

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION
CASE NO. _____

Electronically filed

MAUREEN HOLLIDAY, in her individual capacity
And as Mother and next friend of the Estate of
AH, a minor and Incompetent Person born
xx/xx/2016

PLAINTIFFS

vs.

ALECIA LEIGH
In her individual capacity;
Serve at:
Cabinet for Health and Family Services
Victory Centre
8311 US Highway 42, First Floor
Florence, Ky. 41042

DEFENDANTS

and

DANIELLE SNEED;
In her individual capacity;
Serve at:
Cabinet for Health and Family Services
Victory Centre
8311 US Highway 42, First Floor
Florence, Ky. 41042

And

JANE DOE(S)
In their individual capacity;
Defined as Supervisor(s) within CHFS that
Exercised decision making power in this case
In keeping Plaintiff under a "Prevention Plan"

COMPLAINT

Come now Plaintiff Maureen Holliday, as set forth above, by and through counsel, and for her Complaint against all Defendants states as follows:

PARTIES AND JURISDICTIONAL ALLEGATIONS

1. All actions of the Defendants which give rise to this cause of action, as set forth in this Complaint, took place in the county of Boone, Commonwealth of Kentucky, within the jurisdictional boundaries of this Court.

2. The Plaintiffs are AH, the three year old daughter of Maureen Holliday, and Maureen (Nikkie) Holliday, hereinafter Nikkie. Nikkie is a 30 year old citizen and resident, and is domiciled in Boone County, Kentucky and is the biological mother and sole caregiver of her daughter, AH, age 3. Nikkie is a ten year U.S. Army veteran. She served as a Staff Sergeant, including a 15 month tour in Iraq and a 12 month tour in Afghanistan. She has been in combat. Nikkie was honorably discharged in November, 2014 and is currently completing her Bachelor's degree in social work at the University of Cincinnati while working two jobs; at Tri-State Veterans Community Alliance and Veterans Programs and Services

3. Defendant Alecia Leigh, hereinafter Leigh is a Social Worker employed by the state of Kentucky, Cabinet for Health and Family Services (Cabinet) and is a citizen, resident, and domiciled in Boone County, Kentucky.

4. Defendant Danielle Sneed, hereinafter Sneed is a Social Worker employed by the Cabinet, is a citizen, resident, and domiciled in Boone County, Kentucky, and is the Supervisor of Leigh, exercising significant decision making authority in this case.

5. Defendant(s) Jane Doe is an unknown (at this time) employee of the Cabinet, senior to both Sneed and Leigh who exercised decision making authority in this case in placing and/or keeping Nikkie under the Cabinet's "Prevention Plan".

6. This action is filed pursuant to 42 U.S.C. Section 1983 to redress injuries suffered by each Plaintiff for deprivation, under color of state law, of rights secured by the Fifth, and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction pursuant to 28 U.S.C. Section 1367 and supplemental jurisdiction of the state law claims pursuant to 28 U.S.C. Section 1367.

7. Venue in the United States District Court, Eastern District of Kentucky, Covington Division, is proper pursuant to 28 U.S.C. Section 1931 in that the conduct and injuries about which Plaintiff complains occurred within the venue of this Court.

FACTUAL ALLEGATIONS

8. Plaintiff hereby reaffirms, reiterates, and incorporates by reference each and every allegation previously set forth within this Complaint as if fully recited herein and further states as follows:

A BITE AT DAYCARE AND A FAMILY DINNER PARTY (10/13/16)

9. On October 13, 2016, Nikkie, as was the case every weekday, dropped off her daughter, 3 year old AH at her Florence, Ky. Daycare

10. While at Daycare in the Gymnasium a child named Lola bit AH over her clothes on her backside. The bite hurt AH but she was quickly over it. She did not complain to any of her teachers or Daycare staff, she did not tell Nikkie about the bite when she was picked up at the end of the day.

11. That evening, Nikkie's grandmother, Phyllis Walz, had planned a Dinner party. Nikkie was not feeling well and asked Phyllis to pick up AH to attend the party, keep her overnight, and then drop her at Daycare the next day. Nikkie and AH's family members Phyllis Walz, Paula Tobergte, Rick Walz and his two children, age 13 and 9, and Rick Thomlinson attended the dinner.

12. The next morning, while bathing AH, Phyllis noticed a bruise resembling a bite mark on AH's backside. When Phyllis asked AH how she got the bruise, AH told her she was bitten at Daycare by a child named Lola.

13. Phyllis phoned Nikkie and told her of the bite mark and Nikkie asked Phyllis to report the bite to Daycare and ask if there was an incident report that had been generated regarding the bite.

14. Phyllis did report AH's bite to a supervisor at the Daycare when she dropped AH off on October 14, 2016. AH showed the bite mark and told the supervisor that Lola had bitten her the day before.

15. At approximately 3:00 p.m. that same day, Nikkie received a phone call from Julie, the Director at the Daycare. Julie told Nikkie that a Cabinet worker was at the Daycare and needed to speak with Nikkie.

16. Nikkie immediately drove to the Daycare where she met Leigh for the first time. Nikkie told her what she knew about AH's bite as she was told by her grandmother, Phyllis. Leigh asked Nikkie about the discipline she used with AH and Nikkie described that she would use time outs or threaten time outs, she had occasionally smacked her hand and spanked her over her clothes. None of the disciplinary methods had ever left a mark on AH. She explained to Leigh that Phyllis and other family members that would watch AH would use similar discipline if necessary and there was never a concern that AH had been abused in any way.

17. Leigh asked Nikkie whether she used drugs. Nikkie told her no. Leigh asked Nikkie whether she drank alcohol and Nikkie told her she might have a glass of wine every three months. Nikkie asked Leigh what was the purpose of all of the questions given the common occurrence of a child bitten by another child at a Daycare.

18. In response to Nikkie's question, Leigh told her that she needed to meet with her in another room...alone. Nikkie requested someone from the Daycare be present but Leigh denied her request and they proceeded into another room alone.

19. Once in the room, Leigh told Nikkie that she was now under a “Prevention Plan” in which she would be limited to “supervised contact with AH until notified by CHFS” and was only permitted to have contact with AH when an “approved supervisor” was present. The supervisor must be “18+, mature, pass background check, and not abuse substances”.

19. Additionally, the “Prevention Plan” precluded supervision by “anyone who had access within 48 hours with AH”. This included everyone at the family dinner from the night before including Nikkie’s grandmother, Phyllis Walz, and all of Nikkie’s other local relatives who represented Nikkie’s support group in helping with AH.

20. The final condition of the “Prevention Plan” was that Nikkie must take AH “to Children’s Hospital to have bruising assessing (sp) & body check for any concerns including internal injuries”.

21. These conditions were set forth in written form by Leigh on a one page sheet of paper labeled “Prevention Plan”. At the bottom of the page was a stamp which forebodingly stated in all capital letters: **“ABSENT EFFECTIVE PREVENTATIVE SERVICES...PLACEMENT IN FOSTER CARE IS THE PLANNED ARRANGEMENT FOR THIS CHILD”**.

22. Additionally, under the heading, “Potential Consequences if the Prevention Plan is not successful”, Leigh filled in “Court Action/Foster Care”.

23. Leigh signed the Prevention Plan and presented it to Nikkie for her signature. Nikkie told Leigh, “This is ridiculous...my child was bitten by another child..she told you that..she told my grandmother that...We were the ones that notified the Daycare of the bite...I am not signing this!”

24. Leigh told Nikkie, “If you don’t sign, we will take your daughter into custody right now.”

25. With that statement, retired Staff Sergeant Nikkie, who had spent 27 months in Iraq and Afghanistan, who had been in combat..was “scared to death” by Leigh..a twenty-something year old social worker.

26. Leigh never mentioned that she would need a Court Order to take AH. She never told Nikkie that a Judge would have to consider whether AH’s safety was in imminent danger before she was removed from Nikkie. She told Nikkie that AH would be taken immediately if she did not sign the Prevention Plan. In fact, Leigh did not present the case to a Judge, there was never a Court Order entered in the case, there was no due process regarding the imposition of sanctions upon Nikkie.

27. Under the coercive conditions set forth above, and under the threat that her child would be “taken” if she did not sign, without a hint of “voluntariness”, and under duress, Nikkie signed the “Prevention Plan”.

CHILDREN’S HOSPITAL

28. The first requirement Nikkie had to accomplish was to have AH evaluated at Children’s Hospital. This was made much more difficult because

Nikkie was now limited to supervised contact with AH, meaning someone had to go with her, and none of her support group could be her “supervisors”.

29. Nikkie phoned her grandmother, Phyllis Walz and told her of the situation. Phyllis enlisted the help of her daughter and Nikkie’s aunt, Paula Tobergte, and they drove to the Daycare. The ridiculous nature of the Cabinet’s restrictions hit home at that point when the group realized they could not proceed together to Children’s Hospital because both Phyllis and Paula were at the Family dinner the night before and were therefore precluded from “supervising” Nikkie.

30. Nikkie phoned her cousin Kim Reed and waited for her to be able to drive to the daycare from her job at St. Rita’s school for the deaf in North Cincinnati. By the time Kim was able to arrive at the Daycare it was past 5:00 p.m. and that meant Leigh either could not or would not wait beyond that time.

31. Nikkie was concerned because she was told by Leigh that any “supervisor” had to be approved by Leigh and/or the Cabinet...but Leigh had left the daycare. Nikkie was required to take AH to Children’s Hospital but by the time Kim Reed arrived, Leigh was gone and was not answering her phone or returning the many messages that were left on her voicemail.

32. Nonetheless, Nikkie, Kim Reed, and AH drove to Children’s Hospital that evening and arrived at approximately 7:00 p.m. They waited in the Emergency Room for approximately 2 hours before they were able to see a Doctor.

33. AH was examined by Dr. Lauren Christine Riney and Dr. Joshua Gauger and other medical personnel that evening. The Doctors and all of the medical staff were confused, and somewhat incredulous, as to why AH was brought to the Children's Hospital Emergency Room for a small bite on her behind.

34. The Discharge Instructions read as follows:

“AH was seen and evaluated the emergency department. She explained to me that she was “bitten on the butt” by her friend Lola. My exam was consistent with bite marks on both butt cheeks. The marks were simply minor bruises and no puncture marks. There were no other injuries noted. AH otherwise appears to be a healthy and happy child. Images were taken for her medical record.”

NIKKIE'S LIFE UNDER THE PREVENTION PLAN

35. Nikkie quickly discovered what the Prevention Plan meant for her. She was forced to move out of her house and onto Kim Reed's couch. Kim lived in Amelia, Ohio...a forty-five minute drive from Nikkie's Florence, Ky. home. She would have to drive back and forth twice a day to let her dogs out of her house and feed them.

36. Over the weekend, October 14-16, 2016, Kim and Nikkie continued to call the phone number provided by Leigh. They wanted to report what the Doctors at Children's Hospital said regarding AH and see if this nightmare could end. If not, they needed to know if Kim could be approved by a supervisor. Leigh did not answer or return any of the calls until Monday, October 17, 2016, at which time Leigh told Nikkie that she does not work after 5:00 p.m. or on weekends.

37. On Monday morning, Kim's husband, Brian Reed was forced to drive AH from Amelia, Ohio to the daycare with Nikkie following behind. Nikkie was forced to ask her boyfriend, Tyrone Patel, to stay in her house during the week and accompany Nikkie and AH to and from the Daycare each weekday.

38. From October 14-October 28, 2016, Nikkie and AH lived in 3 different houses and were precluded from visiting with their family absent "supervision". Transportation to and from anywhere continued to be a major problem.

39. The absurdity of the situation must be mentioned: AH is bitten by a child at daycare and as a result, her mother and family are precluded from being around her without supervision, her family life becomes necessarily transient, her sense of home and stability are threatened. The only place where she is not required to be supervised is the place where she was injured, the daycare.

40. On October 28, 2016, Nikkie was directed to report to the Cabinet office where, another worker, at the direction of Leigh and/or Sneed, presented a second Prevention Plan, again with the stamp at the bottom of the page threatening foster care. Nikkie continued to question why she needed to be under the plan and was again told that if she did not sign or follow the plan, AH would be removed.

41. This plan was different in that Nikkie was no longer limited to supervised contact with AH but all family members who were present at the family dinner on October 13, 2016 continued to be so limited.

42. Nikkie continued to ask why this was the case..could someone tell her what was going on...why was this happening? No answers were forthcoming. She was told either sign or the Cabinet would take her daughter as threatened in writing on the Prevention Plan.

43. Under such coercion, Nikkie involuntarily signed the second plan.

44. The second plan continued to impede Nikkie's ability to utilize her family support system to raise her daughter. As a single mother and college student working two jobs, Nikkie relied upon her family for help with AH.

45. From October 28, 2016 through the end of the year, Nikkie repeatedly phoned Leigh informing her of the incredible burden she was experiencing due to the Cabinet restrictions placed upon her family via the Prevention Plan...to no avail.

46. Nikkie was continually told by Leigh that the Cabinet had to complete its "investigation" before she could be released from the Prevention Plan.

47. Nikkie was finally notified on January 13, 2017, that Cabinet Case against her was closed because the Cabinet had no proof that AH was harmed by a caretaker.

THE INVESTIGATION: VIOLATION OF AH'S PRIVACY, HARRASMENT OF CHILDREN, DOCTOR SHOPPING, AND ALTERING WITNESS STATEMENTS

48. At the request of counsel, Nikkie has requested and obtained Cabinet records that were generated as a result of the Cabinet's actions into this case. The following allegations include excerpts from those records:

49. On October 14, 2016, at 9:18 p.m., Leigh phoned Children's Hospital and spoke to "Lisa". Lisa stated, **"there are no concerns with the mark and they can't say if the marks are bite marks or not because the bruises are faint and if the child reported that another child bit her it was likely that this is how the injury occurred"**.

50. So, at 9:18 p.m. on October 14, 2016, Leigh had a child who told Phyllis Walz, her mother Nikkie, a Daycare Employee, Leigh herself, and Doctors at Children's Hospital that she was bitten on her backside by another child, Lola. Leigh now had a diagnosis of the "faint bruise" confirming information that it was from a child's bite. From that point forward all actions taken by the Cabinet in continuing their "investigation" and continuing Nikkie on the Prevention Plan was in complete bad faith.

51. Leigh did not return any of Nikkie's repeated messages, regarding approval of a supervisor and the diagnosis at Children's Hospital throughout the entire weekend from October 14-October 16, 2016.

52. After Leigh received the Children's Hospital records and spoke to "Lisa" at Children's, who confirmed that the medical staff at Children's had "no concerns" regarding the bite mark as well as the health, safety, and wellbeing of AH, Leigh consulted immediately with her supervisor, Danielle Sneed.

53. Leigh and Sneed decided to continue their "investigation" and to keep Nikkie under the constraints and threats contained within the Prevention Plan.

54. Leigh and Sneed again discussed the case on October 17, 2016.

55. At 9:53 a.m. on October 17, 2016 Leigh finally returned the many voicemails left by Nikkie and told her that despite the finding of “no concern’ by the medical professionals at Children’s Hospital, the Prevention Plan would remain in effect in its entirety.

56. Later that same day Leigh interviewed Phyllis Walz who told her that she had no concerns regarding Nikkie and her parenting of AH.

57. Leigh then went to the Daycare where she interviewed a total of six teachers and/or staff at the school. None of the staff had any concerns about AH or Nikkie.

58. One of the staff that was interviewed was Aubrey Stuck, who is a teenage employee of the Daycare. Her job description is “Floater”. During their meeting, Leigh’s notes describe, “She said that the mark does not resemble a bite mark”. It is unclear how or why Leigh would ask teenager Stuck for her opinion regarding the origin of AH’s bruise.

59. Leigh then drove to Nikkie’s house and interviewed her again. She also interviewed Nikkie’s neighbor, Coretta Cline, who expressed no concerns regarding AH or Nikkie.

60. The following day, October 18, Leigh again conferenced with Sneed and the case was still not dropped.

61. After her conference with Sneed, Leigh went back to the Daycare on October 19, 2016 and interviewed 3 year old A.B. and 3 year old Cora. She tried to interview 3 year old Jace “but he was crying and would not talk”. Leigh also spoke with Cora’s mother, Crystal, who is a teacher at the Daycare. None of the people interviewed expressed any concerns that AH was being abused in any way.

62. Leigh and Sneed decided to continue with their “investigation” and placed a phone call to Dr. Shapiro, the Cabinet’s go-to Doctor at the Mayerson center.

55. Dr. Shapiro had not examined AH and had never met her.

56. Dr. Shapiro obtained photos of AH and informed Leigh that the photo “shows a bite mark on the right bottom cheek and the left bottom cheek shows multiple marks but cannot say if they are bite marks or not”.

57. After speaking with Dr. Shapiro, Leigh consulted on three separate occasions with Sneed. Instead of closing the case, Leigh was instructed to phone Nikkie and obtain the “numbers for the relatives that were at Phyllis’ house”..on October 13, the night of the family dinner and interview everyone that was there.

58. On October 24, 2016 Leigh, without parental notice or permission, went to Walton Verona Middle School and interviewed JW, age 13. She then went to Walton Verona Elementary School and interviewed BW, age 9. Neither child understood why a Social Worker would remove them from class and interrogate them about a Family Dinner. Each told their parents the interrogation upset

them. Neither child revealed any information that could lead anyone to believe that AH had ever been abused by anyone.

59. On October 24, Social Worker Kelsey Tucker interviewed Paula Tobergate, Nikkie's aunt who was present at the Dinner. She expressed there were no concerns regarding abuse or neglect of AH. Tucker then interviewed Tyrone Patel, Nikkie's boyfriend, who indicated no concerns of abuse or neglect of AH.

60. On October 26, 2016, Leigh again consulted with Sneed regarding the case. Sneed informed Leigh that the supervised contact provision of the Prevention Plan could be lifted but none of the relatives present at the Family Dinner could be alone with AH.

61. From October 26, 2016, to November 15, 2016 Leigh interviewed Nikkie's family members and friends as well as more Daycare employees..none revealed any concerns for abuse of AH. From November 15, through December 27, 2016, through Thanksgiving and Christmas, Leigh interviewed no one, however despite repeated requests from Nikkie, she kept the Prevention Plan in place.

62. During this entire period, Nikkie continued to request the restrictions upon her family be lifted and explained to Leigh that working 2 jobs and attending school without family support was nearly impossible and she risked being fired from both of her jobs due to being late and/or missing work.

63. Between October 26 and December 27, 2016 Leigh, at the direction of

Sneed, made multiple calls to Dr. Shapiro's office at the Mayerson Center requesting his "consult" be reduced to writing.

64. On December 27, 2016 Leigh and Sneed consulted by email with Heidi Malott from Mayerson Center as follows:

She reported that Dr. Shapiro as well as other doctors in the Mayerson Center are no longer allowed to consult on cases or follow up on cases unless the child has been seen by them in the office. Heidi reported that what the ER reported to CHFS would be the standing explanation due to this."

65. Later that same day, December 27, 2016 Leigh and Sneed decided to close the case as unsubstantiated, however Nikkie was not notified that the case was closed until January 13, 2017.

66. Despite the directive from the Mayerson center set forth above, Dr. Shapiro's "consult" was front and center on the closing documents created by Leigh and his "consult" was critically misstated multiple times.

67. Under the heading, "Incident Results" Leigh states "Child presented with injuries to both buttocks-round mark which **could be** bite mark on one buttock and a **linear mark** on the other per Dr. Shapiro" This misstatement was restated under the headings "Assessment Results" and again under "Maltreatment/Neglect Description."

67. The phrase "linear mark" is cabinet speak for a mark on a child's skin indicative of abuse or an intentional act by someone.

68. The phrase "linear mark" was found nowhere within the 27 page

Cabinet records except for the summaries set forth above by Leigh. Neither Dr. Lauren Christine Riney nor Dr. Joshua Gauger, who specifically examined AH at Children's Hospital, used that phrase within their records and Leigh's own summary of her phone call with Dr. Shapiro did not mention the phrase.

69. Additionally, the notes from the Dr. Shapiro phone call read, "the pictures documented by CCHMC ER **shows** a bite mark on the right bottom cheek and the marks on the left bottom cheek...can not say if they are bite marks or not." The medical records from the Doctors who actually examined AH state, "**my exam was consistent with bite marks on both butt cheeks**".

70. As set forth above, Leigh and Sneed attempted to Doctor shop. They shopped for an opinion inconsistent with the manner in which AH described that she was injured, by a child's bite. They shopped for a description that was contrary to the diagnosis provided by the only two Doctors and medical staff from Children's Hospital who examined AH. They shopped for an opinion by a Doctor who had not examined AH and when they were told Doctors at Mayerson could not provide such a "consult", they included it anyway within the final report and altered the opinion itself in an attempt to justify the three month investigation. This was all done at the expense of Nikkie and AH.

IS IT ALL ABOUT THE MONEY?

71. Pursuant to Title IV-E, 42 U.S.C. 672, states can receive reimbursement of its administrative costs expended on behalf of children who are receiving services within their own home when those services are being provided to prevent removal from the home. The costs of an “investigation” are included for such reimbursement. To qualify for this funding, the Cabinet must provide the federal government documentation that there is a “defined **Prevention Plan**” which clearly states: “**ABSENT EFFECTIVE PREVENTATIVE SERVICES, FOSTER CARE IS THE PLANNED ARRANGEMENT FOR THE CHILD**”. (Emphasis added) (472 (i)(2) of the Social Security Act).

72. Additionally, “should the state determine that the child is no longer a candidate for foster care at any point prior to the removal of the child from the home, subsequent activities will not be allowable for reimbursement of costs under Title IV-E. *Id.*”

73. Plaintiff believes the Title IV-E funds motivated the initiation, continuing investigation, and Leigh and Sneed’s and the Cabinet’s refusal to terminate the investigation.

74. This is the second case filed with this Court within the last two months that involves Cabinet workers coercing a mother into signing a “Prevention Plan” with no reasonable cause to believe that a child was being neglected or abused and then continuing the investigation, at the Family’s expense, in complete bad faith after the Social Workers were provided conclusive proof that there was no abuse or

neglect. See *Schulkers et. al. v. Kammer et. al.*, Case No.: 2:17-cv-0076.

75. Plaintiff must be afforded discovery prior to any dispositive motions being ruled upon to obtain this evidence which is exclusively under the control of the Defendants and is not subject to disclosure under any open records request.

**COUNT I: VIOLATION OF PROCEDURAL AND SUBSTANTITIVE
DUE PROCESS AS TO PLAINTIFFS' CONSTITUTIONAL RIGHT TO
FAMILY INTEGRITY (LEIGH AND SNEED): 42 U.S.C SECTION 1983**

76. Plaintiffs hereby reaffirm, reiterate, and incorporate by reference each and every allegation previously alleged within the Complaint as if fully recited herein and further states as follows:

77. Plaintiffs, as citizens of the United States of America and the Commonwealth of Kentucky, are accorded many rights, freedoms, and benefits under the United States Constitution and the Constitution of Kentucky.

78. Within those constitutional rights enjoyed by Plaintiffs are, *inter alia*, the right to Family Integrity and the right to be free to raise their family without government intervention absent due process of law.

79. Defendants Leigh and Sneed, acting under the color of state law and without Court authority, intentionally, willfully, wantonly, grossly and in complete bad faith violated Plaintiffs' constitutional rights under the Fourteenth Amendment to Familial Relations and to due process of law by;

a) Coercing Nikkie to sign a "Prevention Plan" requiring her to be supervised with AH from October 14, 2016 through October 28, 2016 and for

limiting AH's family members Phyllis Walz, Paula Tobergte, Rick Walz, and Rick Tomlinson to supervised contact with AH, all to the deprivation of Nikkie's and AH's rights of family integrity until January 13, 2017; and

b) The Prevention Plan and its restrictions severely affected AH and Nikkie's sense of safety and turned them into transients, moving from place to place in order to comply.

c) Unreasonably refusing to issue an "unsubstantiated" abuse finding after it became clear no abuse of AH existed, resulting in the disruption of Plaintiffs' family integrity and forcing Nikkie to live in fear that AH would be taken.

d) Imposing all of these restrictions without due process of law.

80. Upon information and belief, Plaintiffs' rights were violated by Leigh and Sneed so the Cabinet and/or State could acquire Federal funding.

81. Assuming the Cabinet obtained federal funding for the investigation, Leigh and Sneed have defrauded the U.S. government so as to benefit their employer, the Cabinet. Such fraud was committed in bad faith and at the financial expense of U.S. citizen taxpayers and at the emotional expense of Plaintiffs family.

82. As a direct and proximate cause of Defendants Leigh and Sneed's conduct, Plaintiffs were deprived of their fundamental right of Familial Relations, Family Integrity, have and will continue to suffer extreme emotional and psychological stress and damage.

83. Plaintiffs' fundamental right to family integrity without unreasonable

government intervention is clearly established. It is unlawful for Social Workers to violate a family's peace and well-being absent evidence of abuse and neglect of children. It is contrary to Kentucky law and to the Cabinet's own policy and procedures, for Social Workers, after receiving conclusive evidence that there is no abuse and/or neglect, to continue to threaten and harass a family.

COUNT III: TORT OF OUTRAGE (LEIGH AND SNEED)

84. The Plaintiffs hereby reaffirm, reiterate, and incorporate by reference each and every allegation contained within this Complaint as if fully recited herein and further state as follows:

85. Defendants' conduct as set forth herein was outrageous and intolerable and offends the generally accepted standards of decency and morality.

86. There is a causal connection between Defendants' conduct and Plaintiffs' severe emotional distress.

COUNT IV: PUNITIVE DAMAGES (ALL DEFENDANTS)

87. Plaintiffs hereby reaffirm, reiterate, and incorporate by reference each and every allegation contained within this Complaint as if fully recited herein and further state as follows:

88. Leigh and Sneed, jointly and severally, acted in a wanton, willful, deliberately indifferent, grossly negligent, reckless, and/or intentionally harmful manner with reckless disregard for Plaintiffs' Fundamental Constitutional Rights.

89. The conduct of these Defendants needs to be deterred and punished

severely and each defendant is therefore liable for punitive damages and attorney fees under both State and Federal Law including common law.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff demands as follows:

1. That, prior to consideration by the Court of any dispositive motion, the Court permit discovery herein as to information solely within the control of the Defendants so Plaintiffs will have a full and fair opportunity to present their case;
2. A judgment, jointly and severally, against all Defendants on each cause of action in a fair and reasonable amount for compensatory damages;
3. A trial by jury;
4. For an award of Punitive damages;
5. For an award of all Attorney Fees under both State and Federal Law for violations of the Plaintiff's civil rights;
6. Pre and Post judgment interest;
7. Court costs and expenses of this action; and
8. Any and all other relief or damages applicable to the facts of this matter or that the Court deems fitting and proper.

Respectfully submitted,

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