

COMMONWEALTH OF KENTUCKY
MARSHALL CIRCUIT COURT
DIVISION 1
CIVIL ACTION NO. 19-CI-_____
ELECTRONICALLY FILED

BRIAN COPE AND TERESA COPE,
INDIVIDUALLY AND AS
CO-ADMINISTRATORS OF THE ESTATE
OF PRESTON RYAN COPE, DECEASED

PLAINTIFFS

v.

COMPLAINT

GABRIEL ROSS PARKER

DEFENDANTS

Serve: Mary Garrison Minyard
81 Windjammer Loop
Hardin, Kentucky 42048
By certified mail

and

Serve: Matt Harned
Superintendent
McCracken Juvenile Detention Center
500 County Park Road
Paducah, Kentucky 42001
By certified mail

JUSTIN MINYARD

Serve: 81 Windjammer Loop
Hardin, Kentucky 42048
By certified mail

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Garmer & Prather, PLLC
141 North Broadway
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(859) 254-9351
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MARY GARRISON MINYARD

Serve: 81 Windjammer Loop
Hardin, Kentucky 42048
By certified mail

Come the Plaintiffs, Brian Cope and Teresa Cope, individually and as co-administrators of the Estate of Preston Ryan Cope, deceased ("Plaintiffs"), and for their causes of action against Defendants state as follows:

PARTIES, JURISDICTION, AND VENUE

1. The Plaintiffs' decedent, Preston Ryan Cope, was at all times stated herein a citizen and resident of Benton, Marshall County, Kentucky.
2. The Plaintiffs, Brian Cope and Teresa Cope were at all times stated herein the parents of Preston Ryan Cope and were and are citizens and residents of Benton, Marshall County, Kentucky. Brian Cope and Teresa Cope were appointed Co-Administers of the Estate of Preston Ryan Cope by the Marshall District Court on January 17, 2019. A copy of the order of appointment is attached as Exhibit "A."
3. The Defendant Gabriel Ross Parker is, and was at all times stated herein a citizen and resident of Hardin, Marshall County, Kentucky, and at all times stated herein was in the custody of his mother, Mary Garrison Minyard, who may be served on his behalf pursuant to CR 4.04(3). Furthermore, on information and belief, Gabriel Ross Parker is currently confined to the McCracken Juvenile Detention Center, where he may be served by serving the person having charge of him, Matt Harned.
4. The Defendant Justin Minyard is, and was at all times stated herein, a citizen and resident of Hardin, Marshall County, Kentucky.
5. The Defendant Mary Garrison Minyard is, and was all times stated herein, a citizen and resident of Hardin, Marshall County, Kentucky.

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6. Jurisdiction is proper in that the subject events and actions complained of herein took place in Marshall County, Kentucky and the damages for each claim exceed the minimum jurisdictional amount required to establish the jurisdiction of this Court.

7. Venue of this action rests in Marshall County, Kentucky pursuant to KRS 452.460(1) and/or KRS 454.210(4).

FACTUAL BACKGROUND

8. On the morning of January 23, 2018, Gabriel Ross Parker entered Marshall County High School armed with a Ruger 9mm semi-automatic pistol.

9. Once inside the school, Gabriel Ross Parker opened fire into a crowd of students assembled in the common area of the high school. He continued firing the weapon until the weapon contained no more ammunition.

10. Gabriel Ross Parker shot numerous students, including Preston Ryan Cope. Preston Ryan Cope later died from the injuries he sustained in the shooting.

11. Upon information and belief, the handgun, a Ruger 9mm semi-automatic pistol, was possessed by and under the control of Gabriel Ross Parker's mother, Mary Garrison Minyard, and stepfather, Justin Minyard, and was left – with ammunition – unlocked and in an easily accessible location at the residence they shared with Gabriel Ross Parker.

12. Upon information and belief, Gabriel Ross Parker's bedroom contained materials, publications, and items devoted to deadly weapons and violence as well as WWII and the Nazi Regime.

13. Upon information and belief, Gabriel Ross Parker's phone contained images, video, and/or written material pertaining to school shootings.

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14. Upon information and belief, Gabriel Ross Parker made reference to “the kids [he] may hurt” as long as six months before his deadly rampage at Marshall County High School on January 23, 2018.

15. Upon information and belief, Gabriel Ross Parker spoke openly about violence and joining the Mafia prior to carrying out the subject act of violence upon Preston Ryan Cope and his classmates.

16. Preston Ryan Cope endured great pain of body and anguish of mind, and death as a result of the events stated herein.

17. His mother and father, Brian Cope and Teresa Cope, have endured emotional distress and have lost and been deprived of the love, affection, and companionship of their son, Preston Ryan Cope.

18. Plaintiffs are entitled to the damages flowing from the Defendants’ negligence that are in excess of the jurisdictional limits of this Court.

COUNT I
NEGLIGENCE OF GABRIEL ROSS PARKER

19. Plaintiffs reaffirm and reallege each and every preceding allegation of the Complaint and incorporates same by reference as if fully set forth herein.

20. The negligence, carelessness, recklessness, and total disregard for the lives and safety of others by Gabriel Ross Parker, as stated hereinabove, resulted in Preston Ryan Cope’s premature death.

21. Gabriel Ross Parker owed a duty of ordinary care to the Plaintiffs, and negligently breached said duty of care by wantonly and in total disregard for the health and safety of his MCHS classmates, employees, and general public when he wildly opened fire in the school.

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22. These omissions and commissions by Gabriel Ross Parker were substantial factors in Plaintiffs' injuries, as well as Preston Ryan Cope's death.

COUNT II
NEGLIGENCE PER SE

23. Plaintiffs reaffirm and reallege each and every preceding allegation of the Complaint and incorporates same by reference as if fully set forth herein.

24. On January 23, 2018, Kentucky law prohibited a minor from possessing firearms under KRS 527.100.

25. On January 23, 2018, Kentucky law generally prohibited a private citizen from carrying a concealed firearm unless he or she held a permit to do so pursuant to KRS 237.110 or KRS 237.138 to 237.142.

26. KRS 237.110, which governs the issue of such permits, also lists places where concealed carry is prohibited, including any elementary or secondary school facility without the consent of school authorities.

27. Gabriel Ross Parker was in violation of the referenced Kentucky statutes designed to prevent the injuries herein alleged to the general public that includes Preston Ryan Cope.

28. On January 23, 2018, Gabriel Ross Parker violated KRS 527.100 when, being under the age of eighteen, Gabriel Ross Parker possessed and transported a handgun from his mother and stepfather's residence to Marshall County High School.

29. On January 23, 2018, Gabriel Ross Parker violated KRS 237.110 and/or KRS 237.138 to 237.142 when Gabriel Ross Parker possessed a handgun without a permit and entered into Marshall County High School without the consent of school authorities.

30. Gabriel Ross Parker owed a duty of ordinary care to the Plaintiffs, and negligently breached said duty of care.

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31. Gabriel Ross Parker's negligence was a substantial factor in Plaintiffs' injuries, as well as Preston Ryan Cope's death.

COUNT III
NEGLIGENCE OF MARY AND JUSTIN MINYARD

32. Plaintiffs reaffirm and reallege each and every preceding allegation of the Complaint and incorporates same by reference as if fully set forth herein.

33. Upon information and belief, Gabriel Ross Parker lived in a house with Mary Garrison Minyard and Justin Minyard.

34. Upon information and belief, Mary Garrison Minyard, mother of Gabriel Ross Parker, and Justin Minyard, his stepfather, were the legal or otherwise putative guardians of Gabriel Ross Parker.

35. Upon information and belief, Mary Garrison Minyard and Justin Minyard possessed a dangerous instrumentality – the subject Ruger 9mm semi-automatic pistol – requiring them to exercise of an exceptional degree of care to ensure that Gabriel Ross Parker could not access the pistol.

36. Mary Garrison Minyard and Justin Minyard had a duty to exercise ordinary care to secure their firearm so that it could not be improperly accessed and appropriated by Gabriel Ross Parker.

37. Mary Garrison Minyard and Justin Minyard knew or should have known that Gabriel Ross Parker had a propensity for violence based upon his reported obsession with guns and violence, and threats made on social media at least six months prior to killing Preston Ryan Cope.

38. Mary Garrison Minyard and Justin Minyard owed a duty of care to Preston Ryan Cope as well as the public at large to ensure that Gabriel Ross Parker would not use the subject

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firearm which was under their control in such a manner as to create an unreasonable risk of harm to others.

39. Mary Garrison Minyard and Justin Minyard had the opportunity to exercise such control but negligently breached their duty of care.

40. Mary Garrison Minyard and Justin Minyard negligently entrusted to Gabriel Parker the firearm that was used to cause the injury to and death of Preston Cope.

41. These omissions and commissions by Mary Garrison Minyard and Justin Minyard were substantial factors in causing Preston Ryan Cope's death, and said death was a natural and probable consequence of same.

COUNT IV **NEGLIGENT SUPERVISION**

42. Plaintiffs reaffirm and reallege each and every preceding allegation of the Complaint and incorporates same by reference as if fully set forth herein.

43. Mary Garrison Minyard and Justin Minyard stored the subject firearm and ammunition in an easily accessible location at the residence they shared with Gabriel Ross Parker.

44. Mary Garrison Minyard and Justin Minyard reasonably should have known that Gabriel Ross Parker would likely gain access to the subject firearm and ammunition.

45. Mary Garrison Minyard and Justin Minyard knew or should have known that Gabriel Ross Parker had a propensity for violence based upon his reported obsession with guns, violence, and threats made on social media at least six months prior to killing Preston Ryan Cope.

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46. Mary Garrison Minyard and Justin Minyard owed a duty of care to Preston Ryan Cope as well as the public at large to ensure that Gabriel Ross Parker could not access the pistol and use the pistol to create an unreasonable risk of harm to others.

47. Mary Garrison Minyard and Justin Minyard negligently breached said duty of care.

48. These omissions and commissions by Mary Garrison Minyard and Justin Minyard were substantial factors in causing Preston Ryan Cope's death.

DAMAGES

49. As a result of his injuries stated hereinabove Preston Ryan Cope suffered and endured great pain of body and anguish of mind to his damage, in an amount which is fair and reasonable and in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court, which claim survives his death pursuant to KRS 411.140 and is brought by his surviving parents as co-administrators of his estate.

50. As a result of his injuries stated hereinabove, the Estate of Preston Ryan Cope incurred medical expenses, in an amount which is fair and reasonable and in excess of the minimum dollar amount necessary to establish jurisdiction of this Court.

51. As a result of his injuries stated hereinabove, the Estate of Preston Ryan Cope suffered a total and complete destruction of Preston Ryan Cope's power to earn money, to its damage in an amount that is fair and reasonable and in excess of the minimum jurisdictional amount of this Court.

52. As a result of his injuries stated hereinabove, Preston Ryan Cope's mother Teresa Cope has lost and been deprived of the love, affection, and companionship of her minor child, all

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to her damage, in an amount in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court.

53. As a result of his injuries stated hereinabove, Preston Ryan Cope's father Brian Cope has lost and been deprived of the love, affection, and companionship of his minor child, all to his damage, in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court.

54. As a result of the gross negligence, willful or wanton misconduct, and malice stated herein by Defendants Gabriel Ross Parker, Justin Minyard, and Mary Garrison Minyard, the Plaintiffs, and all of them, are entitled to an award of punitive or exemplary damages in an amount that is fair and reasonable and in excess of the minimum amount required to invoke the jurisdiction of this Court.

WHEREFORE, the Plaintiffs demand:

1. Judgment against the Defendant, Gabriel Ross Parker, in an amount which is fair and reasonable and in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court;

2. Judgment against the Defendant, Justin Minyard, in an amount which is fair and reasonable and in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court;

3. Judgment against the Defendant, Mary Garrison Minyard, in an amount which is fair and reasonable and in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court;

4. Punitive damages;

5. Judgment against all of the Defendants, jointly and severally;

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6. Pre-judgment interest;
7. Post-judgment interest;
8. Costs expended herein;
9. Trial by jury; and,
10. Any and all other relief to which Plaintiffs may reasonably be entitled.

Respectfully submitted,

ATTORNEYS FOR PLAINTIFFS

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