

COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
CIVIL ACTION NO. 24-CI-_____

FILED ELECTRONICALLY

MELISSA SAMONS as Administratrix of the
Estate of AMBER NICOLE SPRADLIN

PLAINTIFF

VS.

COMPLAINT

CITY OF PRESTONSBURG

DEFENDANT

SERVE: **Via Certified Mail**
Jennifer Burke Elliott
Registered Agent
200 North Lake Drive
Prestonsburg, KY 41653

AND

PRESTONSBURG POLICE DEPARTMENT

DEFENDANT

SERVE: **Via Certified Mail**
Jennifer Burke Elliott
Registered Agent
200 North Lake Drive
Prestonsburg, KY 41653

AND

RANDY WOODS in his Individual Capacity
and Official Capacity as former Chief of Prestonsburg
Police Department

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Randy Woods
363 Left Penhook Rd
Harold, KY 41635

AND

FLOYD COUNTY FISCAL COURT

SERVE: **Via Certified Mail**
Restricted Delivery
Robbie Williams
151 South Central Avenue
Prestonsburg, KY 41653

AND

LES STAPLETON in his Individual Capacity
and Official Capacity as former Mayor of Prestonsburg

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Les Stapleton
1118 Riverside Drive
Prestonsburg, KY 41653

AND

ROBBIE WILLIAMS in his Individual Capacity
and Official Capacity as County Judge Executive

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Robbie Williams
151 South Central Avenue
Prestonsburg, KY 41653

AND

MARK D. CRIDER in his Individual Capacity
and his Official Capacity as a Magistrate of the Floyd County
Fiscal Court

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Mark D. Crider
151 South Central Ave.
Prestonsburg, KY 41653

AND

GEORGE OUSLEY in his Individual Capacity
and his Official Capacity as a Magistrate of the Floyd County
Fiscal Court

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
George Ousley
151 South Central Ave.
Prestonsburg, KY 41653

AND

MICHAEL K. MCKINNEY, Individually and as Owner of
THE SEASONS INN AND RESTAURANT

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Michael K. McKinney
659 Arkansas Creek Road,
Martin, KY 41649

AND

MICHAEL MCKINNEY, JR.

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Michael McKinney, Jr.
659 Arkansas Creek Road,
Martin, KY 41649

AND

ROY KIDD

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Roy Kidd
452 Ivy Creek
Ivel, KY 41642

AND

CHRIS MCKINNEY, Individually and d/b/a THE SEASON INN
MOTEL AND RESTAURANT

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Chris McKinney
599 Arkansas Creek Road
Martin, KY 41649

AND

THE SEASONS INN MOTEL AND RESTAURANT

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Michael K. McKiney
659 Arkansas Creek Road,
Martin, KY 41649

AND

UNKNOWN DEFENDANTS

DEFENDANT

**** * * * * *

Comes now the Plaintiff, Melissa Samons, as the Administratrix of the Estate of Amber Nicole Spradlin, by counsel, and, for her Complaint against Defendants states as follows:

PARTIES, JURISDICTION, AND VENUE

1. The Plaintiff, Melissa Samons ("Mrs. Samons"), is a resident of Floyd County, Kentucky. Mrs. Samons brings this suit in her capacity as the Administratrix of the Estate of Amber Nicole Spradlin ("Plaintiff Spradlin"). Plaintiff Spradlin, at all times pertinent to this Complaint, was a resident of Floyd County, Kentucky. Plaintiff Spradlin died on or about June 18, 2023. Mrs. Samons was appointed Administratrix of Amber Spradlin's estate on June 27, 2023, by Order of the Floyd District Court, Estate of Amber Nicole Spradlin, 23-P-00257.

2. The Defendant, City of Prestonsburg, is a municipality located in the State of Kentucky. It is responsible for and vicariously liable for all acts and omissions of any and all City of Prestonsburg employees, including but not limited to, each member, present and former employee of the City of Prestonsburg, the City of Prestonsburg Police Department, Mayor Les Stapleton, and any and all employees and decision makers employed by the City of Prestonsburg that were involved in this matter. Its agent for service of process is Jennifer Burke Elliot with a service of process address of 200 North Lake Drive, Prestonsburg, KY 41653.

3. The Defendant, Prestonsburg Police Department, ("PPD") is a law enforcement entity created for the purpose of serving the city of Prestonsburg. PPD's agent for service of process is Jennifer Burke Elliot with a service of process address of 200 North Lake Drive Prestonsburg, KY 41653.

4. The Defendant, Randy Woods, in his individual capacity, and in his official capacity as former Chief of Prestonsburg Police Department, is a citizen and resident of Floyd County, Kentucky, with a service of process address of 363 Left Penhook Rd, Harold, KY 41635. Defendant Randy Woods, at all times pertinent to this Complaint, was Chief of the Prestonsburg Police Department.

5. The Defendant, Floyd County Fiscal Court at all times pertinent to this Complaint voted for the 911 call center to be transferred from the Kentucky State Police to the City of Prestonsburg. It is the governing board for Floyd County and responsible for the safety and protection of the citizens of Floyd County.

6. The Defendant, Les Stapleton, in his individual capacity, and in his official capacity as former Mayor of Prestonsburg, is a citizen and resident of Floyd County, Kentucky, with a service of process address of 1118 Riverside Drive, Prestonsburg, KY

41653. Defendant Les Stapleton, at all times pertinent to this Complaint, was Mayor of Prestonsburg.

7. The Defendant, Robbie Williams, in his individual capacity, and in his official capacity as County Judge Executive for Floyd County, is a citizen and resident of Floyd County, Kentucky, with a service of process address of 151 South Central Ave, Prestonsburg, KY 41653.

8. The Defendant, Mark Crider, in his individual capacity, and in his official capacity as Magistrate for the Floyd County Fiscal Court, is a citizen and resident of Floyd County, Kentucky, with a service of process address of 151 South Central Ave, Prestonsburg, KY 41653.

9. The Defendant, George Ousley, in his individual capacity, and in his official capacity as Magistrate for the Floyd County Fiscal Court, is a citizen and resident of Floyd County, Kentucky, with a service of process address of 151 South Central Ave, Prestonsburg, KY 41653.

10. The Defendant, Michael K. McKinney, Sr., DMD, ("McKinney Senior") is a citizen and resident of Floyd County, Kentucky, with a service of process address of 659 Arkansas Creek Road, Martin, KY 41649.

11. The Defendant, Michael McKinney, Jr., ("MK") is a citizen and resident of Floyd County, Kentucky, with a service of process address of 659 Arkansas Creek Road, Martin, KY 41649.

12. The Defendant, Roy Kidd, is a citizen and resident of Floyd County, Kentucky, with service of process address of 452 Ivy Creek, Ivel, KY 41642.

13. The Defendant, Chris McKinney, is a citizen and resident of Floyd County, Kentucky, with a service of process address of 559 Arkansas Creek Road, Martin, KY 41649.

14. The Defendant, The Seasons Inn and Restaurant, is an assumed name for Defendant McKinney Senior and Defendant Chris McKinney. The Seasons Inn and Restaurant is located at 8550 KY Route 1428, Martin, Kentucky in Floyd County, with a service of process address of Chris McKinney, 559 Arkansas Creek Road, Martin, KY 41649.

15. This Court has jurisdiction over the subject matter of this action because the acts and omissions of the Defendants giving rise to this Complaint took place in Floyd County, Kentucky.

16. Venue is proper in Floyd County, Kentucky because all or a substantial amount of the acts giving rise to Plaintiff's claims occurred in Floyd County, Kentucky and the amount of the damages in controversy exceeds the minimum jurisdictional amount of the Floyd Circuit Court and is in excess of \$75,000.

FACTS

17. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

18. On or about December 21, 2022, at a Floyd County Fiscal Court meeting, Defendant Floyd County Judge Executive Robbie Williams introduced and announced that the 911 emergency dispatch services for Floyd County were being transferred from Kentucky State Police Post 9 in Pikeville, to Defendant City of Prestonsburg Police Department ("PPD").

19. A vote was held by the Defendant Floyd County Fiscal Court and the interlocal agreement introduced by Defendant Williams was passed.

20. It took an act of the Defendant Floyd County Fiscal Court, via its members Defendants Williams, Crider, and Ousley, to transfer the 911 emergency dispatch services for Floyd County to Defendant PPD.

21. Upon information and belief, the interlocal agreement which was voted on at that Fiscal Court meeting on December 21, 2022, and entered into the official record on December 21, 2022, was replaced later that same day by Defendant PPD without authority or authorization to replace the agreement.

22. The interlocal agreement provided that, in exchange for a sum of money, Defendant PPD assumed the emergency dispatch responsibilities for the entirety of Floyd County across all law enforcement agencies.

23. Defendants the City of Prestonsburg, Les Stapleton, Robbie Williams, and the Floyd County Fiscal Court acting in concert and pursuant to a joint venture, were responsible for the 911 call center being transferred from the Kentucky State Police to Defendant City of Prestonsburg. After deciding to move the 911 call center, none of the Defendants made any attempt to perform any of the following administrative duties:

- a. Ensure that the PPD was adequately prepared, staffed, funded, and otherwise ready to handle 911 calls in an appropriate manner;
- b. Implement policies, standard operating procedures, guidelines, and other standards by which the 911 call center would be run and to ensure that the capabilities existed to comply with all such standards;

c. Ensure that the proper funding, guidelines, supervision, installation, and expertise was in place for the implementation of a 911 call center in Prestonsburg that would be able to perform the duties of a 911 call center.

24. Upon information and belief, Defendants MK and Roy Kidd traveled to the Defendant Seasons Inn Motel and Restaurant where they were served alcoholic beverages despite the fact they were severely intoxicated. Plaintiff Spradlin was present with them at the Defendant Seasons Inn Motel and Restaurant. At all times relevant to this Complaint, the Seasons Inn Motel and Restaurant was owned and operated by Defendant McKinney Senior and Defendant Chris McKinney.

25. Upon information and belief, Defendants MK, Kidd, and Plaintiff Spradlin departed from the Seasons Inn to a residence at 659 Arkansas Creek Road, Martin, KY 41649, owned by Defendant McKinney Senior. McKinney Senior was also present in the home that night at all times pertinent to this Complaint. Defendant MK, Defendant Kidd, Plaintiff Spradlin, and two other individuals were guests of Defendant McKinney Senior at the residence.

26. Defendant McKinney Senior provided Defendants MK and Kidd additional intoxicating substances while at his residence.

27. Upon information and belief, on or about the night of June 17, 2023, or the early morning hours of June 18, 2023, a 911 call was placed to the 911 call center operated by Defendant PPD requesting help at the residence of Defendant McKinney Senior to respond to an emergency.

28. Upon information and belief, the original 911 call was made by Defendant MK, and during the emergency phone call, Defendant McKinney Senior got on the call to ensure that no emergency response was going to be sent to his home.

29. At no point following the initial 911 call did any employee or representative of Defendant PPD follow-up at the residence or attempt to contact any individual or dispatch an officer and/or medical crew to the scene for a wellness check. The information received during the 911 call should have triggered a dispatch of emergency services.

30. After the initial 911 call, Plaintiff Spradlin, on the night of June 17, 2023, or the early morning of June 18, 2023, was stabbed multiple times by Defendant MK, causing her death, inside the residence located at 659 Arkansas Creek Road, Martin, KY 41649 owned by Defendant McKinney Senior.

31. Upon information and belief, Defendants at the residence failed to protect Plaintiff Spradlin, failed to take immediate action to help Plaintiff Spradlin, and possibly removed security cameras installed around the house, prior to a second 911 call being made.

32. Defendant McKinney Senior called Defendant Randy Wood and had a phone conversation prior to the second 911 call being made. Plaintiff Spradlin may have been alive at the time of the call. Defendant Randy Wood failed to take prompt remedial action to potentially save Plaintiff Spradlin's life.

33. Defendant MK left the residence prior to the arrival of law enforcement.

34. Upon information and belief, the Defendants located within the residence did not report the attack on Plaintiff Spradlin or the fact that she died as a result of the attack until after efforts were made to cover up the crime.

COUNT I
NEGLIGENCE
(Prestonsburg and Prestonsburg Police Department)

35. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

36. Defendant PPD had a duty to ensure that residents of Floyd County, including Plaintiff Spradlin, had access to emergency services through the local 911 call center.

37. Defendant PPD had a duty as a police unit to defend, protect, and serve all residents of Prestonsburg and Floyd County, who called or were the subject of a call to 911.

38. Defendant PPD willfully and wantonly breached this duty by failing to respond to a 911 call placed by Defendant MK on or about the night of June 17, 2023 or morning of June 18, 2023.

39. As a direct and proximate result of Defendant PPD's negligent failure to respond to the first call placed on or about the night of June 17, 2023 or morning of June 18, 2023, Plaintiff Spradlin was stabbed multiple times and subsequently died.

COUNT II
NEGLIGENCE
(Les Stapleton; Robbie Williams; Mark Crider; George Ousley; Floyd County Fiscal Court)

40. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

41. The Defendants had a duty to ensure that residents of Floyd County, including Plaintiff Spradlin, had access to emergency services through a 911 call center. Once that duty is assumed, its ministerial in nature.

42. The Defendants willfully and wantonly breached this duty by failing to have a viable 911 call center and by implementing an interlocal agreement and policies that were wholly inadequate to respond to emergencies.

43. As a direct and proximate result of the Defendant's negligent failure to ensure that residents of Floyd County had adequate access to emergency services, the first 911 call placed on or about the night of June 17, 2023 or morning of June 18, 2023, was not responded to and Amber Spradlin was stabbed multiple times and subsequently died.

COUNT III
NEGLIGENCE – DRAM SHOP
(The Seasons Inn Motel and Restaurant; McKinney Senior; MK)

44. Plaintiff repeats, re-alleges and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

45. Defendant Seasons Inn Motel and Restaurant sells food and drink, including intoxicating beverages, to its customers.

46. Defendant Seasons Inn Motel and Restaurant is vicariously liable for the negligent, careless, unreasonable, and intentional acts and omission of its agents, servants, and employees.

47. On or about June 17, 2023, Defendants MK and Kidd were customers at Defendant Seasons Inn Motel and Restaurant and were over the age permitted for the lawful purchase of intoxicating beverages.

48. On or about June 17, 2023, Defendant Seasons Inn Motel and Restaurant, through its agents, servants, and employees, served Defendants MK and Kidd intoxicating beverages.

49. Defendants MK and Kidd were over served while at Defendant Seasons Inn Motel and Restaurant.

50. Defendant Seasons Inn Motel and Restaurant, through their agents, servants, and employees, negligently, carelessly, unreasonably and intentionally served intoxicating beverages to Defendants MK and Kidd when they knew, or reasonably should

have known under the circumstances, Defendants MK and Kidd were already intoxicated at the times they were served the intoxicating beverages.

51. Defendant Seasons Inn Motel and Restaurant, through its agents, servants and employees, knew or reasonably should have known under the circumstances, that there was a reasonable likelihood that Defendants MK and Kidd would leave Seasons Inn Motel and Restaurant and would pose a danger to the safety of others including Plaintiff Spradlin.

52. Defendants MK and Kidd, while under the influence of intoxicating beverages served to them by Defendant Seasons Inn Motel and Restaurant, through its agents, servants, or employees, left The Seasons Inn Motel and Restaurant with Plaintiff Spradlin.

53. Plaintiff Spradlin's death was the direct and proximate result of the negligent, careless, unreasonable and intentional acts and omissions of Defendant The Seasons Inn Motel and Restaurant through its agents, servants and employees in serving intoxicating beverages to Defendants MK and Kidd when it knew, or reasonably should have known under the circumstances, MK and Kidd were already intoxicated at the times they were served intoxicating beverages.

COUNT IV
NEGLIGENCE
(McKinney Senior)

54. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

55. Defendant McKinney Senior owed to Plaintiff Spradlin a duty of care as the owner of the residence located at 659 Arkansas Creek Road, Martin, KY 41649. As a social

host a duty existed between Defendant McKinney Senior and the other Defendants in the residence, including his son, Defendant MK.

56. Defendant McKinney Senior breached that duty of care by negligently/recklessly failing to intervene, cancelling a request for 911 emergency dispatch, and allowing Plaintiff Spradlin to suffer multiple stab wounds on the night of June 17, 2023 or early morning of June 18, 2023, at the property he owned at 659 Arkansas Creek Road, Martin, KY 41649.

57. As a direct and proximate result of Defendant McKinney Sr.'s breach of his general duty towards Plaintiff Spradlin as the owner of the property located at 659 Arkansas Creek Road, Martin, KY 41649, Plaintiff Spradlin suffered serious bodily harm and subsequently died.

COUNT V
NEGLIGENT HIRING, SUPERVISION, TRAINING AND RETENTION
(Prestonsburg Police Department)

58. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

59. Defendant PPD had a duty to exercise due care in the hiring, supervision, training and retention of employees at the 911 call center.

60. Defendant PPD breached these duties by:

- a. Failing to exercise due care in the hiring of employees of PPD with an adequate ability to respond to emergency calls placed to the 911 call center;
- b. Failing to exercise due care in the training and supervision of employees, thereby allowing the 911 call first placed to be ultimately ignored and failing to follow-up the first 911 call.

- c. Exposing Plaintiff Spradlin to an increased risk of harm by failing to adequately train PPD personnel in the necessary response to 911 calls to the 911 center, failing to adequately train PPD personnel in the appropriate measures to take to prevent loss of life when a 911 call is placed, and failing to train PPD personnel in adequate measures to assist first responders in rendering aid to citizens of Floyd County experiencing life threatening emergencies when a 911 call is placed;
- d. Failing to implement appropriate policies and procedures to ensure that every 911 call could receive a prompt and appropriate response.

61. The aforementioned breaches by Defendant PPD constitute negligent hiring, supervision, training and retention of employees at the PPD 911 center, as well as a negligent failure to implement proper policies.

62. Defendant PPD is vicariously liable for the acts and omissions of its employees and is liable pursuant to the Restatement (Third) of Agency including, but not limited to § 7.05.

63. As a direct and proximate result of the negligence of Defendant PPD, Plaintiff Spradlin sustained injury which resulted in her wrongful death, and sustained damages as set forth herein.

COUNT VI
OUTRAGE
(All Defendants)

64. Plaintiff realleges, reavers, reiterates, and incorporates herein by reference each and every preceding paragraph of this Complaint as if set forth fully herein.

65. Defendants individually and in concert subjected Plaintiff to conduct that was intentional and/or reckless and that was outrageous and intolerable so as to offend generally accepted standards of morality and decency.

66. Defendants' intentional infliction of emotional distress has caused the Plaintiff Spradlin to sustain damages as set forth herein.

COUNT VII
WRONGFUL DEATH
(All Defendants)

67. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

68. As a direct and proximate result of the negligent acts and omissions of each of Defendants, individually, in concert and/or collectively, as set forth herein, Plaintiff Spradlin suffered extensive and severe injuries which resulted in her death.

69. Plaintiff seeks damages arising out of Plaintiff Spradlin's physical and mental injuries, as well as for the medical and other funeral expenses incurred as a result of said wrongful death pursuant to KRS 411.130.

COUNT VIII
OBSTRUCTION OF JUSTICE
(McKinney Senior, MK, Roy Kidd, and Randy Woods)

70. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

71. Upon information and belief, the Defendants committed "obstruction of justice" by preventing, obstructing, impeding, or hindering public or legal justice. The Defendants were aware that intercepting the first 911 call placed, failing to formally and promptly notifying law enforcement of Plaintiff Spradlin's peril, and the phone call placed to then Chief of Police Defendant Randy Woods for the purpose of obfuscating a potential

investigation were wrongful acts. Despite Defendants' knowledge of this wrongful conduct, the Defendants approved, condoned, tacitly approved, and otherwise ratified the wrongful conduct and therefore, are culpable for damages.

72. As a direct and proximate cause of the Defendants' conduct, Plaintiff Spradlin suffered serious bodily injury and death, and Defendants obstructed the formal investigation that would have prevented her death.

COUNT IX
CONCERT OF ACTION, JOINT VENTURE, CIVIL CONSPIRACY
(McKinney Senior, MK, Roy Kidd, Randy Woods, and Prestonsburg Police Department)

73. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

74. Defendants, acting individually, in concert, as a joint venture, and in the pursuit of a civil conspiracy, engaged in negligent behavior likely to cause an obstruction in a formal investigation, and engaged in delaying a formal dispatch of 911 services that would have saved Plaintiff Spradlin's life.

75. These Defendants knew the actions they were taking were false, deceptive, and created to cause a delay in the response by law enforcement.

76. These Defendants actions were reckless, intentional, grossly negligent, and caused the Plaintiff damages.

COUNT X
TAMPERING WITH EVIDENCE
(McKinney Senior and MK)

77. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

78. Defendants, following the death of Plaintiff Spradlin, believed that an official proceeding may be instituted.

79. Defendants, acting with that belief, concealed, or altered physical evidence which they believed would be used in an official proceeding and did so with intent to impair its verity or availability in that official proceeding.

80. These Defendants actions were reckless, intentional, grossly negligent, and caused the Plaintiff damage.

COUNT XI
FIRST PARTY RECKLESS SPOILIATION
OF EVIDENCE
(McKinney Senior and MK)

81. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

82. The conduct of Defendants as set forth herein constitutes first-party reckless spoliation of evidence.

83. At the time of the spoliation and/or purposeful destruction of evidence, Defendants knew or should have known that a civil action would be filed against them.

84. These Defendants knew or should have known of the existence of the civil action and/or had a duty to preserve the spoliated evidence.

85. The information/evidence was willfully, recklessly, and/or grossly negligently destroyed by Defendants, which was designed to disrupt the Plaintiff's case.

86. The spoliation/destruction of the evidence has significantly impaired, disrupted, or made more arduous the Plaintiff's ability to prove the elements of her civil action.

87. There is a proximate relationship between the spoliation/destruction of the evidence and the fact that the production of the evidence was made more arduous in the tort action.

88. Plaintiff would have had an even greater quantum of success in the civil action if the spoliated/destroyed evidence were available.

89. As a direct and proximate result of the spoliation/destruction of evidence by these Defendants acting in concert, by a joint venture and by a conspiracy, Plaintiff has been caused to suffer injuries and damages.

90. These Defendants actions were reckless, intentional, grossly negligent, and caused the Plaintiff damages.

COUNT XII
KRS 446.070
(All Defendants)

91. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

92. As enumerated above Defendants in this action violated numerous Kentucky Criminal and Civil Statutes in their actions leading up to and following Plaintiff Spradlin's death including but not limited to:

- a. KRS 524.100;
- b. KRS 61.170;
- c. KRS 522.020; and
- d. KRS 522.030.

93. Pursuant to KRS 446.070, Plaintiff alleges that the Defendants violated Kentucky Criminal Statutes and violated statutory duties of care, the violations of which are actionable as negligence *per se*. Plaintiff was injured by the statutory violations of Defendants and was within the class of persons for whose benefit the statutes were enacted.

94. As a direct and proximate result of the violations by the Defendants of the various Kentucky Criminal Statutes, Plaintiff Spradlin sustained injury which resulted in her wrongful death, and sustained damages as set forth herein.

COUNT XIII

**Violation of the Restatement Second of Torts
Sections 289, 302, 303, 305, 314, 326, and 327
(City of Prestonsburg, Prestonsburg Police Department,
Randy Woods, Floyd County Fiscal Court, Les Stapleton, Robbie Williams,
Mark Crider, George Ousley, McKinney Senior, MK, and Roy Kidd)**

95. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

96. As a direct and proximate result of the violations by the Defendants of the various Kentucky Criminal Statutes, Plaintiff Spradlin suffered severe bodily injury and subsequent death as a result of those injuries.

97. The Defendants acting individually, collectively, and in concert, violated each of the Restatement (Second of Tort Sections 289, 302, 303, 305, 314, 326, and 327) thereby contributing and causing the death of Plaintiff Spradlin.

98. The Defendants realized that their conduct involved a risk of causing an invasion of Plaintiff Spradlin's interest and causing her harm.

99. The conduct of the Defendants caused an unreasonable risk of harm by continuing negligent conduct despite the fact that it posed an unreasonable risk of danger to Plaintiff Spradlin.

100. The Defendants knew that their acts and omissions would likely result in an unreasonable risk of harm to Plaintiff Spradlin and did, in fact, result in her death.

101. The Defendants knew that their negligence would be likely to prevent a third person from taking action that could have potentially saved Plaintiff Spradlin's life.

102. The Defendants' acts and omissions intentionally prevented third persons from giving aid necessary to prevent physical harm to Plaintiff Spradlin.

103. The Defendants negligently prevented a third person from providing aid to Plaintiff Spradlin that would have saved her life.

104. As a direct and proximate result of the Defendants acting individually, collectively, and in concert, and violating the Restatement Second of Torts provisions enumerated above, Plaintiff Spradlin was caused to suffer injury and death.

105. A special relationship existed between Defendant MK and the other Defendants that imposed a duty on all Defendants to take affirmative precautions for the aid or protection of Plaintiff Spradlin.

COUNT XIV
Universal Duty of Care
(All Defendants)

106. All Defendants acting individually, collectively, and in concert, had a universal duty of care owed to Plaintiff Spradlin to take actions necessary and designed to protect her life and well-being.

107. Each of the Defendants breached this duty of care thereby causing the death of Plaintiff Spradlin.

PUNITIVE DAMAGES

108. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs, as though set forth fully herein.

109. The conduct of each of the Defendants individually and in concert, was so grossly negligent, wanton, and/or oppressive that Plaintiff is entitled to an award of punitive damages.

CAUSATION AND DAMAGES

110. Plaintiff repeats, re-alleges, and reasserts each and every allegation contained within the preceding paragraphs as though set forth fully herein.

111. As a direct and proximate result of the conduct of Defendants, the Plaintiff Melissa Samons, as Administratrix of the Estate of Amber Spradlin hereby seeks the following damages:

- a. Past mental and physical pain and suffering;
- b. Past medical bills and medical expenses;
- c. Actual, consequential, incidental, and foreseeable damages;
- d. Destruction of the power to earn money;
- e. Punitive damages; and
- f. Attorneys' fees, costs, pre- and post-judgment interest, and expenses.

WHEREFORE, the Plaintiff, Melissa Samons, as Administratrix of the Estate of Amber Spradlin, prays the Court as follows:

1. For a judgment against the Defendants named herein, individually and collectively, and in concert, with Plaintiff reserving the right to advise the trier of fact as to what amounts are fair and reasonable, as shown by the evidence;
2. For a trial cause by a jury;
3. That Plaintiff be awarded all damages enumerated above, including actual, consequential, incidental, and foreseeable damages, punitive damages, attorneys' fees, costs, expenses herein expended, pre-judgment and post-judgment interest, and any and all equitable relief that may be appropriate; and
4. Any other relief to which this Court may deem it entitled.

CONTEMPORANEOUS DISCOVERY NOTICE

Defendants are hereby given notice that written discovery in the form of Interrogatories, Requests for Production of Documents, and Requests for Admissions were served contemporaneously upon each Defendant with this Complaint.

Respectfully submitted,

GOLDEN LAW OFFICE, PLLC

/s/ J. Dale Golden

J. Dale Golden
John Walters
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COUNSEL FOR PLAINTIFF

COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
CIVIL ACTION NO. 24-CI-_____

FILED ELECTRONICALLY

MELISSA SAMONS as Administratrix of the
Estate of AMBER NICOLE SPRADLIN

PLAINTIFF

VS. **INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS TO EACH DEFENDANT**

CITY OF PRESTONSBURG

DEFENDANT

SERVE: **Via Certified Mail**
Jennifer Burke Elliott
Registered Agent
200 North Lake Drive
Prestonsburg, KY 41653

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PRESTONSBURG POLICE DEPARTMENT

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and his Official Capacity as a Magistrate of the Floyd County
Fiscal Court

DEFENDANT

SERVE: Via Certified Mail
Restricted Delivery
George Ousley
151 South Central Ave.
Prestonsburg, KY 41653

AND

MICHAEL K. MCKINNEY,

DEFENDANT

SERVE: Via Certified Mail
Restricted Delivery
Michael K. McKinney
659 Arkansas Creek Road,
Martin, KY 41649

AND

MICHAEL MCKINNEY, JR.

DEFENDANT

SERVE: Via Certified Mail
Restricted Delivery
Michael McKinney, Jr.
659 Arkansas Creek Road,
Martin, KY 41649

AND

ROY KIDD

DEFENDANT

SERVE: Via Certified Mail
Restricted Delivery
Roy Kidd
452 Ivy Creek
Ivel, KY 41642

AND

CHRIS MCKINNEY, Individually and d/b/a THE SEASON INN
MOTEL AND RESTAURANT

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Registered Agent
Michael K. McKinney, Jr.
309 Maple Avenue
Prestonsburg, KY 41653

AND

THE SEASONS INN MOTEL AND RESTAURANT

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Michael K. McKinney
659 Arkansas Creek Road
Martin, KY 41649

AND

UNKNOWN DEFENDANTS

DEFENDANT

**** **** **** ****

Pursuant to CR 33 and CR 34, the Plaintiff, Melissa Samons as the Administratrix of the Estate of Amber Spradlin, hereby propounds the following discovery requests upon each and every individual, Defendant, and entity Defendant is hereby requested to respond to in writing, under oath, and as otherwise required by the Kentucky Rules of Civil Procedure, and pursuant to the definitions and instructions set out below.

In answering the Interrogatories, all information is to be divulged that is within the knowledge, possession, or control of you, your attorney, or your agents, or that may be reasonably ascertained by you or them. You are requested to supplement your initial answers to these Interrogatories after service of your answers if you later ascertain or

acquire any information that falls within the scope of these Interrogatories or if events within the scope of these Interrogatories occur after service of your answers.

You are requested to produce any requested documents at the office of Golden Law Office, PLLC, Corporate Plaza, 771 Corporate Drive, Suite 800, Lexington, Kentucky 40503, within the time provided in the Kentucky Rules of Civil Procedure. At your option, however, you may, prior to this date, provide the Plaintiff with copies of all documents in your possession, custody, or control responsive to these requests by hand-delivering or mailing copies of those documents to counsel for Plaintiff at the address listed above. If you choose to respond under this option, you are instructed to retain the originals of the documents so that the Plaintiff or Plaintiff's counsel may inspect them if they desire. If you desire to produce the documents at a different location, date, or time, or to produce the documents in a different manner, please contact counsel for Plaintiff to make other reasonable arrangements for production.

DEFINITIONS AND INSTRUCTIONS

A. Each document request seeks all information available to the Defendants, their attorneys or agents, and any other persons acting on their behalf.

B. As used herein, the terms "Defendant", "you", or "your" mean, without limitation, Defendants, their attorneys, employees, agents, and representatives.

C. An interrogatory asking you to "state in detail" or "describe in detail" seeks disclosure of each fact, circumstance, condition, or anything known to you about the subject of the interrogatory containing the phrase, as of the date the Interrogatories were answered.

D. If an interrogatory asks you to “state in detail” the bases for a contention, you should state all facts, law, and applications of law to fact upon which you relied or rely in making or maintaining the contention.

E. “Document” or “documents” is defined to be synonymous in meaning and equal in scope to the usage of this term in CR 34.01. A draft or non-identical copy is a separate document within the meaning of this term.

F. The term “document” includes any copy or copies of any of the foregoing on which any mark, alteration, or additional writing or other change from the original, or from any other copy, has been made.

G. “Person” or “persons” means all entities, including, without limiting the generality of the foregoing, all natural persons, corporations, firms, companies, partnerships, joint ventures, associations, trusts, estates, departments, boards, bureaus, governmental or public agencies, and any other public, private, or legal entity.

H. Where appropriate in these requests, the singular form of a word shall be interpreted as plural, and the plural form as singular.

I. Where appropriate in these interrogatories, “and” as well as “or” shall be construed either disjunctively or conjunctively, as necessary, to bring under the scope of these requests any information that might otherwise be construed to be outside of their scope.

J. When an interrogatory requires you to describe or identify a person or other entity, it is intended that the answer shall give the name, address, and telephone number of the person or entity, and the name of the individual’s workplace, workplace address, and workplace phone number.

K. Anytime “incident,” “attack,” or “death” is referred to in the discovery, the Plaintiff is referring to the events of the night of June 17, 2023, and/or the morning of June 18, 2023, referenced in Paragraphs 31-35 of the Plaintiff’s Complaint.

L. Anytime “Interlocal Agreement” is referred to in the discovery, the Plaintiff is referring to the contract executed by the Floyd County Fiscal Court in December of 2022 which took control of the 911 operations away from the Kentucky State Police and given to the City of Prestonsburg.

L. If there is objection to the production of any document or part thereof under the claim of privilege or work product, then please identify the document, state the privilege involved, and state the factual and legal basis for the claimed privilege. Identify the document by stating the type of document, the date of the document, its sender(s), or preparer(s), its addressee(s), the person(s) to whom the document was shown or to whom copies were furnished, the subject matter of the document, and the person in whose custody the document is presently located. If the basis of your objection is confidentiality, please inform us as soon as possible so that the parties may execute a confidentiality agreement.

M. If any document requested was, but is no longer, in your possession, custody, or control, please state whether the document is missing or lost, has been destroyed, has been transferred to another person, or otherwise has been disposed of. For each such document, please explain the circumstances surrounding disposition and describe the subject matter of the document.

N. Please produce documents by category, as specified in CR 34.02. Consider each request a category.

O. These requests are continuing ones, and Defendant shall produce for inspection and copying any documents requested that are non-existent or unavailable at the date of production, but which come into existence or become available at any time prior to or during the trial of this action.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify each and every individual participating in the answering of these interrogatories, including:

- a. Full name.
- b. Date of birth.
- c. Employment address and telephone number.
- d. Residential address.
- e. Social Security number.

ANSWER:

INTERROGATORY NO. 2: Identify any individuals or entities, beyond those already named in this action, whom you believe should be included as defendants given the allegations set forth in the Complaint, including:

- a. Name, title, and contact information (including address, phone number, and email address, if available).
- b. The nature of their involvement or relationship to the allegations contained within the Complaint.
- c. Any specific actions, omissions, or responsibilities that you believe make them a potential party to this lawsuit.

- d. Any facts, documents, or evidence that support your belief that they should be a potential party.

ANSWER:

INTERROGATORY NO. 3: Please identify each and every individual you intend upon calling as a witness at the trial of this matter, giving a detailed description of the testimony you expect to elicit from each.

ANSWER:

INTERROGATORY NO. 4: With respect to any and all persons whom you have consulted with or may call as experts to give opinion testimony, medical or otherwise, at the trial of this matter, state the following:

- a. The name, present or last known address and telephone number of each person.
- b. The field(s) in which each such person is to be offered to express expert opinion evidence in this action.
- c. A complete list of all actions, in any tribunal, in which each person has rendered an opinion, whether by written report, deposition testimony or trial testimony, including:
 - i. The name of the case.
 - ii. The court or other tribunal in which filed.
 - iii. The docket number assigned.
 - iv. Whether each person rendered their opinion by written report, deposition testimony, trial testimony or a combination thereof.

- v. Whether you have a copy of such report or testimony and, if not, who you believe would have such copies.
- d. Whether such person will base their opinion:
 - i. In whole or in part upon the facts acquired personally by them in the course of an investigation or examination of any of the issues of this case, or
 - ii. Solely upon information as to facts provided to them by others.
- e. If your answer above discloses that any such person has made a personal investigation or examination relating to any of the issues of this case, please state the nature and dates of such investigation or examination.
- f. Each and every fact, and each and every document, item, photograph or other tangible object supplied or made available to such person.
- g. The general subject upon which each such person may express an opinion.
- h. The substance of the facts and opinions to which such person is expected to testify.
- i. Whether such persons have rendered written draft and final reports. If so, please state:
 - i. The dates of each draft and final report.
 - ii. The name, present or last known address and telephone number of the custodian of all such draft and final reports.

ANSWER:

INTERROGATORY NO. 5: Please identify each and every individual who has knowledge of discoverable information regarding the incidents of June 17, 2023 and June

18, 2023, resulting in the injury and death to Amber Spradlin, all of which gives rise to this action, including their home address and telephone number, work address and telephone number, and a detailed description of the information known by each.

ANSWER:

INTERROGATORY NO. 6: Please state the name of any insurance company or any other person or entity who might be liable to satisfy part or all of a judgment which may be entered in favor of the injured party/decedent and/or against you, or to indemnify or reimburse for payments made to satisfy the judgment.

If there has been a modification, restriction, limitation, denial, or refusal to provide coverage under any source that might be available, please provide a certified copy of the declaration page(s) for each policy as well as a certified copy of the policy and all documents that relate to the modification, restriction, limitation, denial, refusal, and/or reservation of rights.

ANSWER:

INTERROGATORY NO. 7: With respect to each such entity listed above, please state the following:

- a. The date on which any policy was issued, or other contract executed.
- b. The period for which the policy was issued, or the duration of any contractual obligation of indemnity or reimbursement.
- c. The policy or monetary limits for any liability and medical pay coverage.

- d. Whether any person or entity asserts any policy defenses or other defenses to its liability to you with regard to any claim made by the injured party/decedent.
- e. Whether any claim made by the injured party/decedent is being defended under a reservation of rights, providing a copy of any letter stating so.
- f. Each and every factual basis for any defense under a reservation of rights.
- g. The exact language of the policy which provided the basis for any reservation of rights, and an exact recitation of the facts and/or allegations that support the reservation of rights. attach a copy of the policy language in question.
- h. If more than one entity is listed, state whether any entity asserts, by contract or otherwise, that its obligations are "secondary" to any other entity, or otherwise contingent on any event or occurrence.

ANSWER:

INTERROGATORY NO. 8: If you, your agents, representatives or employees, have had any communications with any other individual, entity, law enforcement agency and/or official, regarding the incidents of June 17, 2023 and June 18, 2023, or contributing factors regarding the injuries plead in the Complaint, give the following information:

- a. The date of each communication;
- b. The substance of each communication;
- c. The nature of the communications (e.g., electronic mail, regular mail, telephone conversation, etc.); and

- d. The name, address, and telephone number of each and every individual present during or a witness to the communications.

ANSWER:

INTERROGATORY NO. 9: Please identify the 911 operator who took each of the calls from the McKinney home on June 17, 2023, and June 18, 2023. Please give the individual's name, home address, work address at the time they took the calls, the name of the person's employer at the time they took the calls, and provide the following information:

- a. The policies, training, or reasons that were considered in failing to ensure that law enforcement or medical personnel were dispatched to the McKinney home.
- b. The substance, of any policies, manuals, or training materials that the individual used to prepare them for their job duties as of June 2023 when the two calls were received from the McKinney household.
- c. Describe any and all communications to or from the individual that is responsive to this Interrogatory, including any communications or evaluations that in any way address the two calls and the response to the two calls.
- d. Please state whether the individuals were evaluated for their job performance applicable to the month of June 2023, and provide the substance of the evaluation and all paperwork associated with it.

e. If the individual that took the calls was instructed by any other individual on how to respond, what to say, or in any way on what to do after receiving the calls, identify any such individuals giving the name, address, job title, employer's name, and job title in June of 2023. Also, please state the complete substance of the communication/discussion/directives that were given to the individual who took the 911 call from any other individual.

ANSWER:

INTERROGATORY NO. 10: State every reason why Randy Wood was terminated, resigned, was asked to resign in lieu of termination, or was otherwise relieved of his duties of the Prestonsburg Police Department, your answer should include, but not be limited to the following:

- a. State specifically whether Randy Woods was terminated, quit, or was asked to resign in lieu of termination, and the date it occurred.
- b. Please state any and all facts, occurrences, or other reasons why Randy Woods is no longer the Police Chief of the Prestonsburg Police Department.
- c. Please state whether Les Stapleton terminated or requested that Randy Woods be terminated from his position as the Prestonsburg Police Chief.
- d. State every reason why Les Stapleton decided to terminate Randy Woods employment.
- e. Provide a detailed explanation and any write up, disciplinary report, review, or other evaluation of why Randy Woods left the position of Prestonsburg Police Chief and describe in detail any and all phone calls, actions, or other participation he had in any phone calls he had with McKinney Senior, or any other

individual investigating Amber Spradlin's death, and stating the complete substance of any such conversation/communication/information/investigation.

ANSWER:

INTERROGATORY NO. 11: Please state the date that the City of Prestonsburg first started taking 911 calls over from the Kentucky State Police, and please state the following:

a. Provide any and all information about any call or potential call that was allegedly not responded to in a timely manner, and/or was not responded to at all, and/or had any problems with law enforcement or medical personnel being dispatched to the scene, and/or being dispatched to the scene in a timely manner, and/or not being dispatched at all.

b. In regard to (a) above, identify each and every individual involved in each such call giving the date, identifying the person that made the 911 call, their address, the purpose of their call, and the substance of their call, and describing in detail any problems or alleged problems that occurred.

c. In regard to (a) above, identify each and every individual from the 911 call center that was involved in any such call giving their name, job title, job responsibilities, home address, work address, and any information they shared about the potential problem.

d. Please provide a copy of each 911 call that is relevant to this Interrogatory and its subparts, giving the identity of the individual calling into 911, the date of the call, the substance of the call, a recording of the call, and identifying the individual at the 911 call center who took the call, giving their home address, work address, job title, and job responsibilities, and a detailed description of the

problem and any and all documentation, and information retained by any other means of tangible data compilation that was created in regard to each of the matters.

ANSWER:

INTERROGATORY NO. 13: If any information, statement, document, video, audio, photo, tape-recording, or information retained by any other means of tangible data compilation is withheld from your responses to any of these Interrogatories or Requests for Production of Documents, due to a claim of privilege, work-product, a civil rule, or any other reason, please state with specificity the reason for withholding the information and state the nature of the information not provided and not produced, describing the information to the fullest extent possible that will enable this party to assess the applicability of the privilege or protection.

If you refuse to respond fully to this Interrogatory, please specifically state that you are refusing to respond and give a full explanation.

ANSWER:

INTERROGATORY NO. 14: For every bit of information, any statement, document, video, audio, photo, tape-recording and/or information retained by any other means of tangible data compilation that has been requested in these Interrogatories or Requests for Production of Documents sent contemporaneously herewith but:

- a. Has at one time been in the possession of the Defendant or its counsel, but no longer is in their possession; or

b. Has been sent, transferred, or for whatever reason is now in the possession of someone other than the Defendant and/or its counsel; or

c. Has been destroyed, lost, misplaced, or is otherwise not now in the possession of Defendant and/or its counsel, state the nature of the information not provided and not produced, describing the information to the fullest extent possible.

d. For all information that is responsive to this Interrogatory, please identify all individuals involved in creating, receiving and witnessing the communication, giving all dates, and describing in detail the subject matter of the information or communication.

If you refuse to respond fully to this Interrogatory, please specifically state that you are refusing to respond and give a full explanation.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: If you, or anyone acting on your behalf, have obtained any written, typed, recorded, transcribed statements, or information obtained through any other means of tangible data compilation, from any witness or individual regarding the incident that occurred on or about June 17, 2023 and June 18, 2023, please produce the same for inspection and copying.

RESPONSE:

REQUEST NO. 2: If you, or anyone acting on your behalf, have obtained any photographs, videos, or other information retained by any other means of tangible data

compilation, in regard to the incident that occurred on June 17, 2023 and June 18, 2023, please produce the same for inspection and copying.

RESPONSE:

REQUEST NO. 3: Please produce the following:

- a. The curriculum vitae for each expert you plan to use at the trial of this case.
- b. A copy of any written draft or final report/opinion of each expert which you plan to use at the trial of this case.
- c. A copy of all communications, including correspondence, text messages, emails, and all draft and final reports.
- d. A copy of all documents, treatises, authoritative publications, etc. upon which any of the experts you plan on using at trial in this case have relied.
- e. All reports based upon tests, examinations, and analyses of documents that any of your testifying experts in this case have provided.
- f. A complete list of all documents, depositions, exhibits, plans, drawings, ordinances or statutes which each testifying expert has used in developing his/her opinion.
- g. All reports setting forth your testifying expert's opinions or conclusions reached from their examination or any test they conducted.

RESPONSE:

REQUEST NO. 4: If you, or anyone acting on your behalf, have obtained any written, typed, recorded, video, statements, investigative information, or any other information obtained from any individual or entity regarding the events of June 17, 2023 and June 18, 2023, please produce them for inspection and copying. This includes, but is not limited

to any and all notes, and/or transcriptions of phone calls or communications that in any way, address information that exists.

RESPONSE:

REQUEST NO. 5: If you, or anyone acting on your behalf, have obtained any video surveillance for June 17, 2023 and June 18, 2023, that in any way is germane to this action, please produce for inspection and copying.

RESPONSE:

REQUEST NO. 6: Please produce a copy of each and every exhibit you intend to rely on or introduce at the trial or depositions in this matter.

RESPONSE:

REQUEST NO. 7: Please produce for inspection and copying any and all documents and information retained by any other means of tangible data compilation that in any way relates to your response to each Interrogatory. Please segregate or identify by bates number the specific documents produced in response to this Request so Plaintiff can tell which documents were produced relating to each separate interrogatory.

RESPONSE:

REQUEST NO. 8: Produce all insurance policies, including primary, umbrella, and excess that covered employees, agents, officers and/or consultants of the Defendant(s) and that were in effect during the time period of June 17 and June 18, 2023, that may provide coverage to satisfy part or all of a judgment which may be entered in favor of the

injured party/decedent and/or against you, or to indemnify or reimburse for payments made to satisfy the judgment. Also, produce any and all communications involving reservation of rights, limitations on coverage, denial of coverage, or other communications involving reservation of rights, limitations on coverage, denial of coverage, or other communications that in any way address potential insurance coverage.

REQUEST NO. 9: Please produce all cell phone records, data, transcripts, recordings, and other means of tangible data compilation that in any way relates to any phone call made or received by Randy Wood and/or McKinney Senior on June 17 and 18, 2023.

RESPONSE:

REQUEST NO. 10: Please produce any and all medical, autopsy, medical examiner, coroner, or other reports and/or data that in any way relates to Amber Spradlin, Amber Spradlin's injuries, Amber Spradlin's cause of death, this includes, but is not limited to the following:

- a. Coroner's Report;
- b. Coroner's Notes;
- c. Medical Examiner's report;
- d. Medical Examiner's Notes,
- e. Medical Examiner's findings;
- f. Medical Examiner's entire file;
- g. The entire autopsy report;
- h. The death certificate of Amber Spradlin;
- i. Any and all investigations or other inquiries that in any way relate to any injuries caused to Amber Spradlin or any trauma that caused her death.

RESPONSE:

REQUEST NO. 11: Any and all records, data, and information retained by any other means of tangible data compilation that in any way relates to any cellphone calls made, received, recorded, or attempted on any cellphone by any of the named Defendants in this matter or any potential witness in this matter relating to Amber Spradlin, her injuries or death, for the nights of June 17 and 18, 2023 and all subsequent dates from that time forward.

RESPONSE:

REQUEST NO. 12: Please produce for inspection and copying any and all documents, videos, text messages, recordings, emails, and information retained by any other means of data compilation that in any way rates to any of the following for the dates of June 17 and 18, 2023:

- a. All 911 calls on June 17, 2023 and June 18, 2023 that came from the McKinney residence, or any individual that referenced the McKinney residence.
- b. Any and all call logs, summaries, other logs/information/data regarding any 911 calls on June 17, 2023 and June 18, 2023
- c. Any information related to any cellphone calls between Randy Woods and any other individual that is a Defendant in this action from June 17, 2023 until the present, giving the substance of each call, the call logs regarding each call and any other information retained by any other means of tangible data compilation that relates to any of the calls..

- d. The events and occurrences at the Brickhouse Restaurant in Prestonsburg, Kentucky for the dates of June 17 and June 18, 2023.
- e. The events and occurrences at The Seasons Inn Motel and Restaurant for the dates of June 17 and June 18, 2023.
- f. Any footage, surveillance, or other images captured by any other individual or entity on June 17 and 18, 2023 that depicts any of the witnesses, any vehicle owned or used by any witness or defendant, home surveillance of McKinney Senior, or any other depictions or whereabouts where evidence regarding the acts/omissions or whereabouts of any Defendant, potential witnesses, or individuals that were present at the McKinney home, or responded to either 911 call.

RESPONSE:

REQUEST NO. 13: Please produce for inspection and copying the personnel file of Randy Wood for the years 2022 and 2023 and subsequent thereto. This includes, but is not limited to, any and all personnel file materials, disciplinary materials, private materials, termination materials, and any other information, documents, unemployment statements or other tangible data compilation that in any way relates to Randy Wood's job performance, reasons for potential disciplinary action, evaluations, and/or separation from the Prestonsburg Police Department.

RESPONSE:

Respectfully submitted,

GOLDEN LAW OFFICE, PLLC

/s/ J. Dale Golden

J. Dale Golden
John Walters
Cody P. McIlvoy
771 Corporate Drive, Suite 800
Lexington, Kentucky 40503
Telephone: 859.469.5000
Facsimile: 859.469.5001
Email: dgolden@goldenlawoffice.com
Email: john@goldenlawoffice.com
Email: cody@goldenlawoffice.com
COUNSEL FOR PLAINTIFF

COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
CIVIL ACTION NO. 24-CI-_____

FILED ELECTRONICALLY

MELISSA SAMONS as Administratrix of the
Estate of AMBER NICOLE SPRADLIN

PLAINTIFF

VS.

PLAINTIFF'S REQUESTS FOR ADMISSIONS
TO EACH DEFENDANT

CITY OF PRESTONSBURG

DEFENDANT

SERVE: **Via Certified Mail**
Jennifer Burke Elliott
Registered Agent
200 North Lake Drive
Prestonsburg, KY 41653

AND

PRESTONSBURG POLICE DEPARTMENT

DEFENDANT

SERVE: **Via Certified Mail**
Jennifer Burke Elliott
Registered Agent
200 North Lake Drive
Prestonsburg, KY 41653

AND

RANDY WOODS in his Individual Capacity
and Official Capacity as former Chief of Prestonsburg
Police Department

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Randy Woods
200 North Lake Drive
Prestonsburg, KY 41653

AND

FLOYD COUNTY FISCAL COURT

SERVE: **Via Certified Mail**
Restricted Delivery
Robbie Williams
151 South Central Avenue
Prestonsburg, KY 41653

AND

LES STAPLETON in his Individual Capacity
and Official Capacity as Mayor of Prestonsburg

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Les Stapleton
151 South Central Ave.
Prestonsburg, KY 41653

AND

ROBBIE WILLIAMS in his Individual Capacity
and Official Capacity as County Judge Executive

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Robbie Williams
151 South Central Avenue
Prestonsburg, KY 41653

AND

MARK D. CRIDER in his Individual Capacity
and his Official Capacity as a Magistrate of the Floyd County
Fiscal Court

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Mark D. Crider
151 South Central Ave.
Prestonsburg, KY 41653

AND

GEORGE OUSLEY in his Individual Capacity
and his Official Capacity as a Magistrate of the Floyd County
Fiscal Court

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
George Ousley
151 South Central Ave.
Prestonsburg, KY 41653

AND

MICHAEL K. MCKINNEY,

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Michael K. McKinney
659 Arkansas Creek Road,
Martin, KY 41649

AND

MICHAEL MCKINNEY, JR.

DEFENDANT

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Restricted Delivery
Michael McKinney, Jr.
659 Arkansas Creek Road,
Martin, KY 41649

AND

ROY KIDD

DEFENDANT

SERVE: **Via Certified Mail**
Restricted Delivery
Roy Kidd
452 Ivy Creek
Ivel, KY 41642

AND

CHRIS MCKINNEY, Individually and d/b/a THE SEASON INN
MOTEL AND RESTAURANT

DEFENDANT

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Restricted Delivery
Registered Agent
Michael K. McKinney, Jr.
309 Maple Avenue
Prestonsburg, KY 41653

AND

THE SEASONS INN MOTEL AND RESTAURANT

DEFENDANT

SERVE: Via Certified Mail
Restricted Delivery
Michael K. McKinney
659 Arkansas Creek Road
Martin, KY 41649

AND

UNKNOWN DEFENDANTS

DEFENDANT

**** **** **** ****

Pursuant to CR 36, the Plaintiff, Melissa Samons as the Administratrix of the Estate of Amber Spradlin, hereby propounds the following Requests for Admissions upon each and every individual, Defendant, and entity. Defendant is hereby requested to respond to in writing, under oath, and as otherwise required by the Kentucky Rules of Civil Procedure, and pursuant to the definitions and instructions set out below.

These Requests for Admission are continuing in nature so that if, subsequent to the initial response, information becomes available to the Defendants or its counsel of a nature which renders the responses initially given to be inadequate, incorrect, or

incomplete in any manner, the Defendant shall be required to supplement said responses. Defendant is requested to admit or deny the following:

DEFINITIONS AND INSTRUCTIONS

A. Each document request seeks all information available to the Defendants, their attorneys or agents, and any other persons acting on their behalf.

B. As used herein, the terms “Defendant”, “you”, or “your” mean, without limitation, Defendants, their attorneys, employees, agents, and representatives.

C. An interrogatory asking you to “state in detail” or “describe in detail” seeks disclosure of each fact, circumstance, condition, or anything known to you about the subject of the interrogatory containing the phrase, as of the date the Interrogatories were answered.

D. If an interrogatory asks you to “state in detail” the bases for a contention, you should state all facts, law, and applications of law to fact upon which you relied or rely in making or maintaining the contention.

E. “Document” or “documents” is defined to be synonymous in meaning and equal in scope to the usage of this term in CR 34.01. A draft or non-identical copy is a separate document within the meaning of this term.

F. The term “document” includes any copy or copies of any of the foregoing on which any mark, alteration, or additional writing or other change from the original, or from any other copy, has been made.

G. “Person” or “persons” means all entities, including, without limiting the generality of the foregoing, all natural persons, corporations, firms, companies,

partnerships, joint ventures, associations, trusts, estates, departments, boards, bureaus, governmental or public agencies, and any other public, private, or legal entity.

H. Where appropriate in these requests, the singular form of a word shall be interpreted as plural, and the plural form as singular.

I. Where appropriate in these interrogatories, “and” as well as “or” shall be construed either disjunctively or conjunctively, as necessary, to bring under the scope of these requests any information that might otherwise be construed to be outside of their scope.

J. When an interrogatory requires you to describe or identify a person or other entity, it is intended that the answer shall give the name, address, and telephone number of the person or entity, and the name of the individual’s workplace, workplace address, and workplace phone number.

K. Anytime “incident,” “attack,” or “death” is referred to in the discovery, the Plaintiff is referring to the events of the night of June 17, 2023, and/or the morning of June 18, 2023, referenced in Paragraphs 31-35 of the Plaintiff’s Complaint.

L. Anytime “Interlocal Agreement” is referred to in the discovery, the Plaintiff is referring to the contract executed by the Floyd County Fiscal Court in December of 2022 which took control of the 911 operations away from the Kentucky State Police and given to the City of Prestonsburg.

L. If there is objection to the production of any document or part thereof under the claim of privilege or work product, then please identify the document, state the privilege involved, and state the factual and legal basis for the claimed privilege. Identify the document by stating the type of document, the date of the document, its sender(s), or preparer(s), its addressee(s), the person(s) to whom the document was shown or to whom

copies were furnished, the subject matter of the document, and the person in whose custody the document is presently located. If the basis of your objection is confidentiality, please inform us as soon as possible so that the parties may execute a confidentiality agreement.

M. If any document requested was, but is no longer, in your possession, custody, or control, please state whether the document is missing or lost, has been destroyed, has been transferred to another person, or otherwise has been disposed of. For each such document, please explain the circumstances surrounding disposition and describe the subject matter of the document.

N. Please produce documents by category, as specified in CR 34.02. Consider each request a category.

O. These requests are continuing ones, and Defendant shall produce for inspection and copying any documents requested that are non-existent or unavailable at the date of production, but which come into existence or become available at any time prior to or during the trial of this action.

REQUESTS FOR ADMISSIONS

REQUEST NO. 1: Admit Michael McKinney, Jr., was intoxicated while at the Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 2: Admit that Michael McKinney, Jr., was overserved alcohol when at the Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 3: Admit that Roy Kidd was intoxicated while at the Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 4: Admit that Roy Kidd was overserved alcohol when at the Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 5: Admit that Michael McKinney Sr., was the owner of the Seasons Inn Motel and Restaurant, on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 6: Admit that Michael McKinney, Sr., was the operator of Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 7: Admit that Chris McKinney was the owner of Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 8: Admit that Chris McKinney was the operator of Seasons Inn Motel and Restaurant on June 17 and/or 18, 2023.

RESPONSE:

REQUEST NO. 9: Admit that the employees of the Seasons Inn Motel and Restaurant knew that Michael McKinney, Jr., was severely intoxicated when they served him alcohol while he was at the Seasons Inn Motel and Restaurant.

RESPONSE:

REQUEST NO. 10: Admit that the employees of the Seasons Inn Motel and Restaurant knew that Roy Kidd was severely intoxicated when they served him alcohol while he was at the Seasons Inn Motel and Restaurant.

RESPONSE:

REQUEST NO. 11: Admit that Michael McKinney, Jr., made the first 911 call that was made from the McKinney residence on June 17 or 18, 2023.

RESPONSE:

REQUEST NO. 12: Admit that Michael McKinney, Sr., got on the 911 phone call from the McKinney residence on June 17 or 18, 2023 and cancelled or indicated that no emergency vehicles and/or assistance were needed at the residence.

RESPONSE:

REQUEST NO. 13: Admit that at the time of the first 911 call from Michael McKinney, Sr.'s, residence on June 17 or 18, 2023, that Amber Spradlin was alive.

RESPONSE:

REQUEST NO. 14: Admit that prior to the second call being made from the McKinney residence on June 17 or 18, 2023, that Michael McKinney Sr., had a phone conversation with Randy Woods about the events that had occurred or were occurring at the McKinney residence.

RESPONSE:

REQUEST NO. 15: Admit that subsequent to Michael McKinney Sr.'s phone conversation with Randy Wood, that a second 911 call was made from the McKinney residence.

RESPONSE:

REQUEST NO. 16: Admit that at the time of the second 911 call from the McKinney residence on June 17 or June 18, 2023 that Amber Spradlin was dead.

RESPONSE:

REQUEST NO. 17: Admit that Michael McKinney, Jr., was the individual who killed Amber Spradlin.

RESPONSE:

REQUEST NO. 18: Admit that efforts were made by individuals to clean up the scene from Amber Spradlin's murder prior to law enforcement officials arriving at the McKinney residence.

RESPONSE:

REQUEST NO. 19: Admit that Michael McKinney, Jr., left Michael McKinney, Sr.'s residence prior to emergency responders arriving.

RESPONSE:

REQUEST NO. 20: Admit that no one attempted to stop Michael McKinney, Jr., from leaving Michael McKinney, Sr.'s residence prior to the emergency responders arriving.

RESPONSE:

REQUEST NO. 21: Admit that no person or entity besides individuals who were at Michael McKinney, Sr.'s residence on June 17 or 18, 2023, contributed to, caused, or had any participation in the murder and death of Amber Spradlin.

RESPONSE:

Respectfully submitted,

GOLDEN LAW OFFICE, PLLC

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