

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANGELIQUE KIDD

Plaintiffs,

v.

EDDIE BOYD III

Defendants.

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Cause No.:

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff Angelique Kidd, (“Ms. Kidd”) and for her cause of action against Defendant Eddie Boyd III, (“Defendant Boyd”) states:

INTRODUCTION

1. Defendant Boyd arrested Angelique Kidd after Ms. Kidd asked Boyd his name.
2. This is a civil action for violation of Angelique Kidd’s civil rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution, actionable pursuant to 42 U.S.C. § 1983.

PARTIES

3. Angelique Kidd is a citizen of the United States of America, and at all times described in this Complaint has been a resident of the City of Ferguson, State of Missouri.
4. Defendant Eddie Boyd III is a sworn peace officer employed by the City of Ferguson. All of Defendant Boyd’s actions set forth in this Complaint were done under color of law. Eddie Boyd is sued in his individual capacity.

JURISDICTION AND VENUE

5. This cause is brought pursuant to 42 U.S.C. §1983. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 1343. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b), since the Defendant is located, and all of the incidents giving rise to this suit occurred, in this judicial district.

FACTS

6. On November 12, 2015 at around 7:30 pm, Angelique Kidd was with her daughter at their family home on the 600 block of Ballman Avenue in Ferguson, Missouri.
7. Ms. Kidd heard a loud knock on the front door and when she opened it, the man standing before her motioned to the street in front of her home and asked whether she knew the man lying in the street. There was, in fact, a man lying on the other side of the street in front of her home. The man who knocked stated that the man in the street had already been run over three times.
8. Ms. Kidd stepped out onto her front porch and told her daughter to lock the door behind her. Ms. Kidd then walked to within approximately ten feet of the man on the street and began to loudly ask whether he was okay. The man lying in the street neither moved or responded. Ms. Kidd observed blood on his face.
9. The man who had summoned her told Ms. Kidd he had called 911. When Ms. Kidd saw the lights of emergency vehicles approaching, she returned to her house and watched from behind her glass storm door.
10. Shortly after, Ms. Kidd saw her neighbor, Jean Hagens (“Hagens”), walking toward the scene in her nightclothes. What Ms. Kidd observed was unusual for two reasons – Hagens rarely ventured outside, let alone in her nightclothes.

11. As Ms. Kidd approached Hagens, she heard Hagens asking whether the man in the street was, “my Ben?” Ms. Kidd attempted to calm Hagens. At one point, after Hagens recognized that the man in the street was indeed her husband, Ben, she repeated over and over that they needed to pick up his glasses.
12. As the women stood in the street in an embrace, an officer approached and told them to move back. The women immediately moved to the Hagens’ front yard.
13. After the women moved to the Hagens’ front yard, Ms. Kidd noticed that Defendant Boyd had followed them. Defendant Boyd began to question Ms. Kidd about her involvement in the circumstances leading to Ben Hagens’ injury.
14. Ms. Kidd denied any involvement in the injury-causing event and denied having heard or seen anything involving it.
15. Ms. Kidd asked Defendant Boyd whether he was recording the encounter. She then asked his name.
16. Defendant Boyd refused to provide his name and instead told Ms. Kidd to leave. She again asked for Defendant Boyd’s name and he repeated the command that she leave.
17. It was at this point that Defendant Boyd arrested Ms. Kidd.
18. Hagens pleaded on Ms. Kidd’s behalf, telling Defendant Boyd that Ms. Kidd’s daughter was alone and expressing concern for her well-being. She requested that Defendant Boyd not arrest Ms. Kidd. Defendant Boyd alleged that he smelled alcohol on Ms. Kidd’s breath and threatened to call the Missouri Department of Social Services (DSS).
19. Defendant Boyd took Ms. Kidd to the Ferguson Police Department around 8:00pm. She was booked and placed in a holding cell. At around 9:00pm, Ms. Kidd was told by an officer that she had two options regarding her freedom that evening. If she posted

\$100.00, she could be released immediately; if not, she would be held until midnight and then released.

20. Ms. Kidd did not pay the \$100. She was released from custody before midnight on November 12, 2015.

21. Ms. Kidd later made a complaint and subsequently conversed with Police Chief Anderson. Among other things, Chief Anderson informed Ms. Kidd of his impending resignation from the Ferguson Police Department, claiming that he could only effect change in Ferguson if he was not himself a part of the Police Department. He also stated that if he (Chief Anderson) was present, Ms. Kidd would not have been arrested.

22. Ms. Kidd has been a Ferguson resident since 2004. She is well-known in the community and has consistently participated in peaceful protests of the Ferguson Police Department following the killing of Michael Brown by a Ferguson Police Officer in 2014. She worked at the Ferguson Public Library for approximately two years and continues to volunteer. Additionally, Ms. Kidd has been on the Ferguson Civilian Review Board Task Force since 2014. She regularly volunteers at the Ferguson Farmer's Market, community garden and St. Stephen's Church Food Bank. Ms. Kidd is familiar and known to officers of the Ferguson Police Department.

23. As of the filing of this Complaint, Ms. Kidd is charged with violation of Ferguson Municipal Code Provision 29-16. – Failure to Comply with Order of Police Officer, arising from the events alleged in this Complaint.

CAUSES OF ACTION

COUNT I

UNLAWFUL SEIZURE OF MS. KIDD BY DEFENDANT BOYD
COGNIZABLE UNDER 42 U.S.C. § 1983

For her cause of action against Defendant Boyd in Count I, Ms. Kidd states:

24. By this reference, Ms. Kidd incorporates each and every allegation and averment set forth in paragraphs 1 through 23 as though fully set forth herein.

25. Defendant Boyd did not have probable cause to arrest Ms. Kidd.

26. Defendant Boyd seized Ms. Kidd, the seizure was unreasonable, and Defendant Boyd thereby deprived Ms. Kidd of her right to be free from unreasonable seizure of her person in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

27. As a direct result of the conduct of Defendant Boyd described in this Complaint, Ms. Kidd suffered damages including fear, anxiety, depression, consternation and emotional distress. She was seized and placed in handcuffs in the presence of her young daughter, taken away from her young daughter and threatened that her daughter would be taken by DSS. Ms. Kidd was seized and remains seized by virtue of the charges instigated by Defendant Boyd.

28. The acts of Defendant Boyd described herein were intentional wanton, malicious, and/or were callously indifferent to the rights of Ms. Kidd, thus entitling her to an award of punitive damages against Defendant Boyd.

29. If Ms. Kidd prevails she is entitled to recover attorneys' fees pursuant to 42 U.S.C. § 1988.

WHEREFORE Plaintiff Angelique Kidd respectfully prays that this Court enter judgment in her favor and against Defendant Boyd for compensatory damages, punitive damages, attorneys' fees, expenses, costs, and any other this Court deems just and appropriate.

COUNT II

RETALIATION BY DEFENDANT BOYD
AGAINST MS. KIDD
COGNIZABLE UNDER 42 U.S.C. § 1983

For her cause of action against Defendant Boyd in Count II, Plaintiff states:

30. Plaintiff incorporates by reference the allegations and averments contained in paragraphs 1 through 29 of this complaint as though fully set forth herein.
31. Ms. Kidd was engaged in lawful First Amendment activities when she talked with, and questioned Defendant Boyd, and/or his actions, performed in his capacity as a law enforcement officer.
32. Ms. Kidd was engaged in lawful First Amendment activities when she requested the name of Defendant Boyd as he acted in his capacity as a law enforcement officer.
33. A police officer stopping, seizing, arresting, incarcerating, and charging a person, supporting charges against a person by writing an Incident Report, standing ready to testify to the substance of what is written against a person, and testifying to what is written against a person would chill a person of ordinary firmness from continuing to question, challenge, and record police activity.
34. Defendant Boyd acted in retaliation against Ms. Kidd, and for the purpose of deterring Ms. Kidd from exercising her rights under the First Amendment to question, challenge,

and record Defendant Boyd's actions in his capacity as a law enforcement officer, and to identify him in his individual and official capacity.

35. The conduct of Defendant Boyd in stopping, seizing, arresting, incarcerating, and charging Ms. Kidd, supporting charges against Ms. Kidd by writing an Incident Report, standing ready to testify to the substance of what he wrote against Ms. Kidd, and testifying to what he wrote against Ms. Kidd, violates the First Amendment of the United States Constitution in that Defendant Boyd deprived Ms. Kidd of her rights to free speech, free assembly, and free association by acting in retaliation against Ms. Kidd, and for the purpose of deterring Ms. Kidd from questioning or challenging Defendant Boyd's actions in his capacity as a law enforcement officer, or identifying him in his individual and official capacity.
36. As a direct and proximate cause of the conduct of Defendant Boyd, Ms. Kidd suffered injuries and damages, including but not limited to: great concern for her own safety and for the safety of her child; fear, apprehension, depression, anxiety, consternation and emotional distress; suppression of her First Amendment right to freedom of speech, punishment for exercising her First Amendment rights; interference with her family relationships; lost time; loss of faith in society; and attorney's fees.
37. The acts of Defendant Boyd described herein were intentional, wanton, malicious, and/or were callously indifferent to the rights of Ms. Kidd, thus entitling her to an award of punitive damages against Defendant Boyd.
38. If she prevails, Ms. Kidd is entitled to recover attorneys' fees and legal costs pursuant to 42 U.S.C. § 1988.

WHEREFORE Plaintiff Angelique Kidd respectfully prays that this Court enter judgment in her favor and against Defendant Boyd for compensatory damages, punitive damages, attorneys' fees, expenses, costs, and any other this Court deems just and appropriate.

Respectfully Submitted,



Blake A. Strode (# 68422MO)



Edward Hall (# 0012692IA)

/s/ Stephen M. Ryals

Stephen M. Ryals (# 34149MO)

/s/ Thomas B. Harvey

Thomas B. Harvey (# 61734MO)

ArchCity Defenders
812 N. Collins St.
St. Louis, MO 63102
Tel: 855-724-2489
Local: 314-361-8834
Fax: 314-925-1307

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
ANGELIQUE KIDD

DEFENDANTS
EDDIE BOYD, III

(b) County of Residence of First Listed Plaintiff ST. LOUIS
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant ST. LOUIS
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
BLAKE STRODE, THOMAS HARVEY, STEVE RYALS, EDWARD HALL, ARCHCITY DEFENDERS, INC., 812 N. COLLINS AVE, ST. LOUIS, MO 63102, (314) 361-8834

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 X 1
2
3
4
5
6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. s.1983
Brief description of cause:
Defendant arrested plaintiff without probable cause in retaliation for plaintiff speech in violation of 1st, 4th, 14th Am

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the Eastern District of Missouri

ANGELIQUE KIDD

Plaintiff

v.

EDDIE BOYD, III

Defendant

Civil Action No.

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: EDDIEW BOYD, III

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 12/09/2015

/s/ Blake Strobe

Signature of the attorney or unrepresented party

Blake Strobe

Printed name

812 N. Collins St. St. Louis, MO 63102

Address

bstrobe@archcitydefenders.org

E-mail address

314-361-8834

Telephone number

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

ANGELIQUE KIDD	,)	
)	
	Plaintiff,)	
)	
v.)	Case No.
EDDIE BOYD, III	,)	
)	
	Defendant,)	
)	

ORIGINAL FILING FORM

THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY WHEN INITIATING A NEW CASE.

THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____ AND ASSIGNED TO THE HONORABLE JUDGE _____.

THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY, THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 12/07/2015

/s/ Blake Strobe
Signature of Filing Party

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the Eastern District of Missouri

ANGELIQUE KIDD

Plaintiff

v.

EDDIE BOYD, III

Defendant

Civil Action No.

WAIVER OF THE SERVICE OF SUMMONS

To: BLAKE STRODE, ARCHCITY DEFENDERS, INC. (Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 12/07/2015, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 12/07/2015

Signature of the attorney or unrepresented party

EDDIE BOYD, III

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.