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**COMMONWEALTH OF KENTUCKY  
30th JUDICIAL CIRCUIT  
JEFFERSON COUNTY CIRCUIT COURT**

WHAS

NO: \_\_\_\_\_

**CHRISTIAN LOPES,**

**PLAINTIFF,**

vs.

**LOUISVILLE-JEFFERSON COUNTY  
METRO GOVERNMENT,**

And

**OFFICER BRYAN TROWELL  
INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY AS A CORRECTIONAL  
OFFICER OF LOUISVILLE-JEFFERSON COUNTY METRO  
GOVERNMENT,**

And

**OFFICER BRIAN KENNEY  
INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY AS A CORRECTIONAL  
OFFICER OF LOUISVILLE-JEFFERSON COUNTY METRO  
GOVERNMENT,**

And

**OFFICER ANDRE CARDWELL  
INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY AS A CORRECTIONAL  
OFFICER OF LOUISVILLE-JEFFERSON COUNTY METRO  
GOVERNMENT,**

And

**OFFICER MICHEL RAY  
INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY AS A CORRECTIONAL**

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**OFFICER OF LOUISVILLE-JEFFERSON COUNTY METRO  
GOVERNMENT,**

WHAS

**And**

**LT. COL. JERRY COLLINS  
INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY AS A DIRECTOR OF  
THE LOUISVILLE-JEFFERSON COUNTY METRO  
GOVERNMENT,**

**DEFENDANTS.**

SERVE:

Hon. Craig Greenberg, Mayor  
527 West Jefferson Street  
Louisville, KY 40202

And

Officer Bryan Trowell  
Louisville Metro Department of Corrections  
400 S. Sixth Street  
Louisville, KY 40202

And

Officer Brian Kenney  
Louisville Metro Department of Corrections  
400 S. Sixth Street  
Louisville, KY 40202

And

Officer Andre Cardwell  
Louisville Metro Department of Corrections  
400 S. Sixth Street  
Louisville, KY 40202

And

Officer Michel Ray  
Louisville Metro Department of Corrections  
400 S. Sixth Street

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Louisville, KY 40202

WHAS

And

Lt. Col. Jerry Collins, Director  
Louisville Metro Department of Corrections  
400 S. Sixth Street  
Louisville, KY 40202

And

Hon. Mike O'Connell  
Jefferson County Attorney  
600 West Jefferson Street, 2<sup>nd</sup> Floor  
Louisville, KY 40202

**COMPLAINT**

Comes the Plaintiff, Christian Lopes (hereinafter "Plaintiff" or "Christian Lopes" or "Mr. Lopes"), by and through counsel, for his civil complaint against the above-named defendants, the city of Louisville-Jefferson County Metro Government, (hereinafter "City" or "LJCMG"), Officer Bryan Trowel, Officer Brian Kenney, Officer Andre Cardwell, Officer Michel Ray, and Lt. Col. Jerry Collins, Director of Louisville Metro Department of Corrections, and states as follows:

**JURISDICTION**

1. The Defendant, LJCMG, situated in Jefferson County, is a city in Kentucky which retains the powers of a first class city, and the said city now and at all times mentioned in this Complaint was a municipal corporation organized and is existing under the laws of the Commonwealth of Kentucky. The same said defendant maintains a correctional department,

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the Louisville Metro Department of Corrections (hereinafter "LMDC"). with duly appointed correctional officers pursuant to the mandate laws of the Commonwealth of Kentucky, as amended.

WHAS

- 2. The Plaintiff, Mr. Lopes, resides in Jefferson County, Kentucky, and the cause of action occurred in the same said county. Moreover, the amount in controversy in this action exceeds the minimal jurisdictional limits of this Court.

**VENUE**

- 3. Venue in this action is based on the fact that the Defendants, the City, and its officials and officers, Bryan Trowell, Brian Kenney, Andre Cardwell, Michel Ray, Lt. Col. Jerry Collins, and the City's other employees and officers, at all relevant times complained of herein, operated in Jefferson County, Kentucky, and the causes of action accrued in the same said County.

**PARTIES**

- 4. Plaintiff, Christian Lopes, is a United States Citizen and an individual, and a resident of the City of Louisville, Jefferson County, Kentucky, and was the same said citizen and resident at all times during the events described in this Complaint.
- 5. The Defendant LJCMG, situated in Jefferson County, is a first class city in Kentucky, the said city now, and at all times mentioned in this Complaint was, a municipal corporation organized and existing under the laws of the State of Kentucky, and maintained the LMDC, a correctional facility, with duly appointed officials pursuant to the mandate laws of the Commonwealth of Kentucky, as amended.

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6. Defendant Officer Bryan Trowell (hereinafter “Defendant Trowell” or “Defendant Officer Bryan Trowell” or “Defendant Officer Trowell”) is believed to be a citizen and a resident of Kentucky and was employed as a law enforcement officer with the LJCMG as a correctional officer at the LMDC at all times relevant to the events complained of herein.
7. Defendant Officer Andre Cardwell (hereinafter “Defendant Cardwell” or “Defendant Officer Andre Cardwell” or “Defendant Officer Cardwell”) is believed to be a citizen and a resident of Kentucky and was employed as a law enforcement officer with the LJCMG as a correctional officer at the LMDC at all times relevant to the events complained of herein.
8. Defendant Officer Bryan Trowell (hereinafter “Defendant Trowell” or “Defendant Officer Bryan Trowell” or “Defendant Officer Trowell”) is believed to be a citizen and a resident of Kentucky and was employed as a law enforcement officer with the LJCMG as a correctional officer at the LMDC at all times relevant to the events complained of herein.
9. Defendant Officer Michel Ray (hereinafter “Defendant Ray” or “Defendant Officer Michel Ray” or “Defendant Officer Ray”) is believed to be a citizen and a resident of Kentucky and was employed as a law enforcement officer with the LJCMG as a correctional officer at the LMDC at all times relevant to the events complained of herein.
10. Defendant Lt. Col. Jerry Collins, is the Director of the LMDC, and is referred to herein as “Defendant Director” or “Director Collins” or “Collins” and was at all times relevant to this action a duly appointed correctional officer and the director of the LMDC which is maintained by the Defendant LJCMG. The Said Director was employed by the Defendant LJCMG at all times relevant to this action and said Director is sued in his individual capacity as well as his official capacity.

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11. Defendants Officer Trowell, Officer Kenney, Officer Cardwell, Officer Ray, Director, and City are referred to herein collectively as “Defendants”. The said officers are sued in their individual and official capacity.
12. Defendants Officer Trowell, Officer Kenney, Officer Cardwell, and Officer Ray, are referred to hereinafter collectively as “Defendant Officers”.
13. All acts committed by Defendants were done under the color of the laws of the Commonwealth of Kentucky and under the authority of their position.
14. At all times pertinent hereto, the Defendants committed their acts under the color of state law which deprived Plaintiff Christian Lopes of his rights, privileges and immunities secured by the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States; and under the Commonwealth of Kentucky’s Constitution and common laws in regards to such acts being more specifically stated below herein.

**COMMON FACTUAL ALLEGATIONS**

15. All events complained of herein occurred in Jefferson County, Kentucky.
16. On or about September 1, 2022, Defendant Officers were on duty as correctional officers for LMDC.
17. On the same day, Mr. Lopes was in a court hearing for which a Jefferson County Judge was hearing a motion to revoke Mr. Lopes’s probation time for failure to provide address change and report.
18. The said Judge issued sanctions upon Mr. Lopes for which he was to be placed on Home Incarceration for seven (7) days for the violations.

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19. The LMDC offers Home Incarceration (“HIP”) as an alternative sentencing option for those individuals determined to be eligible by the sentencing court.
20. After being sentenced by the said Judge, Mr. Lopes was transferred to LMDC to be processed for HIP and released to go home and complete the seven (7) day sentences at his residence.
21. While in the booking area of LMDC and waiting to be processed for HIP, Mr. Lopes asked LMDC officials about the process for HIP.
22. After Mr. Lopes asked other LMDC officers questions about the HIP process, Officer Trowell and Officer Cardwell began to approach Mr. Lopes while he was sitting on a bench of chairs in the waiting area.
23. As they approached Mr. Lopes, Mr. Lopes raised from his seat and Officer Trowell grabs his arm and Mr. Lopes pulled away and began to back away from Officer Trowell and Officer Cardwell.
24. While Mr. Lopes was backing away from the said officers, Officer Cardwell rushed Mr. Lopes and wrapped his arms around Mr. Lopes’ torso squeezing and securing control of Mr. Lopes’ body.
25. Officer Cardwell, while securing control of Mr. Lopes’ body, pinned Mr. Lopes between himself and the back of the row of chairs.
26. While Mr. Lopes was being pinned to the back of the row of the chairs in a controlled position, Officer Trowell rushed Mr. Lopes and wrapped his arm around Mr. Lopes’ neck placing Mr. Lopes in a rear neck chokehold, and then he used his body weight and the momentum from him rushing towards Mr. Lopes, and then swung Mr. Lopes to the ground.

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27. The momentum from Officer Trowell's actions brought both Mr. Lopes, Officer Cardwell, and Officer Trowell bodies to the ground. This was all done while Officer Cardwell had already secured Mr. Lopes' body.
28. Once Mr. Lopes' body hit the ground, Officer Ray and Kenney arrived and kneeled down on Mr. Lopes' body and pressed the rest of their body weight on Mr. Lopes pinning Mr. Lopes' arms, legs, and torso between the Defendant Officers bodies and the ground.
29. While being held firmly between the Defendant Officers bodies and the ground to the point that Mr. Lopes was unable to move, Officer Trowell still held Mr. Lopes in the rear neck chokehold causing pain to Mr. Lopes's body.
30. While on the ground, Mr. Lopes heard officers or an officer ordering Officer Trowell multiple time to release Mr. Trowell from the rear neck chokehold.
31. While being pinned down on the ground and totally vulnerable, Defendant Officers with their closed fist and knees took turns and delivered at least eight (8) violent blows to the face and body of Mr. Lopes.
32. The punches were delivered with such a force that, from the impact of the punches, Mr. Lopes' head would move from one direction to another causing physical injury to Mr. Lopes. (*Correctional officer lapel camera, Mp4, at 00:28 (LMDC, September 1, 2022), a copy of which is hereto annexed as Exhibit A.*)).
33. At one point, while Mr. Lopes was being held to the ground by the Defendant Officers, Officer Ray pushed another officer off Mr. Lopes' body clearing the path to Mr. Lopes face, and reposition himself to an optimize position for drawing his full strength and cocking back his arm and closed fist, and punching Mr. Lopes in the face.

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34. Once there was a clear path to Mr. Lopes' face, Officer Ray rapidly repeated the action of drawing his closed fist back and then striking Mr. Lopes in the face at least four (4) times in a very strong and vigorous manner.
35. Once the Defendant Officers were done beating Mr. Lopes, they placed his hands behind his back and hand-cuffed him, and escorted him to a cell.
36. While in the cell, Mr. Lopes inquired as to why the Defendant Officers beat him in such a very strong and vigorous manner.
37. Defendant Officers again rushed and pushed Mr. Lopes, while his hands were still placed behind him in hand-cuffs, to the brick wall, and then they bent him over and threw him head first to the corner of the cell's brick wall.
38. Once his head hit the corner of the cell's brick wall, the Defendant Officers lifted Mr. Lopes' legs off the ground and forced his head to hit the wall again, and then they forced his airborne body from being airborne and slammed him down to the ground.
39. Once Mr. Lopes' body was slammed to the ground, the Defendant Officers then prohibited further movement of Mr. Lopes' limbs thus rendering him more immobile and helpless.
40. As a result of the foregoing actions of the Defendant Officers, Mr. Lopes suffered contusions, soreness, and other physical and mental injuries.
41. As a result of the foregoing actions of the Defendant Officers, Mr. Lopes has been unable to sleep, experienced inhibited sexual desire, physical pain and suffering, has suffered extreme humiliation, embarrassment, loss of enjoyment of life, alienation, and mental anguish for which he now seeks compensatory and punitive damages.

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42. Since the incident in question, Mr. Lopes has been struggling to overcome the aforementioned injuries.
43. At all times during the aforesaid mentioned incident, the Defendants on numerous occasions repeatedly subjected Mr. Lopes to this unwanted extreme humiliation and physical pain, and were able to do so on the basis of their position of authority as LMDC correction officers of the Defendant LJCMG.
44. From at least 2015 to 2022, LMDC has had a custom of excessive force used by its officers against individuals in their custody.
45. The Defendant City has a policy that governs and prohibits excessive force practices and that said policy requires, *along with other actions*, LMDC officers to not engage in the use of excessive force and document and complete Excessive Force Reporting Forms.
46. The Defendant City and Director have knowingly allowed its officers to ignore its own policies against the use of Excessive Force and unnecessary force practices, by not enforcing its own policies that require its officers not to engage in the use of excessive force and unnecessary force on a Metro inmate and to complete and document the the required forms concerning the use of such said force.
47. The Defendant City and Director have knowingly allowed its officers to ignore its own policies against individuals in its care and custody weather that person is an inmate or not.
48. On April 15, 2018, LMDC Corrections Officers were found to have use excessive and unnecessary force on a Metro inmate. (*Lawsuit filed against former corrections officers fired over 'excessive force'*, <https://www.whas11.com/article/news/local/lawsuit-filed-against-former-corrections-officers-fired-over-excessive-force/>)

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417-622120204#:~:text=LOUISVILLE%20(WHAS11)%20%E2%80%93%20A%20lawsuit,were%20fired%20on%20April%202024. (December 09, 2018)).

WHAS

49. On November 27, 2019, LMDC Corrections Officer's actions against a Metro inmate on that day was alleged to have been excessive and an unnecessary use of force against that inmate in a lawsuit brought against the officers by the Metro inmate. (*Lawsuit claims video show 'assault and battery' bay Louisville jail officer*, [https://www.wdrb.com/in-depth/watch-lawsuit-claims-video-shows-assault-and-battery-by-louisville-jail-officer/article\\_78815ff8-34cd-11eb-a27a-63687c7f1203.html](https://www.wdrb.com/in-depth/watch-lawsuit-claims-video-shows-assault-and-battery-by-louisville-jail-officer/article_78815ff8-34cd-11eb-a27a-63687c7f1203.html). (December 02, 2020)).
50. In September of 2020, LMDC Corrections Officers' actions against a Metro inmate on that day was alleged to have been excessive and an unnecessary use of force against that inmate in a lawsuit brought against the officers by the Metro inmate. (*Lawsuit claims video show 'assault and battery' bay Louisville jail officer*, <https://www.whas11.com/article/news/local/metro-corrections-lawsuit-strip-search-darcella-means/417-1cb06430-e601-4cc6-8217-2281832f2584#:~:text=Louisville%20woman%20'embarrassed'%20after%20incident,and%20conducted%20a%20strip%20search.> (November 11, 2021)).
51. On December 15, 2020, LMDC Corrections Officer's actions against a Metro inmate on that day was found to have been excessive and an unnecessary use of force conducted on a Metro inmate. (*Former Louisville Metro Corrections Officer sentenced to three years in prison for use of excessive force*, [https://www.wdrb.com/in-depth/former-louisville-metro-corrections-officer-sentenced-to-three-years-in-prison-for-use-of-excessivearticle\\_e1a90114-9cf1-11eda765-57c3c6589e95.html#:~:text=Semi%2DTransparen](https://www.wdrb.com/in-depth/former-louisville-metro-corrections-officer-sentenced-to-three-years-in-prison-for-use-of-excessivearticle_e1a90114-9cf1-11eda765-57c3c6589e95.html#:~:text=Semi%2DTransparen)

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t-,Former%20Louisville%20Metro%20Corrections%20officer%20sentenced%20to%20three  
%20years%20in,rights%20under%20color%20of%20law. (January 25, 2023)).

WHAS

52. On March 17, 2022, LMDC Corrections Officers' actions against a Metro inmate on that day was found to have been excessive and an unnecessary force used on the Metro inmate.

*(LMDC: Officers allegedly pull inmate through his own urine, <https://www.wave3.com/2022/03/21/lmdc-officers-allegedly-pull-inmate-through-his-own-urine/> (March 21, 2022)).*

53. On August 12, 2022, a report by a firm for which the Defendant LJCMG hired an expert to investigate the LMDC issued its findings concluding in relevant part LMDC is an outdated, poorly designed facility where bad management, substandard practices and a "disturbing" tolerance of poor performance and misconduct by staff have created safety risks for the people incarcerated there. The said report also concluded that the customs and practices regarding the use of force and restraints are dangerous and creating significant liability exposure, especially if there was a civil Monell claim; poor policy, training and supervision are the trifecta of failures and to one degree or another, all appear to be concerns in the LMDC. In the recent death reviews, there was a clear instance of unreasonable force that drew no attention from any ranking officers; additionally, there were poor restraint practices that led to unnecessary force; and that supervisors overlooked these and there is no tracking or system to review these incidents. (Report from Gary Raney, President, to General Counsel Annale Taylor, Chief Matt Golden, Deputy Chief Ron Heady and City of Louisville, G\*A\*R, Inc. Justice Consulting, (August 12, 2022), a copy of which is hereto annexed as Exhibit B.))

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**FIRST CAUSE OF ACTION**

## COUNT I

WHAS

Monell-Related Cause of Action

(Constitutional Violations Under 42 U.S.C.A. § 1983)

54. Plaintiff re-allege and incorporate by reference, as though fully set forth here, each and every allegation set forth in the above Paragraphs.

55. It is the custom, practice and policy of correctional law enforcement officers and/or their supervisors/agents and/or other employees of the Defendant City's correctional facility department, LMDC, to perform the following acts and/or omissions in connection with the use of force and/or unreasonable use of force conducted upon individuals in its care and/or custody— by:

- (i) Performing excessive and unnecessary use of force upon LMDC's inmates;
- (ii) Fabricating evidence to support the findings of their alleged stated reasonableness of the force used against LMDC's inmates;
- (iii) Failing to document required reports of the use of force as required by LMDC policies;
- (iv) Generate documentation to cover-up for unlawful usage of excessive and unnecessary force against inmates;
- (v) Supervisory individuals from the Defendant City fail to properly discipline officers from the LMDC that have committed acts of excessive and unnecessary force against LMDC's inmates;

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(vi) Supervisory individuals from Defendant City fail to properly investigate complaints of misconduct perpetrated by the Defendant City’s LMDC officers against Metro inmates;

WHAS

(vii) Supervisory individuals from Defendant City “Rubber Stamped” investigations of matters involving excessive and unnecessary force against LMDC's inmates and the misconduct of its officers in the said acts; and

(viii) Supervisory individuals from Defendant City “Rubber Stamped” and/or ignored investigations of matters resulting from its officers involvement in excessive and unnecessary force against LMDC's inmates and the following misconduct of its officers in reporting such acts.

56. A code of silence exists, between the officers of the Defendant City’s correctional department so as to obstruct the legal process (preventing the free flow of honest information with regard to use of excessive and unnecessary force against LMDC's inmates and other acts of misconduct by its officers).

57. The Defendants, City and Director “Rubber Stamped” the practices and/or customs, as alleged above, by acquiescing to the said customs and practices of the officers and refusing and/or ignoring to conduct proper investigations into the alleged misconduct of its officers accused of excessive and unnecessary force against LMDC's inmates.

58. Defendant Director, has acted with deliberate indifference and reckless disregard by failing to properly insure that the wrongful conduct of his staff is properly investigated and disciplined for committing excessive and unnecessary force against and towards others.

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59. Defendant City is a duly incorporated municipal corporation and is the employer and principal of the Defendants Director as well as the other officers referred to in this Complaint, as indicated in the Monell claim alleged here.

WHAS

60. At all times material to this Complaint, Defendants Officers and the Director were acting under color of state law, ordinance and/or regulation, statutes, custom and usages of the Defendant City.

61. The custom, practice and policy of excessive and unnecessary force against Mr. Lopes, as alleged above herein, was the moving force of the violation of his federally protected rights as stated herein this Complaint.

62. As a direct and proximate result of said acts, indifference, custom, and policy established by Defendants City and Director, and the actions of the Defendant Officers, Mr. Lopes has suffered and will continue to suffer humiliation, shame, despair, anxiety, embarrassment, depression, physical and mental pain, anguish, and injury to his reputation, all to Mr. Lopes' damages in an amount to be proven at time of trial.

**SECOND CAUSE OF ACTION**  
**COUNT II**  
**VIOLATIONS OF 42 U.S.C. § 1983**

63. Plaintiff re-allege and incorporate by reference, as though fully set forth here, each and every allegation set forth in the above Paragraphs.

64. Defendant Officers, while acting under the color of law, and acting in their official capacity and within the scope of their employment as LMDC correction officers for the Louisville/ Jefferson County Metro Government committed acts as alleged above, which deprived Mr. Lopes of his rights, privileges and immunities secured by the Fourth, Eighth, and Fourteenth

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Amendments to the United States Constitution, and/or other applicable provisions of the United States Constitution, federal laws, and/or state law rights or privileges found in Kentucky's constitution and tort laws.

WHAS

65. Those deprivations included, but may not be limited to deliberate indifference to Mr. Lopes' right to privacy, his right to personal integrity, his right to be free from unwanted and unreasonable physical contact, his right to be free from improper and unreasonable searches and seizures, his right to be free from unwanted intrusion upon his person, his right to be free from physical assault and battery, his right to be free from excessive force, his right to be free from unwanted humiliation, his right to be free from cruel and unusual punishment, and his right to substantive and procedural due process.
66. As a direct and proximate result of the Defendants' violation of Mr. Lopes' civil and constitutional rights as stated above, Mr. Lopes has suffered and incurred consequential, actual and compensatory damages.
67. Defendants' violation of Mr. Lopes' clearly established civil and constitutional rights as stated above were a substantial factor in causing Mr. Lopes to suffer pain of body and mind, physical and mental injuries, medical expenses, past and future, and the impairment of his ability to earn money in the future.
68. The Defendants acted intentionally, maliciously and/or with reckless disregard or callous indifference in violation of the rights of Mr. Lopes and are liable for damages.

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**THRID CAUSE OF ACTION  
COUNT III**

WHAS

(Constitutional Violations Under 42 U.S.C.A. § 1983)  
Failure to Train and Supervise Under 42 U.S.C.A. § 1983

- 69. Plaintiff re-allege and incorporate by reference, as though fully set forth here, each and every allegation set forth in the above Paragraphs.
- 70. The Defendants City and Director, acting under the color of state law and through its Correctional Department’s (LMDC) employees, agents, and/or representatives, intentionally and knowingly ignored its own policies and turned a blind eye to acts of excessive force and unreasonable force committed by its officers upon individuals in its care, and as such violated Mr. Lopes’ constitutional rights.
- 71. Out of deliberate indifference and/or unofficial custom and policy, said Defendants failed to adequately train and/or supervise the correctional officers as to the use of force laws and what constitutes unlawful use of fore conduct.
- 72. As a result, Mr. Lopes was physically beaten without probable cause, nor for any reasons or are acts that legitimates such an act committed by the Defendant Officers.
- 73. Said Defendants knew and/or should have known, trained, and instructed its employees, agents, and/or representatives to be aware that the act of excessive force and unreasonable force.
- 74. As a direct and proximate result of the said acts, indifference, custom, and policy established by Defendants City and Director, and the unlawful acts of the Defendant Officers, Mr. Lopes has suffered and will continue to suffer humiliation, shame, despair, anxiety, embarrassment,

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depression, mental pain, anguish, and injury to his reputation, and physical pain and suffering, all to Mr. Lopes' said damages in an amount to be proven at time of trial.

WHAS

75. Defendant Officers, while acting under the color of law, and acting in their official capacity and within the scope of their employment as LMDC correction officers for the Louisville/ Jefferson County Metro Government committed acts as alleged above, which deprived Mr. Lopes of his rights, privileges and immunities secured by the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, and/or other applicable provisions of the United States Constitution, federal laws, and/or state law rights or privileges found in Kentucky's constitution and tort laws.

76. Those deprivations included, but may not be limited to deliberate indifference to Mr. Lopes' right to privacy, his right to personal integrity, his right to be free from unwanted and unreasonable physical contact, his right to be free from mental and physical pain and suffering, his right to be free from unwanted intrusion upon his person, his right to be free from physical assault and battery, his right to be free from excessive force, his right to be free from unwanted humiliation, his right to be free from cruel and unusual punishment, and his right to substantive and procedural due process.

77. As a direct and proximate result of the Defendants' violation of Mr. Lopes' civil and constitutional rights as stated above, Mr. Lopes has suffered and incurred consequential, actual and compensatory damages.

78. Defendants' violation of Mr. Lopes' clearly established civil and constitutional rights as stated above were a substantial factor in causing Mr. Lopes to suffer pain of body and mind,

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physical and mental injuries, medical expenses, past and future, and the impairment of his ability to earn money in the future.

WHAS

79. The Defendants acted intentionally, maliciously and/or with reckless disregard or callous indifference in violation of the rights of Mr. Lopes and are liable for damages.

**FOURTH CAUSE OF ACTION  
COUNT IV**

**Negligent Supervision and Training Under Kentucky State Law  
(Against Defendant Director)**

80. Plaintiff re-allege and incorporate by reference, as though fully set forth here, each and every allegation set forth in the above Paragraphs.

81. The defendant Director was the director of the correctional department (“LMDC”) and is responsible for the training and/or supervising of the correctional officers hired and employed by the Defendant City.

82. As the Director, the said defendant had a duty to exercise reasonable care in the hiring, retention, and supervision of individuals who, because of their employment, may pose a threat of injury to members of the public.

83. The said Defendant breached his duty in the negligent and reckless supervision and training of Defendant Officers as it relates to the misconduct alleged herein this Complaint.

84. The said defendant knew, or in the exercise of ordinary care should have known, of the incompetence, unfitness, and dangerous characteristics of the Defendant Officers.

85. The incompetence and unfitness of the Defendant Officers caused damages to Mr. Lopes.

86. The Defendant Director’s negligence was a proximate cause of Mr. Lopes’ injuries.

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87. As a direct and proximate result of the said acts, indifference, custom, and policy established by the defendants the City and Director, and the unlawful acts of the Defendant Officers, Mr. Lopes has suffered and will continue to suffer humiliation, shame, despair, anxiety, embarrassment, depression, mental and physical pain and suffering, anguish, and injury to his reputation, all to Mr. Lopes' damages in an amount to be proven at time of trial.

WHAS

**FIFTH CAUSE OF ACTION**

**COUNT V**

Negligence Under Kentucky State Law  
(Against Defendant Director)

88. Plaintiff re-allege and incorporate by reference, as though fully set forth here, each and every allegation set forth in the above Paragraphs.

89. Defendants Officers, and the Director owed a duty of care to Mr. Lopes to follow the proper law enforcement policies, correctional enforcement policies, procedures, and techniques, and to act as reasonable law enforcement or correctional law enforcement officer would act under the same circumstances to ensure Mr. Lopes' rights are not infringed upon.

90. Defendants Director and the Defendant Officers breached this duty of care by:

- (a) Failing to follow standard law enforcement procedures; and/or
- (b) In the alternative, without waiving the foregoing, failing to act as reasonable law enforcement officers or correctional law enforcement officer would and should have under the same or similar circumstances.

91. The Defendant Director and the Defendant City owed a duty of care to hire, train, and supervise their subordinates that were present during and/or whom participating in the excessive force and/or unreasonable force used against Mr. Lopes, and the said defendants

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owed the same duty of care to take steps to prevent events such as what has occurred as stated herein this Complaint.

WHAS

92. Mr. Lopes suffered damages as a result of the injury inflicted by the aforementioned breach of duty by the Defendants, in which that breach of duty was the actual and proximate cause of the injuries Mr. Lopes sustained and from which he continues to suffer.

93. In addition and in the alternative, the said Defendants' breach of duty as above described, was so egregious that it rises to the level of gross negligence and supports an award of punitive as well as compensatory damages.

94. As a direct and proximate result of the said acts, indifference, custom, and policy established by the Defendant City and the Director, and the unlawful acts of the Defendant Officers, Mr. Lopes has suffered and will continue to suffer humiliation, shame, despair, anxiety, embarrassment, depression, mental pain and physical pain and suffering, anguish, and injury to his reputation, all to Mr. Lopes' damages in an amount to be proven at time of trial.

**SIXTH CAUSE OF ACTION  
COUNT XI  
KENTUCKY ASSAULT AND BATTERY**

95. Plaintiff re-allege and incorporate by reference, as though fully set forth here, each and every allegation set forth in the above Paragraphs.

96. Defendants Officers intentionally and maliciously directed the use of unlawful force at Mr. Lopes that resulted in each such circumstances a well-founded fear of immediate peril or harm in Mr. Lopes' mind and caused physical harm to his body.

97. Further, each instance of contact between the Defendant Officers and Mr. Lopes amounted to an unwanted physical touching and/or battery.

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98. The Defendant Officers actions in each instance constitute assault and/or battery.

99. Defendant Officers' violation of Mr. Lopes' clearly established civil rights and of his rights under Kentucky law as stated herein were a substantial factor in causing Mr. Lopes to suffer physical pain.

100. The Defendants acted intentionally, maliciously, and/or with reckless disregard and/or callous indifference in violation of the rights of Mr. Lopes and are liable for damages.

### VI. PRAYER FOR RELIEF

**WHEREFORE**, Plaintiff, Christian Lopes, by Counsel, demands jointly and severally judgment against the Defendants in amounts considered fair and reasonable by the jury based upon the evidence and for the following:

1. Compensatory damages for medical costs and pain and suffering, and for psychotherapy and psychological anguish and pain and suffering, in amounts as will be shown and proven at trial for the violation of his civil rights, the assault and battery committed upon the Plaintiff and all the other claims asserted by the Plaintiff herein;
2. Punitive damages for the Defendants' conduct;
3. His past, present and future physical, mental and emotional pain, suffering and humiliation;
4. His impairment to labor and earn money in the future;
5. Medical expenses, past and future;
6. Reimbursement for fees and other consequential expenses;
7. Reasonable attorney fees pursuant to 42 U.S.C. § 1988;
8. All costs herein incurred;
9. TRIAL BY JURY on all issues so triable; and,

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10. Any and all other relief to which Plaintiff may appear entitled, including leave to amend this Complaint.

WHAS

Dated: August 28, 2023.

Respectfully submitted,

/s/ Shaun A. Wimberly, Sr.

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