

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
AT LEXINGTON

WORLD HERITAGE ANIMAL	)	
GENOMIC RESOURCES	)	
	)	
AND	)	
	)	
LUCINDA CHRISTIAN	)	
	)	
PLAINTIFFS	)	
	)	
v.	)	CIVIL ACTION NO. _____
	)	
ALTON H. STULL SR.	)	
4366 Turley Road	)	
Mt. Sterling, KY 40353	)	
	)	
AND	)	
	)	
BRENDA STULL	)	
4366 Turley Road	)	
Mt. Sterling, KY 40353	)	
	)	
AND	)	
	)	
PHILLIP STULL	)	
2565 Stepstone Road	)	
Mt. Sterling, KY 40353	)	
	)	
AND	)	
	)	
PATRICIA STULL	)	
2565 Stepstone Road	)	
Mt. Sterling, KY 40353	)	
	)	
DEFENDANTS	)	Demand for Jury Trial
_____	)	

**COMPLAINT**

**I. Preliminary Statement**

1. This is a federal question action for injunctive relief and damages caused by Defendants' fraudulent, grossly negligent, and illegal conduct. Plaintiffs allege that Defendants illegally disposed of animal carcasses which in turn contaminated a large portion of the land Defendants sold to Plaintiffs. Plaintiffs further allege that Defendants knew of this latent defect and intentionally mislead Plaintiffs during the land inspection process. Plaintiffs further allege once Plaintiffs' livestock became infected, Defendants continued their fraud and began a campaign of harassment to the ongoing detriment of Plaintiffs and their livestock. Plaintiffs further allege that Defendants allowed a known dangerous dog to injure, kill, maim, and destroy Plaintiffs' livestock and other property. Plaintiffs further allege that Defendants were grossly negligent in the keeping and warning of this dog necessitating punitive damages. Due to this illegal conduct by Defendants, Plaintiffs are currently forbidden by federal law from moving the animal herds necessitating injunctive relief under federal regulation.

## **II. Jurisdiction and Venue**

2. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1331 which provides for original district court jurisdiction over cases presenting a federal question.
3. Jurisdiction over the state law claims is conferred upon this Court by 28 U.S.C. § 1367, which provides for supplemental jurisdiction over state law claims which are so related to the federal law claims that they form one case or controversy for Article III purposes.
4. All Defendants reside in this district and, upon information and belief, this is the only district where a substantial portion of the events or omissions giving rise to the claims set forth in this lawsuit took place and that has personal jurisdiction over all defendants; therefore, venue in this district is proper pursuant to 28 U.S.C. § 1391.

### **III. Parties**

5. The plaintiff, World Heritage Animal Genomic Resources (“WHAGR”), at all times material hereto was and is a non-profit entity incorporated in the state of California with a principle place of business in Kentucky.
6. The plaintiff, Lucinda Christian (“Christian”), at all relevant times hereto was and is a resident of Kentucky.
7. The defendant, Alton H. Stull Sr., at all material times hereto was and is a resident of Kentucky.
8. The defendant, Brenda Stull, at all material times hereto was and is a resident of Kentucky.
9. The defendant, Phillip Stull, at all material times hereto was and is a resident of Kentucky.
10. The defendant, Patricia Stull, at all material times hereto was and is a resident of Kentucky.

### **IV. Nature of Defendants’ Conduct**

11. Upon information and belief, Plaintiffs allege: (i) that defendants individually and in conspiracy with one another engaged in the conduct described herein; (ii) that the defendants named above knowingly and/or negligently participated in, acquiesced in, encouraged, implicitly authorized, explicitly authorized, implicitly approved and/or explicitly approved the conduct described herein; (iii) that the conduct described herein resulted from the defendants Alton H. Stull Sr., Brenda Stull, and Phillip Stull (a) failing to properly dispose of animal carcasses pursuant to state law, (b) actively concealing the improper disposal during the land sale process, (c) breaching the land sale contract due to these failures and other breaches of the contract, and/or (d) harboring and failing to warn about a dangerous dog; and/or (iv) that defendants’ conduct was intentional, deliberately

indifferent, negligent, and/or grossly negligent with regard to their legal responsibilities, and justifies an award of actual and punitive damages.

#### **V. Facts**

12. WHAGR is a California non-profit entity whose mission entails the collection and preservation of rare and endangered animals.
13. WHAGR promotes the breeding and genetic storage of these rare and endangered animals
14. WHAGR maintains custody of several priceless animals and maintains custody of valuable animal genetic material used in its breeding programs.
15. In 2018 WHAGR began the process of developing an educational research facility in the state of Kentucky.
16. WHAGR was in the process of reviewing a proposed site when it was introduced to Alton and Brenda Stull (the “Stulls”) who offered favorable terms to WHAGR for the purchase of their property at 2526 Stepstone road in Mt. Sterling, KY (the “Property”).
17. On or about October 10, 2018, WHAGR and the Stulls entered into a purchase agreement for the Property as well as a temporary lease for a portion of the Property.
18. The lease and purchase agreements are intertwined and heavily reference each other.
19. WHAGR would not have entered into the lease without entering into the accompanying purchase agreement.
20. During the pre-contract negotiations and again during the due diligence period provided under the purchase contract WHAGR asked the Stulls if any animals on the Property had been diseased and if any animals owned by the Stulls had died on the Property.
21. The Stulls answered “no” to both questions.

22. The Stulls also represented that only a small number of beef cattle were raised on the property.
23. In reality, the Stulls had a larger herd farming operation on the Property and at least 2 of their cows died on the Property.
24. The cow carcasses remained on the Property but were concealed by vegetation at the time WHAGR entered into the purchase contract and were not visible under reasonable inspection.
25. The cow carcasses were not burned, boiled, buried, nor disposed of in any sanitary fashion.
26. WHAGR planned to use grant funds from State and Federal sources to close on the purchase of the property.
27. Due to unforeseen governmental closures the grant processing could not be accomplished in the amount of time originally set forth in the contract.
28. The Stulls verbally indicated and entered into a course of performance that they would extend WHAGR's time to close on the property.
29. Phillip Stull is the owner of land directly adjacent to the Property.
30. On or about November 20, 2019 a dog owned by Phillip Stull escaped from its electric fence.
31. The dog killed a rare rooster, maimed a rare newborn horse, and destroyed the newborn horse's placenta which was to be used in gene therapy.
32. The loss of potential gene therapy caused the loss of use and downfall of the horse's grandfather during the last 6 months of its life.
33. Upon information and belief, all Defendants were aware of the violent and aggressive nature of this dog and took no action to warn the plaintiffs.

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