

IN THE CIRCUIT COURT OF CALLAWAY COUNTY, MISSOURI

<b>CHELSEA GIBBS</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.</b>
	)	
<b>CITY OF HOLTS SUMMIT</b>	)	
<b>HOLTS SUMMIT POLICE DEPT.</b>	)	
<b>245 S. Summit Drive</b>	)	
<b>Holts Summit, Missouri 65043</b>	)	
	)	
<b>and</b>	)	
	)	
<b>KYLE McINTYRE</b>	)	
<b>Chief of Police</b>	)	
<b>245 S. Summit Drive</b>	)	
<b>Holts Summit, Missouri 65043</b>	)	
	)	
<b>Defendants.</b>	)	

**PETITION FOR DAMAGES-(TJ)**

COMES NOW the plaintiff, Chelsea Gibbs, after first being duly sworn on her oath, and for her Petition against Defendants states and alleges as follows:

**COUNT I**

1. This is a civil action for monetary and other relief brought pursuant to the Missouri Human Rights Act (hereinafter "MHRA") Sections 213.010-213.137, R.S.Mo. (2017), as amended.

2. Plaintiff, Chelsea Gibbs (hereinafter referred to as "Gibbs") is an individual, who is a resident of this state residing at all pertinent times in Jefferson City, Cole County, Missouri, and currently resides at 107 Anderson Lake Road in Centertown, Missouri.

3. Plaintiff is a female.

4. Defendant, City of Holts Summit (hereinafter "The City"), is a government body, organized and existing under the laws of the state of Missouri. The City's principal place of

business is 245 Summit Drive, Holts Summit, Callaway County, Missouri 65043.

5. Kyle McIntyre (hereinafter “McIntyre”) is and was a resident of the State of Missouri, believed to be residing in Callaway County, Missouri, 65043 and at all times mentioned herein after was employed by the City as the Chief of Police for the Holts Summit Police Department.

6. Shannon Jeffries (hereinafter “Jeffries”) is and at all relevant times was a resident of the state of Missouri, believed to be residing in Callaway County, Missouri, and at all times mentioned herein after was employed by the City as the Assistant Chief of Police for the Holts Summit Police Department.

7. Frank Richards (hereinafter “Richards”) is and at all relevant times was a resident of the state of Missouri, believed to be residing in Callaway County, Missouri, and at all times mentioned herein after was employed by the City as a Lieutenant for the Holts Summit Police Department.

8. The unlawful employment practices alleged in this Petition were committed in Callaway County and Cole County, Missouri.

9. Jurisdiction under Count I and II of this Petition lies pursuant to Missouri Human Rights Act (“MHRA”) Sections 213.010 – 213.137 R.S.Mo. (2017), as amended.

10. Venue is proper in that most of the actions complained of herein occurred in Callaway County, Missouri, with some actions complained of herein also occurring in Cole County, Missouri.

11. All conditions precedent to jurisdiction under Chapter 213 R.S.Mo. have occurred or have been complied with, to wit: A Charge of Employment Discrimination was timely filed on April 21, 2020, with the Missouri Commission on Human Rights (“MCHR”) alleging discrimination on the basis of sex and retaliation; a right to sue letter has been obtained from the

MCHR which was issued on October 27, 2020, and this suit was filed within ninety (90) days of receipt of that right to sue letter.

12. At all times mentioned herein, the City was and is an “employer” within the meaning of Section 213.010(8), RSMo, in that the City is a civil subdivision of the State of Missouri and employs and employed six or more persons within the State of Missouri and did so at all times mentioned herein.

13. At all times mentioned herein, McIntyre is and was an “employer” within the meaning of Section 213.010(8) RSMo. in that McIntyre is and was a person who employs and employed six or more persons within the State of Missouri directly acting in the interest of the City at all times mentioned herein.

14. The City is and at all times was a “person” within the meaning of Section 213.010(15) RSMo.

15. McIntyre is and at all times was a “person” within the meaning of Section 213.010(15) RSMo.

16. Jeffries is and at all times was a “person” within the meaning of Section 213.010(15) RSMo.

17. Richards is and at all times was a “person” within the meaning of Section 213.010(15) RSMo

18. Gibbs is and was within the class of persons protected by the MHRA.

19. Gibbs was hired by the City and McIntyre on or about April 1, 2019 as a police officer for the Holts Summit Police Department.

20. At all times relevant hereto, Gibbs satisfactorily performed all of her assigned job duties for the Holts Summit Police Department.

21. At all times relevant hereto, Gibbs was the only female patrol officer employed by

the Holts Summit Police Department except for a short period of time when the police department employed a female detective.

22. Defendants illegally discriminated against Gibbs by subjecting her to unfair treatment, and her sex, female, was a motivating factor to said unfair treatment in the following respects:

a. Defendants City and McIntyre exposed plaintiff to a sexually hostile work environment and permitted this sexually hostile work environment and harassment to continue in that the City and McIntyre failed to adequately supervise and discipline Jeffries whom the City and McIntyre knew had a reputation for making inappropriate comments to females and inappropriate comments about females in the presence of other females that others considered inappropriate and had reported.

b. Defendants City and McIntyre exposed plaintiff to a sexually hostile work environment and permitted this sexually hostile work environment and harassment to continue in that the City and McIntyre failed to adequately supervise and discipline Richards whom the City and McIntyre knew had a reputation for making inappropriate comments to females and inappropriate comments about females in the presence of other females that others considered inappropriate and had reported.

c. Defendants City and McIntyre exposed plaintiff to a sexually hostile work environment and permitted this sexually hostile work environment and harassment to continue in that the City and McIntyre failed to adequately supervise and discipline defendant Jeffries who would make comments in the presence of Gibbs and others regarding the size of Jeffries's genitalia, sexual experiences, and the female anatomy.

d. Defendants City and McIntyre also permitted Jeffries to sexually harass Gibbs and expose her to a sexually hostile work environment when they permitted Jeffries

to accompany Gibbs to Capital Regional Hospital to receive treatments for a dog bite and while at the hospital Jeffries inappropriately made statements about taking video of Gibbs as she received vaccination shots in her buttocks.

e. Defendants City and McIntyre also permitted Jeffries to sexually harass Gibbs and expose her to a sexually hostile work environment when after returning from Capital Regional Hospital from receiving treatments for a dog bite, Jeffries told McIntyre and other officers that he had a video of Gibbs with her pants down receiving a shot in her buttocks. Jeffries to accompany Gibbs to Capital Regional Hospital to receive treatments for a dog bite and while at the hospital Jeffries inappropriately made statements about taking video of Gibbs as she received vaccination shots in her buttocks.

f. Defendants City and McIntyre exposed plaintiff to a sexually hostile work environment and permitted this sexually hostile work environment and harassment to continue in that the City and McIntyre failed to adequately supervise and discipline defendant Richards who had stated that females were “not cut out for law enforcement” and who refused to train Gibbs because Gibbs was a female.

g. Defendants City and McIntyre exposed plaintiff to a sexually hostile work environment and permitted this sexually hostile work environment and harassment to continue in that the City and McIntyre failed to adequately supervise and discipline defendant Richards after he gave Gibbs a poor employee review because Gibbs was a female.

h. In July of 2019, Gibbs complained to her roommate, Jared Allen (hereinafter “Allen”), who was also a police officer with the Holts Summit Police Department, regarding Jeffries behaviors directed towards Gibbs, and Allen agreed to accompany Gibbs in reporting Jeffries inappropriate conduct to Lt. Nicholas Stobbart.

i. In turn, Lt. Nick Stobbart notified McIntyre about Jeffries comments and behaviors, but McIntyre took no action against Jeffries and took no action to curtail or stop Jeffries's comments and behaviors.

j. In August of 2019, several officers with the Holts Summit Police Department threatened a walkout because of Jeffries' comments and behaviors and because McIntyre refused to take any action against Jeffries.

k. The City opened an investigation of Jeffries and McIntyre in August of 2019 and initially placed McIntyre on administrative leave and then later suspended McIntyre.

l. The City terminated Jeffries in September of 2019.

m. In September of 2019, the City placed McIntyre on probation for one year.

n. In December of 2019, Richards gave Gibbs a poor employment evaluation and Lt. Nick Stobbart intervened and removed Richards as Gibbs' supervisor and reported Richards' conduct to McIntyre.

o. McIntyre took no action against Richards for his behavior towards Gibbs.

p. In February of 2020, McIntyre received an anonymous letter that upon information and belief came from Richards complaining about, among other things, that Gibbs had developed a personal and romantic relationship with a Jared Allen with whom Gibbs resided.

q. In early July of 2019, Gibbs had notified McIntyre that she was going to reside with another police officer, Jared Allen, and McIntyre advised Gibbs that it would not be a problem and that there was no policy discouraging it or prohibiting it.

r. After receiving the aforementioned anonymous letter, McIntyre met with Gibbs alone and advised Gibbs that the city had enacted a new policy prohibiting intimate relationships between officers and prohibiting officers from living together and asked

Gibbs to sign a document indicating that Gibbs had read and been made aware of the policy and agree to abide by the policy.

s. Upon information and belief, no other officers at the Holts Summit Police Department were asked to read and sign this “new” policy including Jared Allen, Gibbs’ male roommate who was also a police officer with the Holts Summit Police Department.

t. Rather than sign the new policy document and risk termination, Gibbs tendered her resignation with the understanding and belief, based upon what McIntyre told her, that McIntyre would keep Gibbs on the Holts Summit Police Department as reserve or auxiliary officer.

u. Gibbs met with the administrator for the City who advised Gibbs that she could continue residing with Jared Allen and could work as a reserve or auxiliary officer until she found new employment.

v. McIntyre never allowed Gibbs to work as a reserve officer or auxiliary officer.

w. During Gibbs’ exit interview with Human Resources, Gibbs learned that McIntyre had accused Gibbs of being dishonest and deceitful in hiding Gibbs’ relationship and living arrangement with another police officer.

x. Upon information and belief, the City and McIntyre first received notification on or about June 6, 2020, that Gibbs had filed a complaint with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission.

y. On or about June 6, 2020, McIntyre contacted Missouri Peace Officer Standards and Training (POST) and stated that Gibbs had been fired on June 4, 2020, and was no longer a commissioned officer.

z. On or about June 6<sup>th</sup>, 2020, McIntyre contacted Gibbs’ employer, the

Department of Health and Senior Services, and advised employer that Gibbs was deceitful, dishonest, and untrustworthy.

23. Gibbs' sex, female, was a motivating factor in the unlawful employment practices set forth above and in violation of §213.055 RSMo. in that said unlawful employment practices resulted in unfair treatment to Gibbs with regard to her compensation, terms, and conditions of Gibbs' employment at the Holts Summit Police Department and limited Gibbs in that she was denied employment opportunities, including a workplace free from sexual harassment and a sexually hostile work environment and her sex was the motivating factor to said unlawful employment practices.

24. As a result of the Defendants unlawful actions, Gibbs has been subjected to illegal discrimination based upon her sex in violation of the MHRA.

25. That as a direct and proximate result of the illegal discrimination, set forth above, Gibbs suffered a continuing violation of her right to work in an environment free from discrimination, based upon her sex, at the Holts Summit Police Department which has resulted in damage to Gibbs, including but not limited to, economic damages, lost wages, lost future wages, career diminishment, and emotional distress and humiliation that an ordinary person would experience under the circumstances set forth above, or that may be inferred from the circumstances set forth above, as stated in State ex rel. Dean v. Cunningham, 182 S.W.3d 561, 568 (Mo. 2006).

26. That the actions aforementioned were done with reckless disregard for the rights of Gibbs created by the MHRA, in that Jeffries knew that he could not make comments about his genitalia, sexual experiences, the body parts of other females and similar comments while in the presence of Gibbs, and in that Richards knew that he treat Gibbs differently than he treated male officers simply because Gibbs was a female, and the City knew from previous complaints made about Jeffries and Richards that it could not lawfully permit Jeffries to create a sexually hostile



environment and sexually harass Gibbs and that it could not permit Richards to treat a female officer differently than a male officer simply because of gender; however, McIntyre and the City permitted this conduct to continue, thereby entitling Gibbs to punitive damages in a sum to be determined by a jury of her peers.

27. That Gibbs is also entitled to her reasonable attorneys' fees and the costs of this action should she prevail, within the meaning of the MHRA.

WHEREFORE, under Count I of her Petition, Gibbs, respectfully requests this Court and a jury of her peers to:

A. Enter judgment against the Defendants and in Gibbs favor in such sum as will compensate her and make her whole for all monetary losses she has suffered as a result of the Defendants' actions, including actual damages, lost wages, and future pecuniary losses and all other monetary compensation.

B. Order Defendants to compensate Gibbs for the emotional distress and humiliation and all other nonpecuniary losses she has suffered as a result of Defendant's unlawful actions including lost opportunity to advance and be hired in larger law enforcement departments because of defendants' actions.

C. Award Gibbs compensatory damages in an amount in excess of \$25,000.00.

D. Award Gibbs the costs of this action, including but not limited to the costs of plaintiff's expert witnesses.

E. Award Gibbs her reasonable attorneys' fees.

F. Award Gibbs punitive damages against defendants in a sum to deter defendants from such future conduct; and

G. Grant such additional affirmative relief as the Court may deem just and proper pursuant to Chapter 213 R.S.Mo.

COUNT II

28. Gibbs incorporates by reference the allegations contained in paragraphs 1 through 27 herein, as if fully set out.

29. Defendants engaged in unlawful retaliation against Gibbs in violation of §213.070 RSMo. in that defendants discriminated against Gibbs by subjecting her to unfair treatment, because she opposed practices prohibited by the Missouri Human Rights Act, in that the City permitted McIntyre to establish a new policy that was enforced only against Gibbs resulting in either her resignation or termination.

30. McIntyre illegally retaliated against Gibbs in that he refused to take action against Richards to stop the discriminatory actions Richards had taken against Gibbs based upon her gender.

31. McIntyre illegally retaliated against Gibbs in that he refused to utilize Gibbs as either a reserve or auxiliary officer after her resignation.

32. McIntyre illegally retaliated against Gibbs in that he reported to Human Resources that he was dishonest and deceitful permanently damaging her record and making it more difficult for Gibbs to gain other employment.

33. Gibbs' complaints were contributing factors in the discrimination and unfair treatment Gibbs suffered, all in violation of §213.070 R.S.Mo., in that said retaliation resulted in unfair treatment to plaintiff with regard to her being forced to either move out of her residence or resign and then not being utilized as a reserve or auxiliary officer.

34. As a result of the Defendants' unlawful actions, Gibbs has been subjected to illegal retaliation and her complaints to McIntyre to stop the unwelcome conduct, identified herein and her complaints to McIntyre to take corrective action against Jeffries was the motivating factor to the illegal retaliation and unfair treatment she was subjected to.

35. That as a direct and proximate result of the illegal retaliation, set forth above, Gibbs suffered a continuing violation of her right to work in an environment free from illegal retaliation and discrimination based upon her sex and complaints about illegal sexual harassment and a sexually hostile work environment at the Holts Summit Police Department which has resulted in damage to Gibbs, including but not limited to, economic damages, lost wages, lost future wages, career diminishment, and emotional distress and humiliation that an ordinary person would experience under the circumstances set forth above, or that may be inferred from the circumstances set forth above, as stated in *State ex rel. Dean v. Cunningham*, 182 S.W.3d 561, 568 (Mo. banc 2006).

36. That the actions aforementioned were done with reckless disregard for the rights of Gibbs created by the MHRA, in that McIntyre knew that he could not retaliate against Gibbs on account of the complaint she made and the subsequent termination of Jeffries and suspension of McIntyre.

37. That Gibbs is also entitled to her reasonable attorneys' fees and the costs of this action should she prevail, within the meaning of the MHRA.

WHEREFORE, under Count II of her Petition, Gibbs respectfully requests this Court and a jury of her peers to:

A. Enter judgment against the Defendants and in Gibbs' favor in such sum as will compensate her and make her whole for all monetary losses she has suffered as a result of the Defendants' actions, including actual damages, lost wages, and future pecuniary losses and all other monetary compensation.

B. Order Defendants to compensate Gibbs for the emotional distress and humiliation and all other nonpecuniary losses she has suffered as a result of Defendant's unlawful actions including lost opportunity including lost opportunity to advance and be

hired in larger law enforcement departments because of defendants' actions.

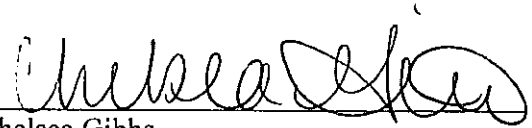
- C. Award Gibbs compensatory damages in an amount in excess of \$25,000.00.
- D. Award Gibbs the costs of this action, including but not limited to the costs of plaintiff's expert witnesses.
- E. Award Gibbs her reasonable attorneys' fees.
- F. Award Gibbs punitive damages against defendants in a sum to deter defendants from such future conduct; and
- G. Grant such additional affirmative relief as the Court may deem just and proper pursuant to Chapter 213 R.S.Mo.

/s/ Richard B. Hicks  
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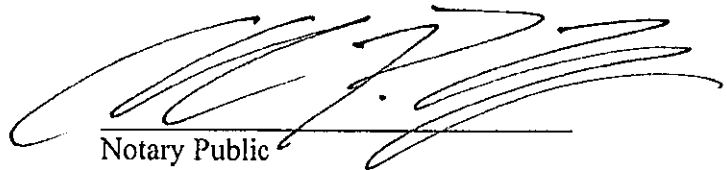
VERIFICATION

STATE OF MISSOURI    )  
                                          ) ss.  
COUNTY OF BOONE    )

Chelsea Gibbs, being first duly sworn upon her oath deposes and says that she is the Plaintiff in the above entitled action and the contents contained in the above Petition for Damages are true as she verily believes.

  
Chelsea Gibbs

Subscribed and sworn to before me this 22<sup>nd</sup> day of January, 2021.

  
Notary Public

My Commission Expires: April 28, 2024

CHARLES P. CUNNINGHAM  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Boone County  
My Commission Expires: 4/28/2024  
Commision Number 12382062

**IN THE CIRCUIT COURT OF CALLAWAY COUNTY, MISSOURI  
STATE OF MISSOURI**

CHELSSEA GIBBS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 21ACW-CV00091
	)	
CITY OF HOLTS SUMMIT	)	
HOLTS SUMMIT POLICE	)	
DEPARTMENT, et al,	)	
	)	
Defendants.	)	

**DEFENDANT CITY OF HOLTS SUMMIT POLICE DEPARTMENT’S MOTION  
TO DISMISS, OR IN THE ALTERNATIVE, MAKE MORE DEFINITE AND  
CERTAIN, AND SUGGESTIONS IN SUPPORT**

COME NOW Defendant City of Holts Summit Police Department, by and through its undersigned counsel, and hereby moves to dismiss it from Plaintiff’s Petition for Damages as it is not Plaintiff’s “employer” pursuant to Section 213.010(8), RSMo. Instead, Ms. Gibbs’ employer for purposes of the Missouri Human Rights Act is the City of Holts Summit. Alternatively, this Defendant seeks an Order from the Court clarifying that Plaintiff’s claims are being brought against the City of Holts Summit, Missouri, only. In support, this Defendant states as follows:

1. Plaintiff brings suit pursuant to the Missouri Human Rights Act, Sections 213.010 – 213.137, RSMo. (2017). Petition at ¶ 9.
2. Named as a defendant in the caption is “City of Holts Summit Holts Summit Police Department.

3. Plaintiff's Petition also alleges the City of Holts Summit is an "employer" within the meaning of Section 213.010(8). Petition at ¶ 12.

4. It is therefore unclear from her Petition is Plaintiff is suing the City of Holts Summit, or the City of Holts Summit Police Department.

5. To the extent Plaintiff is attempting to sue the entity of the City of Holts Summit Police Department, such attempt is improper as her "employer" pursuant to the Missouri Human Rights Act is the City of Holts Summit, and not the police department itself. *See Daugherty v. City of Md. Heights*, 231 S.W. 3d 814, 817 (Mo. banc 2007).

6. The City of Holts Summit Police Department is not a proper party to this case and should be dismissed as a matter of law.

7. Alternatively, if Plaintiff is only attempting to sue the City of Holts Summit, Missouri, this Defendant seeks an Order clarifying that Plaintiff's claims are being brought against the City of Holts Summit, Missouri, only, and not the Holts Summit Police Department.

WHEREFORE, Defendant City of Holts Summit Police Department asks this Court for an Order dismissing it from Plaintiff's Petition for Damage as it is not Plaintiff's "employer" pursuant to Section 213.010(8), RSMo. Alternatively, this Defendant seeks an Order from the Court clarifying that Plaintiff's claims are being brought against the City of Holts Summit, Missouri, only and for any other such relief deemed just and proper under the circumstances.

Respectfully Submitted,

SCHREIMANN, RACKERS &  
FRANCKA, L.L.C.

/s/ Ryan Bertels  
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rb@srfblaw.com

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served upon all parties of record, via the Court's filing system on February 17, 2021.

/s/ Ryan Bertels



IN THE CIRCUIT COURT OF CALLAWAY COUNTY, MISSOURI  
STATE OF MISSOURI

CHELSSEA GIBBS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 21ACW-CV00091
	)	
CITY OF HOLTS SUMMIT	)	
HOLTS SUMMIT POLICE	)	
DEPARTMENT, et al,	)	
	)	
Defendants.	)	

**DEFENDANT KYLE McINTYRE’S MOTION TO DISMISS  
AND SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Kyle McIntyre, by and through his undersigned counsel, and pursuant to Mo.R.Civ.P. 55.27(a)(6), and hereby moves to dismiss the claims against him contained in Plaintiff’s Petition for Damages for failure to state a claim upon which relief can be granted. Defendant McIntyre is not Plaintiff’s “employer” pursuant to Section 213.010(8), RSMo, and alleged claims of discrimination pursuant to the Missouri Human Rights Act cannot be brought against an individual like him. In support, Defendant McIntyre states as follows:

1. In this lawsuit Plaintiff brings suit pursuant to the Missouri Human Rights Act (“MHRA”), Sections 213.010 – 213.137, RSMo. (2017). Petition at ¶ 9.
2. The claims in this case concern Plaintiff’s employment and ending of such employment with the City of Holts Summit Police Department.
3. Plaintiff alleges she began working for Holts Summit on or about April 1, 2019. Petition at ¶ 19.

4. Named as one of the defendants for both Counts of the Petition is Kyle McIntyre, the Chief of Police for the Holts Summit Police Department. Petition at ¶ 5.

5. Count I is a claim for hostile working environment, while Count II is a claim for retaliation.

6. Plaintiff alleges that Defendant McIntyre is an “employer” within the meaning of Section 213.010(8), RSMo 2017. Petition at ¶ 13.

7. Before August 28, 2017, the definition of “Employer” for MHRA included “any person employing six or more persons within the state, and any person directly acting in the interest of an employer . . . .” Section 213.010(7), RSMo 2000; *Weidner v. Farrellgas, Inc.* 607 S.W.3d 231, 237 (Mo. App. W.D. 2020). But the legislature amended that definition in 2017 so that it now expressly states that the definition of “‘Employer’ shall not include: . . . (c) An individual employed by an employer.” Section 213.010(8), RSMo 2017.

8. Sections 213.055 and 213.070, RSMo, sets forth the types of impermissible employment actions that cannot be taken by an “employer.”

9. Section 213.111, RSMo, allows for a civil action to be filed for any alleged violations of Sections 213.055 and/or 213.070.

10. As all the events in Plaintiff’s Petition would have occurred after her hire date of April 2019, the 2017 version of Section 213.010 applies to her claims. *See Weidner*, 607 S.W.3d at 237 (noting that the law applicable to the plaintiff’s MHRA claims was the law in effect at the time of the plaintiff’s alleged injury).

11. As a result of Plaintiff's MHRA claims arising after the law changed in August of 2017, Plaintiff cannot bring suit against an individual like Defendant McIntyre because individuals are expressly excluded from the definition of an "employer" under the MHRA.

WHEREFORE, Defendant Kyle McIntyre asks this Court for an Order dismissing him as a party from Plaintiff's Petition for Damage, and for any other such relief deemed just and proper under the circumstances.

Respectfully Submitted,

SCHREIMANN, RACKERS &  
FRANCKA, L.L.C.

/s/ Ryan Bertels  
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Ryan Bertels, #55167  
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Attorneys for Defendants

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/s/ Ryan Bertels

**IN THE CIRCUIT COURT OF CALLAWAY COUNTY, MISSOURI  
STATE OF MISSOURI**

CHELSSEA GIBBS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 21ACW-CV00091
	)	
CITY OF HOLTS SUMMIT	)	
HOLTS SUMMIT POLICE	)	
DEPARTMENT, et al,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO STRIKE REQUEST FOR PUNITIVE DAMAGES**

COME NOW Defendants, by and through their undersigned counsel, and hereby move to strike Plaintiff's request for punitive damages contained in Counts I and II of her Petition, as any claim for punitive damages without leave of this Court is barred by Section 510.261, RSMo. 2020. In support of this Motion, Defendants state as follows:

1. Count I of Plaintiff's Petition includes a prayer for punitive damages. *See* Petition at p. 9, Paragraph 27(F).
2. Count II of Plaintiff's Petition also includes a prayer for punitive damages. *See* Petition at p. 12, Paragraph 37(F).
3. Pursuant to Section 510.261.5, RSMo. 2020, Plaintiff is prohibited from including a plea for punitive damages in the Petition in any civil action and may only do so at a later date with leave of court.
4. Plaintiff has not received leave of court to include a prayer for punitive damages in her Petition.

5. Pursuant to Section 510.261, Plaintiff's request for punitive damages in Counts I and II must be stricken as a matter of law.

WHEREFORE, Defendants asks this Court for an Order striking Plaintiff's claim for punitive damages in Counts I and II of her Petition, and for any other such relief deemed just and proper under the circumstances.

Respectfully Submitted,

SCHREIMANN, RACKERS &  
FRANCKA, L.L.C.

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Attorneys for Defendants

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/s/ Ryan Bertels