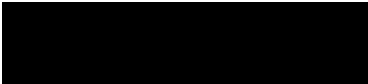


NO _____

JEFFERSON CIRCUIT COURT
DIVISION _____ ()
JUDGE _____
ELECTRONICALLY FILED

CONNIE and MICHELLA PINEDA
Individually, as a Parents and Next Friends
of KAILANI PINEDA, SEBASTIAN
PINEDA, and SYDNEY PINEDA, Minors

PLAINTIFFS



v.

VERIFIED COMPLAINT
AND
PETITION FOR INJUNCTIVE RELIEF

SUZANNE REBECCA CRAFT

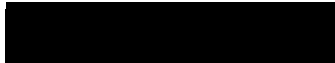
DEFENDANTS



AND

LAKE FOREST COMMUNITY ASSOCIATION, INC.

Serve: Kim Brice



* * * *

Plaintiffs, Connie Pineda and Michella Pineda, individually, and as Parents and Next Friends of Kailani Pineda, Sebastian Pineda, and Sydney Pineda, minors, by counsel, for their Complaint and Petition for Injunctive Relief against the Defendants, Suzanne Rebecca Craft, and Lake Forest Community Association, Inc. (hereinafter "LFCA"), hereby state as follows:

PRELIMINARY STATEMENT

This action is to seek compensatory and punitive damages against Defendant, Suzanne Craft, for hate crimes she perpetrated upon Plaintiffs as neighboring homeowners (including trespass, menacing, criminal mischief, terroristic threatening, and harassment), for damage to Plaintiffs' property in the form of spray-painted racial epithets ("Go Away N*ggers," "No N*ggers," and swastika symbols) and chemicals poured on their lawn, for intentional infliction of emotional distress, assault, private nuisance, and for negligent supervision of Ms. Craft's minor daughter, who, along with Defendant Craft, repeatedly hurled racial slurs at Plaintiffs' children, among other injuries Plaintiffs suffered at Defendant Craft's hands.

Further, this action is also to seek compensation from Plaintiffs' Lake Forest neighborhood Community Association, LFCA, for breach of contract and violations of the Kentucky Civil Rights Act, KRS Chapter 344, *et seq.* for failing to follow its own governing documents to promote the social welfare and common good of its Members and, after becoming aware of Ms. Craft's tortious and criminal conduct, failing to take prompt action to correct and end the harassment and property damage among other injuries to Plaintiffs that Defendant Craft caused.

Finally, Plaintiffs seek injunctive relief from Defendants' continued violations of their rights under KRS 344, *et seq.* and Kentucky statutes. Without injunctive relief, Plaintiffs will suffer immediate and irreparable injury, loss, or damage, pending a final judgment in this action.

THE PARTIES, JURISDICTION, AND VENUE

1. Plaintiffs, Connie and Michella Pineda, are adult married females, who are currently, and at all times relevant were, residents of the Lake Forest subdivision in Jefferson County, Kentucky, with an address of [REDACTED]

[REDACTED]. Plaintiffs are parties to this lawsuit individually, and as Parents and Next Friends of Kailani Pineda, Sebastian Pineda, and Sydney Pineda, minors, who are also residents of Jefferson County, Kentucky.

2. Defendant, Suzanne Rebecca Craft, is an adult female, who is currently, and at all times relevant was, a resident of the Lake Forest subdivision, with an address of [REDACTED]

3. Defendant, LFCA, is a home owners' association incorporated in the Commonwealth of Kentucky as a not-for-profit corporation and doing business in Jefferson County, Kentucky.

4. This is, in part, a claim for violations of multiple state criminal statutes, infliction of emotional distress, and unfair housing practices in violation of KRS 344, *et seq.* and jurisdiction is conferred by the state statutes (KRS 344, *et seq.* and KRS 446.070) as well as the fact that Plaintiffs' damages are in excess of the jurisdictional limits of this Court.

5. All of the actions described in this Complaint took place in Jefferson County, Kentucky, and venue is proper.

COUNT I —
KRS 532.031 (Hate Crime Designation)
VIOLATION OF KRS 511.080 (Criminal Trespass Third Degree);
VIOLATION OF KRS 525.070 (Harassment);
VIOLATION OF KRS 508.080 (Terroristic Threatening);
VIOLATION OF KRS 512.040 (Criminal Mischief Third Degree);
VIOLATION OF KRS 508.050 (Menacing)
(Defendant Craft)

6. Plaintiffs repeat and reallege by reference each and every allegation contained in paragraphs 1 through 5 and incorporate the same herein as though fully set forth.

7. In April 2019, Plaintiffs, (Michelle Pineda, United States Navy, retired, and Connie Pineda) moved into their home at [REDACTED] in Lake Forest subdivision, along with their then four minor children, Kailani, Sebastian, Sydney and Dallas.

8. Beginning in August 2019, and continuing into June 2020, Defendant, Suzanne Craft repeatedly confronted Plaintiffs outside their home in Lake Forest subdivision, where Defendant and Plaintiffs reside across from one another in a cul-de-sac, and hurled racial slurs at Plaintiffs and their minor children, Kailani, age 15, Sebastian, age 13, and Sydney, age 10 — including “N*gger,” “N*gger Lover,” and “N*glets.”

9. In August, 2019, Defendant Craft’s then twelve-year-old daughter, began hurling racial slurs at Plaintiffs’ then nine-year-old daughter, Sydney, calling Sydney and her siblings “N*gger,” and “N*gger Lover.”

10. Plaintiffs instructed Defendant Craft and her minor daughter to leave Plaintiffs and their children alone and to have no further contact with them.

11. In March, 2020, Defendant Craft’s daughter again called Sydney

Craft “N*gger,” “N*gger Lover,” and “N*glet.” In response, Kailani Pineda advised Defendant Craft’s daughter never to have contact with the Pineda family again.

12. Shortly thereafter, on the same day, Defendant Craft, driving in her vehicle, came behind Sydney Pineda while Sydney was riding her bicycle in the cul-de-sac.

13. Defendant Craft brought her vehicle up to Sydney Pineda’s back tire and threatened to run Sydney Pineda over with the vehicle if Sydney continued riding her bicycle on the street in the cul-de-sac.

14. Sydney Pineda was lawfully utilizing the street in the cul-de-sac and was not encroaching upon Ms. Craft’s property in any way while riding her bicycle.

15. Defendant Craft’s threats caused Sydney Pineda to fear for her life and run into her home where Sydney Pineda advised her parents, the Plaintiffs, of Defendant Craft’s threats.

16. Plaintiffs, once again, instructed Defendant Craft to leave Plaintiffs and their children alone and warned that police would be called if there were any additional threats to Plaintiffs or their children.

17. In response, Defendant Craft hurled racial slurs at Plaintiffs and their children, screaming at Plaintiffs to “get your n*glets out of the street.”

18. Also beginning in July, 2019 and continuing through the spring of 2020, Plaintiffs found patches of dead grass, which appeared to be caused by a chemical agent, and lines and other markings burned into their lawn by chemical agents, damaging it.

19. Plaintiff, Michella Pineda, gave birth to Plaintiffs’ fifth child on March

26, 2020. Following the birth of their child, the Pinedas came home to find a watermelon on their patio with no note.¹

20. At the end of May, 2020, and again on June 3, 2020, Defendant Craft affixed a large flood light on the exterior of her home and pointed it directly across the cul-de-sac so as to flood Plaintiffs' home with light that prevented the quiet enjoyment of their property.

21. Plaintiffs contacted Louisville Metro Police Department and Defendant LFCA to register their complaints and ask for assistance in eliminating Defendant Craft's harassment.

22. On June 7, 2020, Plaintiffs awoke to find their lawn damaged by spray paint and their driveway spray-painted with the phrase "Go Away N*ggers." As a result, Plaintiffs once again contacted Louisville Metro Police Department as well as Defendant LFCA and Plaintiffs also activated the security cameras affixed to the exterior of their home to begin recording. (See photo attached as **Exhibit A**)

23. On June 16, 2020, Plaintiffs' security cameras recorded Defendant Craft leaving her home to pour chemicals on Plaintiffs' lawn and spray paint "No N*ggers" and a swastika symbol on Plaintiffs' driveway. (See photo attached as **Exhibit B**)

24. On June 18, Plaintiffs' security cameras recorded Defendant Craft pouring chemicals on Plaintiffs' lawn and egging their home.

25. On June 27, 2020, Plaintiffs' security cameras recorded Defendant Craft leaving her home in the middle of the night, again entering Plaintiffs' property

¹ Watermelon has been recognized as a racist trope for well over a century.

and damaging it, pouring chemicals on the lawn and spraying “Go N*ggers” and a swastika symbol in orange spray paint on Plaintiffs’ driveway. (See photo attached as **Exhibit C**)

26. Upon information and belief, Louisville Metro Police Department detectives located the materials used to damage Plaintiffs’ lawn and spray paint their driveway in Defendant Craft’s possession.

27. All of Defendant Craft’s actions, as set forth above, violate criminal statutes KRS 511.080, KRS 525.070, KRS 508.080, KRS 512.040, and KRS 508.050.

28. Defendant Craft’s actions as set forth above were intentional, willful, wanton, and in reckless disregard for the lives, safety, mental and physical health and well-being, and property of the Plaintiffs, have caused and will continue to cause Plaintiffs severe emotional distress and fear, annoyance and inconvenience and other damages, including monetary damages for cleanup of their property and attorney fees by forcing them to hire an attorney to bring these claims.

29. Pursuant to KRS 446.070, Plaintiffs may recover damages from Defendant Craft resulting from Defendant Craft’s violations of the aforementioned criminal statutes.

30. Plaintiffs seek compensation from Defendant Craft for all damages as set forth above and seek punitive damages against Defendant Craft for her intentional, willful, wanton, and reckless conduct.

COUNT II — ASSAULT (Defendant Craft)

31. Plaintiffs repeat and reallege the allegations contained in paragraphs

1 through 30 and incorporate the same by reference as though fully set forth herein.

32. Defendant intended to cause harmful or offensive contact with Sydney Pineda, a minor, or put Sydney Pineda in imminent apprehension of harmful or offensive physical contact.

33. Sydney Pineda was put in imminent apprehension of harmful or offensive physical contact by the Defendant, Suzanne Craft.

34. As a direct and proximate result of the intentional acts and conduct of Defendant, Suzanne Craft, Sydney Pineda has suffered and will continue to suffer emotional distress, humiliation, mental anguish and inconvenience; all damages in excess of the minimal amount necessary to confer jurisdiction upon this Court.

35. The intentional acts of Defendant, Suzanne Craft, in assaulting Sydney Pineda, are the direct and proximate cause of damages suffered by Sydney Pineda or are a substantial factor in causing same.

36. The Defendant's conduct as described was willful, wanton, and done in reckless disregard for the life, safety and well-being of the Plaintiff, Sydney Pineda. Consequently, Plaintiff, Sydney Pineda, is entitled to punitive or exemplary damages from Defendant, Suzanne Craft, in a sum to be proven at trial.

COUNT III — PRIVATE NUISANCE
VIOLATION OF KRS 411, et seq.
(Defendant Craft)

37. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 36 and incorporate the same by reference as though fully set forth

herein.

38. The conduct of Defendant Craft constitutes a private nuisance as set forth in KRS Chapter 411.

39. Defendant Craft's conduct, in causing unreasonable and substantial annoyance to Plaintiffs and unreasonably interfering with Plaintiffs' use and enjoyment of their property, has caused the value of Plaintiffs' use of their property to be reduced.

40. Plaintiffs are entitled to recover compensatory and punitive damages against Defendant Craft pursuant to KRS 411.560.

COUNT IV — NEGLIGENT SUPERVISION/CONTROL OF MINOR
(Defendant Craft)

41. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 40 and incorporate the same by reference as though fully set forth herein.

42. Defendant Craft had a duty to supervise and control the actions of her minor daughter to prevent injury to the Plaintiffs.

43. Defendant Craft failed in her duty to supervise and control the actions of her minor daughter when she became aware that her daughter was hurling racial slurs at Plaintiffs and causing them significant distress yet failed to prevent her daughter's conduct from continuing and, in fact, encouraged it by also hurling racial slurs at Plaintiffs.

44. The negligent acts of Defendant, Suzanne Craft are the direct and proximate cause of Plaintiffs' damages, including emotional distress, pain and

suffering, humiliation and inconvenience, or are a substantial factor in causing same.

45. Based on the pattern of tortious conduct of Defendant Craft and her daughter, as set forth herein, Defendant Craft's minor daughter was serving as an agent of Defendant Craft when she hurled racial slurs at Plaintiffs.

46. The Defendant's conduct as described was negligent, willful, wanton, and done in reckless disregard for the life, safety and well-being of the Plaintiffs. Consequently, Plaintiffs, in addition to compensatory damages, are entitled to punitive or exemplary damages from Defendant, Suzanne Craft, in a sum to be proven at trial.

COUNT V — INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Defendant Craft)

47. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 46 and incorporate the same by reference as though fully set forth herein.

48. Defendant Craft and her daughter engaged in extreme and outrageous conduct with the intent to cause or in reckless disregard for causing Plaintiffs to suffer emotional distress.

49. As a direct and proximate result of the intentional, extreme and outrageous conduct of Defendant, Suzanne Craft, the Plaintiffs have suffered and will continue to suffer severe emotional distress, humiliation, pain, mental anguish and inconvenience; all damages in excess of the minimal amount necessary to confer jurisdiction upon this Court.

50. The intentional, extreme and outrageous acts of Defendant, Suzanne Craft are the direct and proximate cause of the emotional distress Plaintiffs suffered, or are a substantial cause in causing same.

51. Defendant Craft's conduct as described herein was willful, wanton, and done in reckless disregard for the life, safety and well-being of the Plaintiffs. Consequently, Plaintiffs are entitled to punitive or exemplary damages from Defendant Craft in a sum to be proven at trial.

COUNT VI — VIOLATION OF KRS 344, et seq.
(Defendant LFCA)

52. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 51 and incorporate the same by reference as though fully set forth herein.

53. The Kentucky Civil Rights Act, KRS Chapter 344, *et seq.*, provides, in part, for execution within the Commonwealth of Kentucky of the policies embodied in the Fair Housing Act as amended (42 U.S.C. § 360).

54. Defendant, LFCA, as an incorporated homeowners' association, is subject to KRS Chapter 344, *et seq.*

55. Defendant LFCA had direct knowledge, both orally and in writing, and/or should have known of the tortious and criminal conduct of Defendant Craft as set forth in this Complaint.

56. Defendant LFCA knew or should have known that Defendant Craft's harassment and other tortious and criminal conduct toward the Plaintiffs was based on race or color.

57. Defendant LFCA had the power to correct or end Defendant Craft's conduct and failed to take prompt action to correct or end it.

58. As a direct and proximate result of Defendant LFCA's violation of KRS 344, *et seq.* as described, Plaintiffs suffered emotional distress, pain, humiliation, inconvenience, property damage, diminution in value of property, loss of use and enjoyment of property, and other damages as set forth in this complaint.

59. Further, as a direct and proximate result of Defendant LFCA's violation of KRS 344, *et seq.*, as described, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce their rights under the Kentucky Civil Rights Act, and have thereby incurred and will continue to incur legal fees and costs, the full nature and extent of which are presently unknown to the Plaintiffs.

60. Pursuant to KRS 344.450, Plaintiffs seek to enjoin further violations and to recover the actual damages sustained, together with the costs of this lawsuit, including a reasonable attorney fee and any other remedies to which they may be entitled for Defendant LFCA's violation of KRS Chapter 344.

61. Plaintiffs are not making a claim under the Federal Fair Housing Act and specifically assert their rights to be free of discrimination under state law set forth in KRS Chapter 344, *et seq.*

COUNT VII — BREACH OF CONTRACT
(Defendant LFCA)

62. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 61 and incorporate the same by reference as though fully set forth herein.

63. Plaintiffs entered into an agreement with Defendant LFCA upon Plaintiffs' purchase of residential real estate in the Lake Forest subdivision of Louisville, Jefferson County, Kentucky, whereby LFCA, in exchange for valuable consideration, agreed to, among other things, "promote the social welfare and serve the common good and general welfare" of Plaintiffs and other Members of the Lake Forest community.

64. Defendant LFCA also agreed to provide Plaintiffs a residential living environment free of "loud, quarrelsome, or obscene conduct and profanity" and "vandalism, willful defacing, or destruction" of their property.

65. Defendant LFCA breached their agreement with Plaintiffs when they were made aware of Defendant Craft's conduct and failed to take prompt action to stop it from occurring.

66. Specifically, Defendant LFCA, by and through its agents and employees, advised Plaintiffs they "could not get involved," compared the horrific nature of racial epithets spray-painted on Plaintiffs' driveway to the LFCA President once having his property damaged by paint balls, refused to watch video evidence of Defendant Craft committing tortious and criminal conduct, and implied that Defendant Craft was also a victim.

67. As a direct and proximate result of Defendant LFCA's breach of its agreement with Plaintiffs, the Plaintiffs suffered emotional distress, pain, humiliation, inconvenience, property damage, diminution in value of property, loss of use and enjoyment of property, and other damages as set forth in this complaint.

68. Plaintiffs are, thus, entitled to recover from Defendant LFCA remedies available to them for breach of contract, those damages being in excess of the limit necessary to invoke the jurisdiction of this Court.

WHEREFORE, Plaintiffs, Michella and Connie Pineda, individually, and as Parents and Next Friends of Kailani Pineda, Sebastian Pineda, and Sydney Pineda, minors, request this Court grant temporary injunctive relief against Defendants for violation of their rights under KRS 344, *et seq.* and other Kentucky statutes, and demand judgment against the Defendants in an amount which will compensate them for:

1. Violation of their rights pursuant to the Kentucky Constitution, Chapter 344 of the Kentucky Revised Statutes, and other Kentucky statutes as set forth herein;
2. Compensatory damages including emotional distress and humiliation, past and future, damage to property, diminution in value of property, and expenses for psychological counseling;
3. Punitive damages;
4. Trial by jury on all issues so triable;
5. Costs expended herein;
6. Reasonable attorney's fees as provided by KRS 344, *et seq.*; and
7. Any and all other relief to which they may be entitled.

Respectfully submitted,

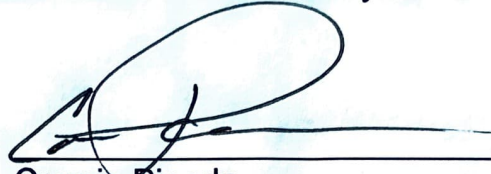
/s/Vanessa B. Cantley
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1041 Goss Avenue
Louisville, Kentucky 40217
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vanessa@bccnlaw.com
patrick@bccnlaw.com

Counsel for Plaintiffs

VERIFICATION

I, Connie Pineda and Michella Pineda, having been first duly sworn on oath, depose and state:

That we are the Plaintiffs named herein, that we have read the within and foregoing Complaint, and know the contents thereof and verify the same to be true.



Connie Pineda



Michella Pineda

COMMONWEALTH OF KENTUCKY)
COUNTY OF Jefferson)

Subscribed and sworn to before me, a Notary Public, by Connie and Michella Pineda this 3rd day of July, 2020.



NOTARY PUBLIC

My Commission Expires: February 2, 2022



**EXHIBIT
A**



**EXHIBIT
B**



**EXHIBIT
C**