

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
Case No. 3-23-cv-145-CHB  
[Filed Electronically]

AMANDA MARTIN as Administratrix )  
for the ESTATE OF WILLIAM )  
JOSEPH MARTIN )

-and- )

AMANDA MARTIN, Individually )  
210 Marvin Downs Road )  
Bardstown, Kentucky 40004 )

**PLAINTIFFS** )

v. )

MARION COUNTY SHERIFF'S )  
DEPARTMENT, COMMONWEALTH )  
OF KENTUCKY )  
223 N. Spalding Ave. # 101 )  
Lebanon, Kentucky 40033 )

**SECOND AMENDED  
COMPLAINT FOR  
DAMAGES AND JURY TRIAL**

Serve: Jimmy Clements, Sheriff, )  
Individually and in his Official )  
Capacity as Sheriff )  
223 N. Spalding Ave. # 101 )  
Lebanon, Kentucky 40033 )

JIMMY CLEMENTS, SHERIFF OF )  
MARION COUNTY, KENTUCKY )  
In his Official Capacity )

Serve: Jimmy Clements, Sheriff, )  
Individually and in his Official )  
Capacity as Sheriff )  
223 N. Spalding Ave. # 101 )  
Lebanon, Kentucky 40033 )

TRISTAN HAYDEN, Marion County )  
Deputy Sheriff, Individually and in his Official )  
Capacity )

Serve: Tristan Hayden, )  
Individually and in his Official )  
Capacity )  
223 N. Spalding Ave. # 101 )  
Lebanon, Kentucky 40033 )

JOHN ROBERT PURDOM, Marion County )  
Deputy Sheriff, Individually and in )  
his Official Capacity )

Serve: John Robert Purdom )  
Individually and in his Official )  
Capacity )  
223 N. Spalding Ave. # 101 )  
Lebanon, Kentucky 40033 )

CHRIS NELSON, Marion County )  
Deputy Sheriff, Individually and in his Official )  
Capacity )

Serve: Chris Nelson, )  
Individually and in his Official )  
Capacity )  
223 N. Spalding Ave. # 101 )  
Lebanon, Kentucky 40033 )

SAMUEL KNOPP, Lebanon Police Department )  
Police Officer, Individually and in his Official )  
Capacity )

Serve: Samuel Knopp, )  
Individually and in his Official )  
Capacity )  
124 W. Mulberry St. )  
Lebanon, Kentucky 40033 )

CITY OF LEBANON, COMMONWEALTH )  
OF KENTUCKY )  
 )  
Serve: Gary D. Crenshaw, Mayor )  
240 W. Main Street )  
Lebanon, Kentucky 40033 )

**DEFENDANTS**

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Come the Plaintiffs, Amanda Martin as administratrix for The Estate of William Joseph Martin (the “Estate) and Amanda Martin, individually as the Wife of the decedent William Joseph Martin (“Martin”) by their undersigned counsel, and for their Second Amended Complaint in this action state and allege as follows:<sup>1</sup>

**I. Introduction**

On or about December 16, 2022, in the late evening hours Martin was arrested by one or more deputies of the Marion County Sheriff’s Department, Commonwealth of Kentucky (believed to be those deputies named as defendants herein), allegedly for public intoxication or other minor charges, all of which were misdemeanors. Mr. Martin was later restrained by one or more of the Marion County Sherriff’s deputies who responded to an altercation between Martin and Deputy Tristan Hayden, including Marion County Sheriff Deputies Tristan Hayden (“Hayden”), John Robert Purdom (“Purdom”) and Chris Nelson (“Nelson”), along with Samuel Knopp (“Knopp”) who was at the time a police officer with the Lebanon City Police, Commonwealth of Kentucky (sometimes referred to collectively as the “Deputy Defendants”).

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<sup>1</sup> This Second Amended Complaint is filed to add parties, The City of Lebanon, Kentucky, and Samuel Knopp with the City of Lebanon Kentucky Police Department, and to add additional allegations and/or additional Counts pursuant to FRCP 15. This Second Amended Complaint is not intended to restate or reallege any claims or Counts previously dismissed pursuant to this Court’s Order of June 5, 2023 [Doc. 17].

After his arrest or detainment, Martin was to be transported by one or more of the Deputy Defendants to the Marion County Detention Center, Commonwealth of Kentucky. Martin never made it to the Detention Center alive. Rather, during transport, while restrained in handcuffs or other similar devices, upon information and belief, obtained after due inquiry, including review of the autopsy report and other records obtained prior to litigation, as well as video footage obtained from the Kentucky State Police (KSP) along with documentation obtained from the KSP in discovery to date, Martin was beaten, bludgeoned, tased, and otherwise illegally restrained by one or more of the Deputy Defendants. Martin suffered severe blunt force trauma and numerous contusions and hemorrhages of the head, neck and back (among other injuries as will be proven in evidence). Martin died of those injuries inflicted upon him by the Deputy Defendants, or due to one or more of the Deputy Defendants' failure to intervene, de-escalate or eliminate the unreasonable, excessive and deadly force used by one or more of the Deputy Defendants against Martin.

Martin's cause of death was ruled to be due to multimodal asphyxia which occurred during his restraint and beating by the Deputy Defendants. Martin's death was initially determined to be a homicide according to the death certificate and the contents of the autopsy report which concluded that Martin was beaten and choked, sprayed with oleoresin capsaicin ("OC Spray") and stunned more than once with electrically conductive devices by the Deputy Defendants, which resulted in his death.

Plaintiffs bring this action for violation of Martin's civil and constitutional rights under the United States Constitution, including but not necessarily limited to violation of his rights under the Fourth Amendment to be free from improper seizure and/or excessive force, his Eighth Amendment right as a pre-trial detainee to be free from cruel and unusual punishment and his due

process rights under the Fourteenth Amendment, all as made applicable by 42 U.S. Section 1983 (and all other applicable provisions of the United States and Kentucky Constitutions), as well as claims under state law. Those claims include negligence, wrongful death, and loss of consortium on the part of Amanda Martin, among others.

Plaintiffs bring this action to further expose the deliberate indifference, malicious or grossly negligent conduct and outrageous conduct which lead to the unnecessary, avoidable, and unconscionable assault and battery of Martin by the Defendants, and which were substantial factors in causing his death by the Deputy Defendants acting in their individual and official capacities as City Police Officers or deputy Sheriffs for Marion County, Kentucky and/or the City of Lebanon, Kentucky.

## **II. Jurisdiction and Venue**

1. Plaintiffs seeks damages from Defendants under 42 U.S.C. Section 1983 for unconscionable and gross violations of the rights, privileges and immunities afforded and guaranteed to Mr. Martin by the Fourth, Eighth and Fourteenth Amendments to the United States Constitution, and such other applicable Amendments or Constitutional provisions thereunder and/or under the Kentucky Constitution. This Court has jurisdiction over this case and these claims pursuant to 28 U.S.C. Section 1331 and Section 1343. This Court has jurisdiction over all of the state law claims that arise out of the same case or controversy by way of the supplemental jurisdiction granted by 28 U.S.C. Section 1367. Marion County, Kentucky is the location of the events and/or conduct and omissions giving rise to this claim and therefore venue is proper in this Court pursuant to 28 U.S.C. Section 1391.

### **III. Parties**

2. Plaintiffs incorporate by reference for all purposes in this Complaint all of the above allegations and assertions.

3. All factual allegations set forth herein above in the Introduction or below are restated and reasserted and should be considered integral parts of each Count set forth below.

4. At all times relevant hereto, Martin resided at 210 Marvin Downs Road, Bardstown, Kentucky, Commonwealth of Kentucky 40004.

5. At all relevant times hereto, Plaintiff Amanda Martin (“Amanda”) also resided at the address set forth in Paragraph 4 above.

6. At all relevant times hereto, Martin and Amanda were husband and wife and lived together as husband and wife and had conjugal relations.

7. At the time of his death, Mr. Martin was working for B&H Concrete and was earning \$22.00 per hour working approximately 35 to 40 hours week and contributing to the household income.

8. After the events alleged in this case and giving rise to this Complaint, and upon her husband’s death, on about March 1, 2023, Amanda was appointed as the administratrix for the Estate of William Joseph Martin by Order of the Probate Court, Nelson County, Kentucky, Case No. 23-P00070 (the “Estate”).

9. Defendant the Marion County Sheriff’s Department is and was at all times material hereto a political subdivision of Marion County, Kentucky charged with upholding the law and peacekeeping within Marion County, Kentucky including the City of Lebanon and the City of Loretto, Kentucky and/or other surrounding cities.

10. Defendant The City of Lebanon, Kentucky is and was at all times material hereto a political subdivision of the Commonwealth of Kentucky or Marion County, Kentucky organized and existing under and by virtue of the laws of Kentucky. The City Lebanon maintains, funds and controls the City of Lebanon's Police Department which employed deputy Knopp as a law enforcement officer at the time of the events giving rise to this Second Amended Complaint.

11. At all relevant times the Marion County Sheriff's Department acted by and through their officers, employees or other authorized agents, including but not necessarily limited to the Sheriff of Marion County (Jimmy Clements) and/or the Deputy Defendants, or others who may need to be identified.

12. At all relevant times the City of Lebanon, Kentucky (the "City") acted by and through their officers, employees or other authorized agents, including but not necessarily limited to the Defendant Knopp.

13. Defendant Jimmy Clements ("Clements"), sued in his official capacity, was at all relevant times the duly elected Sheriff of Marion County, Kentucky and was the chief policy maker for the Marion County, Kentucky Sheriff's Department, which has its primary office at the address set forth above. As chief policy maker and as the elected Sheriff for Marion County, Clements was in charge of the Marion County Sheriff's Department, including the training, and supervision of all of the department's deputies, including the Deputy Defendants, other than Samuel Knopp.

14. Defendant Tristan Hayden ("Hayden"), sued in his individual and official capacities, was at all relevant times hereto a deputy Sheriff with the Marion County Sheriff's Department and was bound and obligated to provide law enforcement services in accordance with federal law and the laws of the Commonwealth of Kentucky, including but not necessarily limited

to those laws and rules identified below, and was obligated to follow all of the rules and policies of the Marion County Sheriff's Department as well as those specified by applicable federal and state law.

15. Defendant John Robert Purdom ("Purdom"), sued in his individual and official capacities, was at all relevant times hereto a deputy Sheriff with the Marion County Sheriff's Department and was bound and obligated to provide law enforcement services in accordance with federal law and the laws of the Commonwealth of Kentucky, including but not necessarily limited to those laws and rules identified below, and was obligated to follow all of the rules and policies of the Marion County Sheriff's Department as well as those specified by applicable federal and state law.

16. Defendant Chris Nelson ("Nelson"), sued in his individual and official capacities, was at all relevant times hereto a deputy Sheriff with the Marion County Sheriff's Department and was bound and obligated to provide law enforcement services in accordance with federal law and the laws of the Commonwealth of Kentucky, including but not necessarily limited to those laws and rules identified below, and was obligated to follow all of the rules and policies of the Marion County Sheriff's Department as well as those specified by applicable federal and state law.

17. Defendant Samuel Knopp ("Knopp"), sued in his individual and official capacities, was at all relevant times hereto a city police officer with the Lebanon Police Department, Commonwealth of Kentucky, and was bound and obligated to provide law enforcement services in accordance with federal law and the laws of the Commonwealth of Kentucky, including but not necessarily limited to those laws and rules identified below, and was obligated to follow all



of the rules and policies of the Lebanon Police Department as well as those specified by applicable federal and state law.

18. At all relevant times the Deputy Defendants, as well as all other members or employees of the Marion County Sheriff's Department and/or the City (including its police department) were acting under color of state law consistent with their duly elected or appointed law enforcement positions, or as employees of the County and/or the City and were obligated to fully comply with proper law enforcement standards and the federal and state laws which proscribed their conduct as public officials, including all training they received in relation to their official positions as law enforcement officers.

19. Upon information and belief, each of the Deputy Defendants were involved in the seizure, battery, injury, death and other deliberately indifferent conduct perpetrated upon Martin, as hereinabove alleged and as further alleged below, all while acting under color of law as law enforcement officers.

#### **IV. Facts**

20. Plaintiffs incorporate by reference and realleges each of the above statements and averments as if fully set forth herein for all purposes.

21. Martin was 37 years of age on the date(s) that the events outlined in this Complaint occurred, and on the date of his death at the hands of the Deputy Defendants.

22. On or between December 16, 2022 at approximately 11:17 p.m. EST through the early morning hours of December 17, 2022 the Deputy Defendants, jointly or severally, responded to a domestic disturbance and a 911 call placed by Kaitlyn Nalley, a minor, and went to the scene from where the call was placed, 33 Lucy Lane, in the City of Loretto, Marion County, Kentucky (the "Scene").

23. Upon arrival at the Scene, one or more of the Deputy Defendants commenced a search and seizure of Martin and arrested him, allegedly on charges of public intoxication according to the coroner's report and the report of the Office of the Chief Medical Examiner with the Kentucky Justice and Public Safety Cabinet. Martin was not under the influence of any drugs or alcohol at the time of his arrest and was on private property, and as a result the arrest was invalid, and the arresting officers lacked probable cause for the arrest.

24. All charges asserted against Martin were misdemeanor charges.

25. At no point in time prior to or during his arrest was Martin hostile to the Deputy Defendants or anyone else and was cooperative with the law enforcement agents during their initial investigation and his arrest.

26. Martin was placed in a Sheriff's vehicle in handcuffs or was otherwise restrained and was to be transported to the Marion County Detention Center and released approximately in eight hours. This information was provided by the deputies to Amanda at the Scene. It is believed that Deputy Hayden is the law enforcement officer who transported Martin from the Scene and was in the process of taking him to the Marion County Jail.

27. During his transport, it was alleged by Defendant Hayden that Martin kicked out a window in his law enforcement vehicle or otherwise acted in a belligerent manner which caused a confrontation between him and the Deputy Defendants. This information is not accurate. Rather based on discovery to date, it appears that Martin needed air, while he was handcuffed in the back of the Sherriff vehicle and wearing a sweatshirt. He pulled on the Sheriff vehicle's rear window, which was already slightly cracked open, and in the process damaged the window. Martin had alerted Hayden to his needs prior to attempting to obtain additional air by pulling on the window. At all times Martin was handcuffed and unarmed in the back seat of Hayden's vehicle.

28. After these events, Hayden stopped his vehicle and called for backup.

29. The City of Lebanon and the Marion County Sherriff's Department are believed to share the same radio channels or system. Hayden's call for back up alerted Knopp, who travelled to the scene.

30. Once Knopp arrived at the scene, he and/or Hayden proceeded to remove Martin from the law enforcement vehicle at or near 1470 N. Loretto Road in Lebanon, Kentucky. Once other officers arrived, the Deputy Defendants attempted to remove Martin's cuffs from front, to back, and an altercation commenced between the Deputy Defendants and Martin.

31. Martin began to express fear for his safety and his life.

32. The Deputy Defendants proceeded to force Martin to the ground, where they then held, choked, beat, bludgeoned, tased, sprayed and/or caused severe injury to Martin.

33. More specifically, Hayden assumed a position at or near Martin's head and placed one or more knees on Martin's neck and/or shoulder area(s) which resulted in a severe deprivation of air or blood flow to Martin's body and vital organs. This is depicted and shown in video obtained through discovery. This conduct was contrary to Hayden's law enforcement training and the Policies and Procedures which he was bound to follow as a Marion County Deputy Sherriff.

34. At all relevant times Martin was unarmed, in a prone position, restrained, and posed no threat to the Deputy Defendants, the public or anyone else.

35. During this time, each of the Deputy Defendants knew, or should have known (had they been properly trained) that the force being applied to Martin could likely result in his severe injury or death.

36. At no time could any of the Deputy Defendants have reasonably believed that the use of the type of force applied to Martin was necessary to protect themselves, or others, from imminent threat of serious physical injury or death.

37. During this time Knopp assumed a position at or near Martin's feet, to restrain Martin and with full view of what the other Deputy Defendants were doing, including their use of improper holds or efforts to restrain Martin, or other excessive force which Knopp knew or should have known could cause Martin severe injury or death, and their other violations of appropriate law enforcement conduct and tactics.

38. Knopp, like the other Deputy Defendants, failed or refused intentionally to act, intervene, deescalate, or take any action to limit or remediate the excessive force applied to Martin by Hayden and/or the Deputy Defendants. Rather, he aided and abetted the conduct of the other officers. This too, was upon information and belief contrary to the Deputy Defendant's training as law enforcement officers.

39. In addition, upon information and belief, obtained after due inquiry and from discovery obtained to date, during a later Kentucky State Police (KSP) Investigation regarding the death of Martin, Knopp made false statements to investigators concerning what occurred during the altercation with Martin which resulted in his death, in an evident effort to "cover" for his fellow law enforcement officers.

40. The beating, bludgeoning, choking and other force used upon Martin by the Deputy Defendants lasted approximately four and ½ minutes. During this time, Hayden and/or the other Deputy Defendants had a knee or knees on the posterior of Martin's neck, and or on the sides of his neck, or his shoulder area while forcing his head and face into the ground, which resulted in restricted air or blood flow to Martin and his vital organs.

41. During this time, Martin affirmatively pleaded for his life and informed the officers that he thought they were going to kill him. The officers ignored these concerns.

42. Martin suffered other injuries during this time at the hands of the Deputy Defendants as set forth and described in the Coroner's Report and the Medical Examiner's Report in Case No. ME-22-1421.

43. During this same time, the Deputy Defendants sprayed OC into Martin's face more than once and deployed electrical stun devices (conducted electrical weapons or CEWs, tasers and/or other such devices) upon him multiple times.

44. During this same time Martin was unable to move, speak easily or breathe and was struggling and informing the officers that they were going to kill him.

45. During the last part of the struggle, Martin was only able to make groaning sounds for approximately 45 seconds to 1 minute before he finally ceased to make any movement or sound.

46. Martin was then rolled over by one or more of the Deputy Defendants and found to be unresponsive by the Deputy Defendants or others who were on the scene.

47. Cardiopulmonary resuscitation was attempted and failed.

48. EMS arrived at the scene and attempted emergency medical care which was unsuccessful.

49. Martin was transported by EMS to Springview Hospital in Lebanon, Kentucky where further efforts to resuscitate him failed and he was pronounced dead at approximately 57 minutes past midnight on December 17, 2022.

50. Subsequent to his death, Amanda was contacted by the Kentucky State Police (KSP) which, upon information and belief, had opened a criminal investigation into the conduct of the Deputy Defendants and/or others.

51. The cause of Martin's death was initially ruled as a homicide by the Kentucky Medical Examiner on the death certificate, which occurred because of the law enforcement actions and conduct of the Deputy Defendants, as alleged herein, who caused massive and deadly injury to Martin during their struggle with him.

52. Martin committed no crime on the night of his arrest, or any crime of which he was suspected was not an offense serious enough for any reasonable law enforcement officer to believe he posed any reasonable threat, objectively or subjectively, to law enforcement or anyone else, or to assert the force used against him and which caused his death.

53. At no time did any Defendant herein have any reasonable suspicion or belief that Martin posed a danger to himself, the public or otherwise.

54. The conduct of the Deputy Defendants was in reckless disregard for Martin's rights, was objectively and subjectively unreasonable, conducted with reckless indifference for the life or wellbeing of Martin, and in violation of the rules, policies and procedures which they were obligated to follow as Marion County Sheriff Deputies and City of Lebanon officers, and was contrary to Kentucky and federal law, including but not necessarily limited to Martin's rights under the United States and Kentucky Constitutions, and numerous Kentucky statutes and administrative regulations related to law enforcement.

55. The conduct of the Deputy Defendants constituted excessive force and cruel and unusual punishment upon the physical person of Martin, which excessive force and punishment was a substantial factor in causing his death.

56. In addition to state and federal law, those rules and laws violated include ministerial duties and obligations found in, for example but not by way of limitation, the Marion County Sheriff Department's Policies and Standard Operating Procedures (SOPs) such as Chapter 11 (Officer's Response to Resistance), Chapter 16 (Prisoner Transportation), and Chapter 26 (Use of Tasers), among other ministerial rules, duties and obligations which the Deputy Defendants were bound and obligated to comply with and observe, as well as various Kentucky Administrative Regulations and federal and Kentucky law statute and other laws.

57. The conduct of the Deputy Defendants was contrary to the training they received at the Department of Criminal Justice in Richmond Kentucky and/or other training, as they were specifically taught to avoid the head, neck, and spine area when attempting to control or handcuff a suspect, and all of the Deputy Defendants were taught to avoid this type of conduct because it could cause serious harm to the suspect, including death.

58. At no point, contrary to their training, did the Deputy Defendants disengage from their encounter with Martin or create distance from him to be able to better assess the situation and avoid further physical confrontation with Martin.

59. Further, according to their training, if a person like Martin is in a prone position, there is no legitimate reason for an officer to engage in a physical altercation to the extent or to the degree that the Deputy Defendants did.

60. At all times all Deputy Defendants could easily have disengaged pursuant to and consistent with their training, but they consciously chose to use a level of force upon Martin which they knew from their training had the potential to cause him serious injury or death.

61. The conduct of the Deputy Defendants was subjectively and objectively reckless, wanton, grossly negligent and constituted deliberate indifference to the rights, privileges and

immunities afforded Martin under applicable law, including but not limited to the United States and Kentucky Constitutions.

62. As a result of the conduct alleged above, Martin was killed, and Plaintiffs have suffered those damages identified below, and for which they seek recovery in this action.

**V. Causes of Action**

**Count I**

**Violations of 42 U.S.C. Section 1983**

**Improper Fourth Amendment Seizure and/or Excessive Force and/or Eighth Amendment Excessive Force or Cruel and Unusual Punishment as made applicable by the Fourteenth Amendment or other Provisions of the US Constitution against the Deputy Defendants and Officers of Marion County and the City**

60. Each of the above paragraphs are incorporated herein by reference and made a part of this Count.

61. The Deputy Defendants' apprehension and seizure of Martin together with their use of unnecessary and unwarranted excessive and lethal force as alleged above to stop, apprehend, seize, arrest and/or subdue Martin was contrary to the rules, policies and procedures the Deputy Defendants were bound to follow as law enforcement officers of the County and/or the City, having been trained by their respective departments, acting under color of law, and was further in violation of Kentucky and Federal law, as well as being objectively unreasonable, subjectively unreasonable, intentional, reckless, deliberate, indifferent, oppressive, wanton and/or malicious, and indicative of their deliberate and reckless disregard of and deliberate indifference towards the legal rights and/or the life of Martin.

62. The Deputy Defendant's knew or should have known from proper law enforcement training, if received, that their conduct posed an unjustifiably high risk of injury or death to Martin.



63. The conduct of the Deputy Defendants was in violation of Martin's clearly established rights under the United States Constitution and Kentucky Constitution including but not limited to his right not to be subjected to excessive or lethal force, or unreasonable seizure, or cruel and unusual punishment.

64. The conduct of the Deputy Defendants subjected Martin to excessive and unreasonable force, and cruel and unusual punishment and violated those rights and other clearly established rights of Martin, as well as ministerial rules of their profession, deprived Martin of his substantive and procedural due process rights, and constituted assault and battery, together with potentially criminal conduct including but not limited to federal and state laws against homicide.

65. There was no probable cause to arrest Martin for the misdemeanor(s) for which he was charged.

66. At all times a special relationship existed between Martin and the Deputy Defendants in as much as Martin was in the custody and control of the Deputy Defendants, having been arrested or restrained in his freedom of movement and deprived of his liberty by state actors.

67. All the Deputy Defendants had the opportunity, means and time, having observed each other's conduct, to have prevented Martin's injury and death. At no time did any Deputy Defendant call into question or otherwise attempt to stop or intervene or intercede in the use of the excessive force being perpetrated against Martin. Rather, all of the Deputy Defendants aided and abetted each other, or failed to intervene properly to protect Martin and his legal rights.

68. As a result of the above conduct Martin was seized against his will improperly, assaulted, battered, choked, bludgeoned, beaten, tased, severely wounded, sprayed in the face, placed in fear for his life and killed in violation of his rights under the Fourth Amendment to the

United States Constitution and with excessive force or cruel and unusual punishment perpetrated upon him in violation of the Eighth Amendment to the United States Constitution, or other applicable constitutional provisions, without due process of law as required by the Fourteenth Amendment to the Constitution, all in violation of the United States Constitution as actionable pursuant to 42 U.S.C. Section 1983.

**Count II**  
**(Violation of 42 U.S.C. § 1983 – Failure to Supervise or Train Law Enforcement Officers as to Marion County, Kentucky and the City of Lebanon, Kentucky)**

69. Each of the above paragraphs are incorporated herein by reference and made a part of this Count.

70. Pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1978) and its progeny including but not limited to *City of Canton, Ohio v. Harris*, 489 U.S. 378 (1989), and all other applicable law, Plaintiffs make the following additional allegations.

71. At all times relevant to this Complaint, Defendant Clements, and the Deputy Defendants (other than Knopp) were acting as duly appointed law enforcement officers for Marion County and were acting under the direction and control of the Sheriff, Defendant Clements, under color of state law.

72. At all times relevant hereto Defendant Clements was the chief policy maker for the Marion County Sheriff's Department.

73. At all relevant times Knopp was acting as a duly appointed or employed law enforcement officer for the City of Lebanon, and was acting under the direction of the City, or its police department, and was under the direction and control of the City of Lebanon, under color of state law.

74. On or prior to December 17, 2022, with deliberate indifference to the rights of arrestees, detainees, and the like such as Martin, both Marion County and the City of Lebanon tolerated, permitted, failed to correct, promoted, fostered or ratified a number of customs, patterns, or practices that condoned officers to adhere to improper conduct related to arrest, seizure and use of force, that will further be identified in discovery.

75. Both Marion County and the City of Lebanon had the power to terminate or appropriately discipline the Deputy Defendants for their misconduct prior to or after December 17, 2022, but failed to do so despite the County and the City's knowledge of the excessive force utilized against Martin, and potentially others as may be determined in discovery.

76. By refusing to reprimand, suspend, or terminate the Deputy Defendants, the Marion County Sherriff's Office and the City have allowed the Deputy Defendants to act with impunity and without fear of retribution.

77. Clements' and the City's failure or refusal to reprimand, suspend, terminate or properly discipline the Deputy Defendants evinces its larger custom, police, or practice of failing to supervise, terminate, or properly discipline its officers for unconstitutional, unlawful, or otherwise improper conduct, and thereby encouraged and continues to encourage the Deputy Defendants to continue engaging in unlawful acts towards arrestees, including Martin.

78. On or prior to December 17, 2022, Clements in his official capacity and the City with deliberate indifference to the rights of arrestees, detainees, and the like, tolerated, permitted, failed to correct, promoted, or ratified its agents, including the Deputy Defendants, providing improper, inadequate and/or harmful training to their officers.

79. Both Clements as Sherriff of Marion County and the City had and retain the power to terminate or appropriately discipline the Deputy Defendants but have failed to do so despite

their knowledge and perpetuation of dangerous ideology and conduct by their officers, including the Deputy Defendants.

80. By refusing to terminate or discipline the Deputy Defendants, both Marion County by and through its elected Sherriff and the City have caused their officers including the Deputy Defendants to act with impunity and without fear of retribution, which portends the potential for further constitutional violations of the citizenry of Marion County and the City.

81. It was known or should have been known to Clements or the City that one or more of the Deputy Defendants was not properly trained on use of force, proper transport of prisoners and other fundamental duties of their law enforcement positions, or such deputies were not properly supervised by Clements and the Marion County Sheriff's Department and the City's Police Department.

82. The conduct of the Deputy Defendants or others at the scene who have not yet been identified, in repeatedly and for a prolonged period beating, choking, bludgeoning and ultimately killing Martin is evidence that none of the officers at the scene knew, appreciated, or understood their duties and obligations as law enforcement officers and/or that they received insufficient training, or supervision in their positions as law enforcement officials both as to the rules and SOPs of the Marion County Sheriff's Department and/or the City, or otherwise under federal and state law.

83. No reasonable and well trained or supervised law enforcement officer would violate those laws and rules which they were obligated to comply with as set forth above or as discovery may reveal.

84. Upon information and belief, Defendant Hayden is currently being investigated for, or has a history of, violence against one or more other citizens of the Commonwealth of Kentucky

in one or more matters other than the instant case and has injured or killed one or more citizens of the Commonwealth of Kentucky besides Martin. It is unclear why Defendant Hayden was allowed to remain an officer with the Marion County Sheriff's Department given his history and/or why he was permitted to join in the events outlined above. Plaintiffs allege that Hayden should not have been permitted to respond to the events giving rise to this Complaint.

85. Acting under color of law and in violation of Marion County's and the City's law enforcement rules and policies and/or pursuant to official or unofficial policy or custom, Clements and/or the Marion County Sheriff's Department and/or the City, through its/their chief policy maker(s) knowingly, recklessly, or with gross negligence and deliberate indifference to the safety of the public failed to instruct, supervise, control, deploy, investigate and/or discipline the Deputy Defendants regarding the use of force and or those other policies identified herein and in the Marion County Sheriff Department's SOPs, and such failures were a substantial factor in contributing in Martin's death and the deprivation of his Constitutional and statutory rights, privileges, and immunities.

86. The conduct and failures of Marion County Sheriff's Department and the City as alleged above were a moving force behind the constitutional violations asserted in this Complaint, and Clements and/or Marion County and City officials charged with supervising and training their own officers should have known that the failures outlined herein could cause or result in harm to individuals including Martin such that the County and the City may be said to have created or caused the constitutional deprivations alleged herein.

87. Upon information and belief, the Deputy Defendants were investigated by the Kentucky State Police in Marion County Kentucky and were charged with crimes associated with the death of Martin. Although, based on information obtained through discovery, a no true bill on

those charges was issued by the grand jury of Marion County, upon information and belief none of the Deputy Defendants have been disciplined, terminated, suspended, re-trained or further trained from or in connection with their law enforcement duties or positions with Marion County.

88. This further evidences the formal or informal culture and policy of the Marion County Sheriff's Department and/or the City not to properly supervise or discipline its officers consistent with the Rules of the Marion County Sheriff's Department and/or the City, and applicable law.

89. As a direct and proximate cause of the these failures or conduct by Marion County and/or Clements in his official capacity, the Deputy Defendants and the City, Martin suffered severe physical injury, severe mental and emotional distress and severe mental anguish and lost his life, incurred lost wages, lost his power to labor and earn money and the Plaintiffs have suffered those and other damages including wrongful death and loss of consortium and society all as to be proven in evidence, all contrary to his constitutional and statutory rights guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments and such other applicable Amendments to the United States Constitution and/or as protected otherwise protected by 42 U.S.C. § 1983 and the Constitution of the United States and/or the constitution of the Commonwealth of Kentucky, or other applicable law.

### **Count III**

#### **Wrongful Death**

90. The allegations contained in each of the above paragraphs are incorporated by reference herein.

91. The death of Martin resulted from an injury or injuries inflicted upon him by the negligence or other wrongful acts of Deputy Defendants and the County and the City for the reasons set forth above and/or the other named Defendants in this case, as alleged herein.

92. The death of Martin was in violation of KRS 411.130 and other Kentucky statutes related to the wrongful death of a person and is actionable under all such statutes.

93. The death of Martin was the result of violations by the Deputy Defendants and the other Defendants and their training, or lack of training, and the Rules and Policies to which they were obligated to adhere, and further in violation of Kentucky and Federal law as hereinabove alleged.

94. The wrongful death action in this instance is being prosecuted by the personal representative of Martin as set forth above, his wife, Amanda, as Administratrix of the Estate.

95. The personal representative on behalf of the Estate asserts claims for all damages available under Kentucky's Wrongful Death Statute and KRS 411.133 and other Kentucky statutes or applicable law for personal injury actions and wrongful death actions, including but not limited to lost wages and lost future earning power, bodily injury, physical and emotional pain and suffering, death, and further including punitive damages due to the willful acts or grossly negligent acts of the Defendants as set forth hereinabove, together with the costs of funeral expenses and the costs of administration, including attorney fees.

96. Amanda Martin further asserts an individual claim for loss of society, love and affection, consortium, conjugal relations, familial relations and generally the loss of her husband and life partner and the support and assistance he provided to her and her family, and for all other damages including punitive damages for the reasons set forth above.

**Count IV**  
**Negligence and Negligence *Per Se* against the Deputy Defendants in their Individual Capacities and the City of Lebanon**

97. The allegations contained in each of the above paragraphs are incorporated by reference herein.

98. In arresting, beating and causing the death of Martin and/or by assisting or participating therein, or aiding and abetting or failing to intervene in obviously illegal conduct, the Deputy Defendants acted in direct violation of numerous rules, regulations and laws, which were ministerial in nature (some of which are identified above and others to be identified in discovery).

99. The Deputy Defendants had a duty and obligation to follow and adhere to their training and the rules related to their law enforcement duties, including federal and state law, in their interaction with Martin.

100. In failing to follow or adhere to fixed and certain ministerial rules and obligations governing their law enforcement duties and obligations, including but not necessarily limited to those duties established by the Marion County Sheriff's Department and/or the City of Lebanon related to seizure, use of force and/or other rules and applicable Kentucky or federal statutes or administrative regulations, or other law, the Deputy Defendants breached their duties and/or were negligent or grossly negligent and such negligence constitutes negligence *per se* under applicable Kentucky law and statutes.

101. The Deputy Defendants breached their duty or duties of care to Martin which breaches of duty were a proximate or substantial cause of his death.

102. The City of Lebanon is liable to the Plaintiffs due to Knopp's employment with the City, and his actions aforesaid as a duly authorized agent or employee of the city, and based on *respondeat superior*, for which no immunity will lie.

**Count V**  
**Assault and Battery**

103. Each of the above paragraphs are incorporated herein by reference and made a part of this Count.



104. The assault, battery, and illegal touching and conduct of the Deputy Defendants was unwarranted and inexcusable.

105. By virtue of the foregoing, the Deputy Defendants committed the common law torts of assault and battery upon Martin.

**Count VI**  
**Liability of the Sherriff in his Official Capacity for the Acts of his Deputies**

106. KRS 70.040 provides that the Sheriff of any Kentucky County shall be liable for the actions or omissions of his deputies.

107. The statute creates liability against the Sherriff in his official capacity as an officer of the County, but not liability against the individual holder of this office.

108. The statute evidences a waiver of the Sheriff's official immunity (the office of the Sherrif).

109. The acts and omissions of the Deputy Defendants (other than Knopp) as alleged above are the responsibility of Sherriff Clements in his official capacity and judgment against the Sherriff in his official capacity should be entered for all damages prayed for in this Complaint.

**VI. Damages and Prayer for Relief**

110. Each of the above paragraphs, allegations and Counts are incorporated herein by reference and made a part of this Count.

111. Plaintiffs allege that the conduct identified and as plead hereinabove was unnecessary and preventable, contrary to law and Plaintiffs are entitled to recover all forms of damages as to each of the above Counts to which they are entitled, for the great physical and mental pain and suffering Martin experienced during his assault and prior to his death; all of his medical expenses incurred and all medical expenses he will reasonably incur in the future; all of his past

lost wages and all lost wages he may be reasonably expected to incur in the future due to the diminution in his power to labor and earn money; compensatory damages for his death; funeral expenses; damages for Martin's loss of enjoyment of life; punitive damages due to the Defendants' cruel, malicious, and reckless conduct which evinced a total disregard for the rights of Martin in order to deter such conduct in the future pursuant to KRS 411.30, 411.140, KRS 411.184 and 411.186 and/or applicable state or federal law, as well as all other damages recoverable in law or equity, and Plaintiffs are further entitled to recover their reasonable attorney fees and costs/expenses incurred in this litigation pursuant to 42 U.S.C. § 1988 and/or other applicable law.

WHEREFORE, Plaintiffs by counsel demands trial by jury as to all of the allegations and Counts specified herein, that they recover and be awarded all damages sought herein and specified above and/or to which they may otherwise be entitled at law, and further including pre and post judgment interest at the maximum legal rate, their costs, attorney fees, and all other relief to which they are entitled, including the right to amend this Complaint.

Respectfully submitted,

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