

NO. 95CI 04726

JEFFERSON CIRCUIT COURT
ELEVENTH DIVISION

JUDY TAYLOR

PLAINTIFF

vs.

LISA BURGESS, ET AL

DEFENDANTS

AMENDED COMPLAINT

Comes the Plaintiff, Judy Taylor, by counsel and for her Amended Complaint filed herein, states as follows:

COUNT I

1. Plaintiff reiterates and re-incorporates into this Amended Complaint, each and every allegation contained in Counts I through IV of Plaintiff's original Complaint.

COUNT II

2. That the Defendant, Ryan Horse Company, Inc., is a Kentucky corporation with its principal place of business in Elizabethtown, Kentucky. Ryan Horse Company, is in the business of purchasing horses and reselling same to horse slaughter facilities in Canada, Illinois and Ft. Worth, Texas. Ryan Horse Company, Inc. sells approximately 60 to 200 horses each and very week to slaughter facilities. Ryan Horse Company, Inc. is an enterprise engaged in and the activities of which affect interstate and foreign commerce within the meaning of 18 USC §1961(4) and §1962.

3. Defendant, James Ryan is President and the major shareholder and owner of Ryan Horse Company, Inc., and has been the Company's chief executive Officer and

President since its inception. Upon information and belief, James Ryan resides in this Commonwealth and determines all Ryan Horse Company, Inc.'s policy matters and controls its conduct in all respects. Prior to the incorporation of Ryan Horse Company, Inc. by James Ryan, James Ryan operated Ryan Horse Company, which enterprise was an unincorporated business engaging in the same and similar acts and practices under the control of James Ryan.

4. Defendant, Jason Ryan also resides in this Commonwealth and actively participates in Ryan Horse Company's policy determinations. Defendant, Jason Ryan's duties include any and all actions deemed necessary for the purchases of horses resold to slaughter.

5. Ryan Horse Company, Inc., James Ryan and Jason Ryan developed a pattern of fraudulent schemes which are utilized within the market for the operation of a business to purchase horses an unknown number of which are stolen from the public for purposes of quick and immediate resale to slaughter.

6. As a result of Ryan Horse Company, Inc., James Ryan and Jason Ryan's violations of both state and federal law, as hereinafter set forth and alleged, the Plaintiff's horses were sold to a horse slaughter facility in Ft. Worth, Texas and said horses were in fact, slaughtered on September 26, 1994.

7. The conduct of Ryan Horse Company, Inc., James Ryan and Jason Ryan was in violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 USC §1961 et. seq., the Wire and Mail fraud Statutes, 18 USC §1343 ad §1341

respectively, as well as, the interference with interstate commerce, (§1951), interstate transportation of stolen property (Sections 2314 and 2315) as well as, potentially others which additional discovery may determine.

8. This Court has concurrent jurisdiction over the Plaintiff's claims with the federal court of this jurisdiction.

9. In order to develop and maintain a plan or scheme which promotes the supply of horses for slaughter, Defendants Ryan Horse Company, Inc., James Ryan and Jason Ryan induce and protect the deceptive acts and practices used by Ryan Horse Company, Inc., James Ryan, Jason Ryan and others who supply stolen horses to Defendants, Ryan Horse Company, Inc., and James Ryan. The Defendants, Ryan Horse Company, Inc., James Ryan and Jason Ryan by interstate mail and interstate wire and in person, have made on at least two (2) occasions within ten (10) years of one another, intentional fraudulent oral and written misrepresentations and/or knowingly failed to make full and fair disclosure of certain material facts to Plaintiff and others inquiring about the whereabouts of their horses which were stolen and which were purchased by Defendant, Ryan Horse Company, Inc., James Ryan, Jason Ryan and/or agents or employees thereof and have engaged in a course of conduct and business practice designed to procure stolen horses and ship same for slaughter.

The representations included, but are not limited to, denial that Ryan Horse Company, Inc., James Ryan and Jason Ryan were in possession of Plaintiff's horses when questioned under oath regarding same on or about September 21, 1994.

10. Ryan Horse Company, Inc., by and through its agents and James Ryan knew and intended that said misrepresentations and denials made to Plaintiff would result in Defendants Ryan Horse Company, Inc., and James Ryan retaining possession of said horses despite Plaintiff's search for same until said horses could be shipped via interstate carrier to Bel-Tex slaughter facility in Ft. Worth, Texas.

11. In reliance on said misrepresentations, Plaintiff did not make further efforts to view Ryan Horse Company, Inc.'s facilities or determine if a Ryan Horse Company, Inc. employee had purchased said horses. At the very moment Defendant, James Ryan denied having possession of said horses, P.J. and Poco were in the possession of Defendants Ryan Horse Company, Inc., James Ryan and Jason Ryan and were indeed, sold to slaughter shortly thereafter, which is a consistent scheme or plan developed by Ryan Horse Company, Inc., James Ryan and Jason Ryan to defraud and deceive consumers. This plan works so well that stolen horses are believed sold in great numbers for slaughter. The ultimate destination of said horses is either never determined or determined too late by their owners.

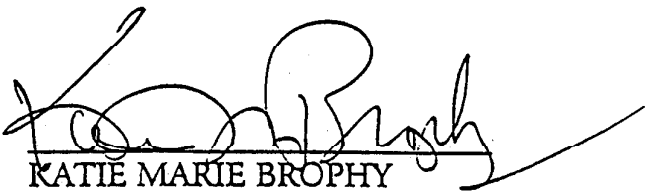
11. Defendants Ryan Horse Company, Inc., James Ryan, Jason Ryan and others who participate with Defendants, Ryan Horse Company, Inc./James Ryan/ Jason Ryan operate in such a fashion as to render a review of their business records completely unproductive and useless in determining the whereabouts of stolen horses. They further transport horses and operate their business in such a manner as to eliminate any chance for an individual whose horse is stolen to retrieve same prior to slaughter.

12. In furtherance of the aforesaid intentionally fraudulent and deceptive business practices and schemes, Defendants Ryan Horse Company, Inc./James Ryan and their employees and agents made extensive use of the United States Mail in repeated violations of 18 USC §1341 (mail fraud) to execute, effectuate, facilitate and further the aforesaid purchase scheme of stolen horses sold to slaughter.

13. In furtherance of same, Defendants Ryan Horse Company, Inc./James Ryan made numerous interstate telephone calls and made other uses of interstate wire facilities in repeated violation of 18 USC §1943 (wire fraud).

WHEREFORE, Plaintiff, Judy Taylor, demands:

1. Judgment against Defendants, Ryan Horse Company, Inc., James Ryan and Jason Ryan jointly and severally pursuant to 18 USC §1961-1968, as well as compensatory, treble and punitive damages commensurate therewith.


KATIE MARIE BROPHY
101 N. Seventh Street
Louisville, Kentucky 40202
(502) 561-3486
Attorney for Plaintiff