

IN THE CIRCUIT COURT OF JACKSON COUNTY CIRCUIT COURT
AT INDEPENDENCE

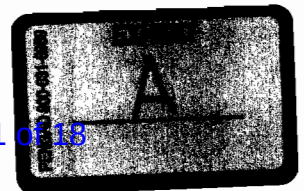
SHAUNA RENNO]
]
 Plaintiff,]
 vs.]
]
 RYAN W. BRONNER]
 In his individual and official capacity]
]
 And]
]
 MICHAEL B. SARTAIN]
 In his individual and official capacity]
]
 And]
]
 KANSAS CITY MISSOURI BOARD]
 OF POLICE COMMISSIONERS]
 (Patrick McInerney, Mark Thompson,]
 Karl Zobrist, Mayor Mark Funkhouser,]
 James Wilson, in their official capacities)]
]
 And]
]
 JOHN DOE 1]
 In his individual and official capacity]
]
 And]
]
 JOHN DOE 2]
 In his individual and official capacity]
]
 And]
]
 CITY OF INDEPENDENCE, MISSOURI]
]
 Defendants.]

Case No.: 0916-CV39304
Division: 17

PLAINTIFF'S FIRST AMENDED PETITION

ALLEGATIONS COMMON TO EACH COUNT

COMES NOW Plaintiff, by and through counsel, and for her Petition against Defendants,
states and alleges as follows:



1. Plaintiff Shauna Renno resides in Jackson County, Missouri and has her principal residence at 1225 Bennington Ave., Kansas City, Missouri 64126.
2. Defendant Ryan W. Bonner (“Defendant Bronner”) resides in Platte County, Missouri and has his principal residence at 9706 N.W. 86th Terrace, Kansas City, Missouri 64153.
3. At all time relevant herein, Defendant Bronner was employed as a police officer with the City of Kansas City, Missouri Police Department as a police officer.
4. Defendant Michael B. Sartain (“Defendant Sartain”) resides in Jackson County, Missouri and has his principal residence at 658 Lewis Avenue, Kansas City, Missouri 64125.
5. At all time relevant herein, Defendant Sartain was employed as a police officer with the City of Kansas City, Missouri Police Department as a police officer.
6. Defendant Kansas City Missouri Board of Police Commissioners (“Board”) is a public body politic, governed and operating, and who may sue and be sued by and through its commissioners, Mark Thompson, Board President, James Wilson, Board Treasurer, Karl Zobrist, Board Member, Patrick McInerney, Board Member, in their official capacities only, Mayor Mark Funkhouser is a member of the Board of Police Commissioners by virtue of his elected office. The Defendant Board is responsible for the management, supervision and control of the City of Kansas City, Missouri Police Department, and may be served with process by service on Assistant Missouri Attorney General, Virginia H. Murray, 615 E. 13th Street, Suite 401, Kansas City, Missouri, 64105.
7. Defendant John Doe 1 was, at all time relevant herein, employed as a police officer with the Independence, Missouri Police Department as a police officer and his identity is currently unknown.

8. Defendant John Doe 2 was, at all time relevant herein, employed as a police officer with the Independence, Missouri Police Department as a police officer and his identity is currently unknown.

9. Defendant City of Independence, Missouri (“Independence”) and at all times relevant herein has been, a municipal corporation organized and incorporated under the laws of the State of Missouri and may be served upon Mayor Don Reimal at 111 East Maple Independence, Missouri 64050.

10. The Defendant Independence is responsible for the management, supervision and control of the Independence Police Department.

11. That jurisdiction is proper in this Court pursuant to Missouri Constitution, Article V, Section 14(a) and R.S.Mo. §§506.500(1), (2), and (4).

12. That venue is proper in this Court at Independence pursuant to R.S.Mo §508.010.

13. At all times relevant herein Defendants Bronner and Sartain were employees of Defendant Board as police officers.

14. On or about December 19, 2006 Plaintiff’s 14-month old daughter Kaylee Zahnd passed from this life.

15. On or about December 22, 2007 Plaintiff was attending her daughter’s funeral with her fiancé Mark Zahnd (hereinafter “Zahnd”) at Mount Washington Forever Funeral Home & Cemetery located at 614 S Brookside Avenue, Independence, Missouri (“Cemetery”).

16. That Zahnd was the father of Plaintiff’s deceased daughter, Kaylee Zahnd.

17. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2, on or about December 22, 2007 were on Cemetery property outside the city limits of Kansas City, Missouri.

18. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 each knew a funeral was taking place at the Cemetery on or about December 22, 2007.

19. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 each knew a funeral ceremony was in progress when they arrived at the Cemetery gravesite of Kaylee Zahnd on or about December 22, 2007.

20. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 observed that the grave had yet to be filled with dirt.

21. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 were not in "fresh pursuit" of a suspect at the time these Defendants drove to the Cemetery.

22. At said time and place during the graveside ceremony, Defendants Bronner, Sartain, John Doe 1, and John Doe 2 observed Plaintiff standing at the foot of a gravesite.

23. At said time and place Defendants Bronner and Sartain were in uniform as Kansas City Missouri Police Officers.

24. At said time and place Defendants John Doe 1 and John Doe 2 were in uniform as Independence Missouri Police Officers.

25. That Defendants Bronner and Sartain shoved Zahnd into a mound of dirt.

26. That Defendants Bronner and Sartain had contact with Zahnd as he was reaching for a handful of soil to place on the casket.

27. That Defendants Bronner and Sartain put Zahnd's arms behind his back and handcuffed him.
28. That Defendants Bronner and Sartain stated to Zahnd that he was under arrest.
29. That Defendants Bronner and Sartain arrested Zahnd.
30. That Defendants Bronner and Sartain arrested Zahnd outside the city limits of Kansas City, Missouri.
31. Defendants Bronner and Sartain stated Zahnd was James Renno.
32. That James Renno is the brother of Plaintiff.
33. Defendants Bronner and Sartain were not in "fresh pursuit" of James Renno when they arrested Zahnd in Independence, Missouri.
34. Defendants Bronner and Sartain were not in "fresh pursuit" of Zahnd when they arrested Zahnd in Independence, Missouri.
35. Defendants Bronner and Sartain violated the Kansas City, Missouri Police Department Procedural Instruction on Detaining and Questioning Persons; Arrest; Search and Seizure whereby Defendants arrested Zahnd outside the appropriate jurisdiction, not meeting any of the exceptions recognized in the Procedural Instruction.
36. Defendants Bronner and Sartain acted in bad faith or with malice when they violated department procedure by making the arrest in Independence, Missouri.
37. Defendants Bronner and Sartain did not reasonably believe Zahnd had committed a felony.

38. Defendants Bronner and Sartain did not observe Plaintiff or Zahnd committing, or attempting to commit, in Defendants' presence, any criminal offense or violation of a municipal or county ordinance.

39. Zahnd responded to Defendants Bronner and Sartain by stating that he was not James Renno.

40. Zahnd informed Defendants Bronner and Sartain that his identification was in his back pocket.

41. Plaintiff, the funeral director David Smith, and others present, told Defendants Bronner and Sartain that Zahnd was not James Renno.

42. Defendants Bronner and Sartain ignored the information about the true identity of Zahnd, and thereby acted in bad faith or with malice.

43. Defendants Bronner and Sartain walked Zahnd about 50 feet from the gravesite instructing Plaintiff to "come along."

44. Defendants Bronner and Sartain proceeded to search Zahnd's person.

45. Defendants Bronner and Sartain located Zahnd's Missouri State Driver's license and three (3) other forms of identification that properly identified Plaintiff as Mark Zahnd.

46. Defendants Bronner and Sartain confirmed the true identity of Zahnd.

47. Defendants Bronner and Sartain continued to detain Zahnd in handcuffs after confirming the identity of Zahnd.

48. Defendants Bronner and Sartain acted in bad faith or with malice when they continued to detain Zahnd in handcuffs after gaining the knowledge that Plaintiff was not James Renno.

49. That Plaintiff cried and begged Defendants Bronner and Sartain to allow her and Zahnd to bury their deceased daughter in peace but Defendants Bronner and Sartain refused.

45. Defendants Bronner and Sartain made atrocious and outrageous comments, to wit:

a. Plaintiff's daughter "was better off dead than with parents like them."

b. That they didn't care about their daughter or their brother dying by "wrapping around a pole."

c. That cash in Zahnd's pocket was evidence that he was a drug dealer.

50. Defendants Bronner and Sartain acted in bad faith or with malice when they made the above outrageous comments.

52. Defendants Bronner and Sartain demanded Plaintiff and Zahnd make a phone call to James Renno and say falsely that Plaintiff's car battery was dead and that Plaintiff needed a jump start.

53. Defendants Bronner and Sartain would not allow Plaintiff and Zahnd to leave to bury their daughter unless or until Plaintiff and Zahnd assisted them in arresting James Renno.

54. That Defendants Bronner and Sartain acted in bad faith or with malice when they continued to detain Plaintiff and Zahnd unless they called James Renno.

55. That Plaintiff called her brother James Renno, leaving a message as directed by Defendants Bronner and Sartain and as described above.

56. That Defendants Bronner and Sartain continued to detain Plaintiff and Zahnd while waiting for James Renno to arrive.

57. That Defendants Bronner and Sartain acted in bad faith or with malice when they continued to detain Plaintiff and Zahnd while waiting for James Renno to arrive.

58. Funeral director, David Smith, had to complete the burial in the absence of the parents of the deceased child, the Plaintiff and Zahnd.

59. That Defendants Bronner and Sartain observed the funeral director and cemetery workers completing the burial without Plaintiff.

60. That Defendants Bronner and Sartain acted in bad faith or with malice when they observed the completion of the burial and failed to release Plaintiff.

61. That funeral director, David Smith, approached and informed Plaintiff and Zahnd that he had to complete the burial.

62. That Defendants Bronner and Sartain upon being informed by funeral director, David Smith, that the burial had to be completed without Plaintiff were cold and indifferent.

63. That Defendants Bronner and Sartain eventually allowed Plaintiff and Zahnd to go freely.

64. Defendants John Doe 1 and John Doe 2 observed the unlawful actions of Defendants Bronner and Sartain, and expressly or impliedly consented in bad faith to the said unlawful actions.

65. Defendant Board, through an express or implied policy or custom of interfering with funeral ceremonies, or through failure to properly train its officers with regard to conducting themselves during funeral ceremonies acted in bad faith or with malice against Plaintiff.

66. Defendant Board's express or implied policy or custom of interfering with funeral ceremonies was known and deliberate, for an improper motive, manifests a reckless indifference to the rights of others, and is without legal justification.

67. Defendant Independence, through an express or implied policy or custom of interfering with funeral ceremonies, or through failure to properly train its officers with regard to conducting themselves during funeral ceremonies acted in bad faith or with malice against Plaintiff.

68. Defendant Independence's express or implied policy or custom of interfering with funeral ceremonies was known and deliberate, for an improper motive, manifests a reckless indifference to the rights of others, and is without legal justification.

COUNT I

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

COMES NOW Plaintiff, by and through counsel, and for Count I of her Petition states and alleges as follows:

69. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

70. That Defendants Bronner and Sartain were acting within the course and scope of their employment with the City of Kansas City, Missouri Police Department as police officers.

71. Defendants' conduct was extreme and outrageous going beyond all possible bounds of decency, was atrocious, and utterly intolerable in a civilized community as herein described above.

72. Defendants' acted intentionally or recklessly to cause emotional distress.

73. Defendants' conduct caused extreme emotional distress resulting in bodily harm including, but not limited to, severe depression, nightmares, and despair.

74. Defendants' sole intent in acting was to cause the emotional distress of Plaintiff.

75. As a direct and proximate result of the intentional or reckless conduct of Defendants as aforesaid Plaintiff has suffered damages in an amount in excess of Twenty Five Thousand Dollars (\$25,000).

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount fair and reasonable in the premises and in excess of Twenty Five Thousand Dollars (\$25,000), for Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT II

PUNITIVE DAMAGES

COMES NOW Plaintiff, by and through counsel, and for Count II of her Petition states and alleges as follows:

76. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

77. That Defendants Bronner and Sartain were acting within the course and scope of their employment with the City of Kansas City, Missouri Police Department as police officers.

78. Defendants' conduct was outrageous because of Defendants' evil motive or reckless indifference to the rights of Plaintiff.

79. Plaintiff based upon Defendants Bronner and Sartain evil motive or reckless indifference to the rights of Plaintiff, Plaintiff is entitled to an award of punitive damages to deter said Defendants and others from such like conduct.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount fair and reasonable in the premises and in excess of Twenty Five Thousand Dollars (\$25,000), for an additional amount as punitive damages in such sum as will serve to punish Defendants and to deter Defendants and others from like conduct; for Plaintiff's costs and

expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

COMES NOW Plaintiff, by and through counsel, and for Count III of her Petition states and alleges as follows:

80. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

81. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 were acting within the course and scope of their employment.

82. Defendants owed Plaintiff a duty.

83. Defendants breached that duty owed to Plaintiff by including but not limited to the following actions: preventing Plaintiff from properly burying her deceased daughter; preventing and interfering with the completion of the funeral ceremony of Plaintiff's daughter; and by subjecting Plaintiff to atrocious comments regarding Plaintiff's deceased daughter.

84. That from the fact of such occurrence and the reasonable inferences therefrom, such occurrence was directly caused by Defendants' negligence.

85. Defendants' negligent acts involved an unreasonable risk of causing emotional distress.

86. Defendants knew or by using ordinary care could have known of such risk.

87. As a direct result of such negligence, Plaintiff sustained medically diagnosable and significant emotional distress.

88. Defendants showed a complete indifference to or conscious disregard for the safety of others.

89. That as a direct and proximate result of said Defendants conduct as aforesaid, Plaintiff has suffered damages in amount in excess of Twenty Five Thousand Dollars (\$25,000).

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount fair and reasonable in the premises and in excess of Twenty Five Thousand Dollars (\$25,000), for an additional amount as punitive damages in such sum as will serve to punish Defendants and to deter Defendants and others from like conduct; for Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT IV

FALSE IMPRISONMENT

COMES NOW Plaintiff, by and through counsel, and for Count IV of her Petition states and alleges as follows:

90. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

91. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 were acting within the course and scope of their employment.

92. Defendants intentionally restrained and/or instigated the restraint of Plaintiff against her will.

93. The detention or restraint was without legal justification.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount fair and reasonable in the premises, for Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT V

PRIMA FACIA TORT

COMES NOW Plaintiff, by and through counsel, and for Count V of her Petition states and alleges as follows:

94. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

95. That Defendants Bronner, Sartain, John Doe 1, and John Doe 2 were acting within the course and scope of their employment.

96. That an intentional lawful act was committed by the Defendants in that Plaintiff and her fiancé Zahnd were prevented from completing the funeral ceremony of their daughter while the identity of Zahnd was verified by Defendant police officers Sartain and Bronner.

97. That Defendants had an intent to cause injury to the Plaintiff by doing the act, evidenced by continuing to detain the Plaintiff and Zahnd, insisting and employing Plaintiff to assist Defendants in arresting Plaintiff's brother after learning Zahnd was not Plaintiff's brother whom they initially sought to arrest, making outrageous comments as described above, and ultimately preventing Plaintiff from completing the funeral ceremony and putting her daughter to rest in peace.

98. That injury to the Plaintiff was caused by the act of Defendants.

99. That Defendants had no justification, or only a patently insufficient justification, for the Defendants' act whereby Defendants continued to detain or otherwise prevent Plaintiff from completing the funeral ceremony and putting her daughter to rest in peace after Zahnd was positively identified and not the subject of their investigation.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount fair and reasonable in the premises and in excess of Twenty Five Thousand Dollars

(\$25,000), for an additional amount as punitive damages in such sum as will serve to punish Defendants and to deter Defendants and others from like conduct; for Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT VI

NEGLIGENT SUPERVISION (Against Defendant Board and Independence)

COMES NOW Plaintiff, by and through counsel, and for Count VI of her Petition states and alleges as follows:

100. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

101. Defendants had a legal duty to use ordinary care to protect the Plaintiff against unreasonable risks of harm.

102.. Defendants breached that duty by failing to properly supervise its officers whereby a reasonable person could have foreseen the injuries of the type suffered would likely occur under the circumstances.

103. Said breach proximately caused the resulting injury, damage and harm to Plaintiff.

104. The Plaintiff was thereby damaged.

WHEREFORE, Plaintiff prays for judgment against Defendants jointly and severally, in an amount fair and reasonable in the premises and in excess of Twenty Five Thousand Dollars (\$25,000), for an additional amount as punitive damages in such sum as will serve to punish Defendants, Bronner and Sartain, and Defendant Board, and to deter Defendants, Bronner and Sartain, and Defendant Board, and others from like conduct; for Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT VII

INTENTIONAL BREACH OF THE RIGHT OF SEPULCHER AND BURIAL (Against All Defendants)

105. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

106. Defendants had a duty imposed by the universal feelings of mankind to be discharged by some one towards the dead to abstain and protect Plaintiff, as next of kin, from violation of the right of sepulcher and burial.

107. Defendants intentionally or recklessly breached that duty where they interfered with the ceremony and burial of Kaylee Zahnd by interrupting the ceremony and preventing the completion thereof, thereby preventing a proper and decent burial.

108. The breach of the right of sepulcher and burial of Kaylee Zahnd directly and proximately caused mental anguish to Plaintiff.

109. Defendant Board, through an express or implied policy or custom of interfering with funeral ceremonies, or through failure to properly train its officers with regard to conducting themselves during funeral ceremonies, violated Plaintiff's right of sepulcher.

110. As a direct and proximate result of Defendants abhorrent conduct in interfering with the ceremonial burial of Plaintiff's daughter, Kaylee Zahnd, Plaintiff suffered damages.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount fair and reasonable in the premises and in excess of Twenty Five Thousand Dollars (\$25,000), for an additional amount as punitive damages in such sum as will serve to punish Defendants and to deter Defendants and others from like conduct; for Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

COUNT VIII

VIOLATION OF CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1983

111. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs of this Petition.

112. The Defendants acted under the color of state law.

113. The wrongful conduct deprived the Plaintiff of a constitutionally protected federal right in that:

a. Plaintiff's substantive due process rights under the Fourteenth Amendment to the Constitution of the United States were violated where the behavior of the Defendants, among other things, the continued detainment and prevention of Plaintiff from completing the funeral ceremony of her daughter after Zahnd, was positively identified and was deemed not to be the subject of their investigation, is so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience.

b. Plaintiff's procedural due process rights under the Fourteenth Amendment to the Constitution of the United States were violated where Plaintiff had a liberty and property interest which entitled Plaintiff to the decent burial of the body of her daughter which was interfered with by Defendants.

c. Plaintiff's protections against unreasonable seizures under the Fourth Amendment to the Constitution of the United States were violated where Defendants continued to detain Plaintiff after her Zahnd's identity was verified to not be that of the suspect, James Renno.

114. Defendant Board, through an express or implied policy or custom of interfering with funeral ceremonies, or through failure to properly train its officers with regard to conducting themselves during funeral ceremonies or in cases of mistaken identity, was a moving

force of the constitutional violations.

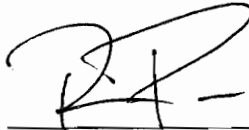
115. Defendant Independence, through an express or implied policy or custom of interfering with funeral ceremonies, or through failure to properly train its officers with regard to conducting themselves during funeral ceremonies or in cases of mistaken identity, was a moving force of the constitutional violations.

116. Defendants acted with deliberate indifference to the rights of Plaintiff.

WHEREFORE, Plaintiff prays for judgment against Defendants in an amount fair and reasonable in the premises, for attorneys fees pursuant to 42. U.S.C. § 1988, Plaintiff's costs and expenses herein incurred, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

**MONACO, SANDERS, GOTFREDSON,
RACINE & BARBER, L.C.**



Ralph A. Monaco, II, Mo. Bar #29759

Russell L. Powell Mo. Bar #50180

1001 East 101st Terrace, Suite 170

Kansas City, MO 64131

(816) 523-2400

FAX: 942-0006

E-MAIL: rmonaco@kcattorneys.net

E-MAIL: rpowell@kcattorneys.net

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and accurate copy of the foregoing was sent via U.S. Mail on the 12th day of April 2010 to the following:

VIRGINIA H. MURRAY
615 E 13th STREET, SUITE 401
KANSAS CITY, MO 64105
ATTORNEY FOR DEFENDANTS

A handwritten signature in black ink, appearing to be 'R. Powell', written over a horizontal line.

Russell L. Powell