

 Commonwealth of Kentucky Court of Justice	ORDER	Case # 22-CI-00033 County: HENRY Circuit Court, Division I
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ESTATE OF BRANDON NORTH, et. al.**PLAINTIFF****v.****COMMONWEALTH OF KENTUCKY, et. al.****DEFENDANT**

This matter came before the Court on the motion of Defendants, Trooper Jarred Perkins, in his individual capacity and for ministerial acts and/or discretionary acts performed in bad faith acting in his capacity as a Kentucky State Trooper, Trooper Zach Napier, in his individual capacity and for ministerial acts and/or discretionary acts performed in bad faith acting in his capacity as a Kentucky State Trooper, and Trooper Dustin Gross, in his individual capacity and for ministerial acts and/or discretionary acts performed in bad faith acting in his capacity as a KSP Trooper, seeking an order of this Court to dismiss the claims brought against them. The merits of this motion were weighed by the Court in an Order entered on April 23, 2025. The findings of the Court in this prior Order remain the conclusions of the Court and are incorporated herein the same as if copied. In the April 23, 2025 Order, the Court found and concluded the acts performed by the above-named Defendants were within the scope of their employment and were discretionary in nature. The Court delayed the finality of the Order to allow Plaintiffs to conduct limited discovery on the issue of bad faith.

Plaintiff completed additional discovery including depositions and production of video of the pursuit under the Court's direction to treat the pending motion to dismiss as a motion for summary judgment. The Plaintiffs filed an

additional Response to the motion on August 15, 2025 and attached additional evidence in the form of exhibits, including excerpts from the depositions of the above-named Troopers.

The Court has reviewed Plaintiff's Response, which is a version of its prior argument seeking a determination that the acts of the Troopers engaged in the high-speed pursuit to be ministerial. However, the Response and the additional evidence tendered to the Court do not reflect upon Plaintiff's burden to establish evidence of acts committed by the above-named Defendants which were committed in bad faith. The Plaintiffs have failed in their burden to establish bad faith. As the Court has found that the acts committed were discretionary in nature and Plaintiffs having failed to present any evidence of bad faith, whether direct or circumstantial, the Court now finds that the acts of the above-named Defendants are protected by qualified official immunity under *Yanero, Meinhart, and Sheehy*.

The claims against Troopers Perkins, Napier, and Gross are hereby DISMISSED. This Order is final and appealable under CR 54.02 and *Breathitt County Board of Education v. Prater*, 292 S.W.2d 883 (Ky 2009). This dismissal applies only to the above-named Defendants.

DATE: August 28, 2025.



JERRY D. CROSBY II
CIRCUIT COURT JUDGE, DIVISION I