Louisville, ky, “ Twitter (June 1, 2020, 9:52 a.m.), <https://twitter.com/ltz5500Gillz/status/1267454024288292867>.

<sup>10</sup> “Officers shall not shoot from, or at, a moving vehicle, unless it is necessary to return gunfire to protect human life and when it does not create an unreasonable risk of harm to innocent persons.” – LMPD SOP 9.1, Use of Force.



the local newspaper website in a photograph in which a protestor offered her a flower while she stood by fully armed, refusing to engage the individual. Crews had posted the photo on her social media page and wrote that she hoped the pepper balls fired later that evening hurt the woman who had offered her the flowers, and invited, “come back and get ya some more ole girl, I’ll be on the line again tonight.



Tragically, Crews’ aggression and desire to inflict harm on others was taken out on David McAtee and his niece on June 1, 2020.

### Illegal police raid on intersection

20. Without protestors to engage in downtown Louisville, a police caravan of an unmarked car, multiple passenger vans full of LMPD officers in riot gear, and two National Guard transporters rolled into the West End of Louisville just past midnight. At

12:14 a.m. on June 1, the vehicles arrived at the intersection of 26th Street and West Broadway, where they parked blocking the intersection, preventing cars from dispersing and causing a traffic jam at the gas station and food market, Dino's Food Mart ("Dino's"). Just over two minutes after the police begin to arrive, they had shot Maychelle McAtee multiple times with pepper balls and and shot and killed David McAtee while they stood in the doorway of YaYa's BBQ.

21. After arriving at the intersection, law enforcement officers immediately swarmed the people at the busy gas station. The gas station patrons were not protesting, vandalizing, or looting. There were several cars at the gas station, and people were congregating in the area, but there was no violence. The armed officers walked across the grounds of the gas station lot, stating, "Go. Get in the car and leave," and forcing people to flee into the street.

22. The actions of the defendants and other officers violated the directive issued by Chief Steve Conrad on May 20, 2020, regarding enforcement of the curfew order. The chief's memorandum instructed officers as follows:

LMPD officers who observe individuals in violation of this order will first inform the individual of the existence of said order and try to gain voluntary compliance.

If an individual refuses to comply with the officer's persuasion and direct orders do not work, officers may arrest those continuing to refuse to comply for violating this order.

LMPD Special Order #20-029X.

23. The actions of the defendants and other officers and National Guard troops violated LMPD SOP 12.6, regarding the dispersal of crowds. This SOP requires a

commanding officer to assess any possibly disorderly crowd, and assess the crowd for the potential for violence, crowd leaders, and criminal activity. LMPD SOP 12.6.4. The commanding officer is required to make a decision regarding proper action after this observation period. When engaging the disorderly crowd, the officers should identify themselves by name and rank, issue a dispersal order, give people a reasonable amount of time to disperse, and warn people before the use of any chemical agent. The defendants did none of the things required by the SOP.

24. LMPD Officers were all wearing body cameras, and Standard Operating Procedures required the officers to activate recording on their cameras in this situation, and “prior to engaging in all law enforcement activities or encounters.” LMPD SOP 4.31.6. Despite this requirement, according to LMPD, every single officer at the scene (including all LMPD officers in the unmarked car, five passenger vans, and two transport vehicles) failed to turn on his or her body camera.

*David McAtee and Maychelle McAtee unaware of police raid while cooking at YaYa’s BBQ*

25. Across the street, at YaYa’s BBQ, David McAtee was calmly grilling, serving customers under his street side tent. As a neighborhood tradition, YaYa’s regularly served BBQ on Sunday nights for the whoever needed it, often without charging. While cooking on the grill, Mr. McAtee was oblivious to what was happening across the street. One minute before law enforcement shot and killed David McAtee, he entered his restaurant building for a final time.

26. Inside his restaurant kitchen, everything was still calm. David McAtee checked on the food that was cooking. His niece, Maychelle McAtee, was in the kitchen,

where she had been helping him that evening. Another individual washed his hands, and a couple other individuals were present in the kitchen, but knew nothing of what the police were doing across the street.

27. David McAtee was wearing a pistol on his belt. Although the area in the West End did suffer from crime at times, YaYa's BBQ was known as a safe haven, often serving local residents, police officers, and regularly donating food for local school children and others. Police officers who frequented YaYa's BBQ for free food had advised David McAtee to carry a pistol to deter crime and to protect himself if attacked.

*Unprovoked police attack YaYa's BBQ*

28. At approximately 12:16:05 a.m., a group of police and National Guard troops, including the defendants, left the gas station parking lot and entered the street, and pursued the individuals onto the property of YaYa's BBQ. LMPD Officer Crews led the law enforcement charge across the street onto the restaurant property.

29. At the same time as the defendants attacked the individuals in front of the restaurant building, other police were still in the gas station parking lot, telling patrons to leave. Because the police had blocked the intersection with their vehicles and their bodies, the gas station patrons were unable to leave timely and safely, furthering traffic congestion.

30. Approximately six seconds after the officers left the Dino Food Mart's parking lot, one officer fired a projectile at an individual packing up in front of YaYa's BBQ tent, and struck the sidewalk directly in front of the restaurant.

31. Officer Crews and others then fired what appeared to be pepper balls at the individuals in front of the restaurant tent, forcing the people to escape fire by entering the restaurant's kitchen door.

32. As the individuals sought safety inside the restaurant, the police continued to fire their weapons at them and at the restaurant. The police fired into the restaurant door.

33. At this point, still no individual had used any force toward any law enforcement officer, and the police use of weapons was completely unnecessary and gratuitous, and in violation of law and police policies and procedures.

34. This unprovoked use of weapons was in direct violation of LMPD Standard Operating Procedures, which indicate, in the dispersal of assemblies, which are unlawful but non-violent, law enforcement officers shall avoid the use of force, or where that is not practicable, shall restrict the use extent necessary. LMPD policy also requires the officers to shoot pepper balls only at the ground, not at individuals.

35. At the same time police were firing at the individuals outside his restaurant, David McAtee was still in his kitchen, unaware of what was going on outside. He hugged a young man who was leaving. Eighteen seconds later, he would be lying on the floor, dying, after being shot by the defendants.

*Police fire into YaYa's BBQ*

36. The individuals fleeing the shots from the police then flooded into the restaurant kitchen. By 12:16:25 a.m., approximately twenty seconds after the police left the parking lot of Dino's, all of the individuals outside the restaurant had either left or taken refuge inside. Up to this point, there had been no threat or violence directed

towards the officers. Although the individuals had retreated into the restaurant door, the officers continued to fire their weapons at the people inside the restaurant.

37. David McAtee was unaware who was shooting or why, so he pressed against the onrushing patrons to the door to see what was happening.

*Police shoot Maychelle McAtee while she was standing inside the door at YaYa's BBQ*

38. Just prior to when David McAtee looked out his door to see who was shooting at the individuals, police fired projectiles that exploded in smoke around the door and stuck a drink sitting on a table outside the door. The defendants also fired pepper balls into the restaurant door, striking Maychelle McAtee multiple times.

39. David McAtee leaned out the door briefly, and then ducked back inside. The restaurant door remained open.

*Police shoot and kill David McAtee inside his kitchen doorway thirty seconds after they initially approached and began firing on YaYa's BBQ*

40. At 12:16:37 a.m., approximately thirty seconds after the police left the Dino's parking lot to cross the street, David McAtee again looked out his restaurant door and raised his arm in the air. Multiple defendants immediately unleashed a hail of at least eighteen bullets at restaurant door, striking Mr. McAtee in the chest, and killing him.

41. Prior to being shot, Maychelle McAtee and David McAtee had committed no crime. They had not disobeyed any directive from law enforcement. They were not in violation of the newly imposed curfew. They had not threatened any officer, and posed no immediate threat to any officer.

42. Prior to the time the defendants shot David McAtee and Maychelle McAtee, the defendants had not properly announced themselves, requested that the patrons leave



**the restaurant, provided reasonable time for the people to disperse, or warned that they were going to use chemical weapons. From inside the kitchen, Maychelle McAtee and David McAtee did not know that the persons firing at the restaurant were law enforcement officers.**

**43. The defendants used deadly force when there was no threat to their safety.**

**44. The defendants knew, or should have known, that their actions were unlawful and in violation of the LMPD Standard Operating Procedures and Kentucky National Guard policies and procedures. These Standard Operating Procedures and policies and procedures created ministerial duties of Defendants in their actions towards Plaintiffs. Defendants breached these duties. The failure to adhere to each of these duties was a substantial factor and the direct and proximate cause of the death of David McAtee and injuries to Maychelle McAtee.**

**45. The use of deadly force by the defendants was unreasonable and in violation of clearly established law prohibiting assault, battery, and gross negligence.**

**46. The defendants' actions were reckless, willful, wanton, malicious and grossly negligent.**

**47. The defendants' actions displayed an extreme indifference to the value of human life.**

**48. After killing David McAtee, law enforcement officers left his body on the ground at the scene of the shooting for over twelve hours, as large crowds gathered at the intersection the next day. This occurred although deceased bodies are often removed from the scene while law enforcement continue scene investigations.**

**49. The day after David McAtee was killed, Louisville Mayor fired Police Chief Steve Conrad over the actions of the police officers involved in the incident.**

**50. According to the Governor's office, the fatal shot was fired by one of two National Guard troops that shot at Mr. McAtee.**

**51. Kentucky National Guard, the office of the Governor, and Louisville Metro have refused to release the names of the National Guard troops who shot David McAtee.**

## **CAUSES OF ACTION**

### **Count 1: Wrongful Death of David McAtee**

52. Plaintiff Odessa Riley incorporates the preceding paragraphs as if set forth herein.

53. The defendants' actions caused the wrongful death of David McAtee, resulting in damages recoverable under KRS §411.130 and §411.133.

54. Plaintiff's damages caused by the defendants' conduct include David McAtee's physical and emotional pain and suffering, destruction of power to labor and earn income, funeral and burial costs, as well as any other damages to which she may be entitled.

### **Count 2: Assault and Battery of David McAtee and Maychelle McAtee**

55. Plaintiffs Odessa Riley and Maychelle McAtee incorporate the preceding paragraphs as if set forth herein.

56. On July 1, 2020, the defendants, in intentionally shooting Maychelle McAtee and David McAtee, without the privilege or authority to do so, committed the torts of assault and battery upon Maychelle McAtee and David McAtee.

57. As a result of this conduct, Maychelle McAtee and David McAtee suffered harm and physical injury.

58. As a proximate result of said conduct, Plaintiff suffered damages, including but not limited to physical pain and suffering, severe emotional distress, fear, anxiety, embarrassment, discomfort, humiliation and medical expenses.

**Count 3: Excessive Use of Force**

59. Plaintiffs Odessa Riley and Maychelle McAtee incorporate the preceding paragraphs as if set forth herein.

60. The defendants each had a statutory duty, pursuant to KRS 431.025, to refrain from using unnecessary force upon David McAtee and Maychelle McAtee.

61. The aforementioned conduct of the defendants constituted excessive use of force in violation of this statute.

62 . As a proximate result of said conduct, Plaintiffs suffered damages, including but not limited to death, physical pain and suffering, severe emotional distress, fear, anxiety, embarrassment, discomfort, humiliation and medical expenses.

**Count 5: Negligence and Gross Negligence**

63. Plaintiffs Odessa Riley and Maychelle McAtee incorporate the preceding paragraphs as if set forth herein.

64. Each of the defendants breached their respective ministerial duties of reasonable care owed to David McAtee and Maychelle McAtee, with said breaches serving as direct and proximate causes of their injuries and David's death.

65. These violations of ministerial duties include all those set forth previously in this Complaint and actions mandated by LMPD Standard Operating Procedures, which defendants failed to follow, each of which were a substantial factor and direct and proximate cause of damages suffered by David McAtee and Maychelle McAtee.

**Count 4: Trespass to Land**

66. Plaintiffs Odessa Riley and Maychelle McAtee incorporate the preceding paragraphs as if set forth herein.

67. Defendants intentionally entered real property belonging to David McAtee and YaYa's BBQ, without the owners consent.

68. Defendants' conduct caused damage to Plaintiff's property.

**Count 5: Intentional Infliction of Emotional Distress**

69. Plaintiffs Odessa Riley and Maychelle McAtee incorporate the preceding paragraphs as if set forth herein.

70. Defendants' conduct was outrageous, and caused severe emotional distress to Plaintiffs.

**Count 5: Punitive Damages**

71. Defendants conduct was so outrageous as to shock the conscience. Defendants conduct exhibited a reckless disregard for Plaintiffs rights and was grossly negligent, malicious, sadistic, willful, wanton, unnecessary, oppressive, and fraudulent. The Defendants' engaged in this conduct with a flagrant indifference for the value of human life with a subjective awareness that those within the restaurant would be seriously injured or killed. Accordingly, Plaintiffs are entitled to punitive damages.

72. As such, punitive damages are necessary against the Defendants.

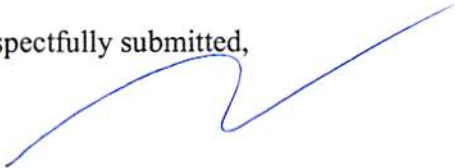
**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests and prays that the Court will:

- a. Preside over a trial by jury of all issues so triable;

- b. Award Plaintiff exemplary, compensatory, and punitive damages against Defendants;
- c. Award reasonable costs, attorneys' fees, and any and all other relief to which Plaintiffs may be entitled.

Respectfully submitted,



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