

COMMONWEALTH OF KENTUCKY
McCRAKEN CIRCUIT COURT
CASE NUMBER _____

WEST END KIDS ACADEMY, LLC

PLAINTIFF

VS.

COMPLAINT
Electronically Filed

WEST BEND MUTUAL INSURANCE COMPANY

serve: Process Agent
1900 South 18th Avenue
West Bend, WI 53095

DEFENDANT

The Plaintiff, West End Kids Academy, LLC (“West End Kids”), by counsel, for its cause of action against the Defendant, West Bend Mutual Insurance Company (“West Bend”), states as follows:

Count I

1. At all times herein mentioned Plaintiff was a Kentucky Limited Liability Company and the acts and events complained of herein occurred within McCracken County, Kentucky.
2. Defendant is a Foreign Corporation with its principal place of business at 1900 South 18th Avenue, West Bend, WI 53095.
3. Summons to the Defendant should be issued and served through the Secretary of State upon Defendant’s agent for service of process: General Counsel, 1900 South 18th Avenue, West Bend, WI 53095.
4. Plaintiff is a childcare provider.
5. Defendant is a Mutual Insurance Company.
6. Plaintiff took out an insurance policy with Defendant that has been in effect from January 15, 2020 to present.

7. At all times mentioned herein, Plaintiff paid the relevant premiums and complied with the terms of the insurance policy.
8. Among other things, this insurance policy covered actual loss of business income and extra expenses sustained as the result of business operations being temporarily shut down or suspended as ordered by a governmental entity with jurisdiction over the business operations.
9. In early 2020, Plaintiff, and other similarly situated businesses, were ordered by the Commonwealth of Kentucky to cease business operations due to the COVID-19 pandemic.
10. Plaintiff timely filed a claim for loss of business income and extra expenses with the Defendant, but the claim was denied.
11. As a result of Defendant's breach of contract, Plaintiff has suffered pecuniary losses.
12. Defendant's actions were willful, malicious, and with a reckless disregard for Plaintiff's rights, and its actions amount to bad faith under common law and in violation of KRS 304.12-230, the Unfair Claims Settlement Practices Act, and Plaintiff is therefore entitled to punitive damages.

Wherefore, Plaintiff demands judgment against Defendant in an amount in excess of Five Thousand (\$5,0000) Dollars; punitive damages; a trial by jury; its costs incurred herein; and any and all other relief to which it may appear entitled.

Respectfully Submitted,

/s/ David Bundrick
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