

NO. 95CI 04726

JEFFERSON CIRCUIT COURT  
ELEVENTH DIVISION

JUDY TAYLOR

PLAINTIFF

vs.

LISA BURGESS, ET AL

DEFENDANTS

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**PLAINTIFF'S SECOND AMENDED COMPLAINT**

Comes the Plaintiff, Judy Taylor, by counsel and for her Second Amended Complaint filed herein, states as follows:

**COUNT I**

1. Plaintiff reiterates and re-incorporates into this Amended Complaint, each and every allegation contained in Counts I through IV of Plaintiff's original Complaint and each and every allegation contained in Counts I and II of Plaintiff's First Amended Complaint.

**COUNT II**

2. That at the time Defendants, Ryan Horse Company, Inc., James Ryan and Jason Ryan and each of them, came into possession of the horses, P.J. and Poco, they knew or should have known, that Eugene Jackson was not legally permitted to sell same and that as a result thereof, Defendants, Ryan Horse Company, Inc. James Ryan and Jason Ryan, were not lawfully in possession of said horses.

3. Thereafter, the Defendants, Ryan Horse Company, Inc., James Ryan and Jason Ryan, (hereinafter "Ryan's") converted Plaintiff's property by intentionally taking possession of same and disposing of said property by selling P.J. and Poco for slaughter to Bel-Tex Corporation, an international Belgium-United States enterprise located in Ft. Worth, Texas.

*AMMISSION*

4. Plaintiff requested the return of her property from Defendants Ryan, as more fully set forth in County III below, to no avail.

5. Defendants Ryan's possessed no privilege sufficient to exercise the conversion of Plaintiff's property and the trespass committed thereto.

### COUNT III

6. Plaintiff reiterates and re-incorporates into this Amended Complaint, each and every allegation contained in Counts I through IV of Plaintiff's original Complaint, each and every allegation contained in Counts I and II of Plaintiff's First Amended Complaint and each and every allegation contained in Counts I and II herein.

7. That on or about September 12, 1994, Plaintiff through counsel, inquired of Defendants Ryan Horse Company, Inc./James Ryan, regarding the whereabouts of P.J. and Poco. Said Defendants had an affirmative duty to truthfully inform Plaintiff of the whereabouts of her horses and the fact that said horses were at that time, in the actual possession of Defendants Ryan Horse Company, Inc., James Ryan and Jason Ryan. The Defendants are believed to have conspired with the other named Defendants herein, in order to perpetuate their plan to oppress and fraudulently deceive the Plaintiff and said Defendants did, in fact, deceive Plaintiff by denying any and all knowledge of the existence/whereabouts of said horses.

### COUNT IV

8. Plaintiff reiterates and re-incorporates into this Amended Complaint, each and every allegation contained in Counts I through IV of Plaintiff's original Complaint, each and every allegation contained in Counts I and II of Plaintiff's First Amended Complaint and each and every allegation contained in Counts I through III herein.

9. The Defendants Ryan Horse Company, Inc., James Ryan and Jason Ryan, jointly

and/or severally and/or in conspiracy with one or more of the other Defendants herein, engaged in intentional misrepresentation, deceit, and concealment of material facts known to them regarding the whereabouts of P.J. and Poco, which actions were taken with the intention of precluding Plaintiff from locating said horses and thus, causing injury to the Plaintiff.

#### COUNT V

10. Plaintiff reiterates and re-incorporates into this Amended Complaint, each and every allegation contained in Counts I through IV of Plaintiff's original Complaint, each and every allegation contained in Counts I and II of Plaintiff's First Amended Complaint and each and every allegation contained in Counts I through VI herein.

11. In the alternative, the Defendant, Ryan Horse Company, Inc., James Ryan and Jason Ryan, jointly and/or severally and/or in conspiracy with one or more of the other Defendants herein, engaged in conduct which was negligent, grossly negligent, reckless and/or exhibited a wanton disregard for the rights of Plaintiff when they failed to exercise such care (or slight care) as a reasonable, prudent business/businessman would exercise in like or similar circumstances, both in their actual business operations and in their response (or the lack thereof) to Plaintiff's efforts to obtain possession of P.J. and Poco when said horses were in Defendants Ryan's possession.

12. Further, Defendants Ryan's actions in failing to admit they were in possession of said horses when questioned and in conducting their business practices as previously set forth in Plaintiff's First Amended Complaint, were done with a reckless disregard for the rights of others, including Plaintiff Judy Taylor and which created an unreasonable risk of harm to Judy Taylor and that Judy Taylor was in fact, injured as a result of such conduct.

#### COUNT VI

13. Plaintiff reiterates and re-incorporates into this Amended Complaint, each and every

allegation contained in Counts I through IV of Plaintiff's original Complaint, each and every allegation contained in Counts I and II of Plaintiff's First Amended Complaint and each and every allegation contained in Counts I through V herein.

14. That at all times relevant hereto, Defendants Ryan's intentionally or recklessly and/or negligently engaged in outrageous and intolerable conduct toward the Plaintiff, which they knew or should have known, would logically and naturally result in severe emotional distress to the Plaintiff and more specifically set forth in Plaintiff's Complaint, First Amended Complaint and Plaintiff's Response to Defendant's Ryan's Motion to Dismiss, all to Plaintiff's damage.

WHEREFORE, Plaintiff demands as follows:

1. Trial by jury.
2. Compensatory and punitive damages in an amount which exceed the minimum jurisdictional limits of this Court.
3. Attorneys fees and triable damages as provided by *18 USC §1962, et. seq.*
4. For any and all other relief to which Plaintiff is entitled.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this the 18<sup>th</sup> day of Nov.  
1998 to

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