

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

WILMA KORTH, SPECIAL ADMINISTRATRIX OF  
THE ESTATE OF RUEBEN PIERCE, DECEASED

PLAINTIFF

VS.

NO. 43CV-24-\_\_\_\_\_

KENNETH CASH AND JENNIFER SWARTZ,  
JOINTLY AND SEVERALLY

DEFENDANTS

COMPLAINT

Comes the Plaintiff, Wilma Korth, special administratrix of the Estate of Reuben Pierce, deceased, and for her complaint against Defendants, Kenneth Cash and Jennifer Swartz, jointly and severally, states:

1. Plaintiff is the special administratrix of the Estate of Reuben Pierce, deceased. Reuben Pierce passed away on January 24, 2024. Reuben Pierce was a resident of Lonoke County, Arkansas.
2. Defendants Kenneth Cash and Jennifer Swartz live and own property in Lonoke County, Arkansas, located at 24 Morgan Road, Jacksonville, Lonoke County, Arkansas.
3. This is a cause of action for wrongful death, negligence, violation of Ark. Code Ann. §16-118-107, battery, tort of outrage and punitive damages. This Court has jurisdiction and venue is proper.
4. That on October 30, 2023, Reuben Pierce was attacked and mauled by Defendants' pit bull dogs. Reuben Pierce's injuries were horrible and painful. Mr. Pierce was hospitalized and received medical care from October 30, 2023, until he passed away on January

24, 2024. That Defendants' pit bulls are deemed vicious, and a dangerous breed of dogs as established by the American Kennel Club and the United Kennel Club.

**STRICT LIABILITY**

5. Plaintiff re-alleges and incorporates the allegations in Paragraphs one (1) through four (4), as if fully set forth herein.

6. Defendants Kenneth Cash and Jennifer Swartz had custody, control and possession of the pit bulls that caused the injuries to and death of Rueben Pierce.

7. Defendants were aware that their pit bulls had dangerous tendencies because the dogs had attacked and bitten other people. Defendants are aware of and put on notice.

8. That Defendants are strictly liable for the injuries and death of Rueben Pierce.

9. That Reuben Pierce endured pain and suffering, mental anguish, severe injuries, and medical bills, all proximately caused by the actions of Defendants. See photo below.



10. Defendants knew, or by the exercising of reasonable diligence, should have known that their pit bulls were dangerous and vicious, and Defendants are strictly liable for Plaintiff's damages.

11. That Defendants intentionally kept the pit bulls even though they knew they were dangerous and have attacked people in the past.

12. Defendants' pit bulls attacked other neighbors of Defendants.

13. Defendants owed Reuben Pierce a duty to use ordinary care to protect him, not only for the damages of the pit bull dogs, not only for the damages Defendants knew, but also for those which, with reasonable care, Defendants should have known, that they did not have a properly secured yard for the pit bulls.

14. Plaintiff asserts a claim for punitive damages for Defendants' intentional and reckless disregard for the safety of Reuben Pierce and others.

15. Plaintiff requests compensatory damages in excess of \$75,000.00 and punitive damages in excess of \$75,000.00 to be assessed against Defendants.

16. Plaintiff requests a jury trial.

WHEREFORE, Plaintiff, Wilma Korth, special administratrix of the Estate of Rueben Pierce, requests this Court grant judgment against the Defendants, Kenneth Cash and Jennifer Swartz, jointly and severally, for compensatory damages in excess of \$75,000.00 and punitive damages in excess of \$75,000.00, and for all other proper relief, including costs and attorney's fees.

Respectfully submitted,

/s/John Ogles

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John Ogles

Arkansas Bar No. 89003

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IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

WILMA KORTH, SPECIAL ADMINISTRATRIX OF  
THE ESTATE OF RUEBEN PIERCE, DECEASED

PLAINTIFF

VS.

NO. 43CV-24-264

KENNETH CASH AND JENNIFER SWARTZ,  
JOINTLY AND SEVERALLY

DEFENDANTS

**JUDGMENT UPON TRIAL TO COURT**

On the 19<sup>th</sup> day of August, 2024, the complaint of Wilma Korth, special administratrix of the Estate of Rueben Pierce, Deceased, was presented for trial. Plaintiff appeared with her attorneys, John Ogles and Gregory D. Taylor. Defendants, Kenneth Cash and Jennifer Swartz, appeared pro se. Based upon the proof presented, the argument of counsel and other matters, the Court finds as follows:


1. Based upon the Plaintiff's cause of action for wrongful death, negligence, violation of Ark. Code Ann. §16-118-107 due to Defendants' violation of Ark. Code Ann. §5-62-125, battery, tort of outrage, punitive damages pursuant to AMI 2218, and intentional torts, Plaintiff is awarded compensatory damages of \$5,000,000.00 and punitive damages of \$10,000,000.00, for a total award of \$15,000,000.00, against Defendants, Kenneth Cash and Jennifer Swartz, jointly and severally.

2. Pursuant to § 16-118-107 (a)(3), Plaintiff is awarded attorney's fees of \$ Ø.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff is hereby awarded judgment against the Defendant in the amount of \$5,000,000.00 as compensatory damages, punitive damages of \$10,000,000.00, and an attorney's fee in the amount of \$ Ø, for a total judgment of \$ 15,000,000.00, against Defendants, Kenneth Cash and Jennifer Swartz, jointly and severally, with interest as provided by law, from which garnishment and execution may issue.

IT IS FURTHER ORDERED that each Defendant shall, pursuant to Ark. Code Ann. § 16-66-221, file with the clerk of the court on or before forty-five days from the date of this judgment a schedule, verified by affidavit, of all of his or her property, both real and personal, and shall specify the particular property which he or she claim as exempt under the provisions of the law.

IT IS SO ORDERED.

  
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CIRCUIT JUDGE  
  
8-19-24  
\_\_\_\_\_  
DATE

Prepared by:

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/s/John Ogles

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JUDGE HUCKABEE

Date	Div. III
JURY TRIAL	<input type="checkbox"/>
BENCH TRIAL	<input checked="" type="checkbox"/>
NON-TRIAL	<input type="checkbox"/>
FINAL /CLOSED	<input checked="" type="checkbox"/>
SMALL ESTATE	<input type="checkbox"/>