

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON

CASE NO. \_\_\_\_\_

[Electronically Filed on 11/24/2020]

EMMALEE YOUNG

PLAINTIFF

VS.

CITY OF PARIS,

Serve: Johnny Plummer, Mayor  
City of Paris  
525 High Street  
Paris, Kentucky 40361

WILLIAM MICHAEL FIELDS, JR, Individually and in his  
Official Capacity as Employee for the City of Paris,

Serve: William Michael Fields, Jr.

CHIEF MICHAEL DUFFY, Individually and in his  
Official Capacity as Employee for the City of Paris,

Serve: Chief Michael Duffy  
Paris Fire Department  
525 High Street  
Paris, Kentucky 40361

CODY HENSLEY, Individually and in his  
Official Capacity as Employee for the City of Paris,

Serve: Cody Hensley  
Paris Fire Department  
525 High Street  
Paris, Kentucky 40361

OFFICER LEWIS BOYER, Individually and in his  
Official Capacity as Employee for the City of Paris, and

Serve: Officer Lewis Boyer  
Paris Police Department  
525 High Street  
Paris, Kentucky 40361

OFFICER MATT ROYSE, Individually and in his  
Official Capacity as Employee for the City of Paris, and

DEFENDANTS

Serve: Officer Matt Royse  
Paris Police Department  
525 High Street  
Paris, Kentucky 40361

### **COMPLAINT**

The Plaintiff, Emmalee Young (“Plaintiff”), through Counsel, states her Complaint and causes of action against the Defendants as follows:

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this matter through 28 U.S.C. §1331 and 28 U.S.C. §1343(3). This court further has jurisdiction over Plaintiff’s state law claims under 28 U.S.C. § 1367 (supplemental jurisdiction) as those claims form part of the same case or controversy under Article III of the United States Constitution.

2. Venue lies in the U.S. Eastern District of Kentucky, the district in which the claim arose, pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

3. Plaintiff Emmalee Young is a resident of Harrison County, Kentucky. The allegations contained in this complaint occurred when Plaintiff was a minor. Plaintiff reached the age of majority on November 24, 2019.

4. Defendant City of Paris, at all times mentioned herein, employed, was responsible for the establishment of policies either formally or by custom for, and was responsible for the employment, training, supervision and conduct of the employees of the Paris Fire Department and Paris Police Department.

5. The Defendant, William Michael Fields, Jr. (hereinafter “Defendant Fields”), was, at all times relevant was, an employee of the Paris Fire Department in Bourbon County, Kentucky. Defendant Fields is also a Harrison County Constable and member of the Harrison County Volunteer Fire Department.

6. The Defendant, Chief Michael Duffy, is, and at all times relevant was, the Fire Chief at the Paris Fire Department in Bourbon County, Kentucky.

7. The Defendant, Cody Hensley, is, and at all times relevant was, a fire department employee with the Paris Police Department in Paris, Bourbon County, Kentucky.

8. The Defendant, Officer Lewis Boyer, is, and at all times relevant was, a police officer with the Paris Police Department in Paris, Bourbon County, Kentucky.

9. The Defendant, Officer Matt Royse, is, and at all times relevant was, a police officer with the Paris Police Department in Paris, Bourbon County, Kentucky.

#### **FACTS COMMON TO ALL COUNTS**

10. Plaintiff had an interest in working as a first responder or in law enforcement when she finished high school.

11. Plaintiff was interested in the daily operation of local fire houses and the work of emergency medical technicians. She participated in extracurricular fire and EMT programs in Bourbon and Harrison Counties.

12. In early 2019, Defendant Fields, met Plaintiff at the Harrison County Volunteer Fire Department Oddville Station in Cynthiana, Kentucky. Plaintiff was a minor and invited to the fire station by a friend. Both Plaintiff and her friend were significantly younger than Defendant Fields, who was 36 years old at the time.

13. At the Oddville Station, Defendant Fields was finishing work on a vehicle customization project he was doing as a side business. Upon completion of his customization work, Defendant Fields asked Plaintiff to follow him in his truck as he delivered the customized vehicle to his client. Plaintiff reluctantly agreed to follow Defendant Fields drop off his client's vehicle.

14. During the drive back to Oddville Station, Defendant Fields asked Plaintiff about her sexual preferences. Plaintiff did not engage and felt awkward. She went home as soon as they returned to the fire station.

15. Defendant Fields added and/or followed Plaintiff's Snap Chat profile that night.

16. Defendant Fields began communicating with Plaintiff through Snap Chat, frequently using the minor victim's interest in firefighting and law enforcement as a basis for conversation. During those Snap Chat conversations, Defendant Fields sent sexually explicit images of his himself and his penis and requested sexually explicit images from the minor Plaintiff.

17. Defendant Fields would stop into Plaintiff's place of employment, McDonalds restaurant, to stalk and groom his young victim.

18. On or about March 17, 2019, Defendant Fields met Plaintiff in the Walmart parking lot in Harrison County, Kentucky. Defendant Fields, in his Harrison County Constable

vehicle and uniform, invited Plaintiff to look at fire and EMT vehicles at the Paris Fire Department's storage facility in Bourbon County, Kentucky.

19. Plaintiff agreed to ride with Defendant Fields to Paris to look at the fire and EMT vehicles.

20. Before Defendant Fields and Plaintiff arrived at the Paris Fire Department's storage facility, Defendant Fields contacted Officer Lewis Boyer and Officer Matt Royse to advise them that he was taking *a female* to the Paris Fire Department's storage facility and requested that they not interfere with his field trip at the facility.

21. The City of Paris had a custom of allowing the Paris Fire Department's storage facility to be used as a location to *hook up* with women and otherwise engage in unprofessional, inappropriate, and unlawful activities.

22. At the Paris Fire Department's storage facility, Defendant Fields provided Plaintiff with alcohol while displaying Paris Fire Department's vehicles and equipment.

23. At the Paris Fire Department's storage facility on March 17, 2019, Defendant Fields led the minor victim to the back of an ambulance, had sex with her and videoed the sex using the Plaintiff's phone.

24. Defendant Fields sent the child pornography from Plaintiff's phone to his phone.

25. Defendant Fields returned Plaintiff to the Walmart parking lot in his Harrison County Constable vehicle.

26. On or about March 23, 2019, after the Plaintiff had been drinking alcohol at her home with her best friend, Defendant Fields messaged Plaintiff on Snap Chat to meet him at the Paris Fire Department.

27. When Plaintiff arrived, Defendant Fields brought her to the Paris Fire Department EMT training facility where Defendant Fields had an office. In that office, Defendant Fields performed various sex acts on the minor Plaintiff and recorded those acts using the Plaintiff's phone.

28. Again Defendant Fields sent the child pornography from Plaintiff's phone to his phone.

29. Defendant Fields unlawful behavior was enabled by the power, uniform and resources provided by the City of Paris. The City of Paris and other Defendants valued the corrupt pursuit of illegal sexual conquests over the safety of the community and Plaintiff.

30. Defendant Chief Michael Duffy and Defendant Cody Hensley knew that Defendant Fields and other personnel were engaging in sexual activity and alcohol use while on duty and on Paris Fire Department property.

31. Prior to March 2019, Defendant Chief Michael Duffy and Defendant Cody Hensley knew that Defendant Fields and other city personnel were engaging in sexual activity and alcohol use while on duty and on City of Paris property.

32. Defendant Chief Michael Duffy is in command of the Paris Fire Department and supervised Defendant Cody Hensley and Defendant Fields.

33. Defendant Cody Hensley was Defendant Fields' supervisor.

34. Defendant Cody Hensley addressed Defendant Fields' conduct and requested Defendant Fields have more discretion with bringing young girls to the Paris Fire Department for purposes of his sexual conquests.

35. Plaintiff's involvement as victim in these incidents are an open secret in her small community and she experiences shame and humiliation as a result.

36. Plaintiff has given up on her dreams to pursue a law enforcement and/or fire and EMT career.

37. Plaintiff's high school grades suffered tremendously.

38. Defendant Fields was convicted by a jury for federal child pornography charges.

**CLAIMS FOR RELIEF**

**COUNT 1: VIOLATION OF 42 U.S.C. § 1983**  
**DEPRIVATION OF CONSTITUTIONAL RIGHTS**

39. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

40. 42 U.S.C. § 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress  
...

41. Plaintiff in this action is a citizen of the United States.

42. Defendant City of Paris, Defendant Fields, Defendant Chief Michael Duffy, Defendant Cody Hensley, Defendant Officer Lewis Boyer, and Defendant Officer Matt Royse (collectively referred to as "Defendants") are each a person for purposes of 42 U.S.C. § 1983.

43. Defendants, at all times relevant hereto, were acting under the color of state law in this capacity as firefighter/EMTs and police officers respectively, and their acts or omissions were conducted within the scope of their official duties or employment with the Paris Fire Department and Paris Police Department, sub-units of the City of Paris.

44. Defendants, acting under color of law, deprived Plaintiff of her substantial rights secured by the United States Constitution and other laws, along with her constitutional right to equal protection of the laws.

45. Plaintiff had a clearly established right under the substantive component of the Due Process Clause to personal security and to bodily integrity. That right is fundamental.

46. Defendant Fields violated Plaintiff's rights guaranteed to her by the United States Constitution, in that Defendant Fields groomed Plaintiff, sexually assaulted Plaintiff multiple times, recorded the assaults, and disseminated the child pornography.

47. Defendants violated Plaintiff's rights guaranteed to her by the United States Constitution, in that Defendants authorized, approved or knowingly acquiesced in the unconstitutional and unlawful conduct of Defendant Fields and the other Defendants.

48. Defendants violated Plaintiff's rights guaranteed to her by the United States Constitution, in that Defendants ratified the unconstitutional acts of its employees by failing to meaningfully investigate and punish allegations of unconstitutional conduct in violation of the Fourth Amendment, and denied her equal protection of state and federal laws in violation of the Fourteenth Amendment.

49. Defendants violated Plaintiff's rights guaranteed to her by the United States Constitution, in that Defendants enacted a policy or custom permitting firefighter/EMTs and police officers to utilize Paris Fire Department resources and property to engage in sexual activities and alcohol abuse with *females* generally, and minors in particular. There is a direct causal link between this policy or custom and Plaintiff's deprivation.

50. Defendants engaged in conduct of abuse of power and authority which shocks the conscience and violated the fundamental due process rights of Plaintiff.



51. The conduct of the Defendants violated clearly established constitutional rights of which a reasonable person would have known.

52. Defendants acting under color of state law, deprived Plaintiff of her constitutional rights causing significant damages and are subject to liability under 42 U.S.C. § 1983.

53. The acts or omissions of Defendants were moving forces behind Plaintiff's injuries.

54. Defendants acted in concert and joint action with each other.

55. The acts or omissions of Defendants as described herein intentionally deprived Plaintiff of her constitutional rights and caused her other damages.

56. Defendants are not entitled to qualified immunity for the complained of conduct.

57. Defendants were acting pursuant to municipal/county custom, policy, decision, ordinance, regulation, widespread habit, usage, or practice in their actions pertaining to Plaintiff

58. The Defendants' conduct caused Plaintiff to suffer physical injury and emotional distress.

**COUNT 2: STATE LAW TORT CLAIMS OF SEXUAL BATTERY**

59. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

60. Defendant Fields intentionally and maliciously groomed Plaintiff, sexually battered Plaintiff multiple times, recorded the battery, and disseminated the child pornography.

61. Defendant Fields actions were only possible due to the concerted efforts and customs of Defendants and unchecked grant of authority to Defendant Fields from Defendants.

62. Defendant Fields was a person of authority or position of special trust.

63. Defendant Fields engaged in sexual intercourse with Plaintiff, a minor under eighteen (18) years old with whom he came into contact as a result of his position of authority or special trust.

64. As a direct and proximate result of Defendants' battery of Plaintiff, Plaintiff has suffered physical and emotional injuries and as a direct result of those injuries.

65. Defendants acted with reckless disregard or callous indifference to the rights of Plaintiff and is liable for punitive damages.

**COUNT III - PERSON INJURED BY THE VIOLATION OF  
ANY STATUTE KRS 446.070**

66. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

67. Plaintiff was injured by Defendant Fields violation of numerous statutes, including but not limited to, two counts of 18 U.S.C. § 2251(a), KRS 510.060 (rape in the 3<sup>rd</sup> degree), KRS 531.030 (distribution of obscene matters), KRS 531.340 (distribution of matter portraying a sexual performance by a minor), KRS 531.335 (possession of matter portraying a sexual performance by a minor), and KRS 530.070 (unlawful transaction with a minor in the third degree).

68. Plaintiff was injured by Defendants violations of KRS 522.030 (official misconduct in the second degree) when Defendants refrained from performing their duties imposed by law to assist their colleague in recording a sex act with an underage girl, Plaintiff.

69. The Defendants' conduct caused Plaintiff to suffer physical injury and emotional distress which she is entitled to recovery pursuant to KRS 446.070.

**COUNT IV - CIVIL CONSPIRACY**

70. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

71. Defendant Fields, Defendant Officer Lewis Boyer, and Defendant Officer Matt Royse engaged in a civil conspiracy to deprive Plaintiff of her constitutional rights.

72. Defendant Fields, Defendant Officer Lewis Boyer, and Defendant Officer Matt Royse hatched a plan to clear out the Paris Fire Department's storage facility so that Defendant Fields could provide Plaintiff alcohol and sexually batter her there while he recorded the incident.

73. Defendant Officer Lewis Boyer and Defendant Officer Matt Royse ignored their duties and provided a lookout for Defendant Fields.

74. Defendant Fields, Defendant Officer Lewis Boyer, and Defendant Officer Matt Royse shared a conspiratorial objective to deprive Plaintiff of her constitutional rights.

75. Defendant Fields, Defendant Officer Lewis Boyer, and Defendant Officer Matt Royse committed overt acts in furtherance of the conspiracy that caused the injury to Plaintiff.

76. The Defendants' conduct caused Plaintiff to suffer physical injury, damages, and emotional distress.

**DAMAGES**

77. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein

78. Plaintiff is entitled to recover from Defendants all damages to which she is entitled; such damages include, but are not limited to, damages for the medical expenses incurred; for the pain and suffering endured by Plaintiff; for punitive damages under KRS §

411.184 for the Defendants' malicious, wrongful, and intentional conduct and to deter Defendants from acting so carelessly, recklessly, wrongfully, and maliciously in the future against the citizens of this community; for nominal damages for the Defendants' violation of Plaintiff's constitutional rights; attorney fees and all expenses associated with prosecuting this action, pre-judgment and post-judgement interest; and all other damages to which Plaintiff is entitled.

79. That the damages sought herein were directly and proximately caused by the Defendants

WHEREFORE, Plaintiff requests a trial by jury, and further request that she be awarded actual and punitive damages, pre and post judgment interest, costs and attorneys' fees pursuant to 42 U.S.C. § 1988 and all other relief to which she is entitled under law or in equity.

Respectfully submitted,

/s/ Joseph D. Buckles  
Joseph D. Buckles, Esq.  
BUCKLES LAW OFFICE, PLLC  
149 North Limestone  
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ATTORNEY FOR PLAINTIFF

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

EMMALEE YOUNG

(b) County of Residence of First Listed Plaintiff Harrison County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joseph D. Buckles, Esq., BUCKLES LAW OFFICE, PLLC, 149 North Limestone, Lexington, Kentucky 40504

DEFENDANTS

City of Paris, et al.

County of Residence of First Listed Defendant Bourbon County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983, 28 U.S.C. § 1343(a)(3)
Brief description of cause: Violation of Civil Rights, sexual battery

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,000,000 CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/24/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Joseph D. Buckles

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.