

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIV. #4  
CASE NO. 23-CI-00804**

**LINDA TRAPP**

**PLAINTIFF**

**vs.**

**FIRST AMENDED COMPLAINT**

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
LEXINGTON POLICE DEPARTMENT**

**DEFENDANTS**

SERVE: Linda Gorton, Mayor  
Lexington-Fayette Urban County Government  
Agent for Process  
200 East Main Street  
Lexington, Kentucky 40507

SERVE: Angela Evans  
Fayette County Attorney  
201 East Main Street, Suite 300  
Lexington, Kentucky 40507

**OFFICER MYLES FOSTER**, in his individual capacity and for ministerial acts and/or discretionary acts performed in bad faith acting in his capacity as a Lexington Police Department Officer

SERVE: Officer Myles Foster  
Lexington Police Department  
150 E. Main Street  
Lexington, Kentucky 40507

**UNKNOWN LEXINGTON POLICE OFFICER** (John Doe 1), in his individual capacity and for ministerial acts and/or discretionary acts performed in bad faith acting in his capacity as a Lexington Police Department Officer.

**SOUTHEASTERN EMERGENCY PHYSICIAN SERVICES, LLC**

SERVE: Corporation Service Company  
421 West Main Street  
Frankfort, KY 40601

**ANDERSON, TIMOTHY K., M.D.**

SERVE: Timothy K. Anderson, M.D.  
1740 Nicholasville Road  
Lexington, Kentucky 40503

**UNIVERSAL PROTECTION SERVICE, LLC  
d/b/a ALLIED UNIVERSAL SECURITY SERVICES**

SERVE: Corporation Service Company  
421 West Main Street  
Frankfort, Kentucky 40601

**Unknown Defendant employee of  
UNIVERSAL PROTECTION SERVICE, LLC  
John Doe 2**

**And John Does 3 through 6  
Unknown Defendants**

\* \* \* \* \*

Comes the Plaintiff, Linda Trapp, by counsel, and for her Complaint against the Defendants, states as follows:

**JURISDICTION AND VENUE**

1. Plaintiff Linda Trapp (“Ms. Trapp”) is and was at all relevant times an adult resident of Lexington, Fayette County, Kentucky.

2. Defendant Lexington Police Department (“LPD”) is and was at all relevant times a branch of local government operating under the merged LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT in Lexington, Fayette County, Kentucky.

3. Defendants Officer Myles Foster and another unknown officer John Doe 1 were at all relevant times sworn police officers employed by LPD. Upon information and belief, these Defendants are residents of Fayette County, Kentucky. Defendant Foster and Officer John Doe 1 are named in their individual capacity and for ministerial acts and/or discretionary acts performed in bad faith acting under color of their authority as employees and/or agents of LPD. Such acts performed by a government employee do not enjoy immunity.

4. Defendant, Southeastern Emergency Physicians, LLC is a foreign professional services corporation registered with the Kentucky Secretary of State with its principal place of business at 265 Brookview Centre Way, Suite 400, Knoxville, Tennessee 37919 and is authorized to do business in the Commonwealth of Kentucky, and at all times relevant herein was doing business in Fayette County Kentucky. Upon information and belief, Defendant, Timothy Anderson, M.D., was an officer, director, shareholder, member, manager, ostensible or actual agent, servant, and/or employee of Southeastern Emergency Physicians, LLC. Defendant, Southeastern Emergency Physicians, LLC may

be served via its registered agent for service of process, Corporation Service Company, 421 West Main Street, Frankfort, Kentucky 40601.

5. Defendant, Southeastern Emergency Physicians, LLC, was doing business in Fayette County, Kentucky and, together with its employees, servants, agents, and ostensible agents are referred to herein as Defendant "Southeastern." At all times pertinent hereto, Southeastern Emergency Physicians, LLC held itself out to the public and to persons such as Plaintiff Ms. Trapp as capable of providing emergency medical, radiologic, and diagnostic care and services, which it in fact provided to Plaintiff as a patient.

6. Defendant Timothy Anderson, M.D. ("Dr. Anderson"), is, and at all times pertinent hereto was, a physician licensed in the Commonwealth of Kentucky and practicing medicine in Fayette County, Kentucky with a business address of 1740 Nicholasville Road, Lexington, Kentucky 40503. At all times pertinent hereto, Defendant Dr. Anderson held himself out to the public and to persons such as Plaintiff as being capable of providing specialized emergency medicine to persons such as Plaintiff. At all times pertinent hereto, Defendant Dr. Anderson provided medical and diagnostic care and services to Plaintiff in Fayette County, Kentucky.

At all times pertinent hereto, Defendant Anderson was acting within the course and scope of his employment and/or agency to provide emergency medical, radiological, diagnostic care and services to Plaintiff.

7. Defendant Southeastern Emergency Physicians, LLC, is vicariously liable for any and all negligent, grossly negligent, and wrongful acts and omissions of its agent and employee Defendant Dr. Anderson.

8. Defendant Universal Protection Service, LLC (d/b/a Allied Universal Security Service) is, and at all times pertinent hereto was, a Kentucky corporation authorized to do business in Kentucky, and in fact was doing business at St. Joseph East Hospital in Fayette County, Kentucky and, together with its employees, servants, agents, and ostensible agents are referred to herein as "Universal."

9. Defendant, John Doe 2, was at all relevant times hereto employed by Universal as a security guard working at St. Joseph East Hospital in Fayette County Kentucky. This Defendant is believed to be a resident of Fayette County, Kentucky.

10. Defendant Universal, is vicariously liable for any and all intentional conduct, negligence, grossly negligent, and wrongful acts and omissions of Defendant John Doe 2.

11. All Defendants are jointly and severally liable for the injuries and damages alleged in this Complaint.

12. Venue is proper in this Court because the events at issue occurred in Fayette County, Kentucky.

13. All amounts claimed herein are in excess of the minimum jurisdictional limits

of this Court.

### FACTS

14. On or about March 10, 2022 at approximately 8:02 p.m. Linda Trapp arrived at St. Joseph East's Emergency Department (the "ED") *via* ambulance after suffering a fall at her residence. Ms. Trapp was seeking treatment for an injury to her head sustained in the fall. Upon arrival Ms. Trapp was triaged by Nurse Wilkerson and other unknown employees of the hospital's ED.

15. Plaintiff spent the next two hours undergoing various tests and medical screening exams including a CT scan of her head. Approximately two hours later Plaintiff was discharged and cleared for release. Prior to being discharged Plaintiff repeatedly asked for a Covid test. Her requests were denied. Plaintiff's residence, the Catholic Action Center, required a negative Covid test for reentry to their facility. Without a negative test evidencing the fact she was not Covid positive, Plaintiff would not be allowed reentry to the Catholic Action Center and would consequently have to sleep outside in the cold. After Plaintiff's requests for a Covid Test were denied, Defendant employees of Universal and/or St. Joseph employees called for police assistance as they believed Plaintiff would refuse to leave.

16. Beginning at approximately 10:04 p.m., as registered by Defendant Foster's Body Worn Camera ("BWC"), Foster entered the room in which Plaintiff was lying in a hospital bed. While Plaintiff laid in the hospital bed Defendant Foster threatened

Plaintiff telling her, *"I will drag you out and throw you out on the sidewalk!"* Before Plaintiff can get out of her bed, Defendant Foster repeats, *"Come on, I will drag you out...you wanna call my bluff, go ahead!"*

Plaintiff cooperated and walked towards the exit. Prior to exiting the ED, while standing near the vestibule, Plaintiff continued to plead for a Covid test. Plaintiff also advised Defendants that she needed her walking cane. At the time Plaintiff was a sixty-one-year-old woman. She had just suffered head trauma from a fall. In addition Ms. Trapp suffers from a degenerative right knee which caused her to rely on the assistance of a cane to walk. Plaintiff again asked for a Covid test. Defendant Foster told Plaintiff, *"It's not that cold tonight you will be alright* (knowing she would have to sleep on the street)." At one point during this exchange while inside the hospital and in the presence of Universal security guards, Defendant Foster pushed Plaintiff to the ground and threatened to take her to jail. Once Plaintiff was allowed to stand up, the following exchange occurred between the two:

Plaintiff: "I will go on my own."

Foster: "You want to go? Alright let's go!"

Plaintiff: "Ya, I will go."

Foster: "We are not touching you. If I touch you again you are going in cuffs...*and you're gonna get hurt because I am gonna put you on the ground."*

After being threatened by Defendant Foster, Plaintiff walks outside under the car port

and begins walking away from the building down the inclined driveway. Defendant Universal's employee John Doe 2 and others were present at all times described herein. Once outside the vestibule, those present were Defendant Foster, the unknown employee/s of Defendant Universal John Doe 2, an unknown LPD Officer John Doe 1, and other employees of Defendant Southern and/or St. Joseph East. These individuals collectively began to humiliate and make fun of Plaintiff. Defendant Foster sarcastically yells, "Bye Bye!" One of medical employees, believed to be a nurse or another unknown employee, waves her hand as if to shoo Plaintiff saying, "Go!...Far!...like Harrodsburg Road!." At this is point, Plaintiff turns and asks "Can I have my (walking) cane please?" as she believes she has left her cane inside. She stands in the same spot, she does not walk back towards the vestibule. One of the female employees of St. Joseph yells, "You don't have a cane Linda!" Defendant Foster then yells to Plaintiff, "Go find a tree branch or something!" One of the several females present joins in the humiliating conduct by repeating the officer's same statement, "Go get you a tree branch!" The individuals and the LPD Officers are laughing and smiling about their concerted behavior towards Plaintiff. Defendant Foster yells to Plaintiff, "They're some good trees over there downtown!"

After a brief exchange between Plaintiff and Defendants about her missing cane, while Plaintiff remains standing in place on the inclined driveway at a distance, Defendant Foster and the other unknown Defendant LPD officer John Doe 1, both walk hurriedly towards Plaintiff. Fearful of the violent threats made previously by



Defendant Foster, and seeing both Defendant Officers walking towards her aggressively, she says, *"Oh no, you are not going to hurt me?!"* Defendant Foster violently grabs Plaintiff's arm and twists it behind her back while forcing her to the ground, face first. LPD Officer John Doe 1 joins in the unnecessarily aggressive "take down." After being forcibly slammed to the ground Plaintiff says, *"Because I wanted my cane you broke my knee!"* At no time did Plaintiff resist or fight either officer. At no time did either officer tell Plaintiff she was under arrest. At no time did either direct Plaintiff to place her arms behind her back. At no time did either Officer direct Plaintiff to lie on the ground.

The Defendant LPD officer's violent conduct caused Plaintiff to suffer serious injuries, including a fractured leg and abrasions to her face and head. After hand cuffing Plaintiff on the ground, Defendant Foster boasts, *"I don't mess around Linda, or whatever your name is, next time you seem me you better not act like this. I don't mess around you understand?!"*

17. Once in handcuffs Defendant Foster advised Plaintiff, *"You shouldn't of resisted."* This statement is false. Plaintiff immediately responded, *"I didn't resist."* Defendant Foster replies, *"when you pull away from an officer when they say you are under arrest it's resisting."* Neither officer told Plaintiff that she was under arrest. This was another false statement by Defendant Foster.

18. Plaintiff is then seated on the pavement in the hospital's driveway with a fractured leg, a bloody face and hand cuffed. Defendant Foster and Defendant John

Doe 1 question aloud whether Plaintiff should return to the ED to be checked out for her new injuries or whether they should call for a LFUCG ambulance. Upon inquiring with the ED employees still present under the carport, the nurses agree to treat Plaintiff and begin to walk towards Plaintiff where she is still cuffed and seated on the ground. The nurses present direct the Defendant LPD Officers to bring Plaintiff back inside St. Joseph East's ED for medical evaluation. One unidentified female present directs the officers, *"bring her back into the bay doors here."* Plaintiff immediately advises the nurses and ED employees present, *"They broke my kneecap* (Plaintiff was complaining of a leg injury, diagnosed subsequently as acute proximal tibia and fibula fractures)."*"* As a result of her fractured leg and the existing degenerative condition of her other leg, Plaintiff was incapable of ambulating on her own. Plaintiff repeatedly vocalized to the St. Joseph nurses and employees present that she could not walk or stand. Despite these pleas in pain and agony, Plaintiff is directed to stand up and walk. Finally, one of the St. Joseph's nurses bring a wheelchair from inside the ED to retrieve Plaintiff whereupon she is taken by wheelchair back inside St. Joseph East's ED.

At this time Plaintiff is once again a patient of Defendants named above for the purpose of medical diagnosis and treatment of her injuries. During this time Plaintiff continues to advise the St. Joseph nurses and employees that she is suffering great pain in her left knee and that she cannot walk. Defendants Foster and another present respond, *"Your knee is fine."* Plaintiff's knee was not "fine" as Officer Foster had fractured

plaintiff's leg moments before as a result of his use of excessive force. While receiving medical care to Plaintiff's facial wound a nurse says to Plaintiff, "*Lord Jesus shut up!*" as she treats her patient's injury on the left side of her face.

19. At this time Plaintiff is in custody. She has reentered the hospital's ED at the the Defendant Officer's request. Plaintiff was now once again a patient of Defendants Southeastern and Dr. Anderson. At approximately 10:13 p.m. Defendant Dr. Anderson approaches Plaintiff to evaluate her injuries. Defendant Anderson, intervening says, "*Let me take a look here.*" Plaintiff immediately pleads for Dr. Anderson to X-ray her left leg. Defendant Anderson spent approximately 19 seconds with Plaintiff as evidenced by the body worn camera video. Plaintiff tells Dr. Anderson she can't walk and pleas for an x-ray. Defendant Anderson replies to Plaintiff, "*You can do that (x-ray) with your doctor at his office.*" Then Defendant turns his back on Plaintiff and walks away. At 10:18 p.m. a nurse tells one of the Defendant LPD officers present that Plaintiff is being discharged for a second time and that she is "cleared for jail."

20. Later Defendant Foster can be heard on the BWC video making false statements about the incident. At approximately 10:20:54 p.m. Defendant Foster falsely states to another officer on the scene, "*she refused to leave and started fighting me.*" This is a false statement. Foster continues to advise the other LPD officer present that "*she got busted up pretty good*" adding, "*she was Man-dropped.*" Indeed, the two Defendant LPD officers fractured Plaintiff's left leg as a result of their excessive and unnecessary use of

force.

21. At approximately 10:28 p.m. a supervisor, possibly a Sargent with Defendant LPD, arrives on the scene. Defendant Foster makes a false report of the incident to this supervisor in an effort to conceal their egregious conduct. Foster falsely reports the incident alleging Plaintiff stated, *"FU I am not leaving ... so I went to arrest her and she started flailing her arms and kicking and stuff so I put her on the ground."* These statements are false. Plaintiff did not say to Defendant Foster, *"FU I am not leaving."* Defendant Foster lied to his supervisor when he said the Plaintiff was *"flailing her arms and kicking and stuff."* These statements were false as evidenced by the BWC video. Defendant Foster continues to make false statements by telling his supervisor that Plaintiff originally presented that evening at St. Joseph with knee pain. This was a false statement and Defendant Foster knew it to be false. This was yet another false statement and attempt to conceal and avoid responsibility for the injuries caused by his excessive use of force on Plaintiff.

This LPD supervising officer can be seen on BWC video at approximately 10:31 p.m. inquiring with Plaintiff about the events and her injuries. Plaintiff tells the LPD officer that she cannot walk and that her *"left knee (leg) is shot."* She tells the supervisor it was a result of the two Defendant LPD officers having thrown her down on the ground face first.

22. Unknown Defendant John Doe 2, an employee of Defendant Universal,

falsely reported the incident to the LPD supervisor at approximately 10:34 p.m. outside the presence of Plaintiff. Defendant John Doe 2 makes numerous false statements to the LPD supervisor. Defendant states that Plaintiff *“refused several times when the officers asked her to leave.”* This was a false statement. Defendant John Doe 2 goes on to falsify the narrative by reporting that Plaintiff got to a certain point and refused to go any further, *“then she tried kicking one of them and it proceeded from there.”* This statement is false.

23. After approximately another 20 minutes Plaintiff was requested to get inside the LPD police van by stepping up and inside the van for the purpose of being transported to the Fayette County Detention Center. Plaintiff continued to plead with the Officers present advising all that Plaintiff’s leg was severely injured, that it had not been x-rayed and that she could not stand up and bear weight on her left leg. Despite continued pleas for help, Plaintiff was forced to enter the van with little assistance. This act was unnecessary and caused extreme pain and agony to Plaintiff.

24. Plaintiff was taken by the LPD to the Fayette County Detention Center (“FCDC”). Upon arrival Plaintiff was screened for her injuries and her overall medical condition. Soon after admission to FCDC Plaintiff’s leg was finally x-rayed and the radiologist noted *“acute proximal tibial/fibula fractures with malalignment.”* Plaintiff was taken by ambulance to UK Hospital whereupon she ultimately received medical treatment including numerous surgeries to address the severe injuries suffered due to Defendants actions. The acts and/or omissions of Defendants were a substantial factor in

causing damages to Plaintiff, Ms. Trapp.

25. Each act or failure of Defendants was a substantial factor in causing damages to Plaintiff Linda Trapp.

**COUNT ONE**  
**NEGLIGENCE OF LPD**

26. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Court.

27. Defendants Foster and Officer John Doe 1 while serving as employees of LPD, owe a duty of reasonable care to the community, including a duty of reasonable care to Plaintiff Linda Trapp.

28. Defendant LUCFG's LPD acting by and through its employees and agents owe a duty of reasonable care to the community, including a duty of reasonable care to Plaintiff Linda Trapp.

29. As described herein, Defendants violated that duty of reasonable care by using their authority as officers to negligently and forcibly detain, batter, assault, harass, threaten, and humiliate Plaintiff Linda Trapp.

30. Defendants' conduct, acts and omissions toward Plaintiff were negligent and were substantial factors in causing Plaintiff's physical and emotional damages.

31. The conduct, actions and omissions of Defendants breached their duty of reasonable care and constituted negligence.

32. Defendants are liable to Plaintiff for her damages in any amount to be

determined by the jury.

**COUNT TWO**  
**FAILURE TO TRAIN AND SUPERVISE**

33. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Court.

34. Defendant LFUCG's Lexington Police Department had a duty to train and supervise their officers in order to keep the communities they serve safe. Defendants failed to train and supervise adequately the two responding officers identified herein.

35. Defendant LFUCG's LPD had a duty to implement and enforce adequate policies, procedures, and standards of practice applicable to their officer employees and agents. Defendants failed to implement and enforce adequate policies, procedures and standards of practice.

36. Defendant LFUCG's LPD either knew or reasonably should have known that Defendants Foster and John Doe 1 did not have the required training necessary to avoid causing injury to the citizens of Fayette County, including Plaintiff.

37. As a direct and proximate result of the foregoing described negligent conduct Defendants breached their duty to Plaintiff and Plaintiff suffered severe and permanent injuries as a result.

**COUNT THREE**  
**ASSAULT AND BATTERY**

38. The preceding allegations of this Complaint are reiterated and incorporated

herein by reference as if fully set forth in this Count.

39. Defendants Foster and Officer John Doe 1's conduct constituted unlawful assault and battery against Plaintiff Linda Trapp and was a substantial factor in causing Plaintiff's damages.

**COUNT FOUR**  
**UNLAWFUL ARREST AND IMPRISONMENT**

40. The proceeding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

41. Defendants' conduct constituted unlawful arrest and imprisonment and was a substantial factor in causing Plaintiff's damages.

42. Defendant Foster and Defendant LPD officer John Doe 1 arrested Plaintiff without warrant or any process of any court and without probable cause to believe that Plaintiff was committing a criminal trespass and/or resisting arrest. However, Defendants did in fact arrest Plaintiff in Fayette County Kentucky and did so forcibly and unlawfully. No reasonable police officer would have concluded at the time of the unlawful arrest that Plaintiff was trespassing under all apparent facts and circumstances.

43. Defendants unlawfully imprisoned the Plaintiff restraining her in handcuffs and transporting her inside a locked police van to the Fayette County Detention Center where she was confined and detained as a result of the false arrest.

**COUNT FIVE**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**AND OUTRAGOUS CONDUCT**



44. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

45. The conduct of the Defendant LPD Officers and Defendant Universal employee John Doe 2 and others constituted the intentional infliction of emotional distress and the tort of outrage. The Defendants' mistreatment, insults, harassment, assaulting, battering, and humiliating conduct caused Plaintiff to be arrested and deprived of competent medical care as well as her freedom. These acts were intentional or reckless and were substantial factors in causing Plaintiff's injuries.

46. This conduct was outrageous and intolerable so as to offend generally the accepted standards of morality and decency. The purpose and intention of these Defendants was to cause emotional distress and the humiliation of Plaintiff.

47. As a result of the foregoing, Plaintiff has suffered severe emotional distress, including anxiety, depression, fear, anger, loss of sleep and apprehension as a direct and proximate cause of Defendants' concerted conduct.

48. The actions of these Defendants were fraudulent, malicious, oppressive and in derogation of the known legal rights of Plaintiff. An award of punitive damages should be made against each and every one of the Defendants to punish them for their wrongful conduct and to make an example of them to deter future wrongful conduct by them and others.

## **COUNT SIX**

## STATUTORY VIOLATIONS

49. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

50. The Defendant Officers' conduct was prohibited by KRS 522.020.

## COUNT SEVEN NEGLIGENCE CLAIMS AGAINST DEFENDANT UNIVERSAL

51. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

52. That at all times material hereto, the Defendants Universal and its agents and employees had a duty of care to protect patients of St. Joseph East's ED, including Plaintiff Ms. Trapp, against the risk of physical harm. That at all times material hereto, the Defendants knew or should have known that Plaintiff was at risk of harm which would lead a reasonably prudent security guard to believe or anticipate injuries to a patient, including Plaintiff. They were under a duty to prevent such conduct. That on the evening referenced above, the Defendants negligently, carelessly, and wrongfully breached their duties of care in failing to prevent the injuries suffered from the assault and battery by the LPD Officers, all while in plain view. Defendant Universal carelessly and wrongfully breached its duties of care owed to Plaintiff, when they failed to protect Plaintiff and thereafter presented false testimony to the LPD supervising officer.

53. That at all times material hereto the Defendant Universal and its agents and

employees owed a duty to Plaintiff to exercise that degree of care and skill of a reasonably prudent and competent security guard and/or security firm charged with the responsibility to protect hospital staff and patients, including Ms. Trapp, from violent assaults. That the actions and omissions of the Defendants demonstrate a violation of their professional duties of care to Plaintiff Ms. Trapp.

**COUNT EIGHT**  
**NEGLIGENT HIRING, TRAINING, SUPERVISION and/or RETENTION**

54. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

55. That at all times material hereto, the Defendant Universal, including their agents, servants and/or employees, had a duty to every other person, including Plaintiff herein, to exercise ordinary care in their activities to prevent any foreseeable injury from occurring to such other person. That at all times material hereto, the Defendant Universal, including their agents, servants and/or employees, had the duty to exercise ordinary care in hiring, training, supervising and/or retaining an employee, including Defendants John Doe 2 and others, so as to not create a foreseeable risk of harm to a third person, including Plaintiff.

56. That at all times material hereto, the Defendant Universal, including their agents, servants and/or employees who were hired, trained, supervised and/or retained, including Defendant John Doe 2, knew, or reasonably should have known that Plaintiff was at risk of harm and it was foreseeable she would be injured.

57. That Universal, by and through their agents, servants, and employees, negligently and carelessly hired Defendant John Doe 2 and others. That Universal, by and through their agents, servants, and employees, negligently and carelessly trained Defendant John Doe 2 and others. That Universal, by and through their agents, servants, and employees, negligently and carelessly supervised Defendant John Doe 2 and others.

58. That Universal, by and through their agents, servants, and employees, negligently and carelessly retained Defendants John Doe 2 and others. That but for Defendant Universal's failure, by and through their agents, servants and employees, to satisfy their duty to hire, train, supervise and/or retain Universal security guards, including John Doe 2 and others, Plaintiff Ms. Trapp would not have been injured.

**COUNT NINE**  
**CIVIL CONSPIRACY BY DEFENDANT FOSTER, LPD JOHN DOE 1**  
**AND UNIVERSAL EMPLOYEE JOHN DOE 2**

59. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

60. The Defendants Foster, LPD Officer John Doe 1 and Universal employee John Doe 2 and others did maliciously, unlawfully conspire, combine, and agree together, between and among themselves, to secrete the assault and battery of Plaintiff and her traumatic injuries from others, including an LPD supervising officer.

61. Defendants conspired to create circumstances whereupon Plaintiff would be falsely arrested and imprisoned after suffering violent injuries to her body and mind. Subsequent to the egregious conduct of Defendants, these individuals conspired to conceal Plaintiff's serious injuries and the circumstances which created same. Further Defendants acted to conceal their responsibility for Plaintiff's injuries by falsely reporting the incident to an LPD supervising officer and others.

62. Each and every wrongful act was done in furtherance of the conspiracy alleged as existing between and among several Defendants, and that by reason of such conspiracy, and of the commission of the named wrongful acts in furtherance and execution thereof, Plaintiff suffered wrongful arrest, imprisonment, emotional injury severe bodily injuries and delayed medical treatment.

63. These tortious acts were done in concert with the other, so as to conduct themselves or provide substantial assistance or encouragement to the other so to conduct themselves or provided substantial assistance to the other in accomplishing the tortious result and their own conduct separately considered, constitutes a breach of duty to the Plaintiff.

**COUNT TEN – NEGLIGENCE FOR *RESPONDEAT SUPERIOR***  
**AGAINST DEFENDANT UNIVERSAL**

64 The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

65. That Universal employee John Doe 2 was an ostensible or actual agent, servant, and/ or employee of Defendant, Universal while Plaintiff was a patient at St. Joseph East Hospital's Emergency Department and the acts or omissions of John Doe 2 were in the course and scope of his employment while performing his duties as a security guard for Universal.

66. Defendant, Universal is liable for the negligent acts and/or omissions of their ostensible or actual agents, servants, and/or employees, including, but not limited to, Defendant, John Doe 2 through the doctrine of *respondeat superior*.

67. Defendant's negligence was a substantial factor in causing or bringing about severe and permanent injury to Plaintiff.

68. As a direct and proximate result of the negligence of Defendant Universal Plaintiff suffered serious, painful, and permanent injuries requin; she incurred necessary; and she suffered great pain, suffering, and mental anguish, all of which exceed the minimum amount required for the jurisdiction of this Court.

**COUNT ELEVEN**  
**MEDICAL NEGLIGENCE**

69. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

70. On the date referenced above Defendants Dr. Anderson and Southeastern were negligent in the performance of medical services provided to Plaintiff, and by and through their actions and omissions to act, such practices deviated from the accepted

standards of care, including, but not limited to, the inadequate performance of emergency medical, diagnostic services and medical treatment which caused Plaintiff significant pain and suffering and physical injury.

71. As a direct and proximate result of the negligence and carelessness of the Defendants, Plaintiff suffered serious, painful, and permanent injuries; she incurred necessary medical expenses; and she suffered great pain, suffering, and mental anguish, all of which exceed the minimum amount required for the jurisdiction of this Court.

**COUNT TWELVE – NEGLIGENCE FOR *RESPONDEAT SUPERIOR***  
**AGAINST SOUTHEASTERN EMERGENCY PHYSICIANS, LLC**

72. The preceding allegations of this Complaint are reiterated and incorporated herein by reference as if fully set forth in this Count.

73. That Dr. Anderson, who was an ostensible or actual agent, servant, and/ or employee of Defendant, Southeastern Emergency Physicians, LLC cared for Plaintiff while she was a patient at St. Joseph East Hospital's Emergency Department and the acts or omissions of Dr. Anderson were in the course and scope of his employment and/or contract with Southeastern Emergency Physicians, LLC,.

74. Defendant, Southeastern Emergency Physicians, LLC, is liable for the negligent acts and/or omissions of their ostensible or actual agents, servants, and/or employees, including, but not limited to, Defendant, Timothy Anderson, M.D. through the doctrine of *respondeat superior*.

75. Defendant's negligence was a substantial factor in causing or bringing about severe and permanent injury to Plaintiff.

76. As a direct and proximate result of the negligence of Defendant Southeastern Emergency Physicians, LLC, Plaintiff suffered serious, painful, and permanent injuries requin; she incurred necessary; and she suffered great pain, suffering, and mental anguish, all of which exceed the minimum amount required for the jurisdiction of this Court.

**WHEREFORE**, Plaintiff, LINDA TRAPP, by counsel, demands judgment against Defendants for such amounts as will fairly and reasonably compensate her for compensatory damages; past and future physical, emotional and psychological harm, punitive damages, for her costs herein including reasonable attorneys' fees; prejudgment and post judgment interest; a trial by jury; and for all other relief to which she may appear properly entitled.

#### **DECLARATION**

Pursuant to KRS 411.167, claimants, by counsel, have reviewed the facts of the case and have consulted with at least one (1) expert qualified pursuant to the Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence who is qualified to give expert testimony as to the standard of care or negligence and who the claimant, by counsel, reasonably believe is knowledgeable in the relevant issues involved in the



particular action, and have concluded on the basis of review and consultation that there is reasonable basis to commence the action.

Respectfully Submitted,

/s/ John E. Reynolds

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