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JEFFERSON CIRCUIT COURT

DIVISION ~~\_\_\_\_\_~~ **MEDIA5022**

JUDGE \_\_\_\_\_

ELECTRONICALLY FILED

JACKSON M. RIGGLE

PLAINTIFFS

and

BENJAMIN M. PINKSTON

and

LORI MARKS as Parent and Next Friend of  
CONNOR G. MARKS, a Minor

and

STEPHANIE LEAH RUSH, as Parent and Next Friend of  
JOHN M. CAMILLI, a Minor

and

DANIELLE YOUSSEFIZAD, as Parent and Next Friend of  
BRADY S. YOUSSEFIZAD, a Minor

v.

**COMPLAINT**DANT CLAYTON CORPORATION  
1500 Bernheim Lane  
Louisville, KY 40210

DEFENDANTS

Serve: S & H LOUISVILLE, LLC  
400 West Market  
Suite 1800  
Louisville, KY 40202  
*Via Certified Mail*

and

TOADVINE ENTERPRISES, INC.  
PO Box 190  
Fisherville, KY 40023Serve: MICHAEL W. TOADVINE  
PO Box 190

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Fisherville, KY 40023  
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and

VINE & BRANCH, L.L.C.  
14800 Taylorsville Rd.  
PO Box 188  
Fisherville, KY 40023

Serve: MICHAEL W. TOADVINE  
14800 Taylorsville Rd.  
PO BOX 188  
Fisherville, KY 40023  
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and

DEREK ENGINEERING, INC.  
2800 Constant Comment Pl  
Louisville, KY 40299

Serve: DAVID B. BLANDFORD  
734 W. Main St.  
Suite 200  
Louisville, KY 40202  
*Via Certified Mail*

and

RICHARD BARRIOS CONSULTING ENGINEERS, INC.  
330 Evergreen Rd., Suite 1  
Louisville, KY 40243

Serve: RICHARD C. BARRIOS  
10212 Worthington Lane  
Prospect, KY 40059  
*Via Certified Mail*

and

RICHARD C. BARRIOS  
10212 Worthington Lane  
Prospect, KY 40059

Serve: RICHARD C. BARRIOS

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Prospect, KY 40059  
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and

ALLEN PORTER  
601 W Jefferson St.  
Louisville, KY 40202

Serve: ALLEN PORTER  
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Louisville, KY 40202  
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and

DR. ROBERT FULK  
3001 Crittenden Dr.  
Building 1  
Louisville, KY 40209

Serve: DR. ROBERT FULK  
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Louisville, KY 40209  
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and

JOHN NIEHOFF  
3001 Crittenden Dr.  
Building 1  
Louisville, KY 40209

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and

SUSAN BIASIOLLI  
3001 Crittenden Dr.  
Building 1

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Louisville, KY 40209

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Serve: SUSAN BIASIOLLI  
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Building 1  
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and

DR. APRIL BROOKS  
3332 Newburg Road  
Louisville, KY 40218

Serve: DR. APRIL BROOKS  
3332 Newburg Road  
Louisville, KY 40218  
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and

DR. SARAH HITCHINGS  
330 S. Hubbards Lane  
Louisville, KY 40207

Serve: DR. SARAH HITCHINGS  
330 S. Hubbards Lane  
Louisville, KY 40207  
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and

JAMIE DUMSTORF  
330 S. Hubbards Lane  
Louisville, KY 40207

Serve: JAMIE DUMSTORF  
330 S. Hubbards Lane  
Louisville, KY 40207  
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Plaintiffs, Jackson M. Riggle, Benjamin M. Pinkston, Lori Marks as Parent and Next Friend of Connor G. Marks, a minor, Stephanie Leah Rush, as Parent and Next Friend of John M. Camilli, a minor, and Danielle Youssefzad, as Parent and Next Friend of Brady S. Youssefzad, a minor, by counsel, for their Complaint against the Defendants, DANT CLAYTON CORPORATION (“Dant Clayton”), TOADVINE ENTERPRISES, INC. (“Toadvine”), VINE & BRANCH, L.L.C. (“Vine & Branch”), DEREK ENGINEERING, INC. (“Derek Engineering”), RICHARD BARRIOS CONSULTING ENGINEERS, INC. (“Barrios Consulting”), RICHARD C. BARRIOS (“Barrios”), ALLEN PORTER (“Porter”), DR. ROBERT FULK (“Dr. Fulk”), JOHN NIEHOFF (“Niehoff”), SUSAN BIASIOLLI (“Biasioli”), DR. APRIL BROOKS (“Dr. Brooks”), DR. SARAH HITCHINGS (“Dr. Hitchings”), and JAMIE DUMSTORF (“Dumstorf”), state the following:

**PARTIES, JURISDICTION, AND VENUE**

1. At all times relevant to this Complaint, Plaintiff, Jackson M. Riggle, was a resident of Jefferson County, Kentucky.
2. At all times relevant to this Complaint, Plaintiff, Benjamin M. Pinkston, was a resident of Jefferson County, Kentucky.
3. At all times relevant to this Complaint, Plaintiff, Lori Marks, was a resident of Jefferson County, Kentucky.
4. Plaintiff Lori Marks is the natural mother and Next Friend of Connor G. Marks, a minor. Affidavit is attached hereto.
5. At all times relevant to this Complaint, Plaintiff, Stephanie Leah Rush, was a resident of Jefferson County, Kentucky.
6. Plaintiff Stephanie Leah Rush is the natural mother and Next Friend of John M.

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Camilli, a minor. Affidavit is attached hereto.

7. At all times relevant to this Complaint, Plaintiff, Danielle Youssefzad, was a resident of Jefferson County, Kentucky.

8. Plaintiff Danielle Youssefzad is the natural mother and Next Friend of Brady S. Youssefzad, a minor. Affidavit is attached hereto.

9. Defendant Dant Clayton, is, and was at all relevant times, a Kentucky corporation authorized to do business in Kentucky with its principal place of business in the Commonwealth of Kentucky.

10. Defendant Toadvine, is, and was at all relevant times, a Kentucky corporation authorized to do business in Kentucky with its principal place of business in the Commonwealth of Kentucky.

11. Defendant Vine & Branch, is, and was at all relevant times, a Kentucky limited liability company authorized to do business in Kentucky with its principal place of business in the Commonwealth of Kentucky.

12. Defendant Derek Engineering is, and was at all relevant times, a corporation authorized to do business in Kentucky with its principal place of business in the Commonwealth of Kentucky.

13. Defendant Barrios Consulting is, and was at all relevant times, a corporation authorized to do business in Kentucky with its principal place of business in the Commonwealth of Kentucky.

14. Upon information and belief, at all times relevant to this Complaint, Defendant Barrios was a resident of Jefferson County, Kentucky, working as a professional engineer.

15. Upon information and belief, at all times relevant to this Complaint, Defendant

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Porter was a resident of Jefferson County, Kentucky, and was employed as a Building Inspection Supervisor for Louisville-Jefferson County Metro Government in Louisville, Jefferson County, Kentucky.

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16. Upon information and belief, at all times relevant to this Complaint, Defendant Dr. Fulk was a resident of Jefferson County, Kentucky, and was Chief Operations Officer for Jefferson County Public Schools in Louisville, Jefferson County, Kentucky.

17. Upon information and belief, at all times relevant to this Complaint, Defendant Niehoff was a resident of Jefferson County, Kentucky, and was employed as an architect for Jefferson County Public Schools in Louisville, Jefferson County, Kentucky.

18. Upon information and belief, at all times relevant to this Complaint, Defendant Biasioli was a resident of Jefferson County, Kentucky, and was Director of Facility Planning for Jefferson County Public Schools in Louisville, Jefferson County, Kentucky.

19. Upon information and belief, at all times relevant to this Complaint, Defendant Dr. Brooks was a resident of Jefferson County, Kentucky, and was Director of Athletics and Activities for Jefferson County Public Schools in Louisville, Jefferson County, Kentucky.

20. Upon information and belief, at all times relevant to this Complaint, Defendant Dr. Hitchings was a resident of Jefferson County, Kentucky, and was the Principal at Waggener High School in Louisville, Jefferson County, Kentucky.

21. Upon information and belief, at all times relevant to this Complaint, Defendant Dumstorf was a resident of Jefferson County, Kentucky, and was the athletic director at Waggener High School in Louisville, Jefferson County, Kentucky.

22. Defendants Porter, Dr. Fulk, Niehoff, Biasoli, Dr. Brooks, Dr. Hitchings, and Dumstorf are being sued in their individual capacities.

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23. Venue is proper in this Court because the events giving rise to this suit occurred in Jefferson County, Kentucky and/or the defendants reside in Jefferson County, Kentucky.

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24. This Court has jurisdiction over the parties and the subject matter.

25. Plaintiffs' claims exceed the minimal jurisdictional amount of this Court.

### **FACTUAL BACKGROUND**

26. On or about October 16, 2025, a high school playoff soccer game between Saint Xavier High School and Trinity High School was held at Wildcat Field at Waggener High School, 330 South Hubbards Lane, St. Matthews, Kentucky 40207.

27. After Saint Xavier High School won the playoff soccer game, the front railing of the visitor's bleachers, where fans and supporters of Saint Xavier High School were seated, collapsed, injuring numerous students and/or spectators.

28. Plaintiffs Riggle, Pinkston, and the above-referenced minors are all students at Saint Xavier High School, who were present at the high school playoff soccer game between Saint Xavier High School and Trinity High School, on or about October 16, 2025, in the capacity of players and/or fans/supporters.<sup>1</sup>

29. Plaintiffs Riggle, Pinkston, and the above-referenced minors were all injured as a result of the above referenced railing collapse, including, but not limited to, a fractured pelvis, a fractured elbow, a deep laceration that ultimately became infected, a torn labrum, and injuries to head, chest, and lower back.

30. The decision was made and approved to utilize Dant Clayton's Alum-A-Stand system for the visitor's bleachers at Waggener High School, in spite of the fact that, upon information and belief, there were known prior incidents of railing collapses similar to the subject

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<sup>1</sup> Riggle, Pinkston, the Next Friends, and above referenced minors are all collectively referred to as "Plaintiffs" herein.



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incident at Waggener High School in stadiums that had utilized that same product.

31. Upon information and belief, there were no warning signs regarding the prior incidents of railing collapse and/or the danger of leaning on the front railing of the visitor's bleachers at Waggener High School on or about October 16, 2025.

32. The decision was made to host the subject playoff soccer game at Waggener High School in spite of the fact that construction at that site was not completed, including, but not limited to, the fact that a fence had not been installed around the track/in front of the visitor's bleachers.

33. The facts contained in the preceding paragraphs are not intended to be a complete recitation of the facts and/or tortious acts which are relevant to this Complaint.

**COUNT I — Negligence**  
**(Defendants Dant Clayton and Toadvine)**

34. Plaintiffs reallege and incorporate by reference each and every allegation stated above as if separately pleaded in full herein.

35. Defendants Dant Clayton and Toadvine had a duty to manufacture, design, sell, and/or distribute a product that would not injure Plaintiffs.

36. Defendants Dant Clayton and Toadvine further had a duty to warn Plaintiffs of all foreseeable dangers that may arise from the use of the bleachers they designed, manufactured, and distributed.

37. Defendants Dant Clayton and Toadvine, by and through its agents, servants or employees, were negligent in the design and manufacture of the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School, and, as a result of such negligence in design and manufacture, the Plaintiffs were injured and have suffered damages.

38. Defendants Dant Clayton and Toadvine breached their duty to warn Plaintiffs of all

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foreseeable dangers that may arise from the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School, and such breach was a substantial factor in causing Plaintiffs to suffer injuries and damages, including, but not limited to, incurring medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation.

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39. Defendants Dant Clayton and Toadvine were negligent in their design of the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School and/or its component parts, in failing to warn and instruct Plaintiffs, and in making inaccurate representations to Plaintiffs, all resulting in injuries to Plaintiffs, as alleged herein, for which Plaintiffs are entitled to recover damages in an amount to be proven at trial.

40. Defendants Dant Clayton and Toadvine owed a duty of care to Plaintiffs, breached that duty, and as a direct and proximate result of said breach, Plaintiffs were caused to suffer injuries, damages, and related expenses.

**COUNT II — Strict Product Liability**  
**(Defendants Dant Clayton, Toadvine, and Vine & Branch)**

41. Plaintiffs reallege and incorporate by reference each and every allegation stated above as if separately repleaded in full herein.

42. Upon information and belief, at all times pertinent hereto, Defendants Dant Clayton, Toadvine, and Vine & Branch were the designers, manufacturers, assemblers, and/or suppliers of the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School and/or its component parts used by Plaintiffs.

43. On or about October 16, 2025, Plaintiffs attempted to use and did use the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High

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School in a reasonable and foreseeable manner, and in the manner in which it was intended to be used.

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44. The Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School and/or its component parts, as used by Plaintiffs as alleged above, was defective in manufacture and construction, was defective in design or formulation, was defective due to inadequate warnings and instructions, and/or was defective because it did not conform to representations made by the manufacturer upon sale.

45. The Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School was manufactured and/or sold by Dant Clayton, Toadvine, and Vine & Branch through the ordinary course of business; the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School reached the Plaintiffs, the users, in the aforesaid unreasonably dangerous and defective condition for its intended or expected use, and was an inherently dangerous instrumentality upon entering the stream of commerce, including reaching the end user Plaintiffs.

46. The Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School, in its defective condition, was a substantial factor in causing Plaintiffs to suffer injuries and damages, including, but not limited to, incurring medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation.

47. As a direct and proximate result of the failures of Defendants Dant Clayton, Toadvine, and Vine & Branch and the defective condition of the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School as more

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completely described above, Plaintiffs suffered damages as alleged herein.

**COUNT III — Breach of Warranty**  
**(Defendants Dant Clayton, Toadvine, and Vine & Branch)**

48. Plaintiffs reallege and incorporate by reference each and every allegation stated above as if separately pleaded in full herein.

49. Defendants Dant Clayton, Toadvine, and Vine & Branch, acting by and through their agents, servants and employees, knew or should have reasonably known of the particular purposes for which its Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School, would be used.

50. Defendants Dant Clayton, Toadvine, and Vine & Branch expressly and implicitly warranted to the general public, and Plaintiffs in particular, that the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School, and its attachments, as designed, constructed, manufactured, assembled and inspected in such a manner as to be free from defects and reasonably fit for the purposes and use for which it was intended, and the uses that were reasonably foreseeable.

51. Contrary to the expressed and implied warranties, Defendants Dant Clayton, Toadvine, and Vine & Branch designed, constructed, manufactured, assembled, inspected and/or placed on the market and into the stream of commerce the Alum-A-Stand bleacher product, including the product utilized in the renovation project at Waggener High School and its attachment in a defective condition and not in merchantable quality.

52. Defendants Dant Clayton, Toadvine, and Vine & Branch breached the warranties, causing Plaintiffs to suffer injuries and damages, including, but not limited to, incurring medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the

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future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation.

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**COUNT IV — Negligence**  
**(All Defendants)**

53. Plaintiffs reallege and incorporate by reference each and every allegation stated above as if separately repleaded in full herein.

54. The acts and omissions of Defendants, including, but not limited to, by and through their agents and/or employees, were negligent and/or grossly negligent in that Defendants had a duty to Plaintiffs in the circumstances to act with ordinary care toward Plaintiffs, Defendants failed in that duty, and Defendants actions, including, but not limited to, by and through their agents and/or employees, were the cause in fact and proximate cause of Plaintiffs' injuries.

55. Plaintiffs have suffered damages by reason of the above-described conduct in amount to be proved at trial.

56. As a direct and proximate result of the negligent and/or grossly negligent acts and conduct of Defendants, including, but not limited to, by and through their agents and/or employees, Plaintiffs have incurred medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation.

57. The negligence and/or gross negligence of Defendants, including, but not limited to, by and through their agents and/or employees, is the direct and proximate cause of all the damages suffered by Plaintiffs and/or is a substantial factor in causing same.

58. Defendants' conduct, including, but not limited to, by and through their agents and/or employees, rises to the level of gross negligence as it evidences a reckless disregard for the

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lives and safety of others, including Plaintiffs, which justifies an award for exemplary or punitive damages to punish Defendants and to discourage Defendants and others from similar conduct in the future.

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**COUNT V — Negligence**  
**(Defendants Vine & Branch and Derek Engineering)**

59. Plaintiffs realleges and incorporates by reference each and every allegation stated above as if separately repleaded in full herein.

60. Defendants Vine & Branch and Derek Engineering owed a duty to Plaintiffs properly perform the stadium renovation project and/or bleacher installation at Waggener High School in a safe and professional manner.

61. Defendants Vine & Branch and Derek Engineering failed to properly perform the stadium renovation project and/or bleacher installation at Waggener High School in a safe and professional manner, either failing to identify the dangerous and hazardous condition which resulted in the railing collapse or identifying yet failing to repair or replace the dangerous and hazardous condition — which were substantial factors in causing Plaintiffs to be injured due to the railing collapse at Waggener High School on or about October 15, 2025.

62. As a direct and proximate result of the negligence of Defendants Vine & Branch and Derek Engineering Plaintiffs have incurred medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation. All damages are in an amount which exceeds the jurisdictional minimum of this court.

**COUNT VI — Negligence**  
**(Defendants Barrios Consulting, Barrios, Dr. Fulk, Porter, and Biasioli)**

63. Plaintiffs restate and reincorporate each of the preceding allegations of this Complaint as if each were fully stated herein.

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64. Upon information and belief, Defendants Barrios Consulting, Barrios, Dr. Fulk, Porter, and Biasiolli were involved with the above-referenced renovation project at Waggener High School, including the visitor's bleachers — Barrios Consulting and Barrios as engineer, Niehoff as architect, Porter as an inspector, and Dr. Fulk and Biasiolli in their respective roles for Jefferson County Public Schools — and each Defendant had a duty to all persons involved, the general public and specifically to Plaintiffs to use due care in all activities so as to provide for the safety of all persons who could foreseeably be affected by each Defendant's participation in the project.

65. Defendants Barrios Consulting, Barrios, Dr. Fulk, Porter, and Biasiolli knew, or should have known, that the renovation project at Waggener High School, including the visitor's bleachers created a high risk of injury and/or dangerous condition due to the utilization of Dant Clayton's Alum-A-Stand system for the visitor's bleachers at Waggener High School, in spite of the fact that, upon information and belief, there were known prior incidents of railing collapses similar to the subject incident at Waggener High School in stadiums that had utilized that same product which would be hazardous to players and spectators utilizing the Wildcat Field and the related bleachers.

66. Defendants Barrios Consulting, Barrios, Dr. Fulk, Porter, and Biasiolli were negligent and/or grossly negligent in connection with each of their respective roles in the above-referenced, renovation project at Waggener High School, including the visitor's bleachers.

67. Defendants Barrios Consulting, Barrios, Dr. Fulk, Porter, and Biasiolli, including, where applicable, through each of their employees, representatives, agents and/or ostensible agents breached their applicable legal duty by failing to exercise reasonable care in their job duties and/or were otherwise negligent.

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68. As a direct and proximate result of the negligence and gross negligence of Defendants Barrios Consulting, Barrios, Dr. Fulk, Porter, and Biasioli, including, where applicable, their employees, representatives, agents and/or ostensible agents, Plaintiffs suffered injuries and damages, including, but not limited to, incurring medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation.

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**COUNT VII — Negligence**  
**(Defendants Dr. Fulk, Biasioli, Dr. Brooks, Dr. Hitchings, and Dumstorf)**

69. Plaintiffs reallege and incorporate by reference each and every allegation stated above as if separately repleaded in full herein.

70. That on or about October 16, 2025, Plaintiffs were invitees at Wildcat Field at Waggener High School, 330 South Hubbards Lane, St. Matthews, Kentucky 40207.

71. Defendants Dr. Fulk, Biasioli, Dr. Brooks, Dr. Hitchings, and Dumstorf owed a duty to Plaintiffs to maintain said property in a safe condition and keep it free of dangerous and hazardous conditions.

72. Defendants Dr. Fulk, Biasioli, Dr. Brooks, Dr. Hitchings, and Dumstorf individually and by and through their agents, servants, and/or employees, permitted a dangerous and defective condition, namely to the utilization of Dant Clayton's Alum-A-Stand system for the visitor's bleachers at Waggener High School, in spite of the fact that, upon information and belief, there were known prior incidents of railing collapses similar to the subject incident at Waggener High School in stadiums that had utilized that same product, not known to Plaintiffs, to exist on said property, failed to maintain the property in a reasonably safe condition, failed to protect Plaintiffs, failed to warn Plaintiffs of the dangerous and hazardous conditions on said premises, created a dangerous and hazardous condition, and failed to fix or repair a known dangerous and

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hazardous condition — all of which were substantial factors in causing Plaintiffs to be injured due to the railing collapse on the property on or about October 16, 2025.

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73. Defendants Dr. Fulk, Biasioli, Dr. Brooks, Dr. Hitchings, and Dumstorf knew, or in the exercise of reasonable care should have known, of said dangerous and hazardous condition.

74. As a direct and proximate result of the negligence of Defendants Dr. Fulk, Biasioli, Dr. Brooks, Dr. Hitchings, and Dumstorf, Plaintiffs have suffered injuries and damages, including, but not limited to, incurring medical expenses and/or will incur medical expenses in the future, have suffered and will suffer in the future pain and suffering both mental and physical, fees, and/or other intangible damages of a nature as to require compensation. All damages are in an amount which exceeds the jurisdictional minimum of this court.

**COUNT VIII — Claim for Punitive Damages**  
**(All Defendants)**

75. The Plaintiffs incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

76. The actions and omissions of the Defendants, individually and/or through their agents or employees, constitute reckless, grossly negligent, oppressive, and/or malicious conduct.

77. These actions rise to a level that permits the imposition of punitive damages, and Plaintiffs hereby give notice to all Defendants of their intention to seek punitive damages at the trial of this matter.

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**WHEREFORE**, Plaintiffs demand judgment against the Defendants in an amount which will compensate them for:

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1. Compensatory damages in an amount in excess of the jurisdictional minimum of this Court;
2. Punitive damages;
3. For a trial by jury on all issues;
4. For pre and post-judgment interest;
5. For attorneys' fees;
6. Costs expended herein; and
7. Any further relief that the Court deem just and proper.

Respectfully submitted,

/s/ John A. Bahe

John A. Bahe (89440)

Patrick E. Markey (96502)

BAHE COOK CANTLEY & NEFZGER PLC

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Louisville, Kentucky 40217

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*Counsel for Plaintiffs*

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