

10C1 06657

CASE NO. \_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

WILLIAM E. BROWN  
4121 Kurtz Avenue  
Louisville, KY 40229

PLAINTIFF

JEFFERSON CIRCUIT COURT  
DIVISION SEVEN (7)

v.

**VERIFIED COMPLAINT**

FIFTH THIRD BANK, INC.  
38 Fountain Square Plaza  
MD10AT76  
Cincinnati, OH 45263  
Serve Agent for Service of Process:  
CSC-Lawyers Incorporating Service Company  
421 West Main Street  
Frankfort, KY 40601

DEFENDANTS

FILED IN CLERK'S OFFICE

SEP 24 2010

DAVID L. [Signature]  
BY \_\_\_\_\_

and

UNKNOWN DEFENDANTS

\*\*\* \*\*

Comes now the Plaintiff, William E. Brown, and for his Verified Complaint states herein as follows:

1. The Plaintiff, William E. Brown, is a citizen and resident of Jefferson County, Kentucky.
2. The Defendant, Fifth Third Bank, Inc., is a corporation licensed to do business in the State of Kentucky, which maintains a branch bank located at 8003 Preston Highway, Louisville, Kentucky. It is known as the "Okolona Branch" of Fifth Third Bank.
3. All matters complained of herein occurred in Jefferson County, Kentucky.

4. The amount in question exceeds the minimum jurisdictional limits of Jefferson Circuit Court.
5. The proper jurisdiction of this suit rests with the Circuit Court of Jefferson County, Kentucky.
6. On November 11, 2009, the Plaintiff, William Brown, went to the Okolona Branch of the Defendant bank. He went to that location to pay his property taxes, having seen advertisements that Fifth Third Bank would accept such payments.
7. Upon entering the bank facility, the Plaintiff noticed no one was behind the counter. He walk around the public areas of the bank, and was afraid that someone had robbed the bank.
8. The Plaintiff reached for his cell phone, and was told by the police to get down on the floor.
9. The police responding to the bank's silent alarm had their weapons drawn, and pointed at the Plaintiff.
10. The Plaintiff cannot speak, he has had his larynx removed as a result of cancer, and speaks utilizing a hand-held device which he must place on his throat.
11. The police, who had tackled him, held him at gun point.
12. The Plaintiff was restrained, and was in fear for his life.
13. The police apparently believed his hand-held device was a weapon.
14. The Plaintiff was unable to speak because of being restrained.
15. The Defendant bank refuses to provide copies of the videotape of the incident, and refuses to identify the names and other information of the individuals and entities responsible for leaving the bank unlocked on that day.

16. The Plaintiff suffered mental anguish and emotional distress as a result of the occurrences of November 11, 2010.

17. The Defendant bank, and/or unknown Defendants, operating as agents of the Defendant bank, had negligently left the door of the bank unlocked.

18. The Plaintiff did not see any signs indicating that the bank was closed, and when he pushed on the door he believed he had the right to enter the facility. He did not know that the bank was actually closed due to Veterans Day.

19. The Unknown Defendants were negligent in failing to lock the bank, and knew or should have known that members of the public, such as the Plaintiff, could enter the bank while it was unlocked, thereby triggering the alarm, and putting the lives of any such members of the public in jeopardy.

WHEREFORE, the Plaintiff respectfully demands as follows:

1. That the Defendant, Fifth Third Bank, be required to immediately produce a copy of the video of the police response to the alarm, showing all of the videotape of the incident, as well as provide the names of the individuals and entities who left the bank unlocked;
2. That the Plaintiff be allowed to amend this suit and name any and all other individuals and entities responsible for leaving the bank unlocked on that date;
3. For a recovery in an amount sufficient to compensate the Plaintiff for his mental anguish and emotional distress at being assaulted by the police, held at gun point, and threatened with physical harm; and
4. That he be granted any and all other relief to which he is now or hereafter entitled,  
*including trial by jury.*

**VERIFICATION**

By my signature below I verify I have read the foregoing provisions of this Verified Complaint and said provisions are true and accurate to the best of my present knowledge and belief.

  
WILLIAM E. BROWN

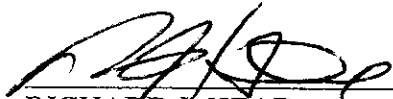
STATE OF KENTUCKY    )  
  ) ss  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me by William E. Brown this \_\_\_\_\_ day of September, 2010.

  
NOTARY PUBLIC, KENTUCKY AT LARGE

MY COMMISSION EXPIRES: 4-13-2013

Prepared by:

  
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*Counsel for Plaintiff*