

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

NERIAH MARIE LEE STOKES,)	
only child of Decedent, Ryan Stokes,)	
by and through her natural Mother)	
and Next Friend, BRITTANY LEE,)	JURY TRIAL DEMANDED
)	
and)	
)	
NARENE JAMES)	Case No. 4:16-cv-00843
)	
<i>Plaintiffs,</i>)	
)	
v.)	JURY TRIAL DEMANDED
)	
THE KANSAS CITY BOARD OF)	
POLICE COMMISSIONERS,)	
Comprised of its members as follows:)	
)	
MICHAEL RADER)	
Member and President)	
(In his official capacity))	
Serve at:)	
1125 Locust)	
Kansas City, MO 64106)	
)	
and)	
)	
LELAND SHURIN)	
Member and Vice-President)	
(In his official capacity))	
Serve at 1125 Locust)	
Kansas City, MO 64106)	
)	
and)	
)	
ANGELA WASSON-HUNT)	
Member and Treasurer)	
(In her official capacity))	
Serve at:)	
1125 Locust)	
Kansas City, MO 64106)	
)	
and)	
)	
ALVIN BROOKS)	

Member)
(In his official capacity))
Serve at:)
1125 Locust)
Kansas City, MO 64106)
))
and)
))
SLY JAMES)
Member - Ex-Officio as Mayor of Kansas City)
(In his official capacity))
Serve at:)
1125 Locust)
Kansas City, MO 64106)
))
and)
))
DAVID KENNER)
Member and Secretary)
(In his official capacity))
Serve at:)
1125 Locust)
Kansas City, MO 64106)
))
and)
))
WILLIAM THOMPSON ,)
(in his official and individual capacity))
Serve at:)
1125 Locust)
Kansas City, MO 64106)
))
Defendants.)

PLAINTIFFS' COMPLAINT

COME NOW Plaintiffs, Neriah Marie Lee Stokes, the only child of decedent Ryan Stokes, by and through her natural Mother and Next Friend, Brittany Lee and Narene James, natural Mother of Ryan Stokes, by and through their undersigned attorneys and collectively state as follows for their Complaint against the named Defendants above.

A. Introduction

1. On July 28, 2013, Ryan Stokes was fatally shot by Kansas City, Missouri Police (hereinafter “KCPD”) Officer William Thompson (“Thompson”) in a parking lot near the intersection of 12th Street and McGee Street in Kansas City, Jackson County, Missouri while he was acting in the course and scope of his employment with the Kansas City Missouri Board of Police Commissioners (“Board”) and acting under color of state law.

2. At the time of his shooting, 23-year old Ryan Stokes was unarmed.

3. Immediately prior to being shot to death, Ryan Stokes received no verbal commands from Thompson.

4. Immediately prior to being shot to death, Ryan Stokes posed absolutely no imminent risk of serious bodily harm or death to anyone, as he was an unarmed man going to a car in a parking lot after KCPD disbursed a crowd, utilizing a “push” and pepper spray in the Kansas City Power and Light district and utilizing the services of KCPD officers who were, like Thompson, not “beat” cops with on-the-job practical policing experience, but rather, research and development cops relegated to desk duties unrelated to community policing on a day-to-day basis.

5. Thompson shot Ryan Stokes 3 times and Ryan Stokes died as a result of these gunshots.

6. Although Ryan Stokes was unarmed, after being critically wounded by the shots fired by Thompson, KCPD officers proceeded to handcuff Ryan Stokes.

7. Thompson’s conduct was a violation of Ryan Stokes’ Fourth and Fourteenth Amendment rights to be secure in his person against unreasonable searches and seizures. The Board’s and its members’ actions and inactions in (a) failing to properly train Thompson, (b) failing to adequately supervise Thomson and (c) in having inadequate, improper and untested

policies, procedures, practices, customs and patterns of conduct were all moving forces behind the violations of Ryan Stokes' Fourth and Fourteenth Amendment rights to be secure in his person against unreasonable searches and seizures.

8. After Ryan Stokes fell to the pavement after being critically wounded, he was made to lie on the pavement of the parking lot, bleeding and gasping for air for over 15 minutes until the arrival of an ambulance and paramedics.

9. Despite being aware of Ryan Stokes' serious injuries and need for immediate, life-saving medical attention, Thompson and Albert Villafain ("Villafain"), acting in the course and scope of their employment with the Board and acting under color of law unreasonably delayed calling for or obtaining necessary medical assistance.

10. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983 to redress the violation of Ryan Stokes' rights afforded him by the United States Constitution. Plaintiffs likewise raise common law causes of action and a state statutory claim for wrongful death pursuant to §537.080, RSMo.

B. Jurisdiction and Venue

11. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1367. Defendants' acts, omissions, and wrongful conduct violate civil rights protected by the federal constitution and are actionable herein pursuant to 42 U.S.C. § 1983. In addition, as prevailing parties, Plaintiffs herein are entitled to their reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

12. Venue is proper under 28 U.S.C. § 1391(b) because all parties reside in this judicial district and the events giving rise to the claims asserted herein occurred within the district.

C. Parties

13. Plaintiff Neriah Marie Lee Stokes is Ryan's only surviving child. Neriah was born on January 18, 2012 and is 4 years old. She is a resident of Kansas City, Jackson County, Missouri.

14. Brittany Lee is the natural mother of Neriah Marie Lee Stokes. She is a resident of Kansas City, Jackson County, Missouri.

15. Ryan is also survived by his mother, Plaintiff Narene James, who is a resident of Kansas City, Jackson County, Missouri.

16. Thompson was at all times relevant in this Complaint a sworn law enforcement officer assigned to the Research and Development Division of the KCPD, who at all times herein described was acting in the course and scope of his employment with the Board and/or KCPD and/or the City of Kansas City, Missouri and was acting under color of law. Upon information and belief, Thompson resides in Kansas City, Jackson County, Missouri.

17. Upon information and belief, Officer Villafain was a sworn law enforcement officer, who, at all times herein described was acting in the course and scope of his employment with the Board and/or KCPD and/or the City of Kansas City, Missouri and was acting under color of law. Upon information and belief, Villafain resides in Kansas City, Jackson County, Missouri.

18. The Board is the governing body with the responsibility and duty of overseeing the actions of the KCPD and its officers. The Board is given its authority pursuant to Missouri statute and can sue and be sued by and through its members in their respective individual capacities, specifically defendants Rader, Shurin, Wasson-Hunt, Brooks, James and Kenner.

19. The Board and its members are liable for damages caused by their respective employees and officers' intentional, wrongful, reckless and negligent acts, errors and/or omissions

while the employees and officers were acting under color of state law and while they were acting within the course and scope of their employment with the Board and its members.

20. The conduct alleged in this Complaint violated clearly established federal- and state-protected rights of which every reasonably competent and prudent official in Defendants' respective positions would have, or should have, been aware. As to Defendants' actions, errors and omissions toward Ryan Stokes and Plaintiffs, there was no objectively reasonable reliance on existing law.

D. Factual Allegations Common to All Counts

The Board's Failures

21. At all times material herein, the Board's practice, so well settled as to constitute custom or usage with force of law, was to approve, ratify, and defend the use of deadly force by KCPD police officers regardless of whether circumstances raised questions about whether there had been any actual, immediate threat to safety by: (1) failing to discipline, criticize or seek to change such conduct; (2) consistently and systematically failing to genuinely question or investigate the propriety of such conduct; and (3) consistently and systematically working to hide and protect from public disclosure the identity and role of officers involved in such conduct.

22. The Board's training and supervision deficiencies contributed to the pattern and practice of the use of excessive and unreasonable force – including the use of deadly force – by the KCPD's officers, including the officers involved in the shooting death of Ryan Stokes, especially Thompson.

23. The Board and KCPD effectively discouraged de-escalation tactics as a means of approaching and interacting with persons in order to bring a stressful situation under control, even in the absence of any show of force or threat of force from the person involved.

24. The Board's and KCPD's policies and training in effect at the time of Ryan Stokes' death demonstrated deliberate indifference to the rights of the inhabitants of Kansas City, Missouri.

25. These actions, omissions, policies, practices, procedures, patterns, decisions, orders, and customs of the Board described in this Complaint were the cause, were the contributing cause and/or were the moving force behind the constitutional and other violations described in this Complaint. These actions, omissions, policies, practices, procedures, patterns, decisions, orders, and customs are established, at least in part, by proof of knowledge of, acquiescence in, or ratification of all of wrongful conduct explained in this Complaint.

26. The Board failed to adopt policies or train its officers in order to avoid police shootings such as the shooting of Ryan Stokes. This failure to act was the result of deliberate indifference to the rights of the inhabitants of Kansas City, Missouri.

27. The Board's inadequate internal accountability measures contributed to the pattern and practice of excessive use of force by KCPD officers, including the officers involved in the shooting death of Ryan Stokes, especially Thompson.

28. The Board systematically fails to act reasonably to reconcile any inconsistencies between the physical evidence and a KCPD officer's version of the events concerning the use of force.

29. Among other policies, practices, patterns and/or customs, the Board, through its then-Chief of Police, had adopted a policy, practice, pattern and/or custom at the time of the shooting death of Ryan Stokes that allowed untrained, inexperienced officers like Thompson to patrol "hot zones" like the Kansas City Power and Light District when businesses were closing for the night and rough and rowdy throngs of intoxicated people were given "last call" at the bars and then asked to leave. These untrained and inexperienced officers like Thompson were not prepared

for the duties assigned to them in patrolling these “hot zones” and received inadequate or no training at all in dealing with these types of people and the trouble they might cause.

30. Among other policies, practices, patterns and/or customs, the Board, through its then-Chief of Police, had adopted a policy, practice, pattern and/or custom at the time of the shooting death of Ryan Stokes that encouraged KCPD officers like Villafain to target and pursue – and encourage other KCPD officers to also target and pursue – innocent black men and women based upon the false words of a drunk that such innocent black men and women had committed acts of petty theft, like the theft of a cell phone.

31. The Board does not require supervising and/or internal affairs officers and/or detectives to seriously and objectively review use of force incidents involving officers, in particular, shooting deaths resulting from the use of deadly force. There is no independent investigation involving non-police personnel into the excessive use of force by KCPD’s officers.

32. The Board failed to provide its officers, including Thompson, with the operational guidance needed to limit the use of deadly force within the boundaries of the Constitution of the United States of America and that failure was a moving force behind the shooting death of Ryan Stokes.

33. Long before Ryan Stokes was shot and killed, the Board knew or should have known that its practices and procedures would result in the unnecessary shooting of citizens, including Ryan Stokes.

34. The Board had actual or constructive notice that its action or failure to act was substantially certain to result in constitutional violations and the Board consciously and/or deliberately chose to disregard the risk of harm, as evidenced by the tortious conduct.

35. Information related to the shooting death of Ryan Stokes was difficult to obtain due to the Board's policy of creating a veil of secrecy surrounding the shooting.

36. Instead of honestly and fairly investigating the homicide of Ryan Stokes, the Board's and the KCPD's efforts were immediately directed at publishing untrue statements about Ryan Stokes and his actions, making Ryan Stokes out to be a criminal. With the blessing and ratification of the Board and the KCPD, in the press, Ryan Stokes was needlessly vilified, causing irreparable harm to Ryan Stokes' family, including but not limited to the Plaintiffs. These published, untrue statements demonstrate the deliberate indifference of the Board to the constitutional rights of the citizens of Kanas City, Missouri, which untrue statements were either directly published by the Board or with the Board's acquiescence and/or ratification. These untrue published statements served to interfere with an honest and fair investigation into the homicide of Ryan Stokes, making it impossible to verify or refute findings that the use of deadly force was supposedly reasonable and/or justified.

The Unlawful Shooting Death of Ryan Stokes

37. On July 28, 2013, Ryan Stokes, then a 24-year old African American man, was 6'2" tall and weighed 240lbs. He was Father to then-2 year-old Neriah and son of Narene James and Clarence Stokes.

38. Ryan Stokes was a 2007 graduate of Southwest High School and an employee of Thriftway Cleaners, 3851 Indiana, a dry cleaning business that his Father, Clarence Stokes owned. It was Ryan's intent to learn the business so that he might someday take over for his Father.

39. Late on the evening of Saturday, July 27, 2013, Ryan Stokes and his long-time friends, Ollie Outley and Kenneth Cann, together with Dominique Outley and other acquaintances (hereinafter sometimes "young men") drove to the Kansas City Power and Light District. All the

young men had known each other since middle school or high school. All the young men were African American. None of these young men had a criminal record or were a member of a gang. These were young, law-abiding Americans who went to Kansas City Power & Light for fun.

40. On July 28, 2013, Ryan Stokes was the only passenger in the front seat of a red Chevrolet Monte Carlo driven and owned by his friend, Ollie Outley.

41. Kenneth Cann was the owner and operator of a silver Chevrolet Impala.

42. The young men arrived at the Power and Light District sometime between 11:30 a.m. and 12:30 a.m. and parked both vehicles described above in the upper Standard Parking lot on McGee Avenue, closest to 12th Street.

43. Following their arrival at the Power and Light District, Dominique Outley and his friends separated from the older guys Ryan Stokes, Ollie Outley and Kenneth Cann.

44. Ryan Stokes was wearing a white tee shirt, black pinstriped athletic shorts, and black sneakers. His hair was braided. He was not wearing a belt.

45. Ollie Outley, who was approximately 5'6" tall and weighed 150lbs, was wearing a red tee shirt with a graphic design, cargo khaki shorts, sneakers, and a basketball cap. Kenneth Cann, who was approximately 6'2" tall and weighed 170lbs, was wearing a white tee shirt with jeans shorts and sneakers. His hair was low cut.

46. Because of their casual dress, it was known to these young men that they would not be allowed to enter the Power and Light District. Rather, their intention was to walk around the perimeter of the Power and Light District in the hopes of meeting their friends.

47. The Power & Light district attracts scores of young people. July 27 and 28, 2013 was a busy weekend due to a soccer event in town. It was common for young people to walk the perimeter of the Power & Light District.

48. Ryan's group of friends walked around for an hour or so.

49. Sometime after 2 a.m., the bars closed and people poured out of the bars and restaurants and as expected, the outer perimeter of the Power and Light District was filling rapidly with patrons who were leaving the interior of the Power and Light District at the close of the majority of the venues.

50. At approximately 2:50 a.m. on July 28, 2013, Ryan Stokes, Ollie Outley and Kenneth Cann were walking north on Grand Boulevard and approached the corner of 13th Street and Grand Boulevard.

51. As they arrived at the corner of 13th Street and Grand Boulevard, Ollie Outley was confronted by a drunk white man later identified as Jordan Miller and was accused by Miller of stealing Miller's Apple iPhone, which was not true. Ollie denied the accusation but Jordan Miller pressed the issue with Mr. Outley.

52. When Jordan Miller was falsely accusing Ollie Outley, the streets in the Power and Light District were filling up with more patrons of the Power & Light District exiting at the close of various clubs and bars.

53. Jordan Miller was accompanied by several other white males, most if not all of whom were drunk.

54. When Jordan Miller noticed that his Apple iPhone was missing, he turned around and noticed Ollie Outley approaching the corner of 13th Street and Grand Boulevard from the south and confronted Ollie Outley about taking his Apple iPhone. Mr Outley is African American and was with his friends, all of whom are African American.

55. Jordan Miller was quickly joined by Brett Budke and another unidentified white male, wearing a black fitted "Titleist golf" baseball cap. These three men began to push, shove,

and aggressively question and wrongfully accuse Ollie Outley of stealing Jordan Miller's Apple iPhone. No one in Jordan Miller's group had witnessed a theft, not even Jordan Miller. All of Jordan Miller's group entered the argument recklessly and continued to harass Ollie Outley, though he had done nothing wrong nor had he taken Jordan Miller's Apple iPhone.

56. Ollie Outley denied directly, repeatedly and angrily that he had not taken anyone's phone. Ryan Stokes came to the aid of his friend and attempted to break up the scuffle and stop Jordan Miller and his group of friends from harassing and attacking Ollie Outley.

57. Kenneth Cann was not involved in the scuffle in any way.

58. KCPD Officer Villafain observed this argument and shoving match as the number of people in the crowd increased.

59. Villafain deployed a canister of OC spray (or pepper spray) – described by KCMO police as a "bomb" – to disperse the crowd of people which had gathered to watch the argument initiated by Jordan Miller.

60. After the OC spray was deployed, all of the persons gathered and those attempting to walk along the sidewalk near 13th Street and Grand Boulevard dispersed. Some walked and some jogged away. Jordan Miller and his uncle Budke walked into the center of 13th and Grand and spoke to officer Villafain, a bicycle cop assigned to this "hot zone."

61. Ollie Outley had an eye injury that he had suffered prior to July 28, 2013 and when Villafain shot the pepper spray, Ollie Outley was hit directly by the spray in his face and his vision was momentarily impaired. He walked across Grand Boulevard complaining that his eyes were stinging from the spray.

62. Unable to see, Ollie Outley handed his car keys to his friend Ryan Stokes.

63. With the car keys in hand, Ryan Stokes and Kenneth Cann jogged away from the corner of 13th Street and Grand Boulevard. They ran up the hill to the corner of 13th & McGee Avenue. They turned left to run the next half block to their cars.

64. While at the corner of 13th Street and Grand Boulevard, Ryan Stokes, Ollie Outley, and Kenneth Cann did not receive any commands from any law enforcement officer.

65. Ryan Stokes and Kenneth Cann did not receive any commands at the time of or after Ryan Stokes was handed Ollie Outley's car keys.

66. The accusation made by Jordan Miller that Ollie Outley had taken his Apple iPhone was false. Neither Mr. Outley, nor Ryan Stokes nor Kenneth Cann took Jordan Miller's Apple iPhone.

67. Immediately following the deployment of the OC Spray, Jordan Miller and Mr. Budke approached Villafain and pointed up 13th Street as Ryan Stokes and Kenneth Cann jogged up 13th Street.

68. Ollie Outley – the subject of the original false account by Jordan Miller – was standing on 13th Street and was passed by Jordan Miller, his friends and KCPD officers as they began to pursue Ryan Stokes and Kenneth Cann as they jogged up 13th Street. It was the intoxicated Jordan Miller and Mr. Budke – who admitted they had not witnessed a theft – who then turned their attention and the attention of KCPD officers to Ryan Stokes and Kenneth Cann, wrongfully accusing them as the thieves of Jordan Miller's Apple iPhone.

69. Based on the accounts of two drunk men, Miller and Budke, over a missing Apple iPhone at closing time in the Power & Light District, KCPD officers pursued Ryan Stokes and Kenneth Cann on foot, bicycles and police cars, setting in motion a tragedy of monumental magnitude that would end Ryan Stokes' life just minutes later.

70. Neither Miller nor Budke reported to Villafain that it was Ollie Outley who took Miller's cell phone, as Miller had alleged when attacking and berating Ollie Outley just moments earlier.

71. As a result of the false report by the drunks, Miller and Budke, Villafain radioed to available KCMO officers that the "suspects of a stealing" had fled on foot and were headed north on McGee Ave and 12th Street.

72. Villafain, the closest officer to Ryan Stokes and Kenneth Cann, was soon joined by officers Daniel Straub, Darin Lutz and Joshua Sandifer. Those officers pursued Ryan Stokes and Kenneth Cann by running up 13th Street toward McGee and then toward 12th Street.

73. Defendant Thompson was in his KCPD vehicle with his partner, Officer Tamara Jones.

74. While Defendant Thompson and Officer Jones were normally assigned to the Research and Development Division of the KCPD, instead of their regular duties, both were working patrol in the early morning hours of July 28, 2013 due to the newly-implemented policy of the Board. These officers were required to work "hot zones" pursuant to KCPD policy on community policing.

75. In the KCPD, the Research and Development Division is responsible for creating and updating the policies governing the department. Research and Development cops are not normally "street" cops, do not normally control crowds, do not normally get deployed to control crowds, do not normally arrest subjects and do not normally utilize their firearms in their daily jobs.

76. Defendant Thompson and Officer Jones responded to Villafain's radio call for assistance. Thompson drew his weapon.

77. At no time did Villafain or any other officer report via radio call or other type of communication that the “suspect” or “suspects” were armed. The bike officers wrongly pursuing Ryan Stokes and Kenneth Cann had not drawn their weapons.

78. Ryan Stokes and Kenneth Cann arrived in the parking lot before either the bike cops or the Research and Development officers, whose vision was obscured by the building which sits at the north end of the parking lot. The bike cops had not given any commands to Ryan Stokes or Kenneth Cann as they turned into the lot in which their two cars were parked.

79. KCPD officers had allowed the drunks, Miller and Budke, to join the chase following the group up 13th to McGee then north to the entrance of the subject parking lot.

80. Upon entering the parking lot from the east, Kenneth Cann ran toward his vehicle and noticed officers Villafain, Straub, Lutz and Sandifer entering the lot. He immediately dropped to the pavement. Kenneth Cann had a gun concealed in his waistband. At no time had he displayed the weapon. As Kenneth Cann lied on the pavement, he slid the handgun under his car.

81. Villifain, the bike officers and others pursuing Kenneth Cann were unaware that he had a gun. None of those officers saw Kenneth Cann slide it under the car.

82. Ryan Stokes was slightly ahead of his friend, Kenneth Cann, and entered the parking lot from the east off McGee Avenue, then went west and then turned north (right) toward Ollie Outley’s vehicle.

83. When Ryan Stokes arrived at Ollie Outley’s vehicle, he partially opened the driver’s side door. When at the driver’s side door, Ryan Stokes was facing south. Ryan Stokes then noticed Kenneth Cann on the ground with officers headed toward him or on him. Ryan Stokes was positioned to the north of Kenneth Cann and officers Villafain, Staub, Lutz, and Sandifer. At this time, Ryan Stokes received no commands from any KCPD officer. By this time, Ryan Stokes

had been dispersed by the canister of OC spray deployed by Villifain and had done absolutely nothing except jog to Ollie Outley's car.

84. After noticing his friend, Kenneth Cann on the ground being seized by KCPD officers, Ryan Stokes closed the driver's side door of Ollie Outley's car and moved to the front of the car.

85. Responding to Villafain's radio call, Thompson entered the parking lot from the north off 12th Street and, more specifically, behind Ryan Stokes. Up to the point of Thompson entering the parking lot at that time, the building at the southeast corner of 12th Street and McGee Street would have blocked any view of the parking lot by Thompson and his partner, Jones, as Ryan went across the parking lot toward Ollie Outley's car.

86. Defendant Thompson's partner, Officer Jones, moved up 12th Street toward McGee Avenue and then cut back to the north entrance of the parking lot. She was several feet behind her partner, Thompson.

87. Thompson had unholstered and drawn his gun as he entered the parking lot. As Ryan Stokes moved to the driver's side of Ollie Outley's car, Defendant Thompson approached Ryan Stokes from behind and was approximately 10 feet behind him on his left side.

88. Defendant Thompson saw Ryan open and shut the door to Ollie Outley's car.

89. Ryan Stokes did not speak to or threaten Thompson or anyone else.

90. Ryan Stokes was not a threat to officers or anyone else, nor would a reasonably prudent officer in Thompson's position or Jones's position have perceived him as a threat, since Ryan Stokes was merely going to a car parked in a parking lot after being dispersed by a canister of OC spray during an organized "push" by KCPD officers in a "hot zone."

91. Ryan Stokes did not run toward his friend, Kenneth Cann or the officers restraining him.

92. Ryan Stokes was never in possession of or holding a gun. All Ryan Stokes had were car keys and his cell phone.

93. Defendant Thompson gave no commands to Ryan Stokes, nor did he give Ryan Stokes any opportunity to respond to a warning of any kind as Thomson approached him from behind with his gun unholstered and drawn.

94. Rather than using some other non-lethal means of subduing Ryan Stokes, such as Thompson's OC spray, baton, bean bag gun, taser or other physical, non-lethal force, if such action was even necessary, Thompson shot Ryan Stokes from behind without issuing any sort of warning or command given to Ryan Stokes.

95. At approximately 2:59 a.m. on July 28, 2013, Defendant Thompson fired two to three bullets at Ryan Stokes, two of them striking him and causing him to crumple to the ground.

96. Two of the bullets fired by Defendant Thompson entered Ryan Stokes' torso, one obliquely into his left side which dissected Ryan's aorta in his abdomen.

97. Defendant Thompson had no cause, no reason, and no probable cause or reasonable suspicion to believe that Ryan Stokes posed a threat of serious bodily injury or death to him or any other person at the time Thompson shot Ryan Stokes.

98. Immediately following the shooting by Thompson, officer Villafain yelled over his hand-held radio to the shooting officer to "watch [his] crossfire."

99. Upon information and belief, Villafain saw Ryan Stokes arrive at the driver's side of the red Monte Carlo and open the driver's side door. Villafain did not hear verbal commands from Defendant Thompson before the shots were fired.

100. Officer Straub saw Ryan Stokes arrive at the red Monte Carlo, open the driver's side door and then begin to turn toward the south toward Officer Straub and the other officers who were seizing Kenneth Cann, at which time Ryan Stokes was shot.

101. Officer Straub handcuffed Ryan Stokes and attempted to perform first aid.

102. When he was shot by Thompson, Ryan Stokes was unarmed.

103. Before he was shot, Ryan Stokes was unarmed.

104. At all times on July 27 and 28, 2013, Ryan Stokes was unarmed.

105. Officer Straub did not recover a gun from Ryan Stokes' hand or on his person, nor did any other person recover a gun from Ryan Stokes.

106. Ryan Stokes did not have a gun.

107. Officer Lutz heard no commands from Defendant Thompson and only reported that he and the officers seizing Kenneth Cann yelled at Kenneth Cann to "get to the ground."

108. Officer Sandifer did pursue Kenneth Cann and Ryan Stokes to the parking lot. He reported that he did not see a weapon during his pursuit.

109. Officer Sandifer reported seeing the shooting. He reported being less than 10 feet away from Ryan Stokes and he noted that he did not see anything in Ryan Stokes' hands prior to the shooting.

110. Officer Sandifer reported hearing Defendant Thompson, yell "gun, gun, gun" immediately before and during the time he shot Ryan Stokes.

111. Officer Jones had moved up 12th Street to the corner of McGee Avenue at the time just before and during the shooting of Ryan Stokes and reported that she heard an officer yell "get down" and, as a result, Officer Jones turned back to the 12th Street entrance to the lot.

112. Upon entering the lot, Officer Jones did not see Ryan Stokes holding a gun.

113. Officer Jones saw Defendant Thompson 10 feet behind Ryan Stokes at the time Defendant Thompson shot Ryan Stokes.

114. Despite being aware that Ryan Stokes had been shot and was bleeding, the officers on the scene, including Thompson, delayed calling for an ambulance and/or seeking medical attention for Ryan Stokes.

115. Immediately following his shooting and killing of Ryan Stokes, Defendant Thompson opened the driver's door of the red Monte Carlo and went into and through the contents of Ollie Outley's vehicle.

116. Defendant Thompson recovered a .22 semi-automatic pistol with live rounds which was registered to Ollie Outley. Thompson later claimed that he found that handgun on the driver's seat and later claimed that a Ryan Stokes must have dropped it there when he opened the driver's door.

117. The gun Thompson claimed he found on the driver's seat was legally registered property owned by Ollie Outley, who was legally in possession of it in his vehicle.

118. At some point, an ambulance was called for Ryan Stokes, however, the ambulance did not arrive until at least 15 minutes from the time of the shooting.

119. Ryan Stokes was then taken to Truman Medical Center. Truman Medical Center is a trauma center and is less than a mile and a half away from the location where Ryan Stokes was shot.

120. Ryan Stokes was pronounced dead immediately following his arrival at Truman Medical Center at 3:27 a.m., almost one-half hour from the time he was shot by Defendant Thompson.

121. While the Truman Medical Center records indicate that Ryan Stokes had no pulse at the time he arrived at the hospital, the records also indicated that Ryan had lost a significant amount of blood at the scene due to the severity of the wounds and indicated that he was still breathing and gasping for breath in and around the time of the arrival of an ambulance.

122. Due to the delay in the arrival of the ambulance and, coincidentally, the delay in bringing Ryan Stokes to a hospital that was less than a mile and a half away from the scene of the shooting, there was little, if anything doctors could do to stop the bleeding, provide assistance to help Ryan breath, provide medication for pain, provide more aggressive treatment for the serious trauma sustained, and, in the end, save Ryan's life.

123. On the afternoon of July 28, 2013, KCPD Detective Groves would perform the next of kin notice and falsely report to Ryan Stokes' Father that there were approximately "10 witnesses" who would verify that Ryan had a gun pointed at the officer who shot him, that Ryan was engaged in a "standoff" with an officer, and that Ryan was shot in the chest.

124. After Defendant Thompson shot Ryan, the police took Kenneth Cann into custody.

125. Kenneth Cann was initially investigated for stealing, however, at some point, the investigation of Kenneth Cann changed to felony murder.

126. Ollie Outley also became a suspect in the felony murder investigation.

127. KCPD detective Littlejohn and Groves led the robbery and felony murder investigation.

128. After questioning the intoxicated false accuser, Jacob Miller, Littlejohn and Groves learned that Miller did not see anyone take his phone. They also learned he was intoxicated when he made the accusation. They also learned from Budke, a member of Miller's party and the other person seen pointing up McGee at Ryan Stokes & Kenneth Cann, that he had not witnessed a theft,

that he was extremely drunk at the time the false allegation was made, that he “assumed” that African American males "slinging up the sidewalk were up to no good" and so he joined his nephew, Miller in this allegation without even having witnessed a theft.

129. Littlejohn and Groves later falsely told Kenneth Cann and Ollie Outley that they possessed camera footage depicting Ollie Outley stealing the phone and implicating Ryan Stokes and Kenneth Cann as accomplices. No such video footage ever existed.

130. While placing Ollie Outley on a 24-hour hold, Littlejohn and Groves used his cellular telephone to attempt to communicate with his girlfriend and brother to find the missing cell phone or find other alleged incriminating information when none existed.

131. The investigation by Littlejohn and Groves and other KCPD officers never identified or located the Apple iPhone that was reported stolen by Miller.

132. Kenneth Cann’s case was ultimately reclassified as unlawfully carrying a concealed weapon, a charge to which Kenneth Cann pled guilty.

133. Ollie Outley was never formally arrested or charged with any crime or offense, yet his car was impounded and was not returned to him for many months.

134. Detective Groves and Littlejohn later led an investigation directed at Ollie Outley for aggravated assault.

135. Police reports later listed Thompson and his partner, Officer Jones as victims of some supposed assault. The suspects listed in those police reports were listed as Ryan Stokes and Kenneth Cann.

136. The aggravated assault investigation directed at Ollie Outley was dropped.

137. On or about July 28, 2013, KCPD Officer Grant made a statement to the Kansas City Star that Ryan Stokes and Kenneth Cann were involved in a “standoff” with police and that

Ryan Stokes was shot when he refused to drop his weapon. Specifically, KCPD Officer Grant stated, “[o]ur officers ordered them to drop their guns, and one suspect complied and surrendered...The second subject [Ryan Stokes] did not comply and continued to resist. The officer felt his action as threatening to the other officers and fired to stop the threat.”

138. KCPD Officer Grant knew his statements were false because he knew that KCPD officers gave no such commands at any time to Ryan Stokes or Kenneth Cann.

139. A grand jury was convened and evidence was submitted to explore whether probable cause existed to make Defendant Thompson stand trial for 2nd degree murder and armed criminal action.

140. Despite the many, many police officer and civilian witnesses at the scene, there were two witnesses produced in the grand jury proceeding, Officer Jones and Defendant Thompson’s superior officer, Christopher Price, who took Defendant Thompson to his vehicle at the scene.

141. The grand jury did not issue an indictment against Defendant Thompson.

Count I -- 42 U.S.C. § 1983

Unconstitutional Use of Excessive and Deadly Force

(Against Defendant Thompson)

142. Each of the paragraphs in this Complaint is adopted by reference as if restated fully herein.

143. The use of force by the Defendant Thompson in seizing Ryan was unreasonable under the prevailing circumstances and thus violated Ryan’s clearly established right not to be subjected to unreasonable seizure guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

144. Defendant Thompson's specific acts were objectively unreasonable.

145. Defendant Thompson was assisting in responding to a non-felony (possible theft), where there was no indication or prior communications regarding weapons being present at the scene. Nonetheless, Defendant Thompson confronted Ryan from the rear with his police-issued firearm drawn.

146. Ryan was unarmed and posed no threat of harm, let alone risk of serious bodily injury or death, to Defendant Thompson or any other individual.

147. Pleading in the alternative, even assuming, arguendo, that Defendant Thompson gave Ryan oral commands, he did not give Ryan a fair opportunity to respond to his oral commands or a warning before shooting and killing Ryan.

148. Pleading in the alternative, even assuming, arguendo, that the seizure of Ryan was warranted, the use of deadly force was not.

149. Defendant Thompson failed to attempt to use other available, non-lethal means to seize Ryan.

150. As described herein, Thompson's actions and inactions resulted in the unauthorized and unreasonable shooting and killing of Ryan.

151. As a direct and proximate result of the actions of Defendant Thompson, Plaintiffs have suffered damages, including but not limited to funeral expenses and the loss of the services, companionship, comfort, instruction, guidance, counsel, training, and support that they would have received from Ryan had he not died due to the acts of Defendant Thompson as stated herein.

152. The conduct of Thomson was outrageous because of his evil motive(s) and/or his reckless indifference to the rights and well-being of Ryan and was wrongful without just cause or excuse, and therefore, Plaintiffs are entitled to an award of punitive damages against Thompson.

153. The actions of Defendant Thompson complained of herein naturally arose from the performance of his duties as an officer and as part of his employment by the Board.

Count II -- 42 U.S.C. § 1983

Violative Policies, Practices, Customs, Patterns of Conduct and Procedure, Failure to Train and Failure to Supervise

(Against the Board)

154. Each of the paragraphs in this Complaint is adopted by reference as if restated fully herein.

155. The Board had in effect, both before and at the time of the events alleged in this Complaint, policies, practices, and patterns of conduct and customs which operated to deprive Ryan of his constitutional rights.

156. The Board is liable under 42 U.S.C. 1983 because they established policies and practices that were intended to and did encourage, endorse, and reward their agents and employees for violating the constitutional rights of Ryan and other similarly situated persons. At a minimum, the supervisors and the governmental agents were deliberately indifferent to such constitutional violations.

157. The Board engaged in unlawful and unconstitutional policies, practices, patterns of conduct and customs including, but not limited to the following:

- a. Violation and deprivation of constitutional rights as set out in this Complaint;
- b. Inadequate training and instruction of employees on the proper use of police power, proper seizure, proper searches, use of deadly force, and investigation of alleged crime in the State of Missouri;

- c. Inadequate supervision of employees as to the proper use of police power, proper seizure, proper searches, use of deadly force, and investigation of alleged crime in the state of Missouri;
- d. Inadequate discipline of employees as to the proper use of police power, proper seizure, proper searches, use of deadly force, and investigation of alleged crime in the state of Missouri;
- e. Inadequate supervision, training, and retention with resulting poor personnel decisions as to employees regarding the proper use of police power, proper seizure, proper searches, use of deadly force, investigation of alleged crime in the state of Missouri, engaging in foot chases based upon the word of two drunk white men;
- f. Abuse of police power and arrest power on citizens of the United States of America;
- g. Acquiescence in and notice of the actions and omissions described throughout this Complaint;
- h. Failure to prevent and failure to thereafter discipline law enforcement officers and employees for officers investigating alleged crimes allegedly committed by citizens of the state of Missouri, as well as the failure to train officers to de-escalate instead of escalating allegations of petty theft and other alleged non-life threatening crimes;
- i. Failure to take remedial action against a known pattern of misconduct by law enforcement officers, both remedial action as to the law enforcement officers

and remedial action as to the underlying criminal case in which the misconduct has occurred;

- j. Failure to take significant steps to prevent a known risk of wrongful arrest, improper search, and wrongful use of deadly force;
- k. Taking aggressive law enforcement actions without first having met the standard of probable cause;
- l. Tolerance of misconduct of law enforcement officers and failing to follow up and properly and thoroughly investigate misconduct of law enforcement officers resulting in the unreasonable seizure, wrongful use of deadly force on the innocent citizens of the state of Missouri;
- m. Deliberate indifference to, and conscious disregard of, a high risk that law enforcement officers would improperly use more force than is required and improperly use deadly force in violation of Ryan's and Plaintiffs' protected rights;
- n. Inadequate training and instruction of employees charged with the supervision, observation and care of detainees and alleged suspects, like Ryan, and the duty to maintain and keep such persons in a secure, humane, and safe condition and to avoid cruel and unusual punishment, as well as punishment of detainees and suspects without due process of law, which is barred by the Eighth and Fourteenth Amendments of the Constitution of the United States;
- o. Inadequate supervision of employees charged with the supervision, observation and care of detainees and suspects, like Ryan, and the duty to maintain and keep such persons in a secure, humane, and safe condition and to avoid cruel and

unusual punishment, as well as punishment of detainees and suspects without due process of law, which is barred by the Eighth and Fourteenth Amendments of the Constitution of the United States;

- p. Inadequate discipline of employees charged with the supervision, observation and care of detainees and suspects, like Ryan, and the duty to maintain and keep such persons in a secure, humane, and safe condition and to avoid cruel and unusual punishment, as well as punishment of detainees and suspects without due process of law, which is barred by the Eighth and Fourteenth Amendments of the Constitution of the United States;
- q. Inadequate supervision, training, and retention with resulting poor personnel decisions as to employees charged with the supervision, observation and care of detainees and suspects, like Ryan, and the duty to maintain and keep such persons in a secure, humane, and safe condition and to avoid cruel and unusual punishment, as well as punishment of detainees and suspects without due process of law, which is barred by the Eighth and Fourteenth Amendments of the Constitution of the United States; and
- r. The implementation of a policy, practice or custom that activated law enforcement officers and/or civilians who were normally assigned to a desk job in the Kansas City Power & Light District for purposes of enforcing curfew, crowd control and enforcement of an unspoken, unwritten dress code, all of whom were untrained or inadequately trained in the use of force, use of deadly force, arrest and/or apprehension, use of firearms and other law enforcement techniques.

158. The Board had ratified and implemented, before and during the time periods of the events described herein this Complaint, each of the policies, practices, patterns of conduct and customs listed in this Count. The Board's custom/practice, so well settled as to constitute custom or usage with force of law, authorizing the use of deadly force whenever an officer perceived a theoretical threat rather than any actual threat, was a moving force of the shooting, injuries and death of Ryan Stokes. Additionally and alternatively, at all times material herein, the Board's widespread custom/practice, so well settled as to constitute custom or usage with force of law, was to always approve, ratify and defend the use of deadly force by KCPD police officers regardless of whether circumstances raised questions about whether there had been any actual, immediate threat to safety by: a) failing to discipline, criticize or seek to change such conduct; b) failing to genuinely question or investigate the propriety of such conduct; c) working to hide and protect from public disclosure the events of the incident and any possible incriminating evidence following the incident; d) determining the use of deadly force was justified regardless of the circumstances; and e) failing to utilize independent personnel outside the employment of the Board to investigate incidents of the use of deadly force.

159. These interrelated policies, practices, patterns of conduct and customs, separately and together, were intentionally implemented to deprive possible targets of criminal investigations of their constitutional rights, or, at the very least, were implemented with a deliberate indifference to the rights of possible targets of criminal investigation and seizure and were a direct and proximate cause of and a moving force behind the Constitutional violations and injuries, as set forth in this Complaint.

160. Plaintiffs are entitled to monetary relief.

Count III – Missouri Statutory and State Common Law Claims

Wrongful Death pursuant to 537.080, RSMo., Excessive Use of Force

(Against Defendant Thompson and the Board)

161. Each of the paragraphs in this Complaint is adopted by reference as if restated fully herein.

162. The acts of Defendant Thompson as described herein were committed without just cause or provocation and with the intent to cause Ryan death, offensive contact, bodily harm, apprehension of offensive contact, and apprehension of bodily harm.

163. Ryan did not consent to the unlawful touching as fully described herein.

164. The use of deadly force described herein was excessive, was not reasonably necessary and was not justified.

165. The shooting of Ryan was not necessary or indicated under the prevailing circumstances at the time of his shooting and death and no force of any kind was required to seize Ryan, if such seizure was even warranted.

166. Defendant Thompson used more force than was reasonably necessary.

167. As a direct and proximate result of the actions of Defendant Thompson, Plaintiffs have suffered damages including but not limited to funeral expenses and the loss of the services, companionship, comfort, instruction, guidance, counsel, training, and support that they would have received from Ryan had he not died due to the acts of Defendant Thompson as stated herein.

168. The conduct of Defendant Thompson in this Count was outrageous because of his evil motive(s) and/or his reckless indifference to the rights and well-being of Ryan and was wrongful without just cause or excuse. The conduct, acts, errors and omissions of Defendants in this Count also demonstrate aggravating circumstances attending the death of Ryan, justifying an

award of damages that will serve to punish Defendants in this Court and to deter Defendants in this Court from future similar wrongdoing. Plaintiffs are also entitled to an award of punitive damages against Defendants in this Court.

169. The actions of Defendant Thompson complained of herein naturally arose from the performance of his duties as an officer and as part of his employment for the Board.

170. As a direct and proximate result of the failure of the Board to adequately train, supervise and discipline its officers, Plaintiffs suffered the injuries herein. The Board is responsible for the acts, errors and the omissions of their agents which constituted the state law torts identified herein.

WHEREFORE, Plaintiffs pray that this Court enter judgment on any jury verdict in which a jury awards actual damages according to law; that this Court enter judgment on any jury verdict in which a jury awards punitive damages which will serve to punish the defendants for their conduct in the past and deter the defendants and others similarly situated from the same or similar conduct in the future; that this Court enter judgment on any jury verdict in which a jury awards actual damages for wrongful death pursuant to Missouri statutory law, as well as any damages awarded for aggravating circumstances attending the death of Ryan Stokes on July 28, 2013; that this Court award Plaintiffs their attorney's fees, costs and expenses as prevailing parties pursuant to 42 U.S.C. §1988 and other similar statutory provisions both state and federal; and for any such other relief the Court deems proper and just.

Respectfully submitted,

THE MCCALLISTER LAW FIRM,
A PROFESSIONAL CORPORATION

By: /s/ Cynthia L. Short
Cynthia L. Short MO 36936
Brian F. McCallister MO 37383
Andrew D. Ferrell MO 67468
917 West 43rd Street
Kansas City, Missouri 64111-3033
Telephone: (816) 931-2229
Facsimile: (816) 756-1181
Attorneys for Plaintiffs

JURY TRIAL DEMANDED

Plaintiff demands a jury trial under Federal Rule of Civil Procedure 38(b) on all issues triable to a jury as a matter of right.

/s/ Cynthia L. Short