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COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
CIVIL ACTION NO. 24-CI-00332

MELISSA SAMONS as Administratrix of the Estate of AMBER NICOLE SPRADLIN — PLAINTIFF

and

KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY — INTERVENING PLAINTIFF

-vs-

CITY OF PRESTONSBURG; PRESTONSBURG POLICE DEPARTMENT; RANDY WOODS in his Individual Capacity and Official Capacity as former Chief of Prestonsburg Police Department; FLOYD COUNTY FISCAL COURT; LES STAPLETON in his Individual Capacity and Official Capacity as Mayor of Prestonsburg; ROBBIE WILLIAMS in his Individual Capacity and Official Capacity as County Judge Executive; MARK D. CRIDER in his Individual Capacity and his Official Capacity as a Magistrate of the Floyd County Fiscal Court; GEORGE OUSLEY in his Individual Capacity and his Official Capacity as a Magistrate of the Floyd County Fiscal Court; MICHAEL K. MCKINNEY; MICHAEL MCKINNEY, JR.; ROY KIDD; CHRIS MCKINNEY, Individually and d/b/a THE SEASON INN MOTELAND RESTAURANT; THE SEASONS INN MOTEL AND RESTAURANT; and UNKNOWN DEFENDANTS — DEFENDANTS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND SUMMARY JUDGMENT

This matter having come before the Court upon the motion of Defendants ROBBIE WILLIAMS, MARK D. CRIDER, and GEORGE OUSLEY and Defendants THE CITY OF PRESTONSBURG, PRESTONSBURG POLICE DEPARTMENT, RANDY WOODS, in

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his official capacity as former Chief of Prestonsburg Police Department, and LES STAPLETON in his official capacity as former Mayor of Prestonsburg for Summary Judgment and the Court having heard arguments of counsel, reviewed the voluminous pleadings and filings in this matter and being otherwise sufficiently advised;

FINDINGS OF FACT

Amber Spradlin was murdered at the home of Defendant Michael McKinney, II sometime during the morning hours of June 18, 2023. Two calls were made from the McKinney residence early on June 18th to 911 Dispatch with both calls being answered by a trained dispatcher with the second call necessitating an emergency response to a death scene to which various police and emergency agencies answered and responded including the Kentucky State Police and Floyd County Sheriff's Office. It is undisputed that the Kentucky State Police led the investigation into Ms. Spradlin's murder.

In response to written discovery Plaintiff clarifies that the claims against the individual Defendants ROBBIE WILLIAMS, MARK D. CRIDER, and GEORGE OUSLEY are based upon their legislative vote to "*enter into an interlocal agreement with the city*" to provide centralized dispatch services after notice was received that the Kentucky State Police would be significantly increasing its costs to Floyd County to provide dispatch services. The agreement was reviewed and recommended for approval by the Department of Local Government. The vote of a member of a legislative body is protected and subject to legislative immunity and would otherwise be protected under qualified immunity. Courts are generally deferential to legislative decisions, recognizing the separation of powers and the legislature's authority to act within its constitutional bounds. *See i.e.* *Commonwealth v.*

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Goldburg, 167 Ky. 96, 180 S.W. 68, 72 (1915) ("we do not, however, find in this plausible generalization any ground on which to put the right of the court to set aside legislative action"). Here, there has been no constitutional challenge to the actions taken or claim that legislative power was exceeded – merely a claim that those who voted in favor were somehow "negligent."

The Complaint asserts allegations that "*it took an act of the Defendant Floyd County Fiscal Court, via its members Defendants Williams, Crider, and Ousley, to transfer the 911 emergency dispatch services for Floyd County to Defendant PPD*". *See* Complaint, ¶ 20. The Plaintiff further asserts allegations that the "*Defendants had a duty to ensure that residents of Floyd County, including Plaintiff Spradlin, had access to emergency services through a 911 call center*" and then alleges that the Defendants breached that duty by voting for "implementing an interlocal agreement and policies that were wholly inadequate to respond to emergencies". *Id.* at ¶ 40-41. The legislative immunities raised are not fact dependent. As set forth in written discovery responses the Floyd County Fiscal Court paid for a service and had no oversight regarding auditing, compliance, certification, administration or the day-to-day operations of the Certified 911 Public Safety Answering Point, the Floyd County Sheriff's Office, nor the Kentucky State Police. Further, it is undisputed that when the emergency call was received the Kentucky State Police answered and led the investigation into Ms. Spradlin's murder.

Proof in this matter clearly establishes (1) the Prestonsburg 911 center had been in place since the 1980's when current Sheriff John Hunt worked there, (2) the updated

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center is a state-of-the-art facility operated by well-trained individuals who receive the same training as KSP dispatchers and many of who are former KSP dispatchers, and (3) upon dispatch for emergency services KSP both responded and led the investigation into Ms. Spradlin's murder. Every individual deposed in this matter including Policemen, Fire Chiefs, Dispatchers, Sheriffs, the Emergency Director, the current and former Prestonsburg Chief of Police, former Mayor and County Judge Williams have all testified that emergency management services to the citizens of Floyd County are much better today than when dispatch services were provided by the Kentucky State Police at the Pikeville Post.

Plaintiff likewise asserts claims against Defendants City of Prestonsburg, the Prestonsburg Police Department, Randy Woods, in his official capacity as former Chief of Prestonsburg Police Department, and Les Stapleton, in his official capacity as former Mayor of Prestonsburg. Plaintiff's theory rests largely on the assertion that the City should have planned differently, staffed differently, or exercised different judgment in operating the 911 system. Such allegations challenge discretionary governmental decision-making, not the violation of a ministerial duty. Plaintiff states that the City failed to conduct adequate planning, failed to perform sufficient analysis, failed to adopt adequate policies, and made certain operational decisions. These allegations are quintessential challenges to discretionary governmental decision-making. The Claims Against Local Government Act (CALGA) expressly precludes liability for claims arising from the exercise of discretionary governmental authority. KRS 65.2003.

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CONCLUSIONS OF LAW

The Court has jurisdiction over the parties and the subject matter of this action. Summary judgment is appropriate only "when, as a matter of law, it appears that it would be impossible for the respondent to produce evidence at the trial warranting a judgment in his favor and against the movant." *Shelton v. Kentucky Easter Seals, Inc.*, 413 S.W.3d 901, 905 (Ky. 2013). "While the Court in *Steelvest* used the word 'impossible' in describing the strict standard for summary judgment, the Supreme Court later stated that that word was 'used in a practical sense, not in an absolute sense.' " *Lewis v. B & R Corp.*, 56 S.W.3d 432, 436 (Ky. App. 2001).

Under Kentucky law and Sixth Circuit precedent, individuals entitled to legislative immunity are generally protected from being subjected to depositions or other forms of questioning regarding their decision-making process or the materials reviewed in making their decisions. Legislative immunity, as established under Section 43 of the Kentucky Constitution and interpreted in cases such as *Kraus v. Kentucky State Senate*, 872 S.W.2d 433, 440 (Ky 1993) and *Stivers v. Beshear*, 659 S.W.3d 313, 321-324 (Ky 2022) provides broad protection to legislators for actions taken within the sphere of legislative activity, including speech, debate, voting, and other official acts. This immunity is designed to shield legislators from litigation burdens, including depositions, to ensure the independence and integrity of the legislative process. *Kraus at 440*. Recently, in the context of 1983 litigation the Sixth Circuit Court of Appeals affirmed that ""*Regional legislators, local*

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legislators, even non-legislative officials who act in a legislative capacity, enjoy immunity in § 1983 actions." Whiting v. City of Athens, Tennessee, 170 F.4th 439, 449 (6th Cir. 2026).

When fiscal court members exercise the powers granted under Kentucky Revised Statutes KRS 67.080 and 67.083, they perform quintessentially legislative functions. The power to enact ordinances, levy taxes, regulate commerce, and establish public policy through binding regulations are core legislative activities that directly parallel those performed by other recognized legislative bodies. In Shoultes v. Laidlaw, the court held "that local legislators are protected by absolute immunity when they act in their legislative capacities," Shoultes v. Laidlaw, 886 F.2d 114, 117 (6th Cir. 1989).

Here, legislative immunity is significant for county fiscal court members because it protects officials from liability for actions taken in their legislative capacities, ensuring the independence and effectiveness of their decision-making processes. Members of the Floyd County Fiscal Court should be free to act in the public's interest without fear of personal liability or threats of litigation. The doctrine is designed to safeguard the legislative process and prevent judicial interference with legislative decisions.

Immunity is designed to relieve a defendant from the burdens of litigation, including discovery and trial. Kentucky courts have held that once a defendant raises the issue of immunity, the court must proceed expeditiously to determine whether immunity applies. This principle is rooted in the understanding that immunity is not merely a defense to liability but a protection from the ordeal of litigation itself. Here, in the face of claims of absolute immunity Plaintiff attempts to subject Defendants to the burdens of continued defense of this matter and being subjected to broad seeking discovery.

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Presbyterian Church (U.S.A.) v. Edwards, 566 S.W.3d 175, 179 (Ky. 2018) ("*we affirm the Court of Appeals' denial of discovery which does not pertain to the issue of..... immunity*").

The complaint in this matter is devoid of any individual alleged acts by the moving individual defendants other than criticism of their vote in favor of an interlocal agreement with the City of Prestonsburg. *See* Amended Complaint, ¶ 20-22 and 25. Here, Defendants are afforded the protection of legislative immunity – which in this case requires no factual analysis. Even in cases involving qualified immunity the Supreme Court has affirmed that the fundamental purpose of the defense is "immunity from suit, that is, from the burdens of defending the action, not merely just an immunity from liability." *Rowan Cnty. v. Sloas*, 201 S.W.3d 469, 474 (Ky. 2006) (citing *Mitchell v. Forsyth*, 472 U.S. 511, 526, 105 S. Ct. 2806, 86 L. Ed. 2d 411 (1985)).

Public officials owe no affirmative individual duty to protect individual citizens from the criminal acts of third parties absent a special relationship. *Fryman v. Harrison*, 896 S.W.2d 908, 910 (Ky. 1995), holding modified by *Gaither v. Just. & Pub. Safety Cabinet*, 447 S.W.3d 628 (Ky. 2014); *see also Grand Aerie Fraternal Order of Eagles v. Carneyhan*, 169 S.W.3d 840, 846 (Ky. 2005) (*absent a "special relationship" between the defendant and either the injured party or the tortfeasor, there is generally no duty to control the conduct of a third person*). Qualified immunity would likewise act as a bar to any claims against the individual defendants. *Haney v. Monsky*, 311 S.W.3d 235, 240 (Ky. 2010).

The Kentucky Supreme Court has held that "[A] local government shall not be liable for injuries or losses resulting from ... [a]ny claim arising from the exercise of judicial,

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quasi-judicial, legislative or quasi-legislative authority or others, exercise of judgment or discretion vested in the local government[.]" *Morales v. City of Georgetown*, 709 S.W.3d 146, 163 (Ky. 2024), reh'g denied (Feb. 20, 2025). Here, Plaintiff does not demonstrate that any of the actions of the local governmental entities fall outside of those functions deserving of immunity under KRS 65.2003(3).

Under both state and federal law official capacity claims are redundant claims that are essentially claims against the governmental entities for which they represent. *Kentucky v. Graham*, 473 U.S. 159, 165-66, 105 S.Ct. 3099, 3105, 87 L.Ed.2d 114, 121 (1985). (*Official capacity suits "generally represent only another way of pleading an action against an entity of which an officer is an agent. As long as the government entity receives notice and an opportunity to respond, an official-capacity suit is, in all respects other than name, to be treated as a suit against the entity."*). *See also Yanero v. Davis*, 65 SW3d 510, 521-522 (2002).

ORDER AND JUDGMENT

The Court having heard and considered the briefs filed by the parties and arguments of counsel, and being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Motion of Defendants ROBBIE WILLIAMS, MARK D. CRIDER and GEORGE OUSLEY for Summary Judgment is **GRANTED**. Claims against these individuals are barred by legislative immunity, qualified immunity and as a matter of law and fact as the record is devoid of any facts supporting that duties were owed or breached by these individuals.

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2. The Motion of Defendants CITY OF PRESTONSBURG and PRESTONSBURG CITY POLICE for Summary Judgment is **GRANTED** as CALGA acts as a bar to any claims asserted in this matter against the City of Prestonsburg or Prestonsburg Police Department. Additionally, the undisputed facts of this case demonstrate that the 911 Dispatch center is a state-of-the-art facility staffed by well-trained individuals who receive the same training as those dispatchers employed by the Kentucky State Police.
3. Any Official Capacity claims are **DISMISSED** as redundant and barred by official immunity. Individual claims against Randy Woods and Les Stapleton remain at this time.
4. This being dispositive of all claims asserted by the moving Defendants, this is a final and appealable order of the Court, there being no just cause for delay.

This 3 day of November, 2026.

HON. JOHN F. VINCENT, SPECIAL JUDGE
FLOYD CIRCUIT COURT

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CLERK, FLOYD CIRCUIT COURT

BY: _____ D.C.

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