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NO. _____

JEFFERSON CIRCUIT COURT
DIVISION 84873 (#)

JON DAVID WALKER, M.D.,

PLAINTIFF,

v.

VERIFIED COMPLAINT

LYNN LEMMON WALKER,

DEFENDANT.

SERVE: Lynn Lemmon Walker

*Via Electronic Mail to Counsel,
Hon. Louis Waterman, with permission*

* * * * *

Comes now the Plaintiff, Jon David Walker, M.D., by verification and by counsel, states
as follows:

INTRODUCTION

This is a civil action brought by Plaintiff, Jon David Walker, M.D., against Defendant,
Lynn Lemmon Walker, for misrepresentation, fraud, the tort of outrage, and punitive damages.

THE PARTIES

1. Plaintiff, John David Walker, M.D. (hereinafter "David" or "Plaintiff") is a resident of Louisville, Jefferson County, KY. Plaintiff is a resident of Kentucky.
2. Defendant, Lynn Lemmon Walker, (hereinafter "Lynn" or "Defendant") is a resident of Louisville, Jefferson County, Kentucky.

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JURISDICTION AND VENUE

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3. This Court has jurisdiction over this matter pursuant to KRS 23A.010. The amounts claimed as damages are greatly in excess of the minimum requirements of the Circuit Court's jurisdiction.

4. Venue is proper in this Court under KRS 452.450 as the actions giving rise to this complaint occurred in Jefferson County Kentucky and other states as set out below.

SUMMARY OF RELEVANT FACTS

5. The Parties met in high school when David was a senior and Lynn was a junior.

6. David was immediately smitten with Lynn Lemmon, asking her out when she was fifteen (15) years old and allowed to go to the Valentine Dance. She had to be home by 9:00 P.M.

7. After graduating high school in 1966, David attended a pre-med program at the University of Kentucky. Lynn followed when she was just seventeen (17) years old.

8. The Parties were married on July 27, 1968, at a small church wedding, which Lynn's cousin officiated. They had a short honeymoon trip, spending a couple of hundred dollars and living on bologna sandwiches for about four (4) days.

9. The Parties got an apartment in Lexington while Lynn Walker nee Lemmon finished her degree. After struggling the first year, and with David's love and support, Lynn graduated with an education degree.

10. During college, David provided the primary financial support, working on loading docks and using his savings from working on a pipeline right out of high school.

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11. After just three (3) years in college, David was accepted to medical school at the University of Kentucky in 1969.

12. In 1973, David matched with the surgical program at the University of Louisville.

13. Lynn had gotten a teaching job and remained in Lexington for another year to teach. While in Lexington, Lynn lived with David's mother.

14. Lynn's mother-in-law began hinting to David that Lynn was staying out pretty late. Lynn visited David every weekend, ignoring his mother's concerns for the year Lynn remained in Lexington.

15. Once Lynn moved to Louisville, the young couple grappled with David's heavy workload during his residency while Lynn taught grade school in Louisville.

16. Early in David's residency program, the Parties agreed to begin trying to have a baby.

17. As Lynn was not getting pregnant, the Parties sought infertility treatment. They discovered she had endometriosis, a condition that eventually required surgical intervention.

18. During surgery, the resident left the operating room to inform David that the gynecology surgeon wanted to remove "everything," which would make it impossible for the parties to have children biologically. David was approximately twenty-six (26) years old, and Lynn was approximately twenty-three (23) years old.

19. David did not consent to the hysterectomy, knowing Lynn still wanted to bear children.

20. Luckily for the parties, David had worked with an excellent gynecology surgeon during his residency, and they were able to seek a second opinion for Lynn.

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21. In approximately early June 1977, the new gynecology surgeon operated on Lynn, removing any cysts and adhesions formed as a result of the endometriosis. The surgeon ultimately opened up Lynn's fallopian tubes, making it possible for her to get pregnant. Lynn recovered from surgery well.

22. While the Parties were seeking infertility treatment and throughout Lynn's surgeries, David completed the five (5) year residency program in four (4) years. He secured a fellowship in oncologic surgery at the University of Texas MD Anderson Cancer Center in Houston, Texas. He started in July 1977.

23. Prior to Lynn's second surgery, she had traveled with a friend to Houston to secure an apartment for the couple.

24. To the best of Plaintiff's knowledge, it was during this trip that Lynn met one Eddie Carley. Allegedly, Lynn got a flat tire, and Eddie stopped to change it. They exchanged phone numbers, so she could buy him a drink as a "thank you." This was the beginning of an affair lasting approximately fourteen (14) years and a fraud perpetrated for over forty (40) years.

25. Lynn moved to Houston after recovering from surgery, joining David while he began his fellowship.

26. Having renewed their efforts to have a baby following the success of Lynn's surgery, David had no knowledge or information that Lynn's plans to have a child included involvement with persons other than David. Had he known, David would have filed for divorce and ceased attempting to have a child.

27. In July or August 1977, Lynn traveled to Dallas, under the guise of visiting an orphanage.

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28. It is now the Plaintiff's belief she was meeting with Mr. Carley to carry on an extra-marital affair. David has no knowledge or information of whether the affair began before the Dallas trip other than what was disclosed by Mr. Carley much later.

29. About four to six weeks later, David and Lynn were in their bathroom cleaning off blood that was running down her leg. David was terrified she was finally pregnant with their child and now having a miscarriage.

30. In fact, Lynn was pregnant, but she was not miscarrying.

31. David now knows Lynn found out she was pregnant during one secret trip to visit Mr. Carney in Oklahoma. She fainted at a restaurant, and Mr. Carney had to take her to the emergency room where she was informed she was pregnant. This was not revealed until much later as Lynn concealed her ongoing infidelity.

32. In May 1978, nine months after her Dallas trip, she delivered a boy, Jesse Walker, in Houston.

33. At no point before, during, or immediately following childbirth did Lynn reveal the child may not be biologically related to David.

34. Based on her misrepresentations regarding the actual paternity, Lynn was able to have David sign the application for the birth certificate at the hospital.

35. The State of Texas issued a Birth Certificate listing the Plaintiff as the father based entirely upon Lynn's fraudulent representation of the certainty that he was the biological father.

36. Based on Lynn's ongoing pattern of deceit, David was led to believe that he was Jesse's biological father. Had Lynn been honest, David would have filed for divorce at this time.

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37. David completed his fellowship, and the parties returned to Louisville. This time, they lived in a nice home, and David had strong earning potential in surgery.

38. Lynn had two more children during the marriage: a boy in 1981, and a girl in 1982. To the best of Plaintiff's knowledge, the paternity of these two children is not in dispute, though no genetic testing to confirm paternity has been conducted.

39. Lynn was dissatisfied with the relationship in the late 1980s once the children were all in school. The parties agreed she would open a shoe business, investing \$300,000 in marital funds that were ultimately lost because there was no market for high-end shoe retail in Louisville at the time.

40. David has since learned that Lynn used "business trips" as a cover or opportunity to meet with Mr. Carley, including a trip to New York in 1991, during which she used marital funds to pay for the hotel bill where they met to continue the affair.

41. To the best of Plaintiff's knowledge and belief, Defendant often claimed to be visiting her parents, on business trips, and traveling with known friends as a cover to meet with Mr. Carley. This continued until at least 1991, approximately fourteen (14) years. Lynn kept her fraud a secret for over forty (40) years.

42. Had David known about her ongoing affair and continued deceit about their eldest son, he would not have trusted her with the marital funds, much less remained married.

43. In February 2010, the Parties separated after David raised issues with a man resting his leg on Lynn's thigh.

44. Lynn filed for divorce on July 20, 2010, at the peak of David's surgical career and claiming she had simply "fallen out of love" with him. She entered verified pleadings on

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the record indicating all three children were born “of the marriage.” Lynn Lemmon 84873
Walker knowingly continued her fraud upon the Family Court.

45. Later that year, the parties sold their family home, worth approximately \$1.8 million.

46. David agreed to settle their divorce, with Lynn receiving 50% of marital assets (totaling over \$2 million) and \$22,000 per month in maintenance. This settlement is based on fraud upon the family and the Court. It was unconscionable as a matter of law and based on Lynn’s material misrepresentations.

47. The Final Decree was entered on January 4, 2011.

48. For almost a decade after the divorce, Lynn received over \$2.6 million in maintenance, so she could maintain a lifestyle she only acquired and retained through deceit and fraudulent disclosures. Further, the Plaintiff paid additional bills including car insurance, health insurance, and telephone bills.

49. When Jesse Walker, the Parties’ oldest son¹, was thirty (30) years old, he began having significant, life-threatening medical issues. One such issue involved a genetic disorder; another likely has a genetic component.

50. In late 2020, both David and Lynn underwent genetic testing to determine whether Jesse had a genetic disorder. Lynn had expressed hesitation about genetic testing at the time. At that time, she told David she had been sexually assaulted around the time she got pregnant with Jesse. She had been worried about Jesse getting a DNA test for his medical conditions and was only now revealing she had known for Jesse’s entire life that

¹ Plaintiff uses the term “son” despite the fact that he is not the genetic son of the Plaintiff. The “father/son” relationship is based on mutual love and affection, despite the untruthful statements of the Defendant for two decades.

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his paternity was in question. Importantly, this testing was not performed to confirm paternity, so David still had no reason to believe Jesse was not his biological son.

51. On December 21, 2020, Mr. Carley contacted Jesse Walker and disclosed the affair. He believed he was Jesse's biological father. *See* "Avowal Affidavit of Jesse Walker," filed April 30, 2024, Case No. 10-CI-502674, Jefferson Family Division Four (4), attached as Exhibit 1. *See also* "Texts between Jesse Walker and Eddie Carley," dated December 21, 2020, attached as Exhibit 2.

52. Mr. Carley, in his text conversation with Jesse, provided inside information about Jesse, his mother, and the family. Jesse could at least confirm that Mr. Carley knew Lynn Walker well.

53. Jesse and his wife confronted Lynn, who denied knowing Mr. Carley. *See* Exhibit 1.

54. Lynn quickly reached out to David, claiming that she did, in fact, know Mr. Carley. She claimed he had sexually assaulted her in 1978 in Texas. She claimed she was ashamed to share this with her then-husband and family as the reason she questioned Jesse's paternity.

55. Within days of Jesse confronting Lynn, David and Jesse met and discussed this story. They confirmed that her story was false.

56. Lynn maintained this fabrication until she cut off contact with David. Meanwhile, David spoke with Mr. Carley.

57. Lynn eventually admitted to the affair. Even after admitting it, Lynn still claimed her communication with Mr. Carley was "stalkerish." Despite her admissions, she reached out in approximately 2015 and talked to him specifically about Jesse's medical

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issues. *See* “Texts between Lynn Walker and David Walker,” dated December 27-28, 2020, attached as Exhibit 3.

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58. Lynn initially stated she had been worried about Jesse’s paternity when the Parties were undergoing genetic testing when he was sick. Once her lies were revealed, she asserted she *never* believed Mr. Carley was the father. *See* Exhibit 3.

59. Lynn kept this secret through the marriage, divorce, and Jesse’s serious illnesses entirely to protect her ability to profit off of this fraud upon David and the Court. In fact, on June 28, 2022, in court proceedings regarding post-dissolution attempts to continue receiving maintenance payments, Lynn explicitly stated that “*three* children were *born of the marriage.*” Emphasis added. *See* “Affidavit of Petitioner,” filed June 28, 2022, Case No. 10-CI-502674, attached as Exhibit 4.

60. Her actions were motivated by greed and a desire to maximize monetary gain to David’s detriment.

61. During the marriage, the divorce, and post-dissolution disputes, Defendant herein continually promised and represented to Plaintiff and the Court that he was the father of the child, Jesse Walker when all along, she knew this to be false.

62. Relying upon these misrepresentations known to Defendant at the time to be false, Plaintiff has provided support for this child, now 45 years old, for his entire life.

63. On April 10, 2024, Plaintiff secured a DNA Paternity test which now proves that the child's father is not the Plaintiff herein. *See* “LabCorp DNA Paternity Results,” dated April 10, 2024, attached as Exhibit 5.

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COUNT ONE: FRAUD AND MISREPRESENTATION

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64. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

65. As outlined above, the Defendant made false representations over several decades. These misrepresentations were made orally as well as in writing. They were made repeatedly. They were made on legal documents, including those provided to the Commonwealth of Kentucky, and in documents submitted to courts, including the Jefferson Family Court that presided over the Parties' divorce action.

66. The misrepresentations were directly related to material facts. The fact is that the Defendant knew that the Plaintiff was not the father of a minor child.

67. The misrepresentations were made by the Defendant intentionally and knowingly.

68. The false representations were deliberately designed to deceive and mislead the Plaintiff on the issue of the actual paternity of a minor child.

69. Defendant desired Plaintiff to rely on her false representations, and she succeeded in doing so.

70. The Defendant intended to deceive the Plaintiff for her own pecuniary gain. This gain manifested in the continuation of the Parties' marital relationship and the acquisition of an increase in the size of the marital estate. Additionally, the Plaintiff was deceived into supporting a child that he had not fathered.

71. The Plaintiff has incurred economic and other damages causally related to the wrongful and spiteful representations of the Defendant.

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COUNT TWO - OUTRAGE

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72. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.
73. Defendant's conduct was intentional and/or reckless.
74. Defendant's conduct was outrageous and intolerable in that it offends against the generally accepted standards of decency and morality.
75. Defendant's conduct caused Plaintiff to suffer severe emotional distress.
76. As a direct and proximate result of Defendant's outrageous conduct, Plaintiff has suffered damages.

DAMAGES

77. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.
78. Plaintiff seeks damages as will be proven at trial. These damages include, but are not limited to, child support paid, maintenance paid, loss of assets, attorney fees and litigation expenses.
79. Defendant's conduct was willful, wanton, malicious, and reckless disregard for the rights of Plaintiff.
80. Plaintiff is entitled to punitive damages to punish Defendant for her conduct and to deter similar conduct.

REQUEST FOR JURY TRIAL

WHEREFORE, the Plaintiff prays:

1. For a trial by jury;

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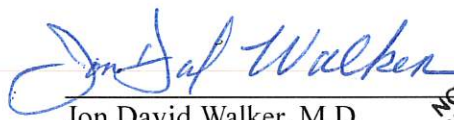
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2. For his actual damages, compensatory damages, and punitive damages as set out
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hereinabove.
3. For his attorney fees, including those related to his Family Court case, and other
litigation costs herein expended;
4. For any other and all proper relief to which the Plaintiff may be entitled including
but not limited to prejudgment interest, post-judgment interest after entry of judgment,
attorney fees, court costs, expenses, and any other and all proper relief.

VERIFICATION

Plaintiff, Jon David Walker, M.D., states that the allegations and demand for relief set out
in this Verified Complaint represent the relief to which Plaintiff is entitled and that all
allegations contained therein are true to the best of his knowledge.


Jon David Walker, M.D.
Plaintiff

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON

The foregoing was subscribed, sworn to and acknowledged before me by Jon David Walker
on this 3 day of July, 2024.

My Commission expires: April 7, 2024


Notary Public



Presiding Judge: HON. JENNIFER BRYANT WILCOX (630455)

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Dated: July 3, 2024

Respectfully submitted,

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HELMERS + ASSOCIATES

By: /s/ John H. Helmers, Jr.

John H. Helmers, Jr.

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By: /s/ Melina Hettiaratchi

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