

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
TWENTY-SECOND JUDICIAL CIRCUIT
STATE OF MISSOURI**

KRISTINE HENDRIX,)	
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF ST. LOUIS,)	
Serve: City Counselor)	
Julian Bush,)	
1200 Market Street,)	
City Hall, Room 314)	Case No. _____
St. Louis, Missouri 63103,)	
)	Division
STEPHEN OGUNJOBI,)	
Serve: St. Louis Metropolitan Police Dept.)	JURY TRIAL DEMANDED
1915 Olive Street,)	
St. Louis, Missouri 63103,)	
)	
LOUIS WILSON,)	
Serve: St. Louis Metropolitan Police Dept.)	
1915 Olive Street,)	
St. Louis, Missouri 63103, and)	
)	
DANIEL ZARRICK,)	
Serve: St. Louis Metropolitan Police Dept.)	
1915 Olive Street,)	
St. Louis, Missouri 63103)	
)	
Defendants.)	

PETITION FOR DAMAGES

Introduction

1. Plaintiff Kristine Hendrix (“Ms. Hendrix”) brings this action seeking monetary damages for assault, battery, false arrest and imprisonment, and malicious prosecution arising from the unlawful conduct of sworn police officers for the City of St. Louis in falsely arresting and repeatedly tasing Ms. Hendrix without any warning as she participated in a peaceful protest.

2. In finding Ms. Hendrix not guilty of the charge of Resisting Arrest, this Court concluded the following:

It is clear from the video and from Officer Wilson’s testimony that he and Officer Ogunjobi approached Ms. Hendrix from behind. . . . [T]he “pop” sound of Officer Ogunjobi’s taser clearly can be heard as he applies it to Ms. Hendrix for the first time. Within a couple of seconds of that Ms. Hendrix can be heard saying “Oh my God, oh my God, oh my God. Why did you do that? I wasn’t doing anything?” An officer can be heard saying “Put your hands behind your back,” but before he even finishes the sentence the sound of Officer Ogunjobi administering another cycle of tasing to Ms. Hendrix can be heard, and she screams. In response to the officer’s command, she then can be heard saying five times in succession “I can’t it hurts! I can’t it hurts!” then “It hurts so bad, please, please stop.” She repeats this several more times, then Officer Ogunjobi tases her a third time. Again, Ms. Hendrix screams, then says, “Oh my God, why are you doing this, I’m on the ground.”

Exhibit A, Judgment, *City of St. Louis v. Hendrix, et al.*, 1622-CR03662, 9.

Ms. Hendrix was being electrified almost continuously before the officers handcuffed her. This Court believes Ms. Hendrix [*sic*] testimony—which is bolstered by the audio from the video recording—that she could not comply with Officer Wilson’s command that she put her arms behind her back. The Court finds this to be so because for much of the time she was on the sidewalk one arm was pinned under her, she was being tased repeatedly in quick succession, and between the tasings she was telling the officers repeatedly that “I can’t! It hurts!”

Id. at 10.

The evidence presented in this case does not establish that Ms. Hendrix was ever given an opportunity to comply before she was tased repeatedly and then handcuffed.

Id. at 11.

3. The foregoing is a depiction not of lawful policing in a civilized society, but rather of violent repression in a dystopian police state. The use of such excessive force by law enforcement officers against peaceful civilian protesters violates the laws of the State of Missouri and fails any reasonable standard of public safety and human decency.

Parties

4. Ms. Hendrix is 36-year-old African-American woman who currently resides and

at all times relevant has resided within St. Louis County, Missouri. Ms. Hendrix is a mother of three sons and an elected board member of the University City School District.

5. Defendant City of St. Louis is a municipality located in the State of Missouri. Defendant City of St. Louis operates and controls a police department.

6. Defendants Stephen Ogunjobi, Louis Wilson and Daniel Zarrick are sworn officers of Defendant City of St. Louis's Police Department.

Venue

7. Venue is proper in the Circuit Court of the City of St. Louis because all acts complained of occurred within the City of St. Louis.

Facts

8. Since August of 2014, Ms. Hendrix has protested police misconduct in numerous peaceful demonstrations throughout her community.

9. Ms. Hendrix participates in peaceful demonstrations as a passionate defender of civil rights and an advocate for children's rights, particularly in situations involving police misconduct.

10. On May 29, 2015, Ms. Hendrix participated in a march near Busch Stadium in downtown St. Louis.

11. The purpose of the protest was to bring public awareness to police misconduct in the community.

12. Ms. Hendrix and other protesters first met at Keiner Plaza, a public park located at South Broadway and Market Street.

13. From Keiner Plaza, Ms. Hendrix and other protesters marched with signs to inform the public of recent victims of police shootings.

14. Ms. Hendrix spoke with baseball fans in and around Keiner Plaza as they walked to Busch Stadium for a baseball game and again on the streets surrounding Busch Stadium after the game concluded.

15. During the latter part of the protest, Ms. Hendrix was on the sidewalk out of the way of traffic when a group of police officers began yelling at other protesters, alleging that they were impeding traffic and blocking exits and wheelchair ramps from the stadium.

16. At no time did Ms. Hendrix block any traffic or prevent any pedestrians from moving about on the sidewalks around Busch Stadium.

17. Rather, Ms. Hendrix remained on the sidewalk and continued to voice her views about the serious problems of police brutality.

18. When the baseball crowd diminished, Ms. Hendrix and the other protesters returned to Keiner Plaza to debrief the protest.

19. The group of protesters met at a spot near Keiner Plaza to organize transportation for individuals that needed a ride home.

20. After some of the individuals went home, no more than 15 protesters remained at Keiner Plaza.

21. The remaining protesters escorted one fellow protester to the 8th and Pine MetroLink station and then walked toward Washington Avenue to continue the protest into the night.

22. Once on Washington Avenue, the small group of protesters walked west to approximately 15th Street and then turned around and walked back east to 11th Street.

23. At the intersection of 11th Street and Washington Avenue, the group paused to arrange transportation home for all of the protesters.

24. As the group of protesters was standing on the sidewalk, Officer Daniel Zarrick and other police officers began arresting individuals from the group.

25. Ms. Hendrix asked the police officers why they were arresting individuals from the group.

26. Officer Zarrick and other officers did not provide an explanation, but they commanded Ms. Hendrix to get back.

27. When Officer Zarrick reached for Ms. Hendrix, Ms. Hendrix raised her hands up and away as she has been trained to do if approached by law enforcement and complied with the police commands to get back.

28. At that point, Officer Zarrick moved away from Ms. Hendrix and arrested another protester, Michael Lhotak.

29. As Mr. Lhotak was being arrested, he handed his phone to Ms. Hendrix to videotape the arrest.

30. Ms. Hendrix videotaped Mr. Lhotak's arrest and turned around to catch up with two other protesters, one of whom was Emmanuel Jones.

31. As she attempted to catch up, Ms. Hendrix saw another officer rush from the street and tase Mr. Jones.

32. As she watched Mr. Jones being tased, Officer Stephen Ogunjobi, who was out of her sight at that moment, deployed his taser on Ms. Hendrix.

33. At the same time, Officer Louis Wilson grabbed Ms. Hendrix and forced her left arm behind her back.

34. Officer Ogunjobi deployed multiple cycles of tasing on Ms. Hendrix.

35. Ms. Hendrix was shocked and in a state of disbelief as she was being tased, as it

occurred just as she was watching the tasing of Mr. Jones.

36. Officers Wilson and Ogunjobi said nothing to Ms. Hendrix before she was tased and placed under arrest.

37. The first cycle of tasing on Ms. Hendrix was apparently unexpected even to Officer Wilson, who received taser shocks along with Ms. Hendrix when he grabbed her.

38. Officer Wilson felt the taser shock and let go of Ms. Hendrix, who fell to the ground on her right side, pinning her right arm under her chest.

39. Within seconds of the first cycle of tasing, Ms. Hendrix stated to the police officers, “Oh my God, oh my God, oh my God. Why did you do that? I wasn’t doing anything.”

40. Before Officer Wilson could complete his command for Ms. Hendrix—who was now on her stomach—to put her hands behind her back, Officer Ogunjobi applied a second cycle of tasing on Ms. Hendrix. This caused Ms. Hendrix to scream in agony.

41. In response to Officer Wilson’s command, Ms. Hendrix repeatedly stated to the police officers, “I can’t, it hurts! I can’t, it hurts! It hurts so bad! Please, please stop!”

42. Ms. Hendrix was still pleading with the police officers when Officer Ogunjobi applied a *third* cycle of tasing on Ms. Hendrix.

43. Again, Ms. Hendrix screamed, then said, “Oh my God, why are you doing this? I’m on the ground!”

44. Officer Ogunjobi continued to electrify Ms. Hendrix without giving her an opportunity to comply with Wilson’s command to put her arms behind her back.

45. Ms. Hendrix did not have an opportunity to comply with Officer Wilson’s command because one arm was pinned under her while she was being tased repeatedly and in quick succession.

46. Ms. Hendrix was repeatedly tased by Officer Ogunjobi before she was completely in handcuffs. At least one cycle of tasing was carried out with one of the handcuffs secured to Ms. Hendrix's left wrist.

47. Ms. Hendrix was neither a threat to the police officers nor engaging in a violent encounter when the officers grabbed and tased her.

48. Similarly, she presented no threat to officers when she was lying down on her stomach with one arm handcuffed behind her back.

49. Ms. Hendrix never hindered, obstructed, resisted or otherwise interfered with the police officers while they were arresting her.

50. The force used by the Defendant police officers was excessive, offensive, and objectively unreasonable.

51. A Special Order issued by the Chief of the St. Louis Metropolitan Police Department (SLMPD) on July 25, 2008, lists the following purposes for which a taser is authorized for use by its officers:

- (a) to control a subject exhibiting active aggression when an officer reasonably believes that his/her life is in danger;
- (b) to effect a lawful arrest, or to otherwise control a combative, uncooperative person when verbal commands and persuasion have been ineffective in inducing cooperation;
- (c) to prevent a subject from harming himself/herself or others; or
- (d) to apprehend a fleeing subject when the officer has PROBABLE CAUSE for arrest (the fact that a subject is fleeing, without probable cause or other extenuating circumstances, is insufficient reason to use the TASER).

Exhibit B at VI-2.

52. The Special Order specifically notes, "A TASER is never to be used on a passive

subject, or as a pain-inflicting device to ensure compliance.” *Id.*

53. Further, the Order provides only two “SITUATIONS WHERE TASER MAY BE USED”:

- (a) an officer reasonably believes that he/she will become engaged in a violent encounter with a subject either when the subject aggressively moves towards an officer or the subject’s demeanor indicates the subject will engage the officer in a violent encounter; or
- (b) it is deemed reasonable that lesser force options will likely be ineffective.

Id. at VI-3.

54. The Defendant officers’ deployment of the taser against Ms. Hendrix was unreasonable and without justification.

55. As a result of the attack by the Defendant officers, Ms. Hendrix experienced severe physical pain, which lingered for many days following the incident.

56. Ms. Hendrix also continues to suffer psychological and emotional harm due to her abuse at the hands of sworn SLMPD officers.

57. Following her encounter with the Defendant officers, Ms. Hendrix was charged with (1) Resisting Arrest, and (2) Impeding and Interfering with Vehicular Traffic.

58. In a bench trial in the St. Louis City Municipal Court, Ms. Hendrix was acquitted of Impeding and Interfering with Vehicular Traffic.

59. In a de novo bench trial in the St. Louis City Circuit Court, Ms. Hendrix was acquitted of Resisting Arrest, with Judge Colbert-Botchway concluding, “The evidence presented in this case does not establish that Ms. Hendrix was ever given an opportunity to comply before she was tased repeatedly and then handcuffed.” Ex. A at 11.

Causes of Action

COUNT I
EXCESSIVE FORCE/BATTERY
(DEFENDANTS WILSON AND OGUNJOBI)

60. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set forth herein, and further alleges as follows:

61. Defendants Wilson and Ogunjobi intended to cause physical contact with Ms. Hendrix in the manner described more fully above when Defendant Wilson grabbed Ms. Hendrix's arm from behind and Defendant Ogunjobi repeatedly tased Ms. Hendrix as she fell and lay on the ground.

62. Defendant Wilson, acting on such intent, did indeed contact Ms. Hendrix's body when Defendant Wilson grabbed Ms. Hendrix's arm from behind.

63. Defendant Ogunjobi, acting on such intent, did indeed contact Ms. Hendrix's body when Defendant Ogunjobi deployed his taser on Ms. Hendrix.

64. When Defendant Ogunjobi applied the first cycle of tasing on Ms. Hendrix, his taser fired barb-like electrodes referred to as probes into Ms. Hendrix's body.

65. Ms. Hendrix experienced agonizing pain when the probes struck her breast and hand. She suffered muscle tightness and pain in her arm, hand, breast, chest, and in her upper and lower back. The tasing felt like a seizure as debilitating electrical currents entered Ms. Hendrix's body.

66. Defendant Ogunjobi intentionally deployed his taser on Ms. Hendrix.

67. When Defendant Ogunjobi deployed his taser on Ms. Hendrix, he caused her bodily harm including that set forth in paragraph 65.

68. Defendant Wilson caused Ms. Hendrix bodily harm when he grabbed her arm and

released her upon the first cycle of tasing, causing her to fall on the sidewalk. Defendant Wilson caused further injury to Ms. Hendrix's right rotator cuff while attempting to grab her arm from underneath her body.

69. Ms. Hendrix experienced excruciating pain when Defendants Wilson and Ogunjobi, acting together and in concert, used excessive and unreasonable force while arresting her.

70. Ms. Hendrix remained in pain throughout the night of the arrest, during which she received Advil from a jail medic. Ms. Hendrix was unable to sleep the night that she was arrested.

71. Ms. Hendrix's pain continued for at least a week following her arrest. As a result of the tasing, her skin felt as if it had been sunburned for many days.

72. Ms. Hendrix continues to have traumatic memories of the incident and has suffered psychological and emotional distress because of the lingering effect on her. Ms. Hendrix has also suffered a loss of trust in law enforcement.

73. Further, Ms. Hendrix suffered reputational loss as the newly-elected Director of Education on the University City School Board.

74. Defendant Ogunjobi was aware of the potential for tasers to cause severe pain, injury, or death when he deployed his taser.

75. When Defendant Ogunjobi deployed his taser on Ms. Hendrix, he was acting in the course and scope of his employment as a sworn police officer for the City of St. Louis.

76. When Defendant Wilson grabbed Ms. Hendrix's arm from behind, he was acting in the course and scope of his employment as a police officer.

77. Defendant Wilson's contact with Ms. Hendrix and the degree of force used

against Ms. Hendrix was offensive and harmful. Defendant Wilson grabbed Ms. Hendrix's arm and caused Ms. Hendrix to fall on the concrete sidewalk.

78. Defendant Wilson's contact with Ms. Hendrix was made without legal justification.

79. Defendant Ogunjobi's contact with Ms. Hendrix and the degree of force used against Ms. Hendrix was offensive and harmful.

80. Further, the degree of force used by Defendant Ogunjobi was objectively unreasonable for reasons including but not limited to the following:

- (a) Ms. Hendrix was not posing any threat to public safety or to the safety of Defendants because she was lawfully standing on the public sidewalk when she was tased;
- (b) Ms. Hendrix did not pose a threat to public safety or to the safety of Defendants because Defendants had no reason to suspect Ms. Hendrix had committed a crime involving the infliction or threatened infliction of serious physical harm when Defendant Ogunjobi assaulted and battered her; and
- (c) Ms. Hendrix did not pose a threat to public safety or to the safety of Defendants because Ms. Hendrix was unarmed and did not have any weapon in her possession when she was repeatedly tased by Defendant Ogunjobi.

81. As a direct and proximate cause of Defendants Wilson's and Ogunjobi's actions, Ms. Hendrix suffered severe bodily harm and personal injuries, as well as pain and suffering and emotional distress.

82. The acts of Defendants Wilson and Ogunjobi were intentional, wanton, done with malice, and in reckless or conscious disregard for the rights of Ms. Hendrix so as to entitle Ms. Hendrix to an award of punitive damages against Defendants Wilson and Ogunjobi.

WHEREFORE, Ms. Hendrix prays that this Court enter its Judgment against Defendants

Wilson and Ogunjobi for such sums that are fair and reasonable and in excess of \$25,000, and for punitive damages in such sums that are fair and reasonable, for costs expended herein, and for other such relief as the Court deems just and proper.

COUNT II
ASSAULT
(DEFENDANTS WILSON AND OGUNJOBI)

83. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set forth herein, and further alleges as follows:

84. The acts of Defendants Wilson and Ogunjobi as described above were committed without just cause or provocation.

85. The Defendants' actions, including grabbing, tasing, and arresting Ms. Hendrix, were intended to cause Ms. Hendrix apprehension of offensive physical contact and fear of bodily harm.

86. Ms. Hendrix did, in fact, experience fear and apprehension of bodily harm.

87. Ms. Hendrix's fear and apprehension, caused by Defendants Wilson's and Ogunjobi's actions, were reasonable.

88. As a direct and proximate result the brutal and outrageous conduct of the Defendants as described above, Ms. Hendrix suffered fear, apprehension, severe bodily harm and personal injuries, as well as pain, suffering and emotional distress.

89. The acts of Defendants Wilson and Ogunjobi were intentional, wanton, done with malice, and in reckless or conscious disregard for the rights of Ms. Hendrix so as to entitle Ms. Hendrix to an award of punitive damages against Defendants.

WHEREFORE, Ms. Hendrix prays that this Court enter its Judgment against Defendants Wilson and Ogunjobi for such sums that are fair and reasonable and in excess of \$25,000, and

for punitive damages in such sums that are fair and reasonable, for costs expended herein, and for other such relief as the Court deems just and proper.

COUNT III
FALSE ARREST/FALSE IMPRISONMENT
(DEFENDANTS ZARRICK, WILSON, AND OGUNJOBI)

90. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set forth herein, and further alleges as follows:

91. Defendants Zarrick, Wilson and Ogunjobi intentionally caused the arrest, detention and restraint of Ms. Hendrix against her will and without probable cause or legal justification.

92. Defendant Zarrick encouraged, promoted or instigated the arrest of Ms. Hendrix.

93. Ms. Hendrix was one of the protesters walking on the sidewalk when Defendant Zarrick yelled, "Grab anyone. They were all in the street."

94. Ms. Hendrix believed she was free to leave and was walking lawfully on the sidewalk at the time of the arrest.

95. The group of protesters was on the sidewalk and making arrangements to go back to their cars when the Defendant officers swarmed them.

96. Defendants Wilson and Ogunjobi unlawfully arrested Ms. Hendrix after receiving Defendant Zarrick's command.

97. Defendants Wilson and Ogunjobi acted with bad faith and malice when they arrested Ms. Hendrix.

98. Defendants Wilson and Ogunjobi arrested Ms. Hendrix without probable cause.

99. Ms. Hendrix was charged with violating Section 17.16.275 (Ordinance No. 69282A-D), Impeding and Interfering with Pedestrian and Vehicular Traffic and Section

15.10.010, Hindering, Obstructing or Resisting Officer Wilson while in the discharge of his official duties.

100. With respect to the charge of Impeding and Interfering with Pedestrian and Vehicle Traffic, the information alleged facts that Ms. Hendrix unlawfully stood or otherwise positioned herself in a public exit, corridor or passage of a public or private building as to obstruct or impede the reasonable movement of vehicular or pedestrian traffic.

101. The information also alleged facts that Ms. Hendrix stood or congregated for the purpose of selling or offering goods or services without a license in a public place or the entrance, exit, corridor or passage of a public or private building.

102. At no time during the peaceful protest did Ms. Hendrix unlawfully stand or position herself in a public exit, corridor or passage of a public or private building as to impede reasonable movement of vehicular or pedestrian traffic.

103. Ms. Hendrix also never stood or congregated for the purpose of selling or offering goods or services without a license during the peaceful protest.

104. With respect to the charge of Hindering, Obstructing or Resisting Officer Wilson, Ms. Hendrix has set forth in the above paragraphs that she had no opportunity to hinder, obstruct or resist Defendant Wilson while she was being repeatedly tased. This Court reached the same conclusion in its judgment of acquittal for Ms. Hendrix.

105. Defendants Zarrick, Wilson, and Ogunjobi had no legal justification or probable cause to arrest Ms. Hendrix.

106. As a direct and proximate result of Defendants Zarrick, Wilson, and Ogunjobi causing the arrest, detention, and restraint of Ms. Hendrix as described, Ms. Hendrix suffered damages to her reputation and emotional well-being, as well as the loss of her freedom and

personal liberty during the course of her detention.

107. The acts of Defendants Zarrick, Wilson, and Ogunjobi were intentional, wanton, done with malice, and in reckless or conscious disregard for the rights of Ms. Hendrix so as to entitle Ms. Hendrix to an award of punitive damages against Defendants.

WHEREFORE, Ms. Hendrix prays that this Court enter its Judgment against Defendants Zarrick, Wilson and Ogunjobi for such sums that are fair and reasonable and in excess of \$25,000, and for punitive damages in such sums that are fair and reasonable, for costs expended herein, and for other such relief as the Court deems just and proper.

COUNT IV
MALICIOUS PROSECUTION
(DEFENDANTS ZARRICK, WILSON, AND OGUNJOBI)

108. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set forth herein, and further alleges as follows:

109. Defendants Zarrick, Wilson, and Ogunjobi instigated and continued judicial proceedings in which Ms. Hendrix had to defend herself against false allegations.

110. After Ms. Hendrix's arrest, Defendant Zarrick falsely stated, "The female that was tased was resisting strongly," and accused Ms. Hendrix of being a threat.

111. Defendants Wilson and Ogunjobi falsely stated in the incident report and testified that Ms. Hendrix was told before the tasing to stop and put her hands behind her back and that she pulled away and began flailing her arm to resist arrest.

112. Defendants Wilson and Ogunjobi provided conflicting testimony as to whether Officer Wilson or the officers told Ms. Hendrix that she was under arrest.

113. The judicial proceedings referenced in paragraph 109 above resulted in Ms. Hendrix's acquittal.

114. Defendants Zarrick, Wilson, and Ogunjobi willfully, unlawfully, and maliciously caused the commencement and continuation of a baseless prosecution against Ms. Hendrix without probable cause, and, as a result of this prosecution, Ms. Hendrix suffered significant damages.

115. As a direct and proximate result of Defendants' prosecution of Ms. Hendrix, Ms. Hendrix was deprived of her freedom, the use of money she posted for bond and appeal, the time and money she used to attend court appearances to defend herself, and her reputation in the community.

116. The acts and/or omissions of Defendants Zarrick, Wilson, and Ogunjobi were the legal and proximate cause of Ms. Hendrix's injuries as described herein.

117. The acts of Defendants Zarrick, Wilson, and Ogunjobi were intentional, wanton, done with malice, and in reckless or conscious disregard for the rights of Ms. Hendrix so as to entitle Ms. Hendrix to an award of punitive damages against Defendants.

WHEREFORE, Ms. Hendrix prays that this Court enter its Judgment against Defendants Zarrick, Wilson, and Ogunjobi for such sums that are fair and reasonable and in excess of \$25,000, and for punitive damages in such sums that are fair and reasonable, for costs expended herein, and for other such relief as the Court deems just and proper.

COUNT V
NEGLIGENT TRAINING AND SUPERVISION
(DEFENDANT CITY OF ST. LOUIS)

118. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set forth herein, and further alleges as follows:

119. Defendants Zarrick, Wilson, and Ogunjobi were at all times relevant acting as employees and agents under the direction and control, and pursuant to the policies, practices, and

customs of the City of St. Louis.

120. Upon information and belief, the use of force and the tasing of Ms. Hendrix violated policies, general orders, or manufacturer's guidelines.

121. Defendant City of St. Louis acted negligently, carelessly, recklessly, and with deliberate indifference to the safety of Ms. Hendrix and others by failing to properly train, supervise, control, direct, monitor, and/or discipline its officers, including Defendants Zarrick, Wilson, and Ogunjobi.

122. Defendant City of St. Louis failed to adequately supervise and train its officers, including Defendants Zarrick, Wilson, and Ogunjobi, with respect to avoiding the use of excessive force, the proper use of force and methods of investigation, and the legal basis for initiating criminal charges.

123. Defendant City of St. Louis also failed to adequately discipline and hold accountable its officers for initiating and pursuing criminal prosecutions for retaliatory motives or to cover up their own unlawful conduct.

124. As a direct and proximate result of the Defendant City's failures as listed above, Ms. Hendrix suffered severe bodily harm and personal injuries, as well as pain, suffering, and emotional distress.

125. The Defendant City of St. Louis is not entitled to sovereign immunity because it has procured insurance, thereby waiving sovereign immunity up to the policy limit for acts covered by the policy.

WHEREFORE, Ms. Hendrix prays that this Court enter its Judgment against Defendant City of St. Louis for such sums that are fair and reasonable and in excess of \$25,000, and for punitive damages in sums that are fair and reasonable, for costs expended herein, and for other

such relief as the Court deems just and proper.

Dated: May 26, 2017

Respectfully Submitted,
ArchCity Defenders, Inc.

By: /s/ Blake A. Strode

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