

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

2010 MAR 22 AM 10:04

LARRY WHITE,

Plaintiff,

v.

THE CITY OF LADUE, MISSOURI,
a municipal corporation,
Serve: Irene S. Holmes,
Mayor of the City of Ladue
200 N. Warson Road
Ladue, Missouri 63124

and

IRENE S. HOLMES,
individually and in her official capacity as
Mayor of the City of Ladue, Missouri,
Serve at: 200 N. Warson Road
Ladue, Missouri 63124

and

CHARLES HIEMENZ,
individually and in his official capacity as
Councilperson of the City of Ladue,
Missouri,
Serve at: 10 Berkeley Lane
Ladue, Missouri 63124

and

ANTHONY BOMMARITO,
individually and in his official capacity as
Councilperson of the City of Ladue,
Missouri,
Serve at: 7 McKnight Lane
Ladue, Missouri 63124

and

Cause No. 10SLCC01184

Division No.

13

2010 MAR 22 AM 10:04
CIRCUIT COURT
ST. LOUIS, MO

WALTER G. STERN,)
 individually and in his official capacity as)
 Councilperson of the City of Ladue,)
 Missouri,)
 Serve at: 37 Briarcliff)
 Ladue, Missouri 63124)
)
 and)
)
 JOHN FOX,)
 individually and in his official capacity as)
 Councilperson of the City of Ladue,)
 Missouri,)
 Serve at: 17 Oakleigh Lane)
 Ladue, Missouri 63124)
)
 and)
)
 NED LEMKEMEIER,)
 individually and in his official capacity as)
 Councilperson of the City of Ladue,)
 Missouri,)
 Serve at: 3 Bridlecreek Road)
 Ladue, Missouri 63124)
)
 and)
)
 NANCY SPEWAK,)
 individually and in her official capacity as)
 Councilperson of the City of Ladue,)
 Missouri,)
 Serve at: 9842 Waterbury Drive)
 Ladue, Missouri 63124)
)
 Defendants.)

PETITION

FACTS COMMON TO ALL COUNTS

1. Plaintiff Larry White (hereinafter referred to as "White"), is an individual who resides in the County of St. Louis, State of Missouri. At all times relevant herein, White was employed as the Chief of the Ladue Police Department located in the City of

Ladue, St. Louis County, Missouri.

2. Defendant City of Ladue, Missouri (hereinafter referred to as "City"), is a municipal corporation organized and existing under the laws of the State of Missouri, and is classified as a fourth class city. Defendant City is located in the County of St. Louis, State of Missouri.

3. At all times herein relevant, Defendant Irene S. Holmes (hereinafter referred to as "Holmes") was and is the Mayor of the City. Defendant Holmes resides within the city limits of the City of Ladue in St. Louis County, Missouri. Defendant Holmes is sued in both her individual capacity and in her official capacity as Mayor of the City.

4. At all times herein relevant, Defendants Charles Hiemenz (hereinafter referred to as "Hiemenz"), Anthony Bommarito (hereinafter referred to as "Bommarito"), Walter G. Stern (hereinafter referred to as "Stern"), John Fox (hereinafter referred to as "Fox"), Ned Lemkemeier (hereinafter referred to as "Lemkemeier"), and Nancy Spewak (hereinafter referred to as "Spewak") were the councilpersons for Defendant City. Defendants Hiemenz, Bommarito, Stern, Fox, Lemkemeier, and Spewak, and each of them, reside within the city limits of the City of Ladue in St. Louis County, Missouri. Defendants Hiemenz, Bommarito, Stern, Fox, Lemkemeier, and Spewak, and each of them, are sued in both their individual capacities and in their official capacities as Councilpersons for the City.

5. All of the acts and events described herein occurred within St. Louis County, Missouri.

6. Venue for this action is appropriate in St. Louis County, Missouri by

reason of § 508.010.4 R.S.Mo. because St. Louis County, Missouri is the county where White was first injured by the wrongful acts of Defendants alleged in this petition.

7. Upon information and belief, Defendant City maintained and maintains a policy of insurance with respect to tort claims filed against it, and therefore, to the extent that the City may assert the defense of sovereign immunity with respect to any tort claims set forth below, the City has waived such claim under the provisions of §537.610 R.S.Mo. by maintaining such policy of insurance.

8. In June 2007, White was hired by the City to serve as its Chief of Police. He faithfully performed the duties of Police Chief until his termination by Defendant Council on or about August 13, 2009 based upon the recommendation of Defendant Holmes.

9. Prior to White's appointment as Chief of Police, the City had implemented a ticket quota system. Upon information and belief, this ticket quota system was implemented by the prior Police Chief. When White was hired by the City as Police Chief, he immediately eliminated the ticket quota system. Additionally, White advised the City's police officers that other tasks, including but not necessarily limited to, criminal investigations, subdivision patrols, and business checks, were equally valuable components of police work, not just writing tickets that would increase the City's revenue.

10. At the time of his hire, White also advised his officers that DWI enforcement would be his highest priority.

11. Shortly after White was hired as the City's Police Chief and had eliminated the City's ticket quota system, Holmes advised White that she wanted a lot of

traffic tickets written but also made it clear that she did not want those tickets written against residents of the City.

12. In 2008 Holmes' continued to pressure White to write more traffic tickets because, as a result of the closure of Interstate 64 between I-170 and Ballas Road, the City had estimated that fine revenues would be reduced by as much as \$300,000.00. Despite Holmes' pressure upon him, White did not require his police officer's to increase their traffic ticket output as a result of any mandate or quota system as the previous chief had. However, as a result of White's insistence upon professional and aggressive policing, the Department's issuance of traffic tickets continued to increase despite the elimination of the ticket quota system.

13. Shortly after White was hired as the Ladue Police Chief, he had several conversations with Holmes in which Holmes advised him that she wanted "those people" to be pulled from their cars so that others would see what was going on and avoid the City of Ladue. White understood "those people" to be African Americans found within the City's limits.

14. Thereafter, White was advised that when the previous Police Chief was in office a concerted effort had been made to arrest as many of "those people" as possible. During the tenure of the previous Police Chief, African-American citizens were overrepresented in the City's Racial Profiling Data.

15. According to the City's Racial Profiling Data for 2006, the year before White was made Police Chief, 22.5% of the traffic stops made by Ladue police officers involved African-American drivers, even though African-Americans made up only 1% of the City's population and only 10.7% of the statewide population. A copy of the City's

2006 Racial Profiling Data is attached hereto and incorporated by reference herein as Exhibit 1.

16. During this same year (2006), 43.8% of the individuals arrested as a result of a traffic stop by the City's police officers were African-American and 42.7% of the individuals searched after a traffic stop were African-American.

17. While White became police chief in June 2007, resulting in a decreased emphasis on race-based traffic enforcement after his appointment, the City's racial profiling statistics remained high in 2007 as a result of the previous administration's emphasis on race-based traffic enforcement. In 2007, 21% of the traffic stops made by the City's police officers involved African American drivers, even though African Americans still accounted for only 1% of the City's population and 10.7% of the statewide population. During this timeframe, 46% of the searches after traffic stops involved African American drivers and 45.6% of all arrests resulting from traffic stops were made against African American citizens. A copy of the City's 2007 Racial Profiling Data is attached hereto and incorporated by reference herein as Exhibit 2.

18. In 2008 as a result of White's efforts to eliminate race-based traffic enforcement, the City's Racial Profiling Data became more reflective of statewide demographics, with 14.5% of all traffic stops involving African American drivers. In 2008, the percentage of African American drivers arrested as a result of a traffic stop was reduced to 38.6% of all arrests. Searches of African American drivers after a traffic stop were reduced to 37% of all searches, showing that White was making progress in eliminating the race-based enforcement practices of the previous police chief. A copy of the City's 2008 Racial Profiling Data is attached hereto and incorporated by reference

herein as Exhibit 3.

19. In early 2009 Holmes sent White an email instructing him to “unleash our officers” to get rid of the “bad guys” who were making some of our residents feel uneasy. White warned Holmes that he would not violate citizens’ constitutional rights.

20. In early 2008, a Ladue police officer was recognized by MADD as a result of his outstanding work on DWI arrests. White made the Council aware of the officer’s commendable work and recognition at a City Council meeting. At the conclusion of the meeting, Councilperson Bommarito (who owns a liquor business) made inquiry as to the locations of these DWI arrests. Bommarito made it clear to White that he was to make sure “our people” were not being arrested for DWI. White understood “our people” to mean the residents of the City.

21. Additionally, Holmes continued to pressure White to vigorously enforce the City and State’s laws, particularly the DWI laws, except against Ladue residents. In this regard, Holmes advised White that in the past, the Ladue Police Department did not arrest Ladue residents who were stopped for driving while intoxicated but instead took them home. Holmes further stated concern that her mother might have a couple of drinks at the “Club” and be arrested for DWI.

22. In a separate incident, Holmes approached White because the son of a prominent resident had been arrested. Holmes inquired as to whether White could make this arrest “go away.” Both White and his Deputy Chief Wooten, advised Holmes that they could not make the arrest “go away.” Deputy Wooten suggested that Holmes contact the prosecutor. While Holmes did not pursue the matter further, she was not pleased that White would not make this matter “go away.”

23. In this same timeframe and thereafter, and in sharp contrast to the preferential treatment given to Ladue residents, Holmes made additional comments to White evidencing her bias and prejudice against African-American citizens. By way of example but in no way exhaustive of such comments, when a young African-American female drowned in the swimming pool of a Ladue resident, Holmes was indignant that MICDS would allow an African-American child into the school, presumably on scholarship. Additionally, when White advised Holmes of arrests and other significant incidents within the City, Holmes would always inquire into whether the person involved was African American.

24. White reported the communications regarding avoiding DWI enforcement against City residents and the directive to unleash the City's officers to William Francis (hereinafter "Francis"), the Chairman of the City's Police and Fire Board. Francis stated that both of these directives were wrong, and that he would back White 100% as to DWI arrests, even if they involved City residents. Francis also informed White that he had advised Holmes that she was "playing with fire," and that if the directives set forth above were ever made known, it would cause Holmes problems.

25. As set forth above, on or about August 13, 2009, White was terminated by the Defendants. As the police chief in a fourth class city, White was an at-will employee of the City, who could not be terminated in violation of the public policy of the State of Missouri.

26. The acts of the Defendants as set forth herein were taken with bad faith and/or with malice with the actual intent to cause injury to White to cover-up the misconduct of the Defendants as alleged herein, showing a reckless indifference to the

rights of White and/or conscious wrongdoing and/or the breach of a known duty to White through some ulterior motive or ill will on the part of the Defendants because White equally enforced the laws of the State of Missouri and the City of Ladue regardless of race and/or residency and would not engage in race-based law enforcement and/or give preferential treatment to the City's residents.

**COUNT I – WRONGFUL DISCHARGE IN
VIOLATION OF PUBLIC POLICY:
REFUSAL OF PLAINTIFF TO PERFORM ILLEGAL ACTS AND/OR
TO ACT CONTRARY TO THE PUBLIC POLICY OF THE STATE**

For Count I of his cause of action against all Defendants, Plaintiff White states as follows:

27. Plaintiff White incorporates by reference as if fully set forth herein paragraphs 1 through 26 of his petition.

28. As set forth above, White was an employee of a fourth class city in the State of Missouri, making him an employee at-will.

29. White's termination was in contravention of Missouri public policy, which prohibits an at-will employee from being terminated for refusing to perform an illegal act and/or refusing to act contrary to a strong mandate of public policy, in this case the public policy of the State prohibiting race-based traffic stops, against ignoring DWI offenses, against arbitrarily violating citizens' civil rights, and/or against intervening in a criminal arrest to "make it go away" based upon an individual's connections and economic status.

30. Section 590.650.5 R.S.Mo. requires each law enforcement agency in the state to adopt policies that prohibit the practice of routinely stopping minority groups for violations of vehicle laws as a pretext for investigating other violations of the criminal

law. White understood Holmes' directive to require him to direct his officers to engage in race-based traffic enforcement prohibited by Missouri law.

31. Additionally, the Equal Protection Clause of the United States Constitution (14th Amendment) and Article I, § 2 of the Missouri Constitution, prohibits officers from selectively enforcing the laws based upon a person's race.

32. Additionally, the public policy of the state as set forth in §§ 544.180, 544.216, 542.271 R.S.Mo., Art. I, § 15 of the Missouri Constitution and the 4th, 5th and 14th Amendments of the United States Constitution made applicable to the states prohibits a City from "unleashing" its police force on the "bad guys" in a manner that would violate citizens' constitutional rights.

33. Similarly, the public policy of the State as set forth in § 577.010 R.S.Mo. requires police officers of the State to enforce the State's DWI laws regardless of the residency of the offender.

34. Additionally, and without waiver of the foregoing, §§ 575.100 and 575.110 R.S.Mo. show that it is illegal/against the public policy of the State of Missouri for a police officer to make a criminal arrest "go away."

35. The public policy of the State of Missouri prohibits an at-will employee, like White, from being discharged for refusing to perform illegal acts and/or refusing to act contrary to a strong mandate of public policy.

36. White was discharged by the Defendants for refusing to direct his officers to engage in race-based traffic stops of "those people," for refusing to direct his officers to pull "those people" from their cars so that others would see what was going on and avoid the City, for refusing to "unleash" his officers on the "bad guys" in ways that

would violate citizens' constitutional rights, refusing to ignore DWI stops of City residents, and refusing to make a criminal charge "go away," all acts that would be illegal and/or contrary to a strong mandate of public policy in the State of Missouri.

37. As a direct and proximate result of his termination in violation of public policy, White has suffered and will continue to suffer lost wages and other benefits of employment, diminished employment opportunities and emotional pain, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation.

38. Defendants' conduct was outrageous because of their evil motive and reckless indifference to the rights of White in wrongfully terminating his employment in retaliation for refusing to direct his officers to perform illegal acts and/or refusing to direct his officer to act contrary to strong mandates of the public policy of the State of Missouri.

WHEREFORE, Plaintiff White prays this Court to enter judgment in his favor and against Defendants and thereafter order Defendants to make Plaintiff whole for any and all loses or damages he has suffered including lost wages and other benefits of employment in the amount of at least \$25,000.00, the jurisdictional minimum of this Court; award damages to Plaintiff for his emotional pain and suffering, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation; award Plaintiff punitive damages against the Defendants named herein in their individual capacities in such sum as this court believes will serve to punish them and to deter them and others from like conduct; award Plaintiff the costs of this action, together with his reasonable attorneys' fees; and grant such other and additional

relief as may appear to the Court to be equitable and just under the circumstances.

**COUNT II – WRONGFUL DISCHARGE IN VIOLATION
OF PUBLIC POLICY: WHISTLEBLOWING**

For Count II of his cause of action against all Defendants, Plaintiff White states as follows:

39. Plaintiff incorporates by reference as if fully set forth herein paragraphs 1 through 38 of his complaint.

40. White entered into the performance of his duties as Chief of Police and duly performed his duties under the terms and conditions of his employment until his termination on or about August 13, 2009.

41. As set forth above, White reported to his supervisor, Francis (the Chair of the Police and Fire Board), city officials' communications regarding avoiding DWI enforcement against City residents and the directive to unleash the City's officers. As set forth above, Francis stated that both of these directives were wrong, and that he would back White 100% as to DWI arrests, even if they involved City residents. Francis also informed White that he had advised Holmes that she was "playing with fire."

42. The Defendants discharged White in violation of the public policy of the state for reporting to his supervisor, Francis, city officials' communications to him, which involved illegal directives and/or directives in violation of the public policy of the state and/or to prevent White from continuing to report the improper and potentially illegal misconduct of Holmes.

43. White remains ready, willing and able to continue in his position as Chief of Police and to perform all the terms and conditions of that position.

44. Defendants were aware of White's whistleblowing activity when they fired him as Chief of Police.

45. White's termination was in violation of Missouri public policy, which prohibits at-will employees from being terminated for reporting misconduct that violates Missouri law or public policy. An elected official interfering with the duties of a law enforcement officer violates the public policy of the State.

46. As a result of his termination in violation of public policy, White has suffered and will continue to suffer lost wages and other benefits of employment and has suffered emotional pain, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation.

47. Defendants' conduct was outrageous because of their evil motive and reckless indifference to the rights of White in wrongfully terminating his employment in retaliation for reporting the acts of city officials that were illegal or violated the public policy of the State.

WHEREFORE, Plaintiff White prays this Court to enter judgment in his favor and against Defendants and thereafter order Defendants to make Plaintiff whole for any and all losses or damages he has suffered including lost wages and other benefits of employment in the amount of at least \$25,000.00, the jurisdictional minimum of this Court; award damages to Plaintiff for his emotional pain and suffering, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation; award Plaintiff punitive damages against the Defendants named herein in their individual capacities in such sums as this court believes will serve to punish them and to deter them and others from like conduct; award Plaintiff the costs of

this action, together with his reasonable attorneys' fees; and grant such other and additional relief as may appear to the Court to be equitable and just under the circumstances.

**COUNT III – WRONGFUL DISCHARGE IN
VIOLATION OF PUBLIC POLICY; ACTING IN A MANNER
PUBLIC POLICY WOULD ENCOURAGE**

For Count III of his cause of action against all Defendants, Plaintiff White states as follows:

48. Plaintiff White incorporates by reference as if fully set forth herein paragraphs 1 through 47 of his petition.

49. As an employee at-will, White could not be fired by the Defendants for acting in a manner public policy would encourage. Specifically, Missouri public policy would encourage police officers to enforce the laws of the State and ordinances of the City equally as to all citizens regardless of race or residency, and particularly to enforce state and local laws prohibiting an individual from driving while intoxicated in violation of § 577.010 R.S.Mo. as a public safety issue.

50. Additionally, and without waiver of the foregoing, the public policy of the state of Missouri as reflected in § 590.650 R.S.Mo., the 14th Amendment to the United States Constitution, and Article I, § 2 of the Missouri Constitution would encourage White to prohibit his officers from engaging in race-based traffic stops because such stops are in violation of the public policy of the State.

51. Similarly, the public policy of the State as set forth in §§ 544.180, 544.216, 542.271 R.S.Mo., Art. I, § 15 of the Missouri Constitution and the 4th, 5th and 14th Amendments of the United States Constitution would encourage officers to abide by the Missouri and United States Constitutions and the laws of the State of Missouri when

making arrests and searching citizens, instead of a police department "unleashing" its officers on the "bad guys" in disregard to citizens' constitutional rights.

52. Additionally, and without waiver of the foregoing, the public policy of the State as evidenced by §§ 575.100 and 575.110 R.S.Mo. would encourage a police officer to decline an elected official's request to make the arrest of the son of a prominent citizen "go away."

53. As a direct and proximate result of his termination in violation of public policy, White has suffered and will continue to suffer lost wages and other benefits of employment, diminished employment opportunities and emotional pain, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation.

54. Defendants' conduct was outrageous because of their evil motive and reckless indifference to the rights of White in wrongfully terminating his employment in violation of the public policy of the State of Missouri for acting in a manner the public policy of the State would encourage.

WHEREFORE, Plaintiff White prays this Court to enter judgment in his favor and against Defendants and thereafter order Defendants to make Plaintiff whole for any and all losses or damages he has suffered including lost wages and other benefits of employment in the amount of at least \$25,000.00, the jurisdictional minimum of this Court; award damages to Plaintiff for his emotional pain and suffering, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation; award Plaintiff punitive damages against the Defendants named herein in their individual capacities in such sums as this court believes will serve to

punish them and to deter them and others from like conduct; award Plaintiff the costs of this action, together with his reasonable attorneys' fees; and grant such other and additional relief as may appear to the Court to be equitable and just under the circumstances.

COUNT IV
CIVIL CONSPIRACY AGAINST ALL DEFENDANTS
EXCEPT THE CITY OF LADUE

For Count IV of his cause of action against all Defendants except the City of Ladue, Plaintiff White states as follows:

55. Plaintiff incorporates by reference each and every fact and allegation contained in paragraphs 1 through 54 above as if fully set forth herein.

56. Defendants , Holmes, Hiemenz, Bommarito, Stern, Fox, Lemkemeier, and Spewak, or two or more of them, entered into an agreement or understanding amongst and between themselves to do an unlawful act, to wit, to wrongfully discharge White in violation of the public policy of the State of Missouri for refusing to direct his officers to perform illegal acts or to act contrary to the public policy of the State, for whistleblowing, and/or for acting in a manner the public policy of the State would encourage as set forth herein.

57. Defendants (constituting two or more people) had an unlawful objective to commit the unlawful discharge of White as set forth in paragraph 56 above.

58. The Defendants had a unity of purpose, common design and understanding, and/or meeting of the minds to discharge White in violation of the public policy of the State.

59. In furtherance of the conspiracy alleged herein, Defendants took the overt

act of terminating White on or about August 13, 2009, taking the position that White was discharged for reasons that were nothing more than pretext for firing White in violation of the public policy of the State.

60. As a direct and proximate result of his termination by Defendants in violation of the public policy of the State, White has suffered and will continue to suffer lost wages and other benefits of employment, diminished employment opportunities and emotional pain, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation.

61. Defendants' conduct was outrageous because of their evil motive and reckless indifference to the rights of White in wrongfully terminating his employment in retaliation for refusing to direct his officers to perform illegal acts and/or refusing to direct his officers to act contrary to strong mandates of public policy and/or because White acted in a way Missouri public policy would encourage by insisting that his officers enforce the laws of the State and City equally, regardless of the residency and/or race of the alleged offender and consistent with the requirements of State law and the Missouri and United States Constitutions.

WHEREFORE, Plaintiff White prays this Court to enter judgment in his favor and against Defendants and thereafter order Defendants to make Plaintiff whole for any and all losses or damages he has suffered including lost wages and other benefits of employment in the amount of at least \$25,000.00, the jurisdictional minimum of this Court; award damages to Plaintiff for his emotional pain and suffering, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, stress, and loss of professional reputation; award Plaintiff punitive damages against the Defendants named

herein in their individual capacities in such sums as this court believes will serve to punish them and to deter them and others from like conduct; award Plaintiff the costs of this action, together with his reasonable attorneys' fees; and grant such other and additional relief as may appear to the Court to be equitable and just under the circumstances.

COUNT V
VIOLATION OF THE MISSOURI SUNSHINE LAW

For count V of his cause of action against Defendant City of Ladue, Plaintiff states:

62. Plaintiff incorporates by reference each and every fact and allegation contained in paragraphs 1 through 61 above as if fully set forth herein.

63. On September 18, 2009 White (through counsel) directed a Sunshine Law request to the custodian of records of the City of Ladue, a copy of which is attached hereto and incorporated by reference herein as Exhibit 4.

64. Instead of complying with White's Sunshine Law request, on or about September 22, 2009, Defendant City responded by demanding that White pay exorbitant fees not contemplated by the Sunshine Law, to include but not necessarily be limited to attorney review time, before the City would produce the documents requested. A copy of the City's September 22, 2009 correspondence is attached hereto and incorporated by reference herein as Exhibit 5. As Exhibit 5 establishes, the City stated it would not comply with Plaintiff's Sunshine Law request until \$3,619.20 was paid to it.

65. Thereafter, on October 9, 2009, White (through counsel) made a second Sunshine Law request of the City through its custodian of records. A copy of this Sunshine Law request is attached hereto and incorporated by reference herein as Exhibit

6.

66. The City responded to White's second Sunshine Law request by demanding that White pay fees of \$5,034.00, although not contemplated by the Sunshine Law, to include attorney review time, so as to prevent White from obtaining the records at issue. See Exhibit 7 incorporated by reference herein.

67. Pursuant to § 610.023.3 R.S.Mo., the City had three (3) business days to comply with White's Sunshine Law requests or provide a detailed explanation of the cause for any delay beyond three (3) business days, together with information as to the place, earliest time and date the records requested would be available.

68. Pursuant to § 610.026.1(1) R.S.Mo., the City can only charge for the research time of the employee(s) resulting in the lowest amount of charges to Plaintiff for search, research, and duplication time. No provision is made for charging for attorney review of a Sunshine Law request.

69. As of the date of the filing of this petition, the City has failed and refused to comply with White's Sunshine Law requests as required by Section 610.010 R.S.Mo. et seq.

70. The records requested by White through his attorneys are public records within the meaning of the Sunshine Law, and therefore, White has a legal right to the records at issue.


71. Defendant purposely violated Sections 610.010 to 610.026 R.S.Mo. in failing and/or refusing to produce the records requested consistent with the requirements of the Missouri Sunshine Law, an act prohibited and punishable by § 610.027(4) R.S.Mo.

72. Alternatively, and without waiver of the foregoing, Defendant knowingly violated Sections 610.010 to 610.026 R.S.Mo. in failing and/or refusing to produce the records requested consistent with the requirements of the Missouri Sunshine Law, an act prohibited and punishable by § 610.027(3) R.S.Mo.

WHEREFORE, Plaintiff White respectfully requests this Court to find that Defendant City of Ladue purposely violated the Missouri Sunshine Law; order Defendant to produce the records requested to Plaintiff; and order Defendant to pay a civil penalty in the amount of \$5,000.00. Alternatively, and without waiver of the foregoing, Plaintiff respectfully requests this Court to find that Defendant knowingly violated the Missouri Sunshine Law; order Defendant to produce the records requested to Plaintiff; and order Defendant to pay a civil penalty in the amount of \$1,000.00. Further, Plaintiff requests that the Court order the Defendant to pay his reasonable costs and attorneys' fee incurred in this action to enforce the Sunshine Law; and for such other and further relief as this Court deems appropriate under the circumstances.

Respectfully submitted,

PLEBAN & PETRUSKA LAW, L.L.C.

By: 
C. John Pleban, #24190
Lynette M. Petruska, #41212
2010 South Big Bend Blvd.
St. Louis, Missouri 63117
(314) 645-6666 – Telephone
(314) 645-7376 – Facsimile

LIBERMAN GOLDSTEIN & KARSH

By:



Eli Karsh, #43061
230 S. Bemiston Ave., Suite 1200
St. Louis, MO 63105
314-862-3333 - Telephone
314-862-0605 - Facsimile

Attorneys for Plaintiff