

COMMONWEALTH OF KENTUCKY
MARSHALL COUNTY CIRCUIT COURT
C.A. No. 19-CI-

THE ESTATE OF BAILEY HOLT

By and through the Administrator JASEN HOLT, and
JASON AND SECRET HOLT INDIVIDUALLY

PLAINTIFFS

AND

GAGE SMOCK, a minor,

By and through his parent and next friend LARISSA SMOCK

AND

MARY BELLA JAMES, a minor,

By and through his parent and next friend MARY MICHELLE THOMPSON

AND

DALTON KEELING, a minor,

By and through his parent and next friend JUSTIN KEELING

AND

JASEN HOLT AND SECRET HOLT, individually as
Parents of the deceased, BAILEY HOLT

VS.

COMPLAINT

TRENT LOVETT, Superintendent of Marshall County School System,
In his Official and Individual Capacities

DEFENDANTS

SERVE: 86 High School Road
Benton, Kentucky 42025

AND

RANDY TRAVIS, Member of the Marshall County Board of Education,
In his Official and Individual Capacities

SERVE: 86 High School Road
Benton, Kentucky 42025

AND

DONNA PERRY, Member of the Marshall County Board of Education
In her Official and Individual Capacities

SERVE: 86 High School Road
Benton, Kentucky 42025

AND

DIANE BARGE, Member of the Marshall County Board of Education
In her Official and Individual Capacities

SERVE: 86 High School Road
Benton, Kentucky 42025

AND

TIFFANY CARLSON, Member of the Marshall County Board of Education
In her Official and Individual Capacities

SERVE: 86 High School Road
Benton, Kentucky 42025

AND

JEFF WATERS, Member of the Marshall County Board of Education
In his Official and Individual Capacities

SERVE: 86 High School Road
Benton, Kentucky 42025

AND

AMY BYARS WAGGONER, Principal, Marshall County High School,
In her Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

SCOTT TERRY, Assistant Principal, Marshall County High School,
In his Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

BILL THORPE, Assistant Principal, Marshall County High School,
In his Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

PATRICIA GREER, Assistant Principal, Marshall County High School,
In her Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

STACEY BRADLEY, Assistant Principal, Marshall County High School,
In his Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

RAY CHUMBLER, Director of Security/Law Enforcement and School Resource Officer,
Marshall County School System, In his Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

JILL BOONE, Senior Counselor, Marshall County High School,
In her Official and Individual Capacities

SERVE: 426 High School Road
Benton, Kentucky 42025

AND

JUSTIN MINYARD

SERVE: 904 North Montgomery Street
Apartment 35
Starkville, Mississippi
VIA SECRETARY OF STATE

AND

MARY GARRISON MINYARD

SERVE: 81 Windjammer Loop
Hardin, Kentucky 42048

And

904 North Montgomery Street
Apartment 35
Starkville, Mississippi 39759
VIA SECRETARY OF STATE

AND

GABRIEL PARKER, a minor

SERVE: Mary Garrison Minyard,
As Parent and next friend of the Minor, Gabriel Parker
904 North Montgomery Street
Apartment 35
Starkville, Mississippi 39759
VIA SECRETARY OF STATE

And

Matt Harned
Superintendent
McCracken Regional Juvenile Detention Center
500 County Park Road
Paducah, Kentucky 42001

UNKNOWN DEFENDANTS in their Official and Individual Capacities as employees at
MARSHALL COUNTY SCHOOL SYSTEM

SERVE: Warning Order Attorney

AND

UNKNOWN PERSONAL COUNSELORS

SERVE: Warning Order Attorney

* * * * *

Come now the Plaintiffs, the Estate of Bailey Holt, by and through the Administrator of her Estate, Jasen Holt; Gage Smock, a minor, by and through his parent and next friend Larissa Smock; Mary Bella James, a minor, by and through his parent and next friend Mary Michelle Thompson; and Dalton Keeling, a minor, by and through his parent and next friend Justin Keeling [hereinafter 'The Plaintiffs'], by and through counsel, and for their causes of action and claims for relief state as follows:

JURISDICTION

1. The Plaintiffs Holt, Smock and Keeling were at all times relevant hereto residents of Marshall County, Kentucky. The Plaintiff James was at all times relevant hereto a resident of McCracken and Marshall County.

2. The Defendant, Trent Lovett, Superintendent of Marshall County School System, In his Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 86 High School Road, Benton, Kentucky 42025.

3. The Defendants, Randy Travis, Donna Perry, Diane Barge, Tiffany Carlson and Jeff Waters, in their Official and Individual Capacities as members of the Board of Education of Marshall County Schools, are and were at all times relevant hereto residents of Marshall County Kentucky whose address for service of process is 86 High School Road, Benton, Kentucky 42025.

4. The Defendant, Amy Byars Waggoner, Principal, Marshall County High School,

In her Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

5. The Defendant, Scott Terry, Assistant Principal, Marshall County High School, In his Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

6. The Defendant, Bill Thorpe, Assistant Principal, Marshall County High School, In his Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

7. The Defendant, Patricia Greer, Assistant Principal, Marshall County High School, In her Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

8. The Defendant, Stacey Bradley, Assistant Principal, Marshall County High School, in his Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

9. The Defendant Ray Chumbler, Director of Security/Law Enforcement and School Resource Officer, Marshall County School System, in his Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

10. The Defendant, Jill Boone, the Senior Counselor at Marshall County High School In her Official and Individual Capacities, is and was at all times relevant hereto a resident of Marshall County Kentucky whose address for service of process is 426 High School Road, Benton, Kentucky 42025.

11. Justin Minyard is the stepfather of Co-Defendant Gabriel Parker and is and was at all times relevant hereto a resident of Marshall County, Kentucky. His address for service of process is 904 North Montgomery Street, Apartment 35, Starkville, Mississippi.

12. Mary Garrison Minyard is the mother of Co-Defendant Gabriel Parker and is and was at all times relevant hereto a resident of Marshall County, Kentucky. Her address for service of process is 81 Windjammer Loop, Hardin, Kentucky 42048 and/or 904 North Montgomery Street, Apartment 35, Starkville, Mississippi.

13. Gabriel Parker, a minor, is and was at all times the son of Mary Garrison Minyard and can be served by and through his parent and next friend Mary Garrison Minyard as well as Matt Harned, Superintendent, McCracken Regional Juvenile Detention Center, 500 County Park Road, Paducah, Kentucky 42001.

14. That UNKNOWN DEFENDANTS, all in their individual capacities and as employees of Marshall County High School, upon information and belief are and were residents of Marshall County acting in their individual and ministerial capacities. Their agent for service of process is the Warning Order Attorney, to be named.

15. UNKNOWN DEFENDANT COUNSELORS upon information and belief were residents of Marshall County and/or McCracken County, Kentucky. Their agent for service of process is the Warning Order Attorney, to be named.

16. All claims against the above-referenced Defendants arise out of an incident at Marshall County High School which occurred on or about January 23, 2018 when Gabriel Parker opened fire in the school, fatally injuring Bailey Holt and one other student, and inflicting gunshot wounds upon Gage Smock, Mary Bella James and Dalton Keeling, as well as 11 others.

17. The injuries and fatality sustained by the above-styled Plaintiffs as well as the claims for loss of consortium exceed the jurisdictional limits of this Court, and as such jurisdiction is appropriate.

FACTS

18. On or about the morning of January 23, 2018, the students of Marshall County High School were gathered in the Common Areas awaiting the start of the school day.

19. At that same time, Gabriel Parker entered the common area and opened fire with a gun he had obtained from an unsecured and unmonitored area of the home occupied by his step-father and mother, Defendants Justin Minyard and Mary Garrison Minyard.

20. Prior to this date, Defendants employees of Marshall County High School and Marshall County School System, including but not limited to Lovett, Travis, Perry, Barge, Carlson, Waters, Waggoner, Terry, Thorpe, Greer, Bradley, Chumbler, Boone and Unknown Employees of Marshall County Schools (hereinafter "School Defendants") knew or should have known of Gabriel Parker's dangerous propensities and failed to take any action to monitor, report, intervene, or prevent the actions of Defendant Parker, and further failed to comply with statutes and regulations related to school safety, which said actions and inactions resulted in the shooting of January 23, 2018.

21. There were no impediments to entering the common area nor security measures in place to prevent entering the area with a loaded weapon. No security personnel nor systems were present, allowing Defendant Parker to enter the common area unfettered.

22. Upon entering the Common Areas, Defendant Parker opened fire and fatally shot Baily Holt and another student, and shot and injured fourteen more students, including Gage Smock, Mary Bella James and Dalton Keeling.

23. Defendant Parker attempted to reload but being unsuccessful retreated to an area with other students. He was subsequently identified as the shooter and was arrested. Currently there are several charges pending against him.

COUNT I – LIABILITY FOR MINISTERIAL ACTIONS

24. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-23 as if set forth more fully herein.

25. Defendants Lovett, Travis, Perry, Barge, Carlson, Waters, Waggoner, Terry, Thorpe, Greer, Bradley, Chumbler, Boone and Unknown Defendants in their Official and Individual Capacities as employees at Marshall County School System (hereinafter “the School Defendants”) had a duty to the deceased Bailey Holt, Mary Bella James, Gage Smock and Dalton Keeling (hereinafter “The Plaintiffs”) to exercise due care for their safety while they were students at Marshall County High School.

26. Each of the School Defendants, individually and jointly, acting in their individual capacities, failed in their ministerial duties owed to The Plaintiffs.

27. The School Defendants, individually and jointly, failed to comply with administrative regulations, failed to enact and implement an appropriate Emergency Action Plan, and failed to comply with policies, procedures and protocols.

28. The School Defendants knew or should have known of the dangerous propensities of Defendant Gabriel Parker and failed to report these propensities and to take the appropriate actions to prevent the assaults undertaken by him on January 23, 2018, and all such actions and inaction were ministerial in nature.

29. The School Defendants, individually and jointly, negligently supervised and negligently trained employees of Marshall County High School in executing an appropriate Emergency Action Plan, in identifying warning signs, and in implementing policies, procedures and protocols.

30. As a result of the above-listed failures, Bailey Holt was killed, and the School Defendants, individually and jointly are responsible for her wrongful death. As a result of this wrongful death, Bailey Holt suffered past medical bills, future lose of earnings, past pain and suffering and all damages due to her as a result of this wrongful death.

31. As further result of these failures, Mary Bella James, Gage Smock and Dalton Keeling suffered serious personal injury and permanent scarring, resulting in past and future medical bills, past and future emotional and physical pain and suffering, and past and future lost wages.

COUNT II -- STRICT LIABILITY UNDER KRS 158.162

32. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-31 as if set forth more fully herein.

33. At all times relevant hereto, the School Defendants were per se negligent in failing to comply with KRS 158.162.

34. Pursuant to KRS 158.162, the School Defendants were required to adopt an emergency action plan which is a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies.

35. The School Defendants failed in this mandatory requirement as their emergency action plans were inadequate and are therefore strictly liable to the Plaintiff for the damages they incurred as a result of such failure.

36. As a result of the above-listed failures, Bailey Holt was killed, and The School Defendants, individually and jointly are responsible for her wrongful death. As a result of this wrongful death, Bailey Holt suffered past medical bills, future loss of earnings, past pain and suffering and all damages due to her as a result of this wrongful death.

37. As further result of these failures, Mary Bella James, Gage Smock and Dalton Keeling suffered serious personal injury and permanent scarring, resulting in past and future medical bills, past and future emotional and physical pain and suffering, and past and future lost wages.

COUNT III -- GENERAL DUTIES OWED TO BUSINESS INVITEE

38. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-37 as if set forth more fully herein.

39. At all times relevant hereto, the Plaintiffs were invitees of The School Defendants, entitled to certain rights as invitees.

40. The School Defendants had a duty, both individually and jointly, to inspect the premises for potentially dangerous conditions, both known and unknown, and protect and/or warn the Plaintiffs of same.

41. The School Defendants failed in these duties, and such failures resulted in significant damages to Plaintiffs.

42. As a result of the above-listed failures, Bailey Holt was killed, and the School Defendants, individually and jointly are responsible for her wrongful death. As a result of this wrongful death, Bailey Holt suffered past medical bills, future loss of earnings, past pain and suffering and all damages due to her as a result of this wrongful death.

43. As further result of these failures, Mary Bella James, Gage Smock and Dalton Keeling suffered serious personal injury and permanent scarring, resulting in past and future medical bills, past and future emotional and physical pain and suffering, and past and future lost wages.

COUNT IV -- NEGLIGENT SUPERVISION, ENTRUSTMENT AND GROSS

NEGLIGENCE FOR FAILURE TO SECURE FIREARM

44. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-43 as if set forth more fully herein.

45. Defendants Justin Minyard and Mary Garrison Minyard, as step-parent and parent of Gabriel Parker who maintained custody of Gabriel Parker, and allowed him to reside in their home, had a duty to properly maintain and secure their personal firearm which was kept in their home.

46. These Defendants knew or should have known of Defendant Parker's dangerous propensities, yet negligently allowed a loaded weapon to be kept unsecured in a location which Parker was aware, and such negligence was gross and reckless.

47. These Defendants further negligently supervised Defendant Parker, a minor child, and negligently entrusted him with the use of the firearm which caused the harm to Plaintiffs, and such negligence was a direct and or proximate cause of the harm suffered by Plaintiffs.

48. As a result of the above-listed negligence by these Defendants, Bailey Holt was killed, and these Defendants, individually and jointly are responsible for her wrongful death. As a result of this wrongful death, Bailey Holt suffered past medical bills, future loss of earnings, past pain and suffering and all damages due to her as a result of this wrongful death.

49. As further result of these failures, Mary Bella James, Gage Smock and Dalton Keeling suffered serious personal injury and permanent scarring, resulting in past and future medical bills, past and future emotional and physical pain and suffering, and past and future lost wages.

COUNT V – LIABILITY OF DEFENDANT GABRIEL PARKER

50. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-49 as if set forth more fully herein.

51. At all times relevant hereto, the Defendant, Gabriel Parker, maliciously, wantonly and with reckless disregard for the safety of others, and with the intent to cause serious physical harm, discharged the weapon he obtained from his step-father and mother and opened fire on innocent students at Marshall County High School on or about January 23, 2018.

52. As a result of the above-listed actions by this Defendant, Bailey Holt was killed, and this Defendant is responsible for her wrongful death. As a result of this wrongful death, Bailey Holt suffered past medical bills, future loss of earnings, past pain and suffering and all damages due to her as a result of this wrongful death.

53. As a result of the above-listed actions by this Defendant, Mary Bella James, Gage Smock and Dalton Keeling suffered serious personal injury and permanent scarring, resulting in past and future medical bills, past and future emotional and physical pain and suffering, and past and future lost wages.

COUNT VI – LIABILITY OF UNKNOWN PRIVATE COUNSELORS

54. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-53 as if set forth more fully herein.

55. At all times relevant hereto it is believed that Defendant Gabriel Parker was receiving counseling from private counselors prior to the shooting which occurred on or about January 23, 2018.

56. That during these counseling sessions, Defendant Parker disclosed to the Unknown Private Counselors information which would require notifying the authorities of the danger posed by Defendant Parker.

57. That such failure to notify was in violation of the duty owed by said Defendants to the public at large and any specific individuals identified and was or may have been a direct and proximate cause of the damages suffered by the Plaintiffs.

58. As a result of the actions, inactions and negligence of the Unknown Private Counselors, Bailey Holt was killed, and this Defendant is responsible for her wrongful death. As a result of this wrongful death, Bailey Holt suffered past medical bills, future loss of earnings, past pain and suffering and all damages due to her as a result of this wrongful death.

59. As a result of the actions or inactions and negligence of the Unknown Private Counselors, Mary Bella James, Gage Smock and Dalton Keeling suffered serious personal injury

and permanent scarring, resulting in past and future medical bills, past and future emotional and physical pain and suffering, and past and future lost wages.

COUNT VII – LOSS OF CONSORTIUM

60. Plaintiffs reassert, reallege, adopt and incorporate all allegations contained in numerical paragraphs 1-59 as if set forth more fully herein.

61. At all times relevant hereto, Jasen and Secret Holt were the parents of the minor child Bailey Holt, deceased.

62. As a direct and proximate result of the negligence of all Defendants, Plaintiffs Jasen and Secret Holt have suffered and continue to suffer loss of consortium of their daughter, Bailey Holt, and continue to suffer from loss of aid, society and companionship of their daughter Bailey, all in excess of the jurisdictional limits of this court.

WHEREFORE, the Plaintiffs demand as follows:

- A. Judgment against the School Defendants in their official and individual capacities, jointly and severally, for compensatory, exemplary and punitive damages, in such amounts as a trier of fact shall deem reasonable;
- B. Judgment against Justin and Mary Garrison Minyard for compensatory, exemplary and punitive damages, in such amounts as a trier of fact shall deem reasonable;
- C. Judgment against Gabe Parker for compensatory, exemplary and punitive damages, in such amounts as a trier of fact shall deem reasonable;
- D. Judgment against Unknown Private Counselors for compensatory, exemplary and punitive damages, in such amounts as a trier of fact shall deem reasonable;
- E. For trial by jury;
- F. For the plaintiffs' costs herein expended;

G. For any and all other relief to which the plaintiffs may appear reasonably entitled.

Respectfully submitted,

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