



COMMONWEALTH OF KENTUCKY
OFFICE OF THE COUNTY ATTORNEY

Fred M. Busroe, Jr.
County Attorney

P.O. Box 1440
Harlan, Kentucky 40831

Telephone (606) 573-1794
Fax (606) 573-5818

July 15, 2010

Mr. John Sparks
Kentucky Association of Counties
P.O. Box 991009
Louisville, KY 40269-1009

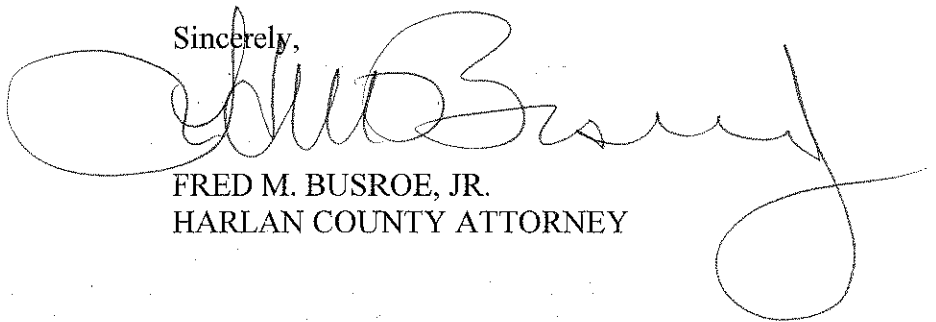
Mr. Larry J. Crigler., Esq.
Kentucky Association of Counties
400 Englewood Dr.
Frankfort, KY 40601

RE: Estate of Paul Browning v Sheriff Steve Duff et. al.

Dear Sirs:

This letter is to serve as confirmation that I, Fred Busroe, Jr., was informed of the attached Complaint by the Harlan County Sheriff, Marvin J. Lipfird. I am under the impression that the answer will be filed on behalf of the County of Harlan by KACO. Please advise if I need to do anything else.

Sincerely,



FRED M. BUSROE, JR.
HARLAN COUNTY ATTORNEY

FMB/tdn
enclosure

JUL 19 2010

COMMONWEALTH OF KENTUCKY
26TH JUDICIAL CIRCUIT
HARLAN CIRCUIT COURT
CIVIL ACTION NO. 10-CZ-00445

JAYNE BROWNING, individually and as
Administratrix of THE ESTATE OF PAUL BROWNING, JR. PLAINTIFF

VERIFIED COMPLAINT

HARLAN COUNTY, STEVE S. DUFF, individually
and in his official capacity as HARLAN COUNTY SHERIFF, and

ROGER DEAN HALL, individually
and in his official capacity as Harlan County Deputy Sheriff DEFENDANTS

SERVE:

Steve S. Duff
PO Box 388
Evarts, KY 40828-0388

Joe Greishop, Harlan County Judge Executive
PO Box 956
Harlan, KY 40831-0956

Roger Dean Hall – No.: 232950
Roederer Correctional Complex
PO Box 69
LaGrange, KY 40031

Sheriff Marvin J. Lipford
PO Box 978
Harlan, KY 40831-0978

* * * *

Comes now the Plaintiff, Jayne Browning, by and through undersigned counsel and for
her cause of action against the above-named Defendants herein states as follows:

GENERAL

1. The Plaintiff, Jayne Browning, is a resident of Harlan County, Kentucky and
the wife of the late Paul Browning, Jr.

2. Jayne Browning was duly appointed Administratrix of the Estate of Paul

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Browning, Jr. by order of the Harlan District Court, Civil Action No. 02-P-00112 entered June 10, 2002.

3. That, at all times relevant hereto, the Defendant, Steve Duff, was Sheriff of Harlan County, Kentucky and that Harlan County is liable for the actions of its sheriff.

4. That, at all times relevant hereto, the Defendant, Roger Dean Hall, was employed by Defendant, Steve Duff, in his capacity as Sheriff of Harlan County, Kentucky and acting within the course and scope of his employment.

5. Jurisdiction and venue are proper.

6. That on or about February 25, 2002 through March 22, 2002, Paul Browning, Jr. was a candidate for the office of Harlan County Sheriff and the political opponent of Defendant, Steve Duff.

7. That on or about February 25, 2002 through March 22, 2002, Defendant, Roger Dean Hall, planned and caused the injuries to and wrongful death of Paul Browning.

COUNT I

8. The Plaintiffs incorporate into this Count, by reference, all prior allegations in this Complaint.

9. That the Defendant, Steve Duff, negligently hired, trained and supervised Defendant, Roger Dean Hall, and that said negligence was a direct proximate cause of the injuries to and wrongful death of Paul Browning, Jr. and all damages set forth herein.

COUNT II

10. The Plaintiffs incorporate into this Count, by reference, all prior allegations

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in this Complaint.

11. That the Defendant, Steve Duff, was grossly negligent in his hiring, training and supervision of Defendant, Roger Dean Hall, and that said gross negligence was a direct proximate cause of the injuries to and wrongful death of Paul Browning, Jr. and all damages set forth herein so as to warrant an additional award of punitive damages.

COUNT III

12. The Plaintiffs incorporate into this Count, by reference, all prior allegations in this Complaint.

13. That the Defendant, Steve Duff, wantonly or recklessly or intentionally planned and directed Defendant, Roger Dean Hall, to cause the injuries to and wrongful death of Paul Browning, Jr. and all damages set forth herein so as to warrant an additional award of punitive damages.

COUNT IV

14. The Plaintiffs incorporate into this Count, by reference, all prior allegations in this Complaint.

15. That the Defendant, Roger Dean Hall, wantonly or recklessly or intentionally planned, directed and caused the injuries to and wrongful death of Paul Browning, Jr. and all damages set forth herein so as to warrant an additional award of punitive damages.

COUNT V

16. The Plaintiffs incorporate into this Count, by reference, all prior allegations

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in this Complaint.

17. The actions of the Defendants constitute a violation of 42 U.S.C. Section 1983 and the Section 1 of the 14th Amendment to the Constitution of the United States of America.

DAMAGES

18. As a direct and proximate result of one or more of the foregoing, Paul Browning, Jr., sustained the loss of life, loss of enjoyment of life, serious physical, mental and emotional injuries, pain and suffering, which resulted in his wrongful death, incurred medical, funeral and burial expenses, lost wages and had his power to earn money destroyed.

19. As a direct and proximate result of the acts of the Defendants set forth herein, Plaintiff, Jayne Browning, has been deprived of the companionship, love and affection of her late husband, Paul Browning.

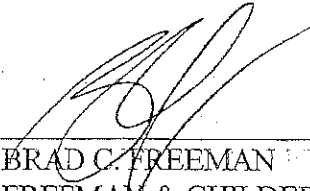
20. The Plaintiffs have been damaged in an amount in excess of the jurisdictional minimums of this Court.

WHEREFORE, the Plaintiff demands damages as follows:

1. Damages for mental and physical pain and suffering;
2. Damages for medical, funeral and burial expenses;
3. Damages for lost wages;
4. Damages for the destruction of the power to earn;
5. Damages for pre-injury fright;

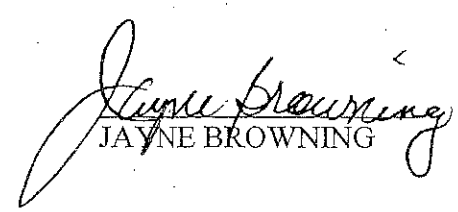
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6. Damages for loss of companionship, love and affection;
7. Damages for loss of life;
8. Damages for loss of enjoyment of life;
9. Trial by jury; and
10. Any and all other relief to which Plaintiff may appear entitled.


BRAD C. FREEMAN
FREEMAN & CHILDERS
201 S. Main Street
P.O. Box 1546
Corbin, Kentucky 40702-1546
Phone: (606) 528-1000
Fax: (606) 528-9000

VERIFICATION

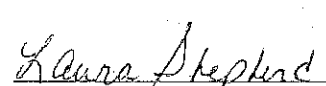
Plaintiff affirms that the foregoing statements are true and correct to the best of her knowledge and belief.


JAYNE BROWNING

STATE OF KENTUCKY
COUNTY OF Warren

Subscribed and sworn to before me by JAYNE BROWNING, on this the 19 day of

June, 2010.


Notary Public, State at Large
My commission expires: 9/7/2010

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AOC-105 Doc. Code: CI
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Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
CR 4.02; CR Official Form 1



CIVIL SUMMONS

Case No. 10-CI-00445
Court ☒ Circuit ☐ District
County Harlan

PLAINTIFF

Jayne Browning, et al.

VS.

DEFENDANT

Sheriff Marvin J. Lipford

Service of Process Agent for Defendant:

Sheriff Marvin J. Lipford

P.O. Box 978

Harlan

Kentucky

40831

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within 20 days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

Date: 7-12, 2010

By:

R. J. Williams
Quilley

Clerk

D.C.

Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document) to:

this ____ day of _____, 20____.

Served by: _____

Title

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