

COMMONWEALTH OF KENTUCKY
MEADE CIRCUIT COURT
DIVISION 1
CIVIL ACTION NO. 07-CI-00082

FILED

2008 JUN -6 A 10:49

MEADE CIR/DIST. COURT
EVELYN D. MEDLEY, CLERK
PLAINTIFF
CR

JORDAN GRUVER

vs.

IMPERIAL KLANS OF AMERICA,
RON EDWARDS, JOSHUA COWLES,
JARRED R. HENSLEY, and
ANDREW R. WATKINS

DEFENDANTS

SECOND AMENDED COMPLAINT

Comes now the Plaintiff, Jordan Gruver, by counsel, and for his Second Amended Complaint against the Defendants herein, jointly and/or severally, hereby states as follows:

JURISDICTION AND VENUE

1. At all times relevant hereto, Jordan Gruver was a resident of the Commonwealth of Kentucky.
2. At all times relevant hereto, Defendant Imperial Klans of America ("IKA") was an unincorporated association with its principal place of business in Hopkins County, Kentucky.
3. At all times relevant hereto, Defendant Ron Edwards ("Edwards") was a resident of the Commonwealth of Kentucky, residing in Hopkins County, Kentucky. Edwards is the founder and "Imperial Wizard" of the IKA, the organization's highest ranking member. He is an agent or alter ego of the IKA and was acting within the course or scope of this agency when he committed or authorized the acts alleged in this complaint.
4. At all times relevant hereto, Defendant Joshua Edward Cowles, a/k/a J. Edward, ("Cowles") was a resident of the Commonwealth of Kentucky, residing in Meade County,

Kentucky. On July 29-30, 2006, he was an official ("Exalted Cyclops") of the IKA and administrator of IKA's internet forums, and he directed the IKA's national recruitment effort. As an Exalted Cyclops, Defendant Cowles had authority over and responsibility for the operations and activities of the IKA, including IKA's membership recruitment, in the area of Kentucky where the acts alleged in this complaint took place. Cowles directed and participated in the membership recruitment drive during which the tortious acts alleged in this complaint were committed. In addition to acting as an agent of the IKA, he also acted as an agent of Ron Edwards. He was acting within the course and scope of this agency when he committed the acts or omissions alleged in this complaint.

5. At all times relevant hereto, Defendant Jarred Hensley (hereinafter "Hensley") was a resident of the State of Ohio and resided at 1607 Columbia Parkway, Cincinnati, Ohio 45202. Jurisdiction is proper over Hensley pursuant to KRS § 454.210(2)(a)(3). He is currently incarcerated in a Kentucky state prison. At the time of the acts alleged in this complaint, Hensley was the Ohio IKA's Grand Titan, the second highest official in the state. Hensley was an agent of Defendants IKA, Ron Edwards, and Cowles, and was acting within the course and scope of this agency and in concert with all of the Defendants when he committed the acts or omissions alleged in this complaint.

6. At all times relevant hereto, Defendant Andrew Watkins (hereinafter "Watkins") was a resident of the Commonwealth of Kentucky and resided in Jefferson County. He is currently incarcerated in a Kentucky state prison. At the time of the acts alleged in this complaint, Watkins was a national official of the IKA ("Imperial Gothi") and also served as webmaster of the IKA's website. He was an agent of Defendants IKA, Ron Edwards, and Cowles, and was acting within the course and scope of this agency and in concert with all of the

Defendants when he committed the acts alleged in this complaint.

7. The individual Defendants, Edwards, Cowles, Hensley, and Watkins, are named herein in their individual capacities, but at all times material hereto were acting as agents, servants, and/or employees of said unincorporated association and, therefore, are named herein as representatives of a class of persons comprising the Imperial Klans of America, an unincorporated association, when they committed the acts alleged in this complaint.

8. Venue is proper in the Meade County Circuit Court pursuant to KRS § 452.460 because the tortious acts committed by the Defendants occurred at the Meade County Fairgrounds in Brandenburg, Kentucky. By reason of the following causes of action, Plaintiff has been damaged in an amount in excess of any minimum dollar amount necessary to establish jurisdiction in this Court.

STATEMENT OF FACTS

9. The IKA is an unincorporated association dedicated to white supremacy. The IKA and its members promote violence and intimidation, call for the death of racial and ethnic minorities, homosexuals, and "race traitors," and cultivate ties with violent skinhead groups. Ron Edwards is the IKA's founder and highest ranking official, holding the title of "Imperial Wizard." The IKA's compound is headquartered in Dawson Springs, Kentucky, on approximately 15 acres owned and/or controlled by Edwards. As the IKA's leader, Edwards' duties and responsibilities include directing and controlling the recruitment of new IKA members and the promotion of the IKA's activities.

10. On July 29-30, 2006, the IKA, acting through its agents, servants, and/or employees and under the direction, authority and control of Defendants Edwards and Cowles, held a membership recruitment drive at a public fair at the Meade County Fairgrounds in

Brandenburg, Kentucky. Defendant Cowles organized, directed, and participated in this recruitment drive. Defendant Cowles selected IKA members Jarred Hensley ("Hensley"), Andrew Watkins ("Watkins"), and Matthew Roberts ("Roberts") to also participate in the recruitment drive. At the time, Hensley was the Ohio IKA's Grand Titan, the second highest official in the state. Watkins was the Imperial Gothi, a national officer of the IKA and also served as webmaster of the IKA's website. Roberts was the Exalted Cyclops of the IKA in the Cincinnati, Ohio area. During this membership drive, Hensley, Watkins and Roberts were acting under the direction and control of Defendants Edwards and Cowles, and Defendant Cowles was acting under the direction and control of Defendants IKA and Edwards.

11. The Defendants knew or through the exercise of reasonable care should have known that there would be racial and ethnic minorities at the county fair. They also knew or through the exercise of reasonable care they should have known that, given their members' intense hatred of racial and ethnic minorities and propensity towards violent actions, it was reasonably likely that their members would provoke a violent confrontation with those minorities.

12. Cowles, Hensley, Watkins, and Roberts, drank alcohol during their membership recruitment drive at the county fair.

13. At the county fair, Defendant Cowles, along with Defendants Hensley and Watkins and other IKA members under his supervision, distributed IKA contact information cards to white attendees and invited them to join the IKA. These cards listed contact information for the national IKA, including the national web sites, the national e-mail address, and the national hotline phone number (run by Cowles).

14. Plaintiff Jordan Gruver, who is of Panamanian descent, also attended the county

fair. Without provocation, Cowles, Hensley, Watkins, and Roberts approached the Plaintiff. One or more of them began calling him racial slurs such as "spic," spit on him, and poured alcohol on him. With Cowles, Hensley, Watkins, and Roberts in close proximity to the Plaintiff, Defendants Hensley and Watkins knocked the Plaintiff to the ground, and kicked and hit him repeatedly, without any provocation or justification.

15. Defendant Cowles negligently, gross negligently, recklessly or intentionally failed or refused to stop other IKA members during the attack on the Plaintiff or make any attempt to stop it.

16. During the attack, the Plaintiff feared that he would be severely injured or killed.

17. The Plaintiff suffered pain and severe physical injuries, including a broken jaw, which had to be wired shut, broken teeth, deep-tissue defensive wounds to his forearm, and bruised ribs. The attack traumatized the Plaintiff, who suffered severe emotional distress and continues to be in fear of future attacks by IKA members.

18. Defendants Hensley and Watkins were convicted of Assault 2d Under Extreme Emotional Disturbance for their roles in the violent attack on the Plaintiff. They received sentences of three years and are currently incarcerated in state prison.

CLAIMS AGAINST ALL DEFENDANTS

COUNT I: ASSAULT

19. Without provocation, Defendants Hensley and Watkins made verbal and/or physical threats of bodily harm or offensive conduct to Plaintiff Jordan Gruver.

20. Plaintiff Jordan Gruver was placed in imminent apprehension of bodily harm or offensive contact by the verbal and/or physical threats made by Defendants Hensley and Watkins.

21. Defendants Hensley and Watkins were acting within the scope of their duties as membership recruiters for Defendants IKA, Edwards, and Cowles when they assaulted the Plaintiff.

22. Defendants Hensley and Watkins were acting under the authority, direction and control of Defendants IKA, Edwards, and Cowles when they assaulted the Plaintiff.

COUNT II: BATTERY

23. Plaintiff reiterates and reaffirms all allegations set forth heretofore in this Complaint.

24. Defendants Hensley and Watkins, without provocation and with the intent to cause harmful or offensive contact, attacked Plaintiff by hitting him, knocking him to the ground, and kicking him.

25. As a direct and proximate cause of Defendants Hensley's and Watkins' intentional actions, Plaintiff Jordan Gruver suffered severe injuries to his body.

26. Defendants Hensley and Watkins were acting within the scope of their duties as membership recruiters for Defendants IKA, Edwards, and Cowles when they battered the Plaintiff.

27. Defendants Hensley and Watkins were acting under the authority, direction and control of Defendants IKA, Edwards, and Cowles when they battered the Plaintiff.

COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

28. Plaintiff reiterates and reaffirms all allegations set forth heretofore in this Complaint.

29. Defendants Hensley and Watkins intentionally acted towards the Plaintiff with extreme and outrageous conduct and with the purpose of inflicting emotional and/or mental

distress upon the Plaintiff.

30. As a direct and proximate result of the extreme and outrageous conduct of Defendants Hensley and Watkins, the Plaintiff suffered severe emotional, mental, and physical distress.

31. Defendants Hensley and Watkins were acting within the scope of their duties as membership recruiters for Defendants IKA, Edwards, and Cowles when they committed their intentional and outrageous acts upon the Plaintiff.

32. Defendants Hensley and Watkins were acting under the authority, direction and control of Defendants IKA, Edwards, and Cowles when they committed their intentional and outrageous acts upon the Plaintiff.

**ADDITIONAL CLAIMS AGAINST
DEFENDANTS IKA, EDWARDS, AND COWLES**

**COUNT IV: RECKLESS AND NEGLIGENT SELECTION
AND RETENTION OF AN AGENT**

33. Defendants IKA and Edwards were reckless, wanton, grossly negligent, or negligent when they selected and retained Cowles, Hensley, Watkins, and Roberts to recruit IKA members from the general public and to promote IKA activities in a public place. Defendants IKA and Edwards knew or should have known of Cowles', Hensley's, Watkins', and Roberts' propensity for violence and that allowing Cowles, Hensley, Watkins, and Roberts to occupy leadership positions within the organization and allowing Cowles, Hensley, Watkins, and Roberts to recruit for the organization and promote its activities created an unreasonable risk of harm to others.

34. Defendant Cowles was reckless, wanton, grossly negligent, or negligent when he selected and retained Hensley, Watkins, and Roberts to recruit IKA members from the general

public and to promote IKA activities at the public fair that was being held at the Meade County Fairgrounds in Brandenburg, Kentucky. Defendant Cowles knew or should have known of Hensley's, Watkins', and Roberts' propensity for violence and that allowing Hensley, Watkins, and Roberts to recruit for the organization and promote its activities at the public fair created an unreasonable risk of harm to others.

35. The Plaintiff's injuries were a natural, probable, and foreseeable consequence of the reckless, wanton, grossly negligent, or negligent acts and omissions of the Defendants.

COUNT V: RECKLESS AND NEGLIGENT SUPERVISION OF AN AGENT

36. Defendants Edwards and IKA were reckless, wanton, grossly negligent, or negligent when they supervised Defendant Cowles, during the membership recruitment drive at the county fair on July 29-30, 2006. Defendants Edwards and IKA knew of or should have known of Hensley's, Watkins', Roberts', and Cowles' violent propensities, that they were going to be in contact with racial and ethnic minorities at the county fair, and that they were likely to drink alcohol, yet they failed to exercise reasonable care to prevent the foreseeable acts from occurring.

37. Defendant Cowles was reckless, wanton, grossly negligent, or negligent when he supervised Hensley, Watkins, and Roberts during the membership recruitment drive at the county fair on July 29-30, 2006. Defendant Cowles knew of or should have known of Hensley's, Watkins', and Roberts' violent propensities, that they were going to be in contact with racial and ethnic minorities at the county fair, and that they were drinking alcohol, yet he failed to exercise reasonable care to prevent the foreseeable acts from occurring and failed to exercise control to stop the attack on the Plaintiff once it started.

38. The Plaintiff's injuries were a natural, probable, and foreseeable consequence of

the reckless, wanton, grossly negligent, or negligent acts and omissions of the Defendants.

DAMAGES

39. Plaintiff reiterates and reaffirms all allegations set forth heretofore in this Complaint.

40. As a direct and proximate result of the tortious acts of the Defendants and their agents set forth above, Plaintiff Jordan Gruver sustained permanent injuries to his body as a whole; that he has endured pain and suffering, both physical and mental, and will endure future pain and suffering, both physical and mental; that he has suffered considerable fear and humiliation, and will suffer future fear and humiliation; that he has suffered extreme and severe emotional and/or mental distress and will continue to do so in the future; that due to the necessary treatment he has received, he has incurred necessary medical, surgical, hospital, rehabilitative and other related expenses and in the future will incur further necessary medical, surgical, hospital, rehabilitative and/or other related expenses; and that he has suffered loss wages and will continue to suffer the loss of the power to labor and earn money.

41. As a direct and proximate result of the tortious acts of the Defendants, Plaintiff Jordan Gruver is entitled to receive compensatory damages in an amount that is fair and reasonable as determined by the evidence, which sums are in excess of the minimum jurisdictional requirements of this Court.

42. The actions of the Defendants and their agents were wanton, grossly negligent, malicious, reckless, oppressive, and demonstrated a complete disregard and indifference to the life and safety of the Plaintiff.

43. As a result of the foregoing, Plaintiff Jordan Gruver is entitled to recover punitive damages against the Defendants.

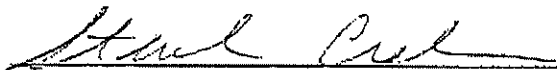
44. Plaintiff seeks an amount in punitive damages that is fair and reasonable as shown by the evidence.

45. Plaintiff requests that the Court assess prejudgment interest against the Defendants, jointly and/or severally, from the date of injury until judgment is paid.

46. Plaintiff prays that he recover costs expended and reasonable attorney's fees, and all other relief to which he may appear to be entitled.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally, as follows:

1. For compensatory damages in an amount that is fair and reasonable as shown by the evidence;
2. For of punitive damages in an amount that is fair and reasonable as shown by the evidence;
3. For Plaintiff's costs herein expended, including reasonable attorney's fees;
4. For prejudgment interest from the date of injury until paid;
5. For a trial by jury; and
6. For all further relief to which Plaintiff may appear entitled.



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