

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CASE NO. 3:17-CV-130-DJH**

TABATHA LYNN SHADBURNE, Individually  
And on behalf of all others similarly situated

PLAINTIFF

V. COMPLAINT

BULLITT COUNTY, KENTUCKY

DEFENDANTS

SERVE: County Judge/Executive  
Melanie J. Roberts  
PO Box 768  
Shepherdsville, KY 40165

SERVE: John Woolridge, Bullitt County Attorney  
300 S. Buckman Street  
Shepherdsville, KY 40165

and

MARTHA KNOX, in her capacity  
As the BULLITT COUNTY JAILER  
1671 South Preston Highway  
Shepherdsville, KY 40165

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**I. INTRODUCTION**

1. Tabatha Lynn Shadburne files this action in her individual capacity and on behalf of all persons arrested for minor offenses, or no offenses at all, who were required by the Defendants in the Bullitt County Jail (hereinafter "Jail") to remove their clothing for a visual inspection on admission to the Jail despite the absence of any reasonable suspicion that they were carrying or concealing weapons or contraband. This class of people individuals includes all individuals who were so treated from 10/16/2009 to present.

2. Such searches have been and continue to be regularly conducted by the Defendants, and there are hundreds of members of this class. There are questions of law and fact in this case that are common to all members of the class. Plaintiff's claims are typical of those of this respective class, and they will fairly and adequately protect the interest of this class.

## **II. JURISDICTION AND VENUE**

3. Plaintiff, and all other similarly situated, seek actual and punitive damages from the Defendants under the Civil Rights Act of 1871, 42 USC section 1983, for gross and unconscionable violation of the rights, privileges and immunities guaranteed them by the Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments to the Constitution of the United States. Accordingly, this Court has jurisdiction of this case pursuant to the provisions of 28 USC section 1331 and section 1343. Plaintiff and other members of her class also seek declaratory and injunctive relief, as well as damages under the pendent jurisdiction of this Court for negligence, gross negligence, and intentional infliction of emotional distress. As Bullitt County, Kentucky is the residence of all defendant parties to this action, and location of all acts pertinent to this suit, venue is proper in this Court.

## **III. CLASS ACTION**

4. Plaintiff brings this action as a class action pursuant to Rules 23(b)(1), (2) and (3) of the Federal Rules of Civil Procedure. The class consists of all individuals arrested for minor offenses who were required to remove their clothing for a visual inspection on admission to the jail, despite the absence of any reasonable suspicion that they were carrying or concealing weapons or contraband.

5. Plaintiff will fairly and adequately protect the interests of all class members. She is a member of the class, and her claims are typical of the claims of all class members. Plaintiff

was offended at the treatment accorded here, and the class members, and will aggressively pursue the interests of the entire class. Plaintiff's interest in obtaining injunctive relief and actual and punitive damages for the violations of her constitutional rights and privileges are consistent with, and not antagonistic, of those of any other person within her class.

6. Given the circumstances of her search, as detailed below, Plaintiff alleges, on information and belief, that Defendants regularly require all persons arrested for non violent minor offenses, or no offenses at all, to remove their clothing for a visual inspection of their bodies on admission to the Jail, even though there exists no reasonable grounds for believing that weapons or contraband have been concealed upon their persons. Such searches violate the Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendments to to the Constitution of the United States, Title 42 USC section 1983, Bell V. Wolfish, 441 US 520 (1979) and the clearly established law of this circuit, as set forth in Masters v. Crouch, 872 F.2d. 1248 (6<sup>th</sup> Cir.) cert denied, 493 US 977, 110 SCt 503 (1989), and the Louisville Division of the Western District of Kentucky, Kimberly Miracle, et al, v. Bullitt County, Kentucky, and Danny Fackler, in his capacity as the Bullitt County Jalier, Civil Action No. 05-130-C. The only question that remains to be resolved is whether Plaintiff and the members of the class are entitled to declaratory and injunctive relief, or the award of compensatory and punitive damages, and, if so, the extent of such an award.

7. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because:

- a. A multiplicity of suits with consequent burden on the courts and Defendants should be avoided.
- b. It would be virtually impossible for all class members to intervene as parties-plaintiff in this action.

- c. Upon adjudication of Defendants' liability, claims of the class members can be determined by this Court.

8. Plaintiff is a resident of Lebanon Junction, Bullitt County, within the Commonwealth of Kentucky.

9. The Defendant, Bullitt County, at all times mentioned herein, employed, and was responsible for the establishment of policies either formally, or my custom for, and was responsible for the employment, training, supervision, and conduct of the officers and employees of the Bullitt County Jail.

10. The Defendant, Martha Knox, is Jailer of Bullitt County, and as such, established policies formally, or by custom for, and was responsible for the employment, training, supervision and conduct of, the officers and employees of the Bullitt County Jail.

#### **V. NATURE OF DEFENDANTS'S CONDUCT**

11. Defendants, individually, and in conspiracy with one another, engaged in the conduct described below under color of the law of the Commonwealth of Kentucky, and Bullitt County. The offenses described below resulted from the failure of the state and county agencies and individuals to employ qualified person for positions of authority, and/or to properly or conscientiously train and supervise the conduct of such persons after their employment an/or to promulgate appropriate operating policies and procedures either formally or by custom to protect the constitutional rights of the citizens of the Commonwealth of Kentucky. Defendants' conduct was intentional or grossly negligent, or indicated malice toward Plaintiff and the class, or at least a total and reckless disregard for, and indifference to, their constitutional and common law rights, and expose a continuing and established pattern of same, justifying an award of punitive damages in addition to the actual damages which Plaintiff and the class are entitled to recovery.

#### **VI. FACTS**

The Plaintiff, Tabatha Lynn Shadburne, was arrested on 12/08/2016 on a bench warrant issued by the Bullitt County Family Court, 16-D-00199-001, Tabatha Shadburne v. William Shadburne, being a domestic violence case in which the Plaintiff, Mrs. Shadburne, was the plaintiff and alleged victim. The bench warrant was for failure to appear and provide proof she had attended a victim's class, and was issued on 12/5/2016. The Plaintiff did not understand she had any future dates after the date before 12/5/2016. When, on 12/8/2016, the Plaintiff learned she had missed a date, she went to the Bullitt County Courthouse for the purpose of re-docketing her case. At that point, she was arrested. On 12/05/2016 the Bullitt Family Court had set a bond of \$350.00, which she had on her person at the time of arrest, meaning that on 12/8/2016, the date of the strip search, the Plaintiff was capable of making bond immediately, was told by the jail of the bond, and informed the jail she could immediately make bond. The jail thus knew the Plaintiff would not be housed at the jail, but, even knowing the Plaintiff would not be housed at the jail, the Plaintiff was strip searched.

At the time of her arrest and booking, the Plaintiff was a married, 49 year old woman, with one child, with no tattoos, who had never been charged with a crime in her life, who had no history of violence or drugs, and for whom there could be no suspicion, reasonable or otherwise, she carried contraband in her body . She was arrested on the bench warrant, taken to the Bullitt County Jail, and, while there, she was taken into a room where she was told to remove her clothes, bend over, squat down, and cough. Being under compulsion of authority and violence, she complied.

## **VII. THE LAW AND THE DEFENDANTS' POLICY**

13. In 1979, the United States Supreme Court held that a pretrial detainee has the right not to be searched unless the reasonableness of such a search is established by

“balancing...the need for the particular search against the invasion of personal rights that the search entails.” Bell v. Wolfish, *supra* at 559 (emphasis added). On April 18, 1989, the Sixth Circuit issued its opinion in Masters v. Crouch, *supra*, in which it held:

It was clearly established on October 21, 1986...that a person charged only with a traffic violation or non-violent minor offense may not be subjected to a strip-search unless there are reasonable grounds for believing that the particular person might be carrying or concealing weapons or other contraband.

*Id.*, at 1257. In Kimberly Miracle, et al. v. Bullitt County, Kentucky, and Danny Fackler, in his capacity as the Bullitt County Jailer, Civil Action No. 05-130-C, a prior strip search case brought against Bullitt County, Judge Coffman wrote, in her Memorandum and Opinion, (Case 3:05-cv-00130-JBC-JDM Document 64 Filed 07/24/09 Page 3 of 4 PageID #: 364):

Routine strip-searching of pre-trial detainees is not a *per se* violation of the Fourth Amendment prohibition against unreasonable searches and seizures. See Mills v. City of Barbourville, 389 F.3d 568, 578 (6th Cir. 2004) (citing Bell v. Wolfish, 441 U.S. 520, 559 (1979)). Yet “a strip-search of a person arrested for a traffic violation or other minor offense not normally associated with violence and concerning whom there is no individualized reasonable suspicion that the arrestee is carrying or concealing a weapon or other contraband, is unreasonable.” Masters v. Crouch, 872 F.2d 1248, 1255 (6th Cir. 1989).

In this case, Plaintiff was arrested on a bench warrant from the Bullitt County Family Court, a civil warrant, from a civil court, for failure to provide proof that, as a victim of domestic violence, she had attended a class for victims. This was not even a crime. Neither her behavior, nor her background, gave Defendants any reasonable grounds for believing that she might be carrying or concealing weapons or other contraband. Under such circumstances, Defendants’ requirement that Plaintiff expose the most private part of her physical person for a visual inspection was unconscionable, was an illegal strip search by any definition, was a flagrant

violation of the balancing requirements of Bell, *supra*, was a violation of her human and constitutional rights, and constituted torture.

## VIII CAUSES OF ACTION

### A. Count I

14. Paragraphs 1-13 above are incorporated herein by reference and made this Paragraph 14.

15. Plaintiff's search, described above, was part of a continuing pattern of misconduct, and is the result of statutes, ordinances, regulations, policies, procedures, customs and practices of the Commonwealth of Kentucky and Bullitt County, either written or unwritten, that are systematically applied whenever an arrestee is admitted to or released from the Bullitt County Jail. Such practices constitute the arbitrary use and abuse of government power, and evidence a total, intentional, and unreasonable disregard for the constitutional and common law rights of the citizens of Kentucky, including Plaintiff and the members of the class, and the wholesale violation of those rights likely to result from the systematic pursuit of such practices.

16. As a result of the foregoing, Plaintiff and her class, through Defendants' intentional or grossly negligent conduct, was deprived without due process of law of the flowing rights and immunities guaranteed them by the Constitution of the United States in violation of the Civil Rights Act of 1871, 42 USC section 1983:

- a. Their right to be secure in their person against unreasonable searches and seizures under the Fourth and Fourteenth Amendments;
- b. Their right to privacy in their person against unreasonable intrusions under the Fourth, Fifth, Ninth and Fourteenth Amendments;
- c. Their right to the equal protection of the law secured by the Fourteenth Amendment; and

- d. Their right not to be subjected to cruel and unusual punishment under the Eighty and Fourteenth Amendments.

17. Moreover, given the pre-existing law that clearly prohibited Defendants' conduct, as well substantial money penalties in at least one prior and recent case, Miracle, Id., Defendants' searches of Plaintiff and the members of her class were intentional, wanton and malicious, and were indicative of the Defendants' total and reckless disregard of, indifference to the rights of, and rise of harm to, Plaintiff and the other members of the class.

### **B. Count II**

18. Paragraphs 1-17 above are incorporated herein by reference and made this Paragraph 18.

19. By virtue of the foregoing, Defendants, without justification, negligently or intentionally inflicted upon Plaintiff and the class severe mental and emotional distress.

### **C. Count III**

20. Paragraphs 1-19 above are incorporated herein by reference and made this Paragraph 20.

21. By virtue of the foregoing, Defendants were negligent, and grossly negligent, all to the damage of the Plaintiff and the class.

## **IX. DAMAGES**

22. Paragraphs 1-21 above are incorporated herein by reference and made this Paragraph 22.

23. Plaintiff and the members of the class were unjustifiably and unconstitutionally searched in a manner that generated tremendous and overwhelming embarrassment, humiliation, and mental and emotional distress. As a result, they have suffered, and are entitled to recover,



actual damages. Furthermore, Defendants' violation of the constitutional and common law rights of the plaintiff and the class were cruel, malicious, and evidenced a total and reckless disregard for, and indifference to, those rights, entitling Plaintiff and the class to recover punitive damages from Defendants in order to deter such conduct in the future. In light of the fact that the Defendants have not been deterred from this conduct in light of a prior and recent case, the punitive damages awarded in this case must be high indeed.

**X. DECLARATORY JUDGMENT AND PERMANENT INJUNCTION**

24. Paragraphs 1-23 above are incorporated herein by reference and made this Paragraph 24.

25. In addition to the foregoing, Plaintiff and the class request that this Court issue a declaratory judgment deeming unconstitutional any and all statutes, ordinances, regulations, policies, procedures, customs or practices under which they were forced to expose their genitalia for visual inspection, and further request that this court permanently enjoin the Defendants from following or enforcing such statutes, ordinances, regulations, policies, procedures, customs or usages.

**WHEREFORE**, Plaintiff and the class she represents requests a) that this action proceed as a class action under Fed. R. Civ. P. 23 and b) trial by jury, and further request that they, and all members of the class, c) be awarded actual and punitive damages, d) be granted the declaratory and injunctive relief requested herein, and e) be awarded their costs, attorney fees, pre and post judgment interest, and all other relief to which they are entitled under law or in equity.

Respectfully submitted,

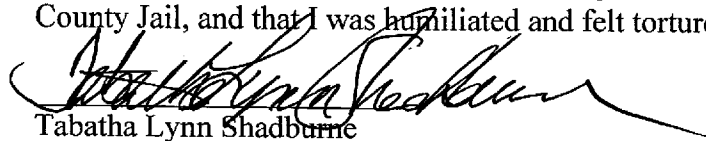
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Gregory Ward Butrum, Attorney

121 S. 7<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202  
(502) 584-0004

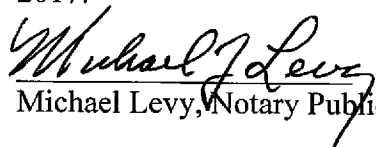
VERIFICATION

I, Tabatha Lynn Shadburne, do verify the facts of what they did to me in the Bullitt County Jail, and that I was humiliated and felt tortured.

  
Tabatha Lynn Shadburne

Sworn to and subscribed before me by Tabatha Lynn Shadburne, this 2<sup>nd</sup> day of March,

2017.



Michael Levy, Notary Public, State at large. My commission expires: 3-28-2017

JS 44 (Rev. 07/16)

**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.)

<p><b>I. (a) PLAINTIFFS</b>                  TABATHA LYNN SHADBURNE</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>BULLITT</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number)                  GREGORY WARD BUTRUM, ATTORNEY, 121 S. 7TH STREET,                  LOUISVILLE, KY 40202. 5025840004.</p>	<p><b>DEFENDANTS</b>                  BULLITT COUNTY, KENTUCKY, AND, BULLITT COUNTY JAIL</p> <p>County of Residence of First Listed Defendant <u>BULLITT</u>                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input checked="" type="checkbox"/> 1</td> <td style="width:10%;"><input checked="" type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

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

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>FEDERAL TAX SUITS</b>	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<b>IMMIGRATION</b>		
		<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

**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 (specify)     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 USC 1983

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_    SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_    AMOUNT \_\_\_\_\_    APPLYING IFF \_\_\_\_\_    JUDGE \_\_\_\_\_    MAG. JUDGE \_\_\_\_\_

actual damages. Furthermore, Defendants' violation of the constitutional and common law rights of the plaintiff and the class were cruel, malicious, and evidenced a total and reckless disregard for, and indifference to, those rights, entitling Plaintiff and the class to recover punitive damages from Defendants in order to deter such conduct in the future. In light of the fact that the Defendants have not been deterred from this conduct in light of a prior and recent case, the punitive damages awarded in this case must be high indeed.

**X. DECLARATORY JUDGMENT AND PERMANENT INJUNCTION**

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25. In addition to the foregoing, Plaintiff and the class request that this Court issue a declaratory judgment deeming unconstitutional any and all statutes, ordinances, regulations, policies, procedures, customs or practices under which they were forced to expose their genitalia for visual inspection, and further request that this court permanently enjoin the Defendants from following or enforcing such statutes, ordinances, regulations, policies, procedures, customs or usages.

**WHEREFORE**, Plaintiff and the class she represents requests a) that this action proceed as a class action under Fed. R. Civ. P. 23 and b) trial by jury, and further request that they, and all members of the class, c) be awarded actual and punitive damages, d) be granted the declaratory and injunctive relief requested herein, and e) be awarded their costs, attorney fees, pre and post judgment interest, and all other relief to which they are entitled under law or in equity.

Respectfully submitted,

  
\_\_\_\_\_  
Gregory Ward Butrum, Attorney

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Woman Sues Bullitt County, Claims Minor Offense Strip Searches Are Illegal](#)

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