

**COMMONWEALTH OF KENTUCKY
10TH JUDICIAL CIRCUIT
NELSON CIRCUIT COURT
CIVIL ACTION NO. 23-CI-649
*Filed Electronically***

**SHERRY G. BALLARD,
AS ADMINISTRATRIX OF THE ESTATE OF
CRYSTAL M. ROGERS,**

AND

KYLEIGH M. FENWICK,

AND

ASHLEY M. MILLER,

AND

THOMAS T. ROGERS,

AND

VICTORIA J. ROGERS,

PLAINTIFFS,

VS.

BROOKS W. HOUCK,

DEFENDANT.

COMPLAINT

Comes the Plaintiffs, by and through counsel, and for their cause of action against the Defendant, Brooks W. Houck, state as follows:

PARTIES

1. The Plaintiff, Sherry G. Ballard, is and was at all times relevant hereto an adult resident of Nelson County, Kentucky. On November 29, 2023, the Nelson District Court, in Case Number 23-P-00367, appointed the Plaintiff as Administratrix of the Estate of Crystal M. Rogers.



2. The Plaintiff, Kyleigh M. Fenwick, is an adult resident of Nelson County, Kentucky, and a natural child of Crystal M. Rogers. At the time of Crystal M. Rogers' disappearance, Plaintiff, Kyleigh M. Fenwick, was a minor child.

3. The Plaintiff, Ashley M. Miller, is an adult resident of Daviess County, Kentucky, and a natural child of Crystal M. Rogers. At the time of Crystal M. Rogers' disappearance, Plaintiff, Ashley M. Miller, was a minor child.

4. The Plaintiff, Thomas T. Rogers, is an adult resident of Nelson County, Kentucky, and a natural child of Crystal M. Rogers. At the time of Crystal M. Rogers' disappearance, Plaintiff, Thomas T. Rogers, was a minor child.

5. The Plaintiff, Victoria J. Rogers, is an adult resident of Nelson County, Kentucky, and a natural child of Crystal M. Rogers. At the time of Crystal M. Rogers' disappearance, Plaintiff, Victoria J. Rogers, was a minor child.

6. The Defendant, Brooks W. Houck ("Defendant"), is and was at all times relevant hereto an adult resident of Nelson County, Kentucky and is believed to currently be incarcerated at the Oldham County Detention Center, 3405 KY-146, La Grange, Kentucky 40031.

JURISDICTION AND VENUE

7. All damages complained of herein exceed the jurisdictional prerequisites of this Court and all acts complained of herein occurred in Nelson County, Kentucky. Jurisdiction and venue are established in the Nelson Circuit Court.

FACTS

8. On or about July 3, 2015, Crystal M. Rogers disappeared.

9. On September 20, 2023, the Nelson County Grand Jury charged the Defendant, Brooks W. Houck, with the offense of Murder by intentionally or under circumstances manifesting extreme indifference to human life wantonly causing the death of Crystal M. Rogers.

10. On September 20, 2023, the Nelson County Grand Jury charged the Defendant, Brooks W. Houck, with Tampering With Physical Evidence when, believing that an official proceeding may be pending or instituted, he destroyed, mutilated, concealed, removed or altered the physical evidence which he believed was about to be produced or used in such official proceeding, with the intent to impair its verity or availability in the official proceeding.

COUNT I
WRONGFUL DEATH

11. The Plaintiff, Sherry G. Ballard, adopts, reiterates and incorporates each and every allegation contained in the above paragraphs, as if set out verbatim herein.

12. The Defendant, Brooks W. Houck, intentionally and wrongfully caused the death of Crystal M. Rogers.

13. As a result of the death of Crystal M. Rogers, the Plaintiff, Sherry G. Ballard, as administratrix of the decedent’s estate, is entitled to recover damages from the Defendant, Brooks W. Houck, pursuant to KRS 411.130 and KRS 411.133, including but not limited to:

- a. Reasonable and necessary funeral, monument and administrative expenses;
- b. Physical pain and mental suffering experienced by the decedent before her death;
- c. Lost earnings incurred by the decedent;
- d. Loss of the decedent’s enjoyment of life; and
- e. Loss of the decedent’s power and ability to earn money.

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14. The Defendant's actions against Crystal M. Rogers were committed willfully, with oppression, fraud, or malice, warranting an award of punitive damages, to punish the Defendant and deter the Defendant and others from similar acts in the future.

15. As a result of the intentional actions of the Defendant, Brooks W. Houck, the decedent, Crystal M. Rogers, lost her life and suffered individually all damages herein complained of in addition to those claimed for and on behalf of her estate.

COUNT II
LOSS OF CONSORTIUM-KYLEIGH M. FENWICK

16. The Plaintiff, Kyleigh M. Fenwick, adopts, reiterates, and incorporates each and every allegation contained in the above paragraphs, as if set out verbatim herein.

17. As a result of the Defendant, Brooks W. Houck, intentionally and wrongfully causing the death of Crystal M. Rogers, the Plaintiff, Kyleigh M. Fenwick, lost the love, affection, guidance, services, assistance, society, care, aid, support, comfort, protection, and parental consortium of her mother. Plaintiff, Kyleigh M. Fenwick, demands damages for loss of same.

COUNT III
LOSS OF CONSORTIUM-ASHLEY M. MILLER

18. The Plaintiff, Ashley M. Miller, adopts, reiterates, and incorporates each and every allegation contained in the above paragraphs, as if set out verbatim herein.

19. As a result of the Defendant, Brooks W. Houck, intentionally and wrongfully causing the death of Crystal M. Rogers, the Plaintiff, Ashley M. Miller, lost the love, affection, guidance, services, assistance, society, care, aid, support, comfort, protection, and parental consortium of her mother. Plaintiff, Ashley M. Miller, demands damages for loss of same.

COUNT IV
LOSS OF CONSORTIUM – THOMAS T. ROGERS

20. The Plaintiff, Thomas T. Rogers, adopts, reiterates, and incorporates each and every allegation contained in the above paragraphs, as if set out verbatim herein.

21. As a result of the Defendant, Brooks W. Houck, intentionally and wrongfully causing the death of Crystal M. Rogers, the Plaintiff, Thomas T. Rogers, lost the love, affection, guidance, services, assistance, society, care, aid, support, comfort, protection, and parental consortium of his mother. Plaintiff, Thomas T. Rogers, demands damages for loss of same.

COUNT V
LOSS OF CONSORTIUM – VICTORIA J. ROGERS

22. The Plaintiff, Victoria J. Rogers, adopts, reiterates, and incorporates each and every allegation contained in the above paragraphs, as if set out verbatim herein.

23. As a result of the Defendant, Brooks W. Houck, intentionally and wrongfully causing the death of Crystal M. Rogers, the Plaintiff, Victoria J. Rogers, lost the love, affection, guidance, services, assistance, society, care, aid, support, comfort, protection, and parental consortium of her mother. Plaintiff, Victoria J. Rogers, demands damages for loss of same.

WHEREFORE, the Plaintiffs demand as follows:

- a. A judgment in an amount to be determined at trial by jury;
- b. Court cost and attorney fees;
- c. Pre and post judgment interest;
- d. Punitive damages;
- e. Any and all other relief to which the Plaintiffs may be deemed entitled by this Court.

/s/ Gregory E. H. Smith
GREGORY E. H. SMITH
FLINT COOPER, LLC
2690 OLIVET CHURCH ROAD
PADUCAH, KENTUCKY 42001
(P) 618-288-4777
(F) 270-534-5305
GSMITH@FLINTCOOPER.COM

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