

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

**JOHN M. BORN, individually and as
Executor of the Estate of ANGELA
MARIE BORN,**

Plaintiff,

v.

CASE NO. 3:26-cv-00260

Judge:

**DEPUTY C. FORD, in his individual capacity as a
Deputy Sheriff and police officer of the Putnam
County Commission; JOHN DOES PUTNAM
COUNTY POLICE OFFICERS, in their individual
capacities as Deputy Sheriffs and police officers of
the Putnam County Commission; PUTNAM
COUNTY COMMISSION, a political subdivision;
JOHN DOES CITY OF HURRICANE POLICE
OFFICERS, in their individual capacities as police
officers of the City of Hurricane; and CITY OF
HURRICANE, a political subdivision,**

Defendants.

COMPLAINT

Plaintiff John M. Born, individually and as Executor of the Estate of Angela Marie Born, brings this civil action under the laws of the State of West Virginia and the provisions of 42 U.S.C. § 1983 against Defendants Deputy C. Ford, John Does Putnam County (hereinafter referred to a “PC”) Police Officers, Putnam County Commission, John Does City of Hurricane (hereinafter referred to as “CH”) Police Officers, and the City of Hurricane to recover damages and other cognizable relief for the death of Angela Marie Born, a beloved wife, mother, and young businesswoman.

On March 5, 2026, Angela Marie Born, an innocent driver of an automobile on I-64 in Putnam County, West Virginia, died when her automobile exploded after being slammed by a

vehicle driven by Joseph Ryan Elswick (“Elswick”). At the time, Elswick was engaged in a high-speed chase with police officers from the Putnam County Sheriff’s Department and the City of Hurricane Police Department. The events began with a report of an allegedly stolen Jeep and purse. Defendant Deputy C. Ford located the Jeep, identified Elswick, and then engaged in an extended vehicular pursuit that turned into a high-speed chase along country roads and secondary routes through Putnam and Cabell Counties, even though there was no indication of extraordinary circumstances or a public danger.

Other Defendant Officers joined the pursuit, and they ultimately forced Elswick onto I-64 in Hurricane, Putnam County, West Virginia, a two-lane Interstate filled with mid-afternoon high-volume traffic. As the pursuit dangerously continued onto I-64, police officers from the City of Hurricane activated a tire deflation device, also known as spike strips, near an entrance ramp, notwithstanding multiple lanes of heavy traffic, including the vehicle operated by Angela Marie Born.

While traveling at an extraordinarily high rate of speed, Elswick weaved in and out of the bumper-to-bumper traffic, passed vehicles illegally at times, and attempted to avoid the spike strips. In the far-right lane, he crashed into the back end of the automobile driven by Angela Marie Born. The impact forced her vehicle across two lanes of traffic and into the median, where it burst into flames. Angela Marie Born, age 52, died at the scene of the incident.

In support of his Complaint, Plaintiff states as follows:

PARTIES

1. Plaintiff John M. Born is a citizen and resident of Kanawha County, West Virginia.
2. At all times relevant herein, Angela Marie Born was a citizen and resident of Kanawha County, West Virginia.

3. Angela Marie Born was killed by Defendants' conduct on March 5, 2026.

4. At the time of her death, Angela was married to Plaintiff John M. Born.

5. At the time of her death, Angela was a wife, mother, sister, entrepreneur widely known for her strawberry farm, innkeeper, and businesswoman.

6. By Letter of Administration dated March 19, 2026, the Kanawha County Fiduciary Supervisor appointed John M. Born as the Executor of the Estate of Angela Marie Born.

7. Defendant Deputy C. Ford is a citizen and resident of West Virginia and was acting under color of law.

8. At all relevant times, Deputy C. Ford was a Deputy Sheriff and police officer for the Putnam County Commission through the Putnam County Sheriff's Department and was acting under color of law.

9. Upon information and belief, Defendants John Does PC Police Officers are citizens and residents of West Virginia and, at all relevant times, were Deputy Sheriffs and police officers for the Putnam County Commission through the Putnam County Sheriff's Department and acting under color of law.

10. Defendant Putnam County Commission is a West Virginia political subdivision located in Putnam County, West Virginia; operates the Putnam County Sheriff's Department; and, at all relevant times, was the employer of Defendants Deputy C. Ford and John Does PC Police Officers.

11. Upon information and belief, Defendants John Does CH Police Officers are citizens and residents of West Virginia and, at all relevant times, were police officers for the City of Hurricane through the City of Hurricane Police Department and acting under color of law.

12. Defendant City of Hurricane is a municipality and West Virginia political subdivision located in Putnam County, West Virginia; operates the City of Hurricane Police Department; and, at all relevant times, was the employer of Defendants John Does CH Police Officers.

JURISDICTION AND VENUE

13. Jurisdiction is proper under 28 U.S.C. §§ 1331, 1343, and 1367 because Plaintiff seeks damages and other remedies under West Virginia state law and federal law, specifically pursuant to the provisions of 42 U.S.C. § 1983.

14. This Complaint seeks remedies pursuant to 42 U.S.C. §§ 1983 and 1988, alleging violations of federal law, as well as the laws of the State of West Virginia.

15. Venue is proper because all parties are located in the Southern District of West Virginia and the actions giving rise to this civil action occurred within the territorial boundaries of this District and pursuant to 28 U.S.C. §1391(b).

FACTS

16. Defendant Putnam County Commission (“PCC”) is a West Virginia political subdivision as defined by the provisions of *W. Va. Code* § 29-12A-3(c) and, at all times relevant hereto, was the employer and supervisor of police officers working for the Putnam County Sheriff’s Department.

17. At all times relevant hereto, PCC employed Defendants Deputy C. Ford and Defendants John Does PC Police Officers as Deputy Sheriffs of the Putnam County Sheriff’s Department, who were acting under color of law.

18. Defendant PCC bears vicarious liability and is responsible for the acts and omissions of its employees and agents that caused harm to Plaintiff and his decedent as described herein.

19. Defendant Deputy C. Ford is a Deputy Sheriff and police officer employed by the PCC through the Putnam County Sheriff's Department and was acting under color of state law.

20. Defendant Deputy C. Ford is being sued herein in his individual capacity.

21. Upon information and belief, Defendants John Does PC Police Officers are Deputy Sheriffs and police officers employed by the PCC through the Putnam County Sheriff's Department and were acting under color of law.

22. Defendants John Does PC Police Officers are being sued herein in their individual capacities.

23. Plaintiff does not know the true names of the John Does PC Police Officers and reserves the right to amend his Complaint upon ascertaining the correct information.

24. Defendant City of Hurricane ("CH") is a municipality in West Virginia and is a West Virginia political subdivision as defined by the provisions of *W. Va. Code* § 29-12A-3(c) and, at all times relevant hereto, was the employer and supervisor of police officers working for the City of Hurricane Police Department.

25. At all times relevant hereto, CH employed Defendants John Does CH Police Officers as police officers, who were acting under color of law.

26. Defendant CH bears vicarious liability and is responsible for the acts and omissions of its employees and agents that caused harm to Plaintiff and his decedent as described herein.

27. Upon information and belief, Defendants John Does CH Police Officers are police officers employed by CH and were acting under color of law.

28. Defendants John Does CH Police Officers are sued herein in their individual capacities.

29. Plaintiff does not know the true names of the John Does CH Police Officers and reserves the right to amend his Complaint upon ascertaining the correct information.

30. Defendants Deputy C. Ford, John Does PC Police Officers, and John Does CH Police Officers are sometimes collectively referred to herein as “Defendant Officers.”

31. At approximately 2:30 in the afternoon of March 5, 2026, Angela Marie Born entered I-64 and traveled in the Eastbound lane in Putnam County, West Virginia.

32. Angela was traveling for business purposes in a company-owned car.

33. At that time of day, I-64 was filled with heavy traffic, with large trucks, cars and other vehicles moving at speeds of 55-70 miles per hour.

34. At approximately 1437 hours (2:37 p.m.), Putnam County 911 dispatchers received a call that Joseph Ryan Elswick stole a red 2025 Jeep Cherokee Sport and a purse.

35. At approximately 1448 hours (2:48 p.m.), Putnam County Sheriff’s Deputy C. Ford located the stolen vehicle on Trace Creek in Putnam County, West Virginia.

36. Defendant Deputy Ford ascertained that Joseph Ryan Elswick (“Elswick”) drove the vehicle.

37. Defendants City of Hurricane and Putnam County Commission had a duty to properly train its police officers on pursuits and high-speed chases.

38. Defendant Deputy Ford reported no actual danger to any person created by Mr. Elswick’s actions prior to the time he encountered Elswick.

39. Defendant Deputy Ford activated the lights and sirens on his patrol vehicle, signaling for Elswick to stop and pull over.

40. Elswick did not stop, instead proceeding to drive away from Deputy Ford.

41. Defendant Deputy Ford followed after Elswick, lights and sirens flashing.

42. Elswick began driving more recklessly and at a higher speed, and Deputy Ford followed him closely.

43. Defendant Deputy Ford engaged in an active attempt to apprehend Elswick and his vehicle, and radioed dispatch that he was chasing Elswick.

44. Upon information and belief, Defendant Ford did not receive authorization from his supervisor to engage in a high-speed pursuit.

45. Upon information and belief, in his efforts to avoid Defendant Deputy Ford, Elswick drove at speeds up to 120 miles per hour, swerved over the road at several different times, and sometimes swerved toward and into oncoming traffic.

46. Defendant Deputy Ford continued the dangerous pursuit of Mr. Elswick from Trace Creek to Johns Creek and eventually entered onto the I-64 Interstate Eastbound lane at the Milton entrance ramp in Putnam County, West Virginia.

47. Upon information and belief, the sole reason that Defendant Deputy Ford provided for his unreasonably dangerous pursuit was the allegation that Mr. Elswick had stolen the Jeep and a purse therein.

48. Upon information and belief, Defendant Deputy Ford possessed no information or reasonable suspicion that Elswick was involved in a violent crime or presented an imminent threat to the community.

49. Upon information and belief, Defendant Deputy Ford made no attempt to pursue alternative enforcement measures.

50. Upon information and belief, the identity of the driver of the Jeep, Joseph Ryan Elswick, was known to the police and he could have been apprehended later, without any significant increase of risk to the community.

51. Defendant Deputy Ford continued to pursue Mr. Elswick at dangerously high speeds, despite the clear danger that this course of action presented to the public.

52. Upon information and belief, other John Does PC Police Officers and John Does CH Police Officers heard the report of Deputy Ford over the radio and joined in the high-speed chase.

53. Upon information and belief, police officers for the City of Hurricane Police Department and the Putnam County Sheriff's Office had the ability to track Mr. Elswick remotely through aviation, drones, and/or global positioning systems.

54. Tire deflation devices ("TDD"), also known as "spike strips," can be used as an alternative to pursuit.

55. Defendants City of Hurricane and Putnam County Commission had a duty to train its police officers on the safe use of spike strips around occupied vehicles and the public.

56. Upon information and belief, Defendants City of Hurricane and Putnam County Commission had policies and procedures in place regarding the use of spike strips, and the key factors to consider in deciding whether to use a TDD, including suspect speed, road surface, weather, suspect vehicle type, and whether the target area is populated.

57. At the time of the high-speed chase by the Defendant Officers, Elswick was traveling recklessly at a high rate of speed on an Interstate that had multiple lanes of heavy mid-afternoon traffic.

58. Upon information and belief, Defendants John Does CH Police Officers employed by the City of Hurricane activated spike strips at or near the entrance ramp on I-64 Eastbound near mile marker 34 in Putnam County, West Virginia. Defendant Officers did not clear or halt traffic on I-64 prior to activating the spike strips.

59. Upon information and belief, Elswick encountered the spike strips on I-64 and attempted to avoid them.

60. Elswick swerved in and among other vehicles on I-64, passing vehicles on the shoulder of the road.

61. Elswick's vehicle then collided into the rear of the vehicle driven by Angela Marie Born in the far right lane.

62. The impact of the collision caused the vehicle driven by Angela Marie Born to cross two lanes of the highway, crashing into the median with such force that Angela's vehicle burst into flames with Angela trapped inside.

63. Plaintiff received a crash alert from 360 Life that Angela Marie Born was involved in an automobile crash at 3:08 p.m.

64. After considerable efforts, police officers removed Angela Marie Born from her burning vehicle and attempted to revive her, to no avail.

65. Angela Marie Born died on March 5, 2026, leaving as her survivors her husband, John M. Born, three minor children, and three adult children.

66. Police charged Joseph Ryan Elswick in Putnam County, West Virginia, with aggravated vehicular homicide, grand larceny, fleeing from law enforcement officer in vehicle showing a reckless indifference to safety of others, and fleeing from law enforcement in vehicle causing death.

**COUNT I – Violation of 42 U.S.C. §1983
(Defendants Ford, Does PC, Does CH)**

67. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

68. Pursuant to the provisions of 42 U.S.C. § 1983, every person who, under color of any statute, ordinance, regulation, custom, or usage of any State subjects, or causes to be subjected,

any citizen of the United States to the deprivation of any rights, privileges, or immunities secured by the United States Constitution and laws shall be liable to the party injured in an action at law.

69. At all times relevant to the allegations in this Complaint, Defendants Deputy C. Ford and John Does PC Police Officers were acting under the color of law and within the scope of their law enforcement duties as police officers employed by the Putnam County Commission through the Putnam County Sheriff's Office.

70. At all times relevant to the allegations in this Complaint, Defendants John Does CH Police Officers were acting under the color of law and within the scope of their law enforcement duties as police officers employed by the City of Hurricane through the City of Hurricane Police Department.

71. As a citizen of the United States of America, Angela Marie Born had a clearly established right under the Due Process Clause of the Fourteenth Amendment not to suffer a loss of life or liberty as a result of the actions of a police officer.

72. The provisions of W. Va. Code § 17C-2-5(b)(3) authorizes the driver of an emergency vehicle to exceed speed limits "so long as he does not endanger life or property."

73. Further, W. Va. Code § 17C-2-5(d) maintains the legal duty upon an emergency vehicle driver to drive with due regard for the safety of all persons and clarifies that its provisions do not protect the driver from the consequences of his reckless disregard for the safety of others.

74. Upon information and belief, Defendants PCC and CH had internal policies and procedures regarding vehicular pursuits, high-speed chases, and the use of spike strips.

75. Defendants Deputy C. Ford, John Does PC Police Officers, and John Does CH Police Officers (Defendant Officers) knew or should have known about the rights and privileges ensured

to Angela Marie Born through the United States Constitution, West Virginia law, and the provisions of 42 U.S.C. §1983.

76. Deputy Defendants knew or should have known about various policies, procedures, and orders from the Putnam County Sheriff's Department and/or the City of Hurricane Police Department regarding vehicular pursuits, high-speed chases, and the use of TDD spike strips.

77. Defendant Officers, while acting under color of law, violated the constitutional rights of Angela Marie Born by unreasonably initiating and continuing the improper pursuit of Joseph Ryan Elswick and unreasonably using the TDD spike strips in an area with a high volume of traffic, all of which proximately caused Elswick to drive into the vehicle operated by Angela Marie Born and result in her permanent, catastrophic and fatal injuries.

78. The actions of Defendant Officers constituted due process violations of the rights of Angela Marie Born that were protected by the Fourteenth Amendment of the United States Constitution. Their actions were taken with a clear risk to the life, liberty and safety of Angela Marie Born and the public that was so outrageous as to shock the conscience.

79. Defendant Officers knew or should have known that their actions violated the due process rights and liberty interests of Angela Marie Born to be free from the consequences of a high-speed, dangerous pursuit of another person and negligence that caused her fatal injuries.

80. The actions of Defendant Officers were unnecessary, unreasonable, unlawful, and unjustified.

81. The actions of Defendant Officers violated the constitutional rights guaranteed to Angela Marie Born by the Fourteenth Amendment of the United States Constitution, state law, and internal policies and procedures; were not taken in good faith; and were in violation of clearly established laws.

82. The actions of Defendant Officers constituted deliberate indifference to clearly established laws and to the life and safety of Angela Marie Born and the public.

83. As a direct and proximate result of the actions of Defendant Officers, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

84. As a direct and proximate result of the actions of Defendant Officers, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

85. Because the actions of Defendant Officers “involve[d] a reckless or callous indifference to the federally protected rights” of Angela Marie Born, an award of punitive damages is appropriate to the fullest extent permitted by law. *See Morning v. Dillon Cty.*, No.: 4:1 5-cv-03349-RBH-TER, 2018 U.S. Dist. LEXIS 163072 at *12 (D.S.C. June 12, 2018); *Smith v. Wade*, 461 U.S. 30 (1983).

86. Pursuant to the provisions of 42 U.S.C. § 1988, Plaintiff is entitled to an award of attorneys’ fees and costs as part of his claim under 42 U.S.C. §1983.

COUNT II – Bystander Liability Under 42 U.S.C. § 1983
(Defendants Does PC and Does CH)

87. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

88. Pursuant to the provisions of 42 U.S.C. § 1983, every person who, under color of any statute, ordinance, regulation, custom, or usage of any State subjects, or causes to be subjected, any citizen of the United States to the deprivation of any rights, privileges, or immunities secured by the United States Constitution and laws shall be liable to the party injured in an action at law.

89. As a citizen of the United States of America, Angela Marie Born had a clearly established right under the Due Process Clause of the Fourteenth Amendment not to suffer a loss of life or liberty at the hands of a police officer.

90. The provisions of W.Va. Code § 17C-2-5(b)(3) authorizes the driver of an emergency vehicle to exceed speed limits “so long as he does not endanger life or property.”

91. Further, W. Va. Code § 17C-2-5(d) maintains the legal duty upon an emergency vehicle driver to drive with due regard for the safety of all persons and clarifies that its provisions do not protect the driver from the consequences of his reckless disregard for the safety of others.

92. Upon information and belief, Defendants PCC and CH had internal policies and procedures regarding vehicular pursuits, high-speed chases, and the use of spike strips.

93. At all times relevant to the allegations in this Complaint, Defendants John Does PC Police Officers were acting under color of law and within the scope of their duties as police officers employed by the PCC through the Putnam County Sheriff’s Department.

94. At all times relevant to the allegations in this Complaint, Defendants and John Does CH Police Officers were acting under color of law and within the scope of their duties as police officers employed by the City of Hurricane and its Police Department.

95. A law enforcement officer may be liable under 42 U.S.C. § 1983 on a theory of bystander liability if he or she (1) knows that a fellow officer is violating an individual’s constitutional rights; (2) has reasonable opportunity to prevent the harm; and (3) chooses not to act. *Randall v. Prince George’s Cty., Md.*, 302 F.3d 188, 203 (4th Cir. 2002).

96. Defendants John Does PC Police Officers, and, in particular, the supervisor of Defendant Deputy C. Ford and other police officers of the Putnam County Sheriff’s Department, knew or should have known that Defendants Ford and other officers were engaging in an improper high-

speed pursuit of Jospheh Ryan Elswick for a long period of time and on an Interstate highway with high traffic volume, all of which presented a danger to the public.

97. Defendants John Does PC Police Officers, and, in particular, the supervisor of Defendant Deputy C. Ford and other police officers of the Putnam County Sheriff's Department, had a reasonable opportunity to prevent the harm suffered by Angela Marie Born by stopping the Defendant Officers and calling off the pursuit.

98. Defendants John Does CH Police Officers, and, in particular, the supervisor of Defendants John Does CH Police Officers, knew or should have known that said Defendant Officers were engaging in an improper high-speed pursuit of Jospheh Ryan Elswick for a long period of time and on a multi-lane Interstate highway with high traffic volume, and intended to utilize the TDD spike strips on said highway without blocking off or curtailing other vehicular traffic, all of which presented a danger to the public.

99. Defendants John Does CH Police Officers, and, in particular, the supervisor of Defendant John Does CH Police Officers had a reasonable opportunity to prevent the harm suffered by Angela Marie Born by stopping the Defendant Officers and calling off the pursuit and the use of the TDD spike strips.

100. Defendants John Does PC Police Officers and Defendants John Does CH Police Officers, particularly the supervisors noted herein, chose not to act and failed to take any action to halt the high-speed pursuit and use of TDD spike strips, all of which resulted in violations of the constitutional rights and privileges of Angela Marie Born; violations of state law and internal policies and procedures; and, ultimately, caused her to suffer a horrible and tragic loss of liberty and life.

101. As a direct and proximate result of the actions of Defendant Officers, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

102. As a direct and proximate result of the actions of Defendant Officers, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

103. Pursuant to the provisions of 42 U.S.C. §1988, Plaintiff is entitled to an award of attorneys' fees and costs as part of his claim under 42 U.S.C. § 1983.

COUNT III – Negligence
(All Defendants)

104. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

105. The employees and agents of Defendants PCC and CH, including Defendant Officers, at all times alleged herein were acting within the scope of their respective employments with PCC and/or CH.

106. The Fourteenth Amendment to the United States Constitution prohibits the loss of life or liberty without due process of law.

107. The provisions of W. Va. Code § 17C-2-5(b)(3) authorizes the driver of an emergency vehicle to exceed speed limits “so long as he does not endanger life or property.”

108. Further, W. Va. Code § 17C-2-5(d) maintains the legal duty upon an emergency vehicle driver to drive with due regard for the safety of all persons and clarifies that its provisions do not protect the driver from the consequences of his reckless disregard for the safety of others.

109. Upon information and belief, the Putnam County Commission, through the Putnam County Sheriff's Office, and the City of Hurricane, through the City of Hurricane Police Department, maintain policies and procedures regarding the pursuit of motor vehicles, high-speed chases, and the use of TDD spike strips.

110. Defendants Putnam County Commission and the City of Hurricane, their agents and employees, including Defendant Officers named herein, had a duty to exercise reasonable care to ensure the safety of Angela Marie Born; to protect her life, health and welfare; and to prevent her loss of life and liberty by police officers engaged in a high-speed pursuit on a public highway.

111. Defendants Deputy C. Ford, John Does PC Police Officers, Putnam County Commission, John Does CH Police Officers, and the City of Hurricane had a duty to ensure the safety of the public and to adhere to the United States Constitution, federal laws, state laws, and internal policies and procedures during vehicular pursuits and high-speed chases.

112. Upon information and belief, Defendants PCC and CH, by and through its agents and employees, including Defendant Officers, and said Defendant Officers breached their duties to Angela Marie Born and to the public in general.

113. Defendant Officers, PCC and CH negligently breached their duties of care by failing to take steps to preclude foreseeable risks of harm to Angela Marie Born and other members of the public subjected to the consequences of the high-speed chase of Joseph Ryan Elswick and the improper use of TDD spike strips.

114. A reasonable, well-trained law enforcement officer should recognize that continuing a high-speed pursuit for a long period of time and on a crowded Interstate highway is unjustified and is highly likely to result in serious injury to life and property.

115. A reasonable, well-trained law enforcement officer should recognize that the use of TDD spike strips on a busy Interstate highway with a high volume of traffic while in pursuit of a vehicle traveling recklessly and at a high rate of speed is unjustified and is highly likely to result in serious injury to life and property.

116. Police safety and protocol necessitate that a pursuit be terminated unless there are certain extraordinary circumstances present.

117. There were no extraordinary circumstances present when Defendant Officers improperly engaged in and continued their unreasonably dangerous pursuit of Joseph Ryan Elswick, thereby putting the public, including Angela Marie Born, in danger.

118. By operating their patrol cars at unreasonably dangerous speeds while pursuing Elswick, even after witnessing multiple near-misses, and continuing the pursuit on a multi-lane, high volume traffic area, Defendant Officers, the City of Hurricane and the Putnam County Commission were grossly negligent and reckless.

119. Upon information and belief, the Defendant Officers did not receive authorization from their respective superiors to continue the high-speed chase.

120. Upon information and belief, the vehicular pursuit of Elswick began at approximately 2:48 p.m. and ended twenty (20) minutes later at approximately 3:08 p.m., when Elswick crashed into the vehicle operated by Angela Marie Born.

121. The continued high-speed pursuit of Elswick was improper pursuant to police procedures and protocols for the safe pursuit of vehicles and the use of TDD spike strips on a two-lane, busy Interstate highway was extremely improper and unlawful.

122. The improper pursuit and the use of the TDD spike strips were substantial factors in causing the collision between the Elswick vehicle and the automobile driven by Angela Marie Born.

123. Upon information and belief, Defendant Officers, PCC and CH negligently failed to follow, enforce, adhere to, and implement adequate policies and procedures to protect the public and, in particular, Angela Marie Born, from injury and loss of life as a result of the high-speed chase and improper use of TDD spike strips as described herein.

124. Defendants PCC and CH negligently failed to adequately and properly employ, train and supervise its employees, including Defendant Officers, on the safe and appropriate manner of conducting vehicular pursuits, high-speed chases, and the use of TDD spike strips.

125. The actions of each of the Defendants herein constituted deliberate indifference to the constitutional rights of Angela Marie Born; a deliberate indifference to her rights under state law; and a deliberate indifference to applicable internal policies and procedures, all of which constitute clearly established laws.

126. As a direct and proximate result of the actions of Defendant Officers, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

127. As a direct and proximate result of the actions of Defendant Officers, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

128. Defendants Deputy C. Ford and John Does PC Police Officers were employees of the Putnam County Commission and were acting within the scope of their employment with the Putnam County Sheriff's Department at all relevant times during their reckless pursuit of Elswick.

129. The Putnam County Commission is liable for the conduct of said Defendant Officers pursuant to the provisions of W. Va. Code § 29-12A-4(c)(1).

130. Defendants John Does CH Police Officers were employees of the City of Hurricane and were acting within the scope of their employment with the City of Hurricane Police Department at all relevant times during their reckless pursuit of Elswick.

131. The City of Hurricane is liable for the conduct of said Defendant Officers pursuant to the provisions of W. Va. Code § 29-12A-4(c)(1).

132. Plaintiff respectfully demands that he be awarded judgment against the Defendants PCC and CH in an amount to fully compensate him for the injuries suffered by Angela Marie Born, her loss of life, and the injuries and damages suffered by Plaintiff, only up to the limits of the applicable insurance coverage, including but not limited to medical and funeral expenses, and all other losses recoverable in law, as allowed by law, together with prejudgment and post-judgment interest, costs expended in the prosecution of this lawsuit, including reasonable attorney fees, and for such other and further relief as the Court may deem proper.

133. Plaintiff makes no claim for punitive damages against Defendants PCC and CH.

COUNT IV – Negligent Training
(Defendant PCC)

134. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

135. Defendant PCC had a legal duty to properly train its employees, including police officers employed through the Putnam County Sheriff's Department, to refrain from violating the rights of

members of the public while acting in the course of their employment, including the constitutional right to liberty and life.

136. The provisions of W. Va. Code § 17C-2-5(b)(3) authorizes the driver of an emergency vehicle to exceed speed limits “so long as he does not endanger life or property.”

137. Further, W. Va. Code § 17C-2-5(d) maintains the legal duty upon an emergency vehicle driver to drive with due regard for the safety of all persons and clarifies that its provisions do not protect the driver from the consequences of his reckless disregard for the safety of others.

138. Upon information and belief, Defendant PCC maintains policies and procedures regarding the pursuit of motor vehicles, high-speed chases, and the use of TDD spike strips.

139. Defendant PCC had a legal duty to properly train its employees, including Defendants Deputy Ford and John Does PC Police Officers, to properly and safely engage in vehicular pursuits, high-speed chases, and the use of TDD spike strips.

140. Defendant PCC had a legal duty to properly train its employees, including Defendants Deputy Ford and John Does PC Police Officers, that negligent, reckless, and improper vehicular pursuits, high-speed chases, and improper use of TDD spike strips would result in a violation of Constitutional rights, state law, and internal policies and procedures, all of which are clearly established laws.

141. Defendant PCC violated its duty to properly train its employees, including Defendants Deputy Ford and John Does PC Police Officers.

142. As a proximate result of the negligent training on the part of PCC, the Defendants Deputy Ford and John Does PC Police Officers caused Angela Marie Born to suffer a deprivation of her liberty and life under the Fourteenth Amendment of the United States Constitution, and in violation of state laws and internal policies and procedures.

143. Defendant PCC is vicariously liable for the negligent actions and inactions of its employees and agents.

144. Defendant PCC is liable for its negligent failure to train its employees, including Defendants Deputy Ford and John Does PC Police Officers, the negligent acts and omissions of its employees and those whom it supervised, and for violations of clearly established duties under the law.

145. As a direct and proximate result of the negligent training on the part of Defendant PCC, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

146. As a direct and proximate result of the actions of Defendant PCC Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

147. Plaintiff respectfully demands that he be awarded judgment against Defendant PCC in an amount to fully compensate him for the injuries suffered by Angela Marie Born, her loss of life, and the injuries and damages suffered by Plaintiff, only up to the limits of the applicable insurance coverage, including but not limited to medical and funeral expenses, and all other losses recoverable in law, as allowed by law, together with prejudgment and post-judgment interest, costs expended in the prosecution of this lawsuit, including reasonable attorney fees, and for such other and further relief as the Court may deem proper.

148. Plaintiff makes no claims for punitive damages against Defendant PCC.

**COUNT V – Negligent Training
(Defendant CH)**

149. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

150. Defendant CH had a legal duty to properly train its employees, including John Does CH Police Officers employed through the City of Hurricane Police Department, to refrain from violating the rights of members of the public while acting in the course of their employment, including the constitutional right to liberty and life.

151. The provisions of W. Va. Code § 17C-2-5(b)(3) authorizes the driver of an emergency vehicle to exceed speed limits “so long as he does not endanger life or property.”

152. Further, W. Va. Code § 17C-2-5(d) maintains the legal duty upon an emergency vehicle driver to drive with due regard for the safety of all persons and clarifies that its provisions do not protect the driver from the consequences of his reckless disregard for the safety of others.

153. Upon information and belief, Defendant CH maintains policies and procedures regarding the pursuit of motor vehicles, high-speed chases, and the use of TDD spike strips.

154. Defendant CH had a legal duty to properly train its employees, including Defendants John Does CH Police Officers, to properly and safely engage in vehicular pursuits, high-speed chases, and the use of TDD spike strips.

155. Defendant CH had a legal duty to properly train its employees, including Defendants John Does CH Police Officers, that negligent, reckless, and improper vehicular pursuits, high-speed chases, and improper use of TDD spike strips would result in a violation of Constitutional rights, state law, and internal policies and procedures, all of which are clearly established laws.

156. Defendant CH violated its duty to properly train its employees, including Defendants John Does CH Police Officers.

157. As a proximate result of the negligent training on the part of CH, the Defendants John Does CH Police Officers caused Angela Marie Born to suffer a deprivation of her liberty and life under the Fourteenth Amendment of the United States Constitution, and in violation of state laws and internal policies and procedures.

158. Defendant CH is vicariously liable for the negligent actions and inactions of its employees and agents.

159. Defendant CH is liable for its negligent failure to train its employees, including Defendants John Does CH Police Officers, the negligent acts and omissions of its employees and those whom it supervised, and for violations of clearly established duties under the law.

160. As a direct and proximate result of the negligent training on the part of Defendant CH, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

161. As a direct and proximate result of the actions of Defendant CH Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

162. Plaintiff respectfully demands that he be awarded judgment against Defendant CH in an amount to fully compensate him for the injuries suffered by Angela Marie Born, her loss of life, and the injuries and damages suffered by Plaintiff, only up to the limits of the applicable insurance coverage, including but not limited to medical and funeral expenses, and all other losses recoverable in law, as allowed by law, together with prejudgment and post-judgment interest, costs expended in the prosecution of this lawsuit, including reasonable attorney fees, and for such other and further relief as the Court may deem proper.

163. Plaintiff makes no claims for punitive damages against Defendant CH.

**COUNT VI – Negligent Supervision
(Defendant PCC)**

164. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

165. Defendant PCC had a legal duty to properly supervise its employees to avoid violations of the Constitution, state law, and internal policies and procedures while acting within the scope of employment.

166. Defendant PCC had a legal duty to properly supervise its employees, including Defendant Deputy C. Ford and Defendants John Does PC Police Officers with respect to the rights and privileges of the public under the Constitution, state law, and internal policies and procedures, and, in particular, with regard to the vehicular pursuits, high-speed chases, and the use of TDD spike strips.

167. Defendant PCC failed to properly supervise its employees, including Defendants Deputy Ford and John Does PCC Police Officers, and failed to ensure that said Defendant Officers refrained from violating the Fourteenth Amendment, state law, including W. Va. Code § 17-C-2-5(b)(3), and internal policies and procedures, all of which are clearly established laws.

168. Defendant PCC is vicariously liable for the actions and inactions of its employees resulting from such negligent supervision.

169. As a direct and proximate result of the actions of Defendant PCC, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

170. As a direct and proximate result of the actions of Defendant PCC, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills,

loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

171. Plaintiff respectfully demands that he be awarded judgment against Defendant PCC in an amount to fully compensate him for the injuries suffered by Angela Marie Born, her loss of life, and the injuries and damages suffered by Plaintiff, only up to the limits of the applicable insurance coverage, including but not limited to medical and funeral expenses, and all other losses recoverable in law, as allowed by law, together with prejudgment and post-judgment interest, costs expended in the prosecution of this lawsuit, including reasonable attorney fees, and for such other and further relief as the Court may deem proper.

172. Plaintiff makes no claims for punitive damages against Defendants PCC.

**COUNT VII – Negligent Supervision
(Defendant CH)**

173. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

174. Defendant CH had a legal duty to properly supervise its employees to avoid violations of the Constitution, state law, and internal policies and procedures while acting within the scope of employment.

175. Defendant CH had a legal duty to properly supervise its employees, including Defendants John Does CH Police Officers, with respect to the rights and privileges of the public under the Constitution, state law, and internal policies and procedures, and, in particular, with regard to the vehicular pursuits, high-speed chases, and the use of TDD spike strips.

176. Defendant CH failed to properly supervise its employees, including Defendants John Does CH Police Officers, and failed to ensure that said Defendant Officers refrained from violating

the Fourteenth Amendment, state law, including W. Va. Code § 17-C-2-5(b)(3), and internal policies and procedures, all of which are clearly established laws.

177. Defendant CH is vicariously liable for the actions and inactions of its employees resulting from such negligent supervision.

178. As a direct and proximate result of the actions of Defendant CH, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

179. As a direct and proximate result of the actions of Defendant CH, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

180. Plaintiff respectfully demands that he be awarded judgment against Defendant CH in an amount to fully compensate him for the injuries suffered by Angela Marie Born, her loss of life, and the injuries and damages suffered by Plaintiff, only up to the limits of the applicable insurance coverage, including but not limited to medical and funeral expenses, and all other losses recoverable in law, as allowed by law, together with prejudgment and post-judgment interest, costs expended in the prosecution of this lawsuit, including reasonable attorney fees, and for such other and further relief as the Court may deem proper.

181. Plaintiff makes no claims for punitive damages against Defendant CH.

**COUNT VIII – *Monell* Liability for Violations of 42 U.S.C. § 1983
(Defendant PCC)**

182. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

183. Prior to March 5, 2026, Defendant PCC developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in and around Putnam County, West Virginia, which caused the violations of the rights and privileges ensured to Angela Marie Born through the Fourteenth Amendment to the United States Constitution, West Virginia law, and internal policies and procedures.

184. Defendant PCC, through specific and implied customs, plans and training policies, allowed their police officers to engage in inappropriate vehicular pursuits, high-speed chases, and improper use of TDD spike strips, contrary to federal and state laws, national standards, and professional guidelines.

185. Upon information and belief, Defendant PCC engaged in patterns and customs that allowed improper conduct by their employees, including Defendants Deputy Ford and John Does PCC Police Officers, regarding vehicular pursuits, high-speed chases, and the use of TDD spike strips, and acted in such a reckless, negligent and improper manner so that the constitutional rights of the public, including Angela Marie Born, were violated.

186. Upon information and belief, Defendant PCC inadequately and improperly hired, trained, and/or supervised its police officers, including Defendants Deputy Ford and John Does PCC Police Officers named herein.

187. Upon information and belief, Defendant PCC improperly tolerated and implicitly approved of the acts of misconduct by its police officers during vehicular pursuits, high-speed chases, and use of TDD spike strips; did not require appropriate in-service training or re-training of officers who were known to have engaged in misconduct while engaged in such activities; failed to train its employees on how to report observed misconduct during vehicular or high-speed chases or the use of TDD spike strips; failed to supervise police officers engaged in vehicular or high-

speed chases or the use of TDD spike strips; and failed to properly investigate complaints against their respective employees about such actions, including Defendant Officers.

188. Upon information and belief, Defendant PCC failed to adequately discourage further constitutional violations on the part of its police officers, resulting in a high likelihood of additional occurrences of improper misconduct during vehicular or high-speed chases or the use of TDD spike strips, all of which was foreseeable by Defendant PCC.

189. Upon information and belief, the policies and customs of Defendant PCC are evidenced through practices that are so persistent and widespread as to constitute a custom or usage with the force of law.

190. Upon information and belief, as a result of the above-described policies and customs, police officers employed by PCC, including Defendants Deputy Ford and John Does PCC Police Officers, believed that their actions would not be properly monitored by supervisory officers and that such misconduct, including conduct that included Constitutional violations and other improper contact, would not be investigated or sanctioned.

191. Upon information and belief, Defendant PCC developed and maintained official policies or customs fairly attributable to it that proximately caused the deprivation of the Constitutional rights of Angela Marie Born.

192. Upon information and belief, Defendant PCC directly or indirectly, through its patterns, customs, and practices and under color of law, approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of its employees, including Defendants Deputy Ford and John Does PCC Police Officers.

193. As a direct and proximate result of the negligent acts of Defendant PCC as set forth herein, Angela Marie Born suffered a loss of her liberty and life and a violation of her Constitutional and statutory rights.

194. The actions and inactions of Defendant PCC demonstrate a deliberate indifference on the part of said Defendant to the constitutional and statutory rights of Angela Marie Born.

195. Defendant PCC is liable to Plaintiff for its actions and inactions pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

196. Unless such practices are curtailed, there is a high likelihood of a re-occurrence of such unconstitutional acts by employees of Defendant PCC.

197. As a direct and proximate result of the actions of Defendant PCC, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

198. As a direct and proximate result of the actions of Defendant PCC, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

199. Pursuant to the provisions of 42 U.S.C. § 1988, Plaintiff is entitled to an award of attorneys' fees and costs as part of his claim under 42 U.S.C. § 1983.

**COUNT IX – *Monell* Liability for Violations of 42 U.S.C. § 1983
(Defendant CH)**

200. Plaintiff re-alleges and incorporates all previous paragraphs and allegations as though separately set forth herein.

201. Upon information and belief, prior to March 5, 2026, Defendant CH developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of

persons in and around the City of Hurricane, West Virginia, which caused the violations of the rights and privileges ensured to Angela Marie Born through the Fourteenth Amendment to the United States Constitution, West Virginia law, and internal policies and procedures.

202. Defendant CH, through specific and implied customs, plans and training policies, allowed its police officers, including Defendants John Does CH Police Officers, to engage in inappropriate vehicular pursuits, high-speed chases, and improper use of TDD spike strips, contrary to federal and state laws, national standards, and professional guidelines.

203. Upon information and belief, Defendant CH engaged in patterns and customs that allowed improper conduct by their employees, including Defendants John Does CH Police Officers, regarding vehicular pursuits, high-speed chases, and the use of TDD spike strips, and acted in such a reckless, negligent and improper manner so that the constitutional rights of the public, including Angela Marie Born, were violated.

204. Upon information and belief, Defendant CH inadequately and improperly hired, trained, and/or supervised its police officers, including Defendants John Does CH Police Officers named herein.

205. Upon information and belief, Defendant CH improperly tolerated and implicitly approved of the acts of misconduct by its police officers during vehicular pursuits, high-speed chases, and use of TDD spike strips; did not require appropriate in-service training or re-training of officers who were known to have engaged in misconduct while engaged in such activities; failed to train its employees on how to report observed misconduct during vehicular or high-speed chases or the use of TDD spike strips; failed to supervise police officers engaged in vehicular or high-speed chases or the use of TDD spike strips; and failed to properly investigate complaints against their respective employees about such actions, including Defendant Officers.

206. Upon information and belief, Defendant CH failed to adequately discourage further constitutional violations on the part of its police officers, resulting in a high likelihood of additional occurrences of improper misconduct during vehicular or high-speed chases or the use of TDD spike strips, all of which was foreseeable by Defendant CH.

207. Upon information and belief, the policies and customs of Defendant CH are evidenced through practices that are so persistent and widespread as to constitute a custom or usage with the force of law.

208. Upon information and belief, as a result of the above-described policies and customs, police officers employed by CH, including Defendants John Does CH Police Officers, believed that their actions would not be properly monitored by supervisory officers and that such misconduct, including conduct that included Constitutional violations and other improper conduct, would not be investigated or sanctioned.

209. Upon information and belief, Defendant CH developed and maintained official policies or customs fairly attributable to them that proximately caused the deprivation of the Constitutional rights of Angela Marie Born.

210. Upon information and belief, Defendant CH, directly or indirectly, through its patterns, customs, and practices and under color of law, approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of its employees, including Defendants John Does CH Police Officers.

211. As a direct and proximate result of the negligent acts of Defendant CH as set forth herein, Angela Marie Born suffered a loss of her liberty and life and a violation of her Constitutional and statutory rights.

212. The actions and inactions of Defendant CH demonstrate a deliberate indifference on the part of said Defendant to the constitutional and statutory rights of Angela Marie Born.

213. Defendant CH is liable to Plaintiff for its actions and inactions pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

214. Unless such practices are curtailed, there is a high likelihood of a re-occurrence of such unconstitutional acts by employees of Defendant CH.

215. As a direct and proximate result of the actions of Defendant CH, Angela Marie Born suffered great fear, emotional distress, pain and suffering, and death.

216. As a direct and proximate result of the actions of Defendant CH, Plaintiff, individually and as Executor of the Estate of Angela Marie Born, has suffered substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, funeral bills, loss of income, loss of services, severe emotional distress, mental anguish, loss of companionship, loss of enjoyment of life, and other such costs and expenses.

217. Pursuant to the provisions of 42 U.S.C. §1988, Plaintiff is entitled to an award of attorneys' fees and costs as part of his claim under 42 U.S.C. §1983.

PRAYER FOR RELIEF AND DEMAND FOR JURY TRIAL

WHEREFORE, the Plaintiff prays for and demands a trial by jury on all issues so triable and for judgment against the Defendants in an amount exceeding the minimum jurisdictional requirements of this Court, and in such sums as will fairly and fully compensate Plaintiff for his losses, injuries, and damages proximately caused by the wrongful conduct of the Defendants, including but not limited to:

- A. All recoverable damages, including and without limitations those damages permitted and available under 42 U.S.C. § 1983 against Defendants Deputy C. Ford, John Does PC Police Officers, and John Does CH Police Officers for Fourteenth Amendment violations;
- B. All recoverable damages, including and without limitations those damages permitted and available under 42 U.S.C. § 1983 against Defendants John Does PC Police Officers and John Does CH Police Officers under bystander liability;
- C. All recoverable damages permitted by law for Plaintiff's claims of negligence against all Defendants;
- D. All recoverable damages, including and without limitations, those damages permitted and available against Defendant Putnam County Commission for negligent training and negligent supervision;
- E. All recoverable damages, including and without limitations, those damages permitted and available against Defendant City of Hurricane for negligent training and negligent supervision;
- F. All recoverable damages, including and without limitations those damages permitted and available under 42 U.S.C. § 1983 against Defendant Putnam County Commission and for the actions and inactions of its employees and agents for which it is vicariously liable under *Monell*;
- G. All recoverable damages, including and without limitations those damages permitted and available under 42 U.S.C. § 1983 against Defendant City of Hurricane and for the actions and inactions of its employees and agents for which it is vicariously liable under *Monell*;
- H. General damages on all counts for loss of the life of Angela Marie Born;

- I. General damages on all counts for damages suffered by Plaintiff, including medical and funeral costs and bills, mental suffering, emotional distress, trauma, conscious pain and suffering, loss of future earning capacity, loss of companionship, mental anguish, past and future pain and suffering, and all other damages as allowed by law that have been suffered by the Plaintiff;
- J. Compensatory damages for all past and future damages including but not limited to economic losses and expenses incurred by the Plaintiff as a result of the Defendants' conduct;
- K. Damages in compensation for pain and suffering;
- L. Damages in compensation for loss of enjoyment of life;
- M. Any and all other allowable compensatory damages;
- N. Punitive damages against the individual Defendants Deputy C. Ford, John Does PC Police Officers and John Does CH Police Officers sufficient to punish and deter the Defendants for their willful, wanton, reckless conduct, undertaken with conscious, reckless, and outrageous indifference to the health, safety, and welfare of Angela Marie Born and to deter such conduct in the future;
- O. Plaintiff specifically makes no claim for punitive damages against Defendants Putnam County Commission or City of Hurricane;
- P. Pre- and post-judgement interest;
- Q. Costs incurred in this action and reasonable attorneys' fees under 42 U.S.C. § 1988, 42 U.S.C § 1983, and as authorized by state law and all other applicable legal authority; and
- R. Such other and further relief as may seem fair and just and that the interests of justice may require and that this Court deems just under the circumstances.

PLAINTIFF DEMANDS A TRIAL BY JURY.

**John M. Born, Individually and as Executor
of the Estate of Angela Marie Born, Plaintiff,**

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