

11CI04160

AOC-105 Doc. Code: CI
Rev. 1-07
Page 1 of 1
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
CR 4.02; CR Official Form 1



CIVIL SUMMONS

Case No. _____
Court Circuit District
County **JEFFERSON**
JEFFERSON CIRCUIT COURT
DIVISION TWELVE (12)

PLAINTIFF

Jacob Eberle
By His Parents & Guardians
John Eberle & Jennifer Eberle

FILED IN CLERKS OFFICE
DAVID L. NICHOLSON, CLERK

JUN 16 2011

VS.

By _____
DEPUTY CLERK

DEFENDANT

Michael Ray Bishop
8000 Hall Farm Drive
Louisville, KY 40291

Service of Process Agent for Defendant:

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: _____, 2 _____ Clerk

By: _____ 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 _____, 2 _____.

Served by: _____

Title

NO. **11CI04160**

JEFFERSON CIRCUIT COURT

JEFFERSON CIRCUIT COURT
DIVISION TWELVE (12)

JACOB EBERLE
BY HIS PARENTS & GUARDIANS
JOHN EBERLE & JENNIFER EBERLE

FILED IN CLERKS OFFICE
DAVID L. NICHOLSON, CLERK

PLAINTIFFS

JUN 16 2011

By _____
DEPUTY CLERK

VS.

COMPLAINT

MICHAEL RAY BISHOP
8000 HALL FARM DRIVE
LOUISVILLE, KENTUCKY 40291

DEFENDANT

*** **

Come now the plaintiffs, by counsel, who state as follows for the complaint against the defendant on behalf of their minor son, Jacob Eberle:

JURISDICTION

1. All events complained of occurred in Jefferson County, Kentucky.
2. This Court is vested with subject matter jurisdiction. The amount in controversy exceeds the minimal jurisdictional amount for each plaintiff.
3. Personal jurisdiction may be asserted over the defendant. Venue is proper in this Court.

PARTIES

4. The plaintiff, Jacob Eberle, is a minor who resides in Jefferson County, Kentucky. This action is brought by Jacob Eberle's parents and guardians, John Eberle and Jennifer Eberle.
5. The plaintiffs assert that the defendant is a resident of Jefferson County, Kentucky by information and belief.

FACTUAL BACKGROUND

6. On Monday, June 13, 2011, the defendant, without justification or cause, pointed a shotgun at the plaintiff, Jacob Eberle, and fired the shotgun as the plaintiff was running away from the defendant. The plaintiff was hit by the shotgun blast in his back, neck and right arm, causing permanent and painful physical injuries; mental suffering; disfigurement and medical expense. The plaintiff will continue to suffer physical and mental pain and suffering in the future. The plaintiff has suffered permanent disfigurement and scarring. The plaintiff has incurred past medical expense and will incur medical expense in the future. The plaintiff will suffer permanent impairment.

COUNT I TORT OF ASSAULT

7. The defendant committed the tort of assault against the plaintiff by acting and intending to cause harmful or offensive contact with the plaintiff and created an imminent apprehension of such harmful or offensive contact in the plaintiff. The plaintiff is entitled to collect monetary damages from the defendant for the assault committed by the defendant for the damages mentioned in paragraph six. Further, the plaintiff is entitled to punitive damages from the defendant to punish the defendant for his outrageous conduct and deter him and others like him from similar conduct in the future. The defendant's conduct described above is outrageous due to evil motive and reckless indifference to the rights of the plaintiff and children in the immediate area.

**COUNT II
TORT OF BATTERY**

8. The defendant committed the tort of battery upon the plaintiff. The defendant intended to cause harmful or offensive contact with the plaintiff and/or an imminent apprehension of such contact; and, harmful contact with the plaintiff resulted. The plaintiff is entitled to collect monetary damages from the defendant for the battery committed by the defendant for the damages mentioned in paragraph six. Further, the plaintiff is entitled to punitive damages from the defendant to punish the defendant for his outrageous conduct and deter him and others like him from similar conduct in the future. The defendant's conduct described above is outrageous due to evil motive and reckless indifference to the rights of the plaintiff and children in the immediate area.

**COUNT III
NEGLIGENCE**

9. The plaintiff pleads negligence in the alternative on information and belief. The defendant was negligent in his handling of a firearm and owed a duty of care to the plaintiff to use ordinary care in handling his weapon. The defendant breached the duty of care owed to the plaintiff when the shotgun fired, striking the plaintiff. This conduct was negligent, grossly negligent and/or reckless. The defendant's negligence, gross negligence and/or recklessness was the sole and proximate cause of the plaintiff's injuries and damages described above. The plaintiff is entitled to collect monetary damages from the defendant for his damages.

WHEREFORE, the plaintiffs demands the following relief for Jacob Eberle:

- a. Judgment against the defendant;

b. An award of monetary damages for Jacob Eberle's medical expenses, future medical expenses, past and future physical and mental pain and suffering, and his permanent impairment and disfigurement;

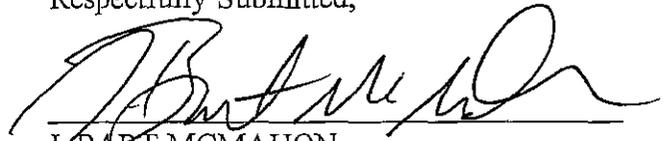
c. An award of punitive damages;

d. Trial by jury;

e. Costs herein expended;

f. Any other relief to which the plaintiff may be entitled.

Respectfully Submitted,



J. BART MCMAHON
KEVIN D. JAGGERS
MARK HALL
COUNSEL FOR PLAINTIFFS
119 South Seventh Street
Fourth Floor
Louisville, Kentucky 40202
(502) 589-4713
(502) 584-0656—fax

11CI04160

NO. _____

JEFFERSON CIRCUIT COURT

**JEFFERSON CIRCUIT COURT
DIVISION TWELVE (12)**

**FILED IN CLERKS OFFICE
DAVID L. NICHOLSON, CLERK**

JUN 16 2011

**JACOB EBERLE
BY HIS PARENTS & GUARDIANS
JOHN EBERLE & JENNIFER EBERLE**

PLAINTIFFS

By _____
DEPUTY CLERK

VS.

**REQUEST FOR
PRODUCTION**

**MICHAEL RAY BISHOP
8000 HALL FARM DRIVE
LOUISVILLE, KENTUCKY 40291**

DEFENDANT

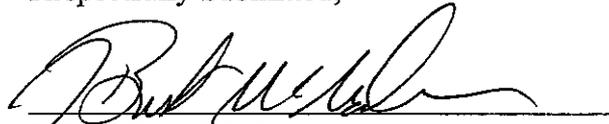
*** **

Come now the plaintiffs, by counsel, who propound the following request for production of documents & tangible things, to be answered within 45 days of service hereof:

REQUEST NO. 1: Please request for inspection and copying a certified copy of any and all insurance policies, including declarations pages, that may provide indemnity for the matters contained in the plaintiffs' complaint.

RESPONSE:

Respectfully Submitted,



**J. BART MCMAHON
KEVIN D. JAGGERS
MARK HALL
COUNSEL FOR PLAINTIFFS
119 South Seventh Street
Fourth Floor
Louisville, Kentucky 40202
(502) 589-4713
(502) 584-0656—fax**