

NO.: **15CI06354**

JEFFERSON CIRCUIT COURT  
DIVISION SIX (6)

**COPY**

JEFFERSON CIRCUIT COURT  
DIVISION  
JUDGE

ADAM HORINE,

PLAINTIFF

**COMPLAINT**

CITY OF CARROLLTON;  
Serve via certified mail:  
City Government Office  
750 Clay Street  
Carrollton, KY 41008-1086

MICHAEL WILLHOITE, individually and  
in his official capacity as  
Chief of Carrollton Police  
Serve via certified mail:  
Carrollton Police Department  
750 Clay Street  
Carrollton, KY 41008-1086;

And

RONALD DICKOW, individually and  
in his official capacity as  
Officer, Carrollton Police Department  
Serve via certified mail:  
Carrollton Police Department  
750 Clay Street  
Carrollton, KY 41008-1086,

DEFENDANTS

FILED IN CLERK'S OFFICE  
DAVID L. NICHOLSON, CLERK  
DEC 17 2015  
BY \_\_\_\_\_  
DEPUTY CLERK

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Comes the Plaintiff, Adam Horine, by and through counsel, Steven R. Romines, and for his complaint against the Defendants hereby states as follows:

**PRELIMINARY STATEMENT**

1. This is a civil action for damages brought pursuant to Sections Ten and Seventeen of the Kentucky Constitution, as well as applicable state law, stemming from the

police officers' wrongful detention and tortious actions toward Plaintiff, a mentally ill and disabled citizen. Defendants defied a Court order to transport Plaintiff Adam Horine to Eastern State Hospital and unlawfully removed him from the Carroll County Detention Center, drove him to Louisville, and placed him on a Greyhound bus to Ft. Myers, Florida, in violation of the Plaintiff's right to be free from unreasonable seizure, unlawful imprisonment, cruel and unusual punishment and the intentional infliction of emotional distress. Defendants' actions caused severe injuries to Plaintiff Adam Horine. The Plaintiff further alleges that the Defendant police officers acted intentionally, and within the course and scope of their employment in violating Mr. Horine's rights under the Kentucky State Constitution and Kentucky tort law.

#### **PARTIES**

##### **Plaintiff**

2. Plaintiff Adam Horine is and at all times relevant hereto was a resident of Carroll County, Kentucky.

##### **Defendants**

3. Defendant City of Carrollton is an entity of municipal government in the Commonwealth of Kentucky.

4. Defendant City of Carrollton is located in and operates within the bounds of Carroll County, Kentucky.

5. Defendant City of Carrollton, at all times relevant hereto, has operated under the color of law.

6. Defendant City of Carrollton is an entity with the capacity to sue and be sued.

7. Defendant City of Carrollton has employed Defendants Michael Willhoite and

Ronald Dickow at all times relevant hereto.

8. Defendant City of Carrollton has supervised Defendants Michael Willhoite and Ronald Dickow at all times relevant hereto.

9. Defendant Michael Willhoite is a resident of the Commonwealth of Kentucky.

10. Defendant Michael Willhoite, at all times relevant hereto, has been employed as the Chief of the Carrollton Police Department.

11. Defendant Michael Willhoite, at all times relevant hereto, has acted in his capacity under the color of law.

12. Defendant Michael Willhoite, at all times relevant hereto, has acted within the course and scope of his employment as an employee of the City of Carrollton and the Carrollton Police Department.

13. Defendant Michael Willhoite, at all times relevant hereto, employed Defendant Ronald Dickow.

14. Defendant Michael Willhoite, at all times relevant hereto, supervised Defendant Ronald Dickow.

15. Defendant Ronald Dickow is a resident of the Commonwealth of Kentucky.

16. Defendant Ronald Dickow, at all times relevant hereto, was employed by the Carrollton Police Department in the City of Carrollton as a police officer.

17. Defendant Ronald Dickow, at all times relevant hereto, acted in his capacity as a police officer, under the color of law.

18. Defendant Ronald Dickow, at all times relevant hereto, acted in his capacity as a police officer within the course and scope of his employment.

## **FACTUAL ALLEGATIONS**

19. On or about April 22, 2015, Plaintiff Adam Horine was incarcerated at Carroll County Detention Center.

20. On or about April 22, 2015, Plaintiff Adam Horine suffered from mental illness.

21. On or about April 22, 2015, Defendants Willhoite and Dickow had knowledge that Plaintiff Adam Horine suffered from mental illness.

22. On or about April 22, 2015, the Carroll District Court ordered Carrollton Police Department to transport Adam Horine to Eastern State Hospital.

23. The purpose of the April 22, 2015 transport order was for Plaintiff Adam Horine to undergo psychiatric evaluation.

24. On or about 3:00 am on April 23, 2015, Defendant Ronald Dickow removed Adam Horine from Carroll County Detention Center (hereinafter, "CCDC").

25. On April 23, 2015, Defendant Ronald Dickow was acting at the direction of Defendant Michael Willhoite, when he removed Adam Horine from CCDC.

26. On April 23, 2015, Defendant Ronald Dickow had no intention of transporting Plaintiff Adam Horine to Eastern State Hospital when he removed Horine from CCDC.

27. Defendant Dickow placed the Plaintiff in the backseat of his cruiser and drove Plaintiff to the Greyhound bus station in downtown Louisville.

28. Defendant Dickow purchased a one-way ticket to Ft. Myers, Florida, for the Plaintiff.

29. Defendant Dickow purchased the bus ticket with funds provided to him by Defendant Willhoite.

30. Defendant Dickow forced Plaintiff Horine to board the Greyhound bus.

31. Defendants Dickow and Willhoite's actions were unlawful.

32. Defendants Dickow and Willhoite's actions were in violation of the April 22, 2015 Carroll District Court Order.

33. Defendants Dickow and Willhoite unlawfully banished Plaintiff from the Commonwealth of Kentucky.

34. Plaintiff Horine was forced to board the Greyhound bus without his medication.

35. Plaintiff Horine was without proper medical or psychiatric care on the Greyhound bus.

36. On the Greyhound bus, Plaintiff Horine began experiencing psychotic episodes, he began talking to himself, urinated on himself, and was forced to catheterize himself.

37. During the trip, Plaintiff Horine was hospitalized in Knoxville, Tennessee, medicated and released to re-board the bus.

38. By the time the Greyhound bus reached Florida, Plaintiff Adam Horine's mental and physical condition had again deteriorated to the point where he required hospitalization in Orlando, Florida, for approximately one week.

39. Upon information that Plaintiff Horine had not been transported to Eastern State Hospital, the Carroll District Court issued a second order for Horine's transport.

40. On April 24, 2015, Carroll District Court issued a second order for Horine to be transported to Eastern State Hospital.

41. Subsequent to the Plaintiff's banishment, an arrest warrant was issued for Plaintiff Horine by the Kentucky Attorney General's Office for second degree escape.

42. The arrest warrant for second degree escape was issued on information from the Carrollton Police Department

43. The arrest warrant for second degree escape was issued for the sole purpose of ensuring Plaintiff's return to Kentucky.

44. Plaintiff Adam Horine was arrested pursuant to the felony escape warrant in Gulfport Florida.

45. Plaintiff Adam Horine was arrested by a SWAT team in Gulfport, and transported to Pinellas County Jail.

46. Plaintiff Adam Horine was stripped completely nude and placed in solitary confinement for approximately three (3) weeks in Pinellas County Jail.

47. Plaintiff Adam Horine was subjected to a weaponized aerosol spray, known to him as "pepper spray" on multiple occasions in Pinellas County Jail.

48. On May 18, 2015, Plaintiff Adam Horine was transported back to Kentucky by the Carroll County Sheriff's Department.

49. Plaintiff was ultimately discharged by Eastern State Hospital.

50. Plaintiff remains charged with Escape in the Second Degree.

51. The Escape in the Second Degree charge is baseless and erroneous.

52. On August 10, 2015, Defendant Willhoite was indicted by a Carroll County Grand Jury on charges of Complicity to Commit Kidnapping, a felony charge; Custodial Interference, a felony charge; and Official Misconduct, a misdemeanor.

53. On August 10, 2015, Defendant Dickow was indicted by a Carroll County Grand Jury on charges of Complicity to Commit Kidnapping, a felony charge; Custodial Interference, a

felony charge; and Official Misconduct, a misdemeanor.

54. The actions of Defendants Dickow and Willhoite resulted in numerous injuries to the Plaintiff.

55. The actions of Defendants Dickow and Willhoite were committed with deliberate indifference to his life, health, and safety.

56. The actions of Defendants Dickow and Willhoite were so willful, wanton, malicious, and in utter disregard for Plaintiff Adam Horine's rights and safety as to warrant the imposition of punitive damages.

57. The Defendants had (prior to the events herein) previously unlawfully detained and banished mentally ill citizens (hereinafter, "the previous instances").

58. The City of Carrollton was aware of the previous instances.

59. The Carrollton Police Department was aware of the previous instances.

60. Defendant Willhoite was aware of the previous instances.

61. Despite being aware of the previous instances, the City of Carrollton, Carrollton Police Department and Defendant Willhoite failed to adequately supervise or train their police officers.

#### **JURISDICTION AND VENUE**

62. Jurisdiction and Venue are proper in this Court as the Plaintiff's claims for damages are in excess of the minimum jurisdictional limits of this Court, and the acts or occurrences complained of herein occurred substantially in Jefferson County, Kentucky, within the territorial jurisdiction of this Court.

## CAUSES OF ACTION

### **COUNT ONE: NEGLIGENCE PER SE, VIOLATION OF STATUTE**

63. The aforementioned conduct of Defendants Willhoite and Dickow was in violation of KRS 509.040/502.020 (Complicity to Commit Kidnapping), KRS 509.070/502.020 (Complicity to Commit Custodial Interference), and KRS 522.020 (Official Misconduct in the First Degree).

64. Adam Horine suffered injury as a result of the Defendants' violation of the above referenced statutes, and is entitled to damages therefore pursuant to KRS 446.070 and Kentucky Caselaw.

65. That the Defendants' violations of the above referenced statutes were the direct, actual, and proximate cause of the damages suffered by Adam Horine.

66. That Plaintiff Adam Horine is in the class of persons sought to be protected by the above referenced statutes.

67. That the Defendants' violations of the above referenced statutes constituted Negligence per se.

### **COUNT TWO: UNLAWFUL IMPRISONMENT**

68. That the aforementioned acts of Defendants Willhoite and Dickow constitute the state law tort of Unlawful Imprisonment.

69. Defendants Willhoite and Dickow acted with the intention of confining the Plaintiff Adam Horine within fixed boundaries.

70. The acts of Defendants Willhoite and Dickow directly or indirectly resulted in confinement.



71. The Plaintiff was conscious of the confinement.

72. That said confinement was wrongful, improper, and without a claim of reasonable justification, authority or privilege.

73. As a direct and proximate result of the conduct of the Defendants, the Plaintiff suffered harm and damages including but not limited to the aforesaid damages.

74. That the actions of the Defendants in falsely imprisoning the Plaintiff justify presumed damages and punitive damage awards against said Defendants.

### **COUNT THREE: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

75. That the actions of Defendants Willhoite and Dickow constitute the state law tort of Intentional Infliction of Emotional Distress.

76. Defendants Willhoite and Dickow knew, or should have known their actions would cause severe emotional distress.

77. The conduct of Defendants Willhoite and Dickow was extreme and outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized society.

78. As a direct and proximate result of Defendants' conduct, the Plaintiff suffered humiliation, shame, and severe emotional distress.

79. That the actions of Defendants Willhoite and Dickow were outrageous and intolerable, and that said actions offended against the generally accepted standards of decency and morality.

80. The actions of the Defendants, in intentionally inflicting emotional distress upon the Plaintiff, justify an award of presumed and punitive damages.

#### **COUNT FOUR: NEGLIGENCE**

81. Defendants Willhoite and Dickow owed a duty of ordinary care to the Plaintiff.

82. Defendants Willhoite and Dickow breached their duty of care to the Plaintiff.

83. Plaintiff Adam Horine suffered damages, including physical pain and suffering, mental pain and suffering, fear, anxiety, discomfort, humiliation and attorneys' fees.

84. The acts of the Defendants Willhoite and Dickow were the direct, actual, and proximate cause of the damages suffered by Plaintiff Adam Horine.

#### **COUNT FIVE: NEGLIGENT HIRING, TRAINING, SUPERVISION AND RETENTION**

85. The Defendants Willhoite and City of Carrollton owed the duty of reasonable care in hiring, training, supervision and retention of officers.

86. The Defendants Willhoite and City of Carrollton breached their duty and failed to use reasonable care in the hiring, training, supervision and retention of Officer Dickow and other police officers.

87. The Defendants Willhoite and City of Carrollton's breach of the duty of reasonable care was the direct, actual, and proximate cause of Plaintiff's damages.

#### **COUNT SIX: GROSS NEGLIGENCE**

88. Defendants Willhoite and Dickow failed to exercise even slight care in their actions, and acted in a manner consistent with wanton or reckless disregard for the life, safety, and privacy of the Plaintiff.

89. Defendants Willhoite and Dickow's breach of duty was so egregious that it rises to the level of gross negligence and supports an award of punitive damages.

90. Defendants Willhoite and Dickow's breach of the duty of reasonable care was

the direct, actual, and proximate cause of Plaintiff's damages.

91. Defendants Willhoite and City of Carrollton failed to exercise even slight care in hiring, training, and/or supervising officers, and acted in a manner consistent with wanton or reckless disregard for the life, safety, and privacy of the Plaintiff.

92. Defendants Willhoite and City of Carrollton's breach of duty was so egregious that it rises to the level of gross negligence and supports an award of punitive damages.

93. Defendants Willhoite and City of Carrollton's breach of the duty of reasonable care in the hiring, training, and supervision of officers was the direct, actual, and proximate cause of Plaintiff's damages.

#### **COUNT SEVEN: VICARIOUS LIABILITY**

94. Defendants Willhoite and Dickow's acts and omissions were intentional, reckless and wanton, and they occurred within the scope of their employment with the Carrollton Police Department.

95. As a direct, actual and proximate cause of the Defendants' conduct, Plaintiff suffered physical pain and suffering, severe emotional distress, fear, anxiety, embarrassment, discomfort, humiliation, and attorneys' fees.

96. The acts and omissions described above were the sole factor in causing Plaintiff's damages.

97. Defendants Willhoite and the City of Carrollton are vicariously liable for the actions of Defendant Dickow.

#### **COUNT EIGHT: PUNITIVE DAMAGES**

98. Defendants' conduct was so outrageous as to shock the conscience and

exhibited a reckless disregard for Plaintiff's rights, safety, and health. The aforementioned conduct was grossly negligent, malicious, wanton, unnecessary, oppressive and fraudulent. Plaintiff has suffered great injury as a result and is accordingly entitled to punitive damages.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully demands and prays for this honorable Court to:

- 1) Preside over a trial by jury of all issues so triable;
- 2) Award Plaintiff presumed, exemplary, compensatory and punitive damages against Defendants.
- 3) Award reasonable costs and attorneys fees; and
- 4) Grant any and all other relief to which Plaintiff may be entitled.

Respectfully submitted,

ROMINES WEIS & YOUNG PSC



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