

COMMONWEALTH OF KENTUCKY
BULLITT CIRCUIT COURT
DIVISION _____
CASE NO. _____

MISTY WARREN

PLAINTIFF

vs.

COMPLAINT
ELECTRONICALLY FILED

WHITNEY CAMPBELL
226 Oakrun Drive
Mt. Washington, Kentucky 40047

DEFENDANT

** ** * ** *

Comes now the Plaintiff, Misty Warren, by and through her counsel, and for her Complaint against Defendant Whitney Campbell states as follows:

1. Plaintiff, Misty Warren, is and was, at all times relevant herein, a resident of Bullitt County, Commonwealth of Kentucky.

2. Defendant, Whitney Campbell, to the best of Plaintiff's belief and information, was at all times relevant herein a resident of Bullitt County, Commonwealth of Kentucky, residing at 226 Oakrun Drive, Mt. Washington, Kentucky 40047.

3. On April 27, 2019 Defendant Whitney Campbell owned a black and white pitbull-type dog named "Melo" which lived with Defendant at 226 Oakrun Drive, Mt. Washington, Kentucky 40047.

4. The facts giving rise to this cause of action occurred in Bullitt County, Commonwealth of Kentucky.

5. The allegations contained in paragraphs 1 through 4 are hereby

incorporated by reference, as though fully recited, into Counts I and II herein.

COUNT I: NEGLIGENCE OF WHITNEY CAMPBELL

6. On April 27, 2019 Plaintiff was walking her dog in the road in front of 226 Oakrun Drive, Mt. Washington, Bullitt County, Kentucky.

7. At the same time and location, Defendant Campbell's dog, Melo, was unleashed and ran from Defendant's yard into the road where he bit Plaintiff on her right lower leg.

8. Defendant Whitney Campbell has a duty to the general public and Plaintiff as a member of the general public to keep her dog under restrained and in a safe and reasonable manner, under her control and in compliance with Bullitt Co. Ordinance 17-11 *et seq.*

9. Defendant Campbell's breached her duty to Plaintiff by permitting her dog to roam at large and off leash on April 27, 2019.

10. As a direct and proximate result of Defendant's foregoing negligence and carelessness, Plaintiff Misty Warren sustained severe and permanent bodily injury; has incurred and will continue to incur medical bills and expenses; has lost wages; and has suffered and will continue to suffer pain, suffering, mental anguish and inconvenience.

11. Plaintiff Misty Warren has incurred damages in an amount that exceeds the jurisdictional minimum of this Court.

COUNT II: STRICT LIABILITY

12. Plaintiff realleges and reaffirms the previous allegations heretofore set out and in addition states as follows:

13. At all times herein mentioned there existed in the Commonwealth of Kentucky two statutes; to wit KRS 258.235(4), which makes the owner or keeper of a dog which has injured any person or property liable to the person injured or damaged for all damages and costs, and KRS 258.095(5) which defines "Owner" as it relates to the aforementioned statute as "every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him."

14. That the Plaintiff is a resident of the Commonwealth of Kentucky and is a member of the class of persons intended to be protected by said statute, and the Defendant Whitney Campbell, as an owner(s) or keeper(s) of the dog which caused Plaintiff's injuries and damages, is a member of the class upon which the statute imposes liability.

WHEREFORE, Plaintiff Misty Warren demands relief against Defendant Whitney Campbell as follows:

1. Judgment against Defendant for compensatory damages in an amount in excess of the amount necessary to invoke the jurisdiction of this court and reasonably calculated to compensate Plaintiff Misty Warren for her damages as shown by the evidence, to include:

- a. Past and future medical expenses;
- b. Past and future physical and mental pain and suffering;
- c. Lost wages; and
- d. Disfigurement.

2. Interest against defendant on any amount to which Plaintiff may be adjudicated to be entitled to accrue from the date of the filing of this action until paid;
3. Costs expended;
4. Trial by jury; and
5. Any and all other appropriate relief to which Plaintiff may appear to be justly entitled.

Respectfully submitted,

/s/ Carolyn C. Ely
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