

**FILED**  
JIM BARKER, CLERK  
JUN 14 2010  
ROWAN CIRCUIT/DISTRICT COURTS  
BY: gog D.C.

COMMONWEALTH OF KENTUCKY  
ROWAN CIRCUIT COURT – DIVISION II  
CIVIL ACTION NO. 10-CI 90217

SHEILA HENSLEY, ADMINISTRATOR FOR THE  
ESTATE OF CLARK LEGG

PLAINTIFF

vs.

**COMPLAINT  
JURY TRIAL DEMANDED**

DANDY SERVICE CORPORATION,  
a Pennsylvania corporation

DEFENDANT

Serve: Kentucky Secretary of State  
(pursuant to KRS 454.210)  
Office of the Secretary of State  
Summonses Branch  
700 Capital Avenue, Suite 86  
Frankfort, KY 40601

CHARLES P. MOSCONI

DEFENDANT

Serve: Kentucky Secretary of State  
(pursuant to KRS 454.210)  
Office of the Secretary of State  
Summonses Branch  
700 Capital Avenue, Suite 86  
Frankfort, KY 40601  
\*\*\*\*\*

Plaintiff Sheila Henlsey, administrator for the Estate of Clark Legg,  
for her Complaint against defendants Dandy Service Corporation and  
Charles P. Mosconi herein states as follows:

I

**Nature of the Case**

1. This is an action arising from the death of Clark Legg caused by  
defendants' gross negligence, recklessness and negligence. Plaintiff seeks  
recovery of all damages and relief allowed by law.

**Economical Litigation Project**  
This case is under special  
procedural rules. A discovery  
conference will be set within 15  
days after answer has been filed.

II

**Jurisdiction and Venue**

2. This Court has jurisdiction over this matter pursuant to KRS 23A.010, because the amount in controversy exceeds this Court's jurisdictional minimum. Venue is proper in the Rowan Circuit Court because Clark Legg was killed in Rowan County, Kentucky.

III

**Parties**

3. Plaintiff Sheila Hensley is the daughter of the deceased, Clark Legg. Ms. Hensley was appointed by order of the Morgan District Court the administrator for the Estate of Clark Legg. Hensley is a resident of Fayette County, Kentucky.

4. Defendant Dandy Service Corporation (Dandy) is a Pennsylvania corporation that maintains a place at 916 Brush Creek Road, Warrenton, PA 15086. Dandy's president, according to records maintained by the Pennsylvania Department of State, is Daniel W. Lang. Dandy may be served through the Kentucky Secretary of State.

5. Defendant Charles P. Mosconi is, upon information and belief and information that he provided to the Kentucky State Police, a resident of the state of Pennsylvania.

#### IV

#### Facts Giving Rise to Lawsuit

6. On June 15, 2009, Clark Legg was operating a motor vehicle driving westbound on I-64 in Rowan County, Kentucky.

7. Also on June 15, 2009, defendant Mosconi was operating a truck tractor and semi-trailer driving westbound on I-64.

8. Due to gross negligence, recklessness and negligence of Mosconi, the tractor trailer driven by Mosconi struck the vehicle driven by Clark Legg.

9. As a result of the collision, Clark Legg was killed.

10. Defendants owed a duty to Clark Legg and other motorists on I-64 and elsewhere to operate the tractor trailer safely while keeping proper look-out for other vehicles including that operated by Clark Legg.

11. Defendants breached their duty to Clark Legg to operate the tractor trailer safely.

12. Defendant Dandy owned the tractor trailer operated by Mosconi.

13. At the time of the collision that killed Clark Legg, Mosconi was the employee of and acting within the scope of his agency for defendant Dandy.

14. Defendants, in causing the death of Clark Legg, acted with gross negligence and reckless disregard for the life, safety and property of Clark Legg and others.

**V**

**CAUSES OF ACTION**

**Count 1**

15. Plaintiff incorporates paragraphs 1 through 14 hereof as if fully set forth herein.

16. Defendants, acts of negligence, recklessness and/or gross negligence, breached their duty to Clark Legg to operate safely the tractor trailer.

17. As a result of defendants' negligence, recklessness and/or gross negligence, Clark Legg was killed.

18. In causing the death of Clark Legg, defendants acted with gross negligence and reckless disregard for the life, safety and property of Clark Legg.

19. Defendants are liable for the wrongful death of Clark Legg.

**VI**

**DEMAND FOR RELIEF**

WHEREFORE, plaintiff demands the Court enter judgment as follows:

(1) awarding her compensatory damages in an amount in excess of this Court's jurisdictional minimum and such additional amount as determined by a jury to be fair based on the evidence at trial to compensate for the wrongful death of Clark Legg caused by defendants' negligence, gross negligence and/or recklessness;

- (2) awarding her punitive damages against defendants to punish their gross negligence and reckless disregard for the life and property of Clark Legg and to deter repetition of such similar conduct;
- (3) awarding her costs and reasonable attorney's fees herein expended; and
- (4) all such other relief to which she proves entitled.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands pursuant to CR 38 trial by jury of all issues herein so triable.

Respectfully submitted,



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