

Ex-cop Kenneth Betts asks for dismissal of LMPD sex-abuse suit

[Andrew Wolfson](#) Updated 2:08 p.m. ET April 24, 2017

Saying attorney David Yates violated a court order by discussing the case with the press, former Louisville Metro Police Officer Kenneth Betts has asked a judge to dismiss the lawsuit accusing him and ex-Officer Brandon Wood of sexually abusing an Explorer Scout.

In a motion filed Monday in Jefferson Circuit Court, Betts' lawyers say Yates violated an order that sealed the lawsuit by sharing details with the media while the case was still closed.

Citing 19 stories published before the suit was opened, Betts' lawyers say their client has been "severely and irrevocably prejudiced" and that there is no remedy for that other than dismissal.

"When plaintiff breached the seal in this case, they rang a bell which cannot be unrung," said the motion, filed by attorneys Kent Wicker, Nicole Elver and William Brammell Jr.

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The pleading mentions that for its first article about the case, Yates — who is also Metro Council president — told the Courier-Journal, "I have a young

man who has been sexually abused by people in power." The motion says Yates' conduct was intentional and that he selectively shared details about the case with news outlets.

Judge Judith McDonald-Burkman [eventually unsealed the suit](#) at the request of the Courier-Journal and other parties.

Betts' motion also says the suit should be thrown out because Yates erred procedurally by filing under his client's initials, N.C., and because it wasn't filed within a one-year statute of limitations. Co-defendant Brandon Wood filed a motion to dismiss on the latter basis on Friday.

Yates didn't immediately respond to a request for comment.

In another development Monday, the city, which also is named as a defendant in N.C.'s suit, filed a claim against Betts and Wood demanding that they pay damages if any are awarded to the plaintiff.

Although the city usually pays for legal fees and judgments against city employees, the city says in its motion that doesn't apply if the acts are committed with "fraud, malice or corruption" or outside the scope of the employee's job.

The city's pleading also denied the allegation's in N.C.'s March 8 lawsuit that the department failed to train and monitor Wood and Betts and that it concealed the allegations.

A hearing is set for May 3 on Yates' motion for a protective order that would allow N.C. to continue to be identified by his initials only and for other witnesses to be so identified if they choose.

The [Courier-Journal opposes the motion](#), saying it violates the First Amendment right to free speech and public access to court records.

Reporter Andrew Wolfson can be reached at 502-582-7189 or awolfson@courier-journal.com

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