



IN THE CIRCUIT COURT OF WHITE COUNTY, ARKANSAS
DIVISION

**BARRY BENTLEY, AND SHERI
BENTLEY**

PLAINTIFFS

vs.

CASE NO. CV-20-593

**J.E. BONDING, INC., BRYCE'S BAIL
BONDING INCORPORATED, AND
MARVIN GILLEY**

DEFENDANTS

COMPLAINT

Come now the Plaintiffs, Barry Bentley and Sheri Bentley, by and through their attorneys, TAYLOR & TAYLOR LAW FIRM, P.A., and for their *Complaint* do state:

JURISDICTION AND VENUE

1. At all times relevant to this *Complaint*, Plaintiffs were residents of Pangburn, White County, Arkansas, and citizens of the State of Arkansas.
2. At all times relevant to this Complaint, Defendant J.E. Bonding, Inc. was a for-profit corporation with a principle place of business in Greers Ferry, Cleburne County, Arkansas.
3. At all times relevant to this Complaint, Defendant Bryce's Bail Bonding Incorporated was a for-profit corporation with a principle place of business in Greers Ferry, Cleburne County, Arkansas.
4. At all times relevant to this Complaint, Defendant Marvin Gilley was a resident of Searcy, White County, Arkansas, and a citizen of the State of Arkansas.

5. The facts and circumstances giving rise to this Complaint occurred in Pangburn, White County, Arkansas.

6. This Court has subject matter jurisdiction of this matter pursuant to Ark. Code Ann. § 16-13-201(a).

7. This Court has personal jurisdiction of the parties pursuant to Ark. Code Ann. § 16-4-101(B).

8. Venue in this county is proper pursuant to Ark. Code Ann. § 16-60-101(a)(1) (county in which a substantial part of the event or omission giving rise to the cause of action occurred), (a)(2)(A) (county in which a defendant resided), & (a)(3)(A) (county in which the plaintiff resided).

FACTS

9. Mr. and Ms. Bentley reside at 308 Dewey Road in Pangburn, Arkansas.

10. Mr. and Ms. Bentley's home is located on the east side of Dewey Road.

11. Mr. and Ms. Bentley's home faces Dewey Road (meaning Mr. and Ms. Bentley's house faces to the west).

12. Mr. and Ms. Bentley's home is on top of a hill.

13. Behind Mr. and Ms. Bentley's home, there is a trail that leads to the bottom of the hill.

14. At the top of the hill (near Mr. and Ms. Bentley's home), there are three points of ingress and egress to the trail.

15. The trail is wide enough for a motor vehicle to travel on the trail.

16. On or about July 6, 2020, Mr. and Ms. Bentley drove to the bottom of the hill located on the back of their property to watch the sunset.

17. Ms. Bentley began to feel ill, so Mr. and Ms. Bentley returned to their vehicle to drive back to their house.

18. To be clear, Mr. and Ms. Bentley never left their property during or immediately prior to their encounter with the Defendants.

19. As Mr. and Ms. Bentley were coming to the top of the hill, Mr. and Ms. Bentley saw a vehicle approach them.

20. The driver of the vehicle had apparently traveled across Mr. and Ms. Bentley's back yard and was waiting on the Bentley's to return home.

21. The driver of the vehicle waited to determine which of the three points of ingress and egress to the trail that Mr. and Ms. Bentley were going to take, and then blocked that point of ingress and egress.

22. As the vehicle approached, someone from the vehicle shined a spotlight in Mr. and Ms. Bentley's faces.

23. Soon, Mr. and Ms. Bentley were surrounded by at least three people, one of whom was Defendant Marvin Gilley.

24. Throughout the remainder of this *Complaint*, Mr. Gilley and the other persons with his will be referred to as the "Culprits."

25. Defendant Marvin Gilley jumped out of the woods and approached Mr. and Ms. Bentley from behind.

26. Defendant Marvin Gilley pointed a handgun directly at Ms. Bentley.

27. One culprit (who had been driving the truck, but whose identity at this time is unknown and will be referred to herein as "Driver") approached Mr. Bentley with a short-barrel rifle.

28. Driver pointed his short-barrel rifle directly at Mr. Bentley.
29. Driver claimed to be a U.S. Marshall.
30. Driver began asking Mr. Bentley whether he was David.
31. Mr. Bentley responded that he was not David.
32. Without any legal authority whatsoever, the Culprits continued to restrain Mr. and Ms. Bentley's freedom while Driver continued to interrogate Mr. Bentley.
 33. Driver then elevated the weapon he was holding and yelled, "WHERE'S DAVID?!!"
 34. After continued interrogation, Defendant Gilley finally asked, "Isn't this 307 Dewey Road?"
 35. Defendant Marvin Gilley then said, "Wait! Wait! It's not him."
 36. It turns out that the Culprits were agents or employees of J.E. and Bryce's.
 37. The Culprits were actually searching for a David Cox.
 38. Mr. and Ms. Bentley live at 308 Dewey Road in Pangburn, Arkansas, but the Culprits were attempting to locate Mr. Stocks at 307 Dewey Road.
 39. Once Defendant Gilley realized the error, he exclaimed, "Dang GPS!"
 40. Mr. and Ms. Bentley's mailbox, however, is clearly marked with the correct address on both the side and the front of the mailbox.
 41. The Culprits then began talking to Mr. and Ms. Bentley.
 42. Defendant Marvin Gilley complimented Mr. Bentley's motorcycle and suggested that he (Defendant Marvin Gilley) would be interested in buying it.
 43. The motorcycle in question was located inside Mr. Bentley's shop, and was not readily visible from outside the shop.

44. Once Mr. Bentley returned to his shop, Mr. Bentley observed that the door to the shop had been kicked in.

45. Upon information and belief, at the time all of this occurred, David Cox was already incarcerated at the time of this incident.

CAUSE OF ACTION #1 – ASSAULT

46. Defendant Gilley and the other Culprits acted in such a manner as to create a reasonable apprehension of immediate harmful or offensive contact upon the persons of Mr. and Ms. Bentley.

47. Defendant Gilley intended to cause that apprehension.

48. Mr. and Ms. Bentley were actually put in that apprehension.

CAUSE OF ACTION #2 – FALSE IMPRISONMENT

49. Defendant Gilley and the other Culprits acted intending to confine Mr. and Ms. Bentley within boundaries fixed by Defendant Gilley and the other Culprits.

50. The acts of Defendant Gilley and the other Culprits resulted in such confinement.

51. Mr. and Ms. Bentley were conscious of the confinement and were harmed by it.

CAUSE OF ACTION #3 – TRESPASS

52. There was a physical invasion of Mr. and Ms. Bentley's real property.

53. The physical invasion was caused by Defendants.

54. The physical invasion resulted in damages.

55. Symptoms are extreme anxiety, paranoia, fear of going back into the woods, extreme fear of spotlights, headlights, leaving property at night.

56. Trouble sleeping, anxiety.

COMPENSATORY DAMAGES SUFFERED BY PLAINTIFFS

57. The injuries and damages sustained by Plaintiffs as a result of Defendants' breach of the above duties include, but are not limited to, the following:

- A. **Mental anguish** experienced in the past by both Plaintiffs, which includes but is not limited to Plaintiff's loss of quality of life;
 - i. Specifically, Plaintiff Sheri Bentley has extreme anxiety, extreme fear of spotlights or headlights, fear of leaving her property at night, and trouble sleeping, among other symptoms; and
 - ii. Specifically, Plaintiff Barry Bentley has trouble sleeping, among other symptoms;
- B. Mental anguish to be experienced in the future by both Plaintiffs, which includes but is not limited to Plaintiff's loss of quality of life;
- C. Medical expenses incurred in the past for Plaintiff Sheri Bentley, and transportation expenses to obtain such medical treatment;
- D. Future medical expenses to be incurred, and transportation expenses to obtain such future medical treatment for Plaintiff Sheri Bentley;

CAUSE OF ACTION #4– RESPONDEAT SUPERIOR

58. Upon information and belief, Defendant Gilley and the other Culprits were acting within the scope of their authority as agents of Defendant J.E. and/or Defendant Bryce's and/or were acting within the scope of their employment as employees of Defendant J.E. and/or Bryce's.

59. Therefore, the negligence on the part of Defendant Marvin Gilley is charged to Defendants J.E. and/or Defendant Bryce.

AMOUNT OF DAMAGES
(FOR JURISDICTIONAL PURPOSES UNDER ARK. CODE ANN. § 16-63-221)

60. Plaintiffs' injuries and damages are in excess of the minimum amount required for federal court jurisdiction in diversity of citizenship cases.

DEMAND FOR TRIAL BY JURY

61. Plaintiffs demand a trial by jury for all issues of fact presented by this action.

RESERVATION OF ADDITIONAL CLAIMS

62. Upon completion of discovery, Plaintiffs reserve the right to plead further to state additional claims and to name additional parties to this action.

WHEREFORE, Plaintiffs pray for judgment against Defendants for the damages caused by Defendants' negligence as described above, for costs and attorneys' fees, and for all other relief at law or equity to which Plaintiffs may be entitled.

Respectfully submitted,
Barry Bentley, and Sheri Bentley,
Plaintiffs

BY:

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