

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

STEPHEN M. KUCZKA, SR., STEPHEN M.)
KUCZKA, JR., MEGAN T. BOEGER,)
JOSEPH A. KUCZKA, ABIGAIL L.)
KUCZKA, and ISABELLE G. WEBB,)
individually and on behalf of all beneficiaries)
pursuant to Section 537.080, RSMo.,)

Plaintiffs,)

vs.)

BARNES JEWISH HOSPITAL,)
Serve: CSC-Lawyers Incorporating)
Services Company)
221 Bolivar Street)
Jefferson City, MO 65101)

and,)

BJC HEALTH SYSTEM,)
Serve: CSC-Lawyers Incorporating)
Services Company)
221 Bolivar Street)
Jefferson City, MO 65101)

Cause No:

Division:

and,)

BJC BEHAVIORAL HEALTH,)
Serve: CSC-Lawyers Incorporating)
Services Company)
221 Bolivar Street)
Jefferson City, MO 65101)

and,)

THE WASHINGTON UNIVERSITY d/b/a)
WASHINGTON UNIVERSITY)
PHYSICIANS,)
Serve: Person In Charge)
1 Brookings Dr.)
St. Louis, MO 63130)

and,)

HETAL PATEL, M.D.,	)
Serve: Dr. Hetal Patel	)
Eastover Psychiatric Group	)
3303 Latrobe Drive	)
Charlotte, NC 28211	)
	)
and,	)
	)
JOHN DOE #1,	)
Serve: Hold for Service	)
	)
and,	)
	)
JOHN DOE #2,	)
Serve: Hold for Service	)
	)
and,	)
	)
JANE DOE,	)
Serve: Hold for Service	)
	)
Defendants.	)

PETITION

COME NOW Plaintiffs Stephen M. Kuczka, Sr., Stephen M. Kuczka, Jr., Megan T. Boeger, Joseph A. Kuczka, Abigail L. Kuczka, and Isabelle A. Webb, individually and on behalf of all beneficiaries pursuant to Section 537.080, RSMo., and allege the following for their cause of action against Defendants Barnes Jewish Hospital, BJC Health System, BJC Behavioral Health, The Washington University d/b/a Washington University Physicians, Hetal Patel, M.D., John Doe #1, John Doe #2, and Jane Doe:

PARTIES AND JURISDICTION

1. Plaintiff Stephen M. Kuczka, Sr., is and, at all relevant times, was an individual resident of the State of Missouri and the husband of Mrs. Barbara Jean Kuczka (“Mrs. Kuczka”).
2. Plaintiff Stephen M. Kuczka, Jr., is and, at all relevant times, was an individual resident of the State of California and the natural son of Mrs. Kuczka.

3. Plaintiff Megan T. Boeger is and, at all relevant times, was an individual resident of the State of Missouri and the natural daughter of Mrs. Kuczka.

4. Plaintiff Joseph A. Kuczka is and, at all relevant times, was an individual resident of the State of Missouri and the natural son of Mrs. Kuczka.

5. Plaintiff Abigail L. Kuczka is and, at all relevant times, was an individual resident of the State of Missouri and the natural daughter of Mrs. Kuczka.

6. Plaintiff Isabelle A. Webb is and, at all relevant times, was an individual resident of the State of Missouri and the natural daughter of Mrs. Kuczka.

7. Plaintiffs Stephen M. Kuczka, Sr., Stephen M. Kuczka, Jr., Megan T. Boeger, Joseph A. Kuczka, Abigail L. Kuczka, and Isabelle A. Webb are sometimes referred to collectively herein as “Plaintiffs.”

8. Plaintiffs, as the surviving husband and surviving natural children of Mrs. Kuczka, are entitled by § 537.080, RSMo., *et seq.*, to bring this action for the wrongful death and survival action of Mrs. Kuczka on her behalf and on behalf of all persons entitled to recover under the statute.

9. Defendant Barnes Jewish Hospital, at all relevant times, was a nonprofit corporation organized, existing, and operating under the laws of the State of Missouri, with its principal place of business located in the State of Missouri.

10. Defendant BJC Health System, at all relevant times, was a nonprofit corporation organized, existing, and operating under the laws of the State of Missouri, with its principal place of business located in the State of Missouri.

11. Defendant BJC Behavioral Health, at all relevant times, was a nonprofit corporation organized, existing, and operating under the laws of the State of Missouri, with its principal place of business located in the State of Missouri.

12. Defendant The Washington University d/b/a Washington University Physicians (hereinafter “The Washington University”), at all relevant times, was a benevolent corporation organized, existing, and operating under the laws of the State of Missouri under the fictitious name Washington University Physicians, with its principal place of business located in the State of Missouri.

13. Defendants Barnes Jewish Hospital, BJC Health System, BJC Behavioral Health, and The Washington University are sometimes collectively referred to herein as the “Corporate Defendants.”

14. Hetal Patel, M.D. (“Defendant Patel”), at all relevant times, was an individual resident of the State of Missouri who was employed and directly compensated by the Corporate Defendants and was acting within the course and scope of her employment by the Corporate Defendants.

15. Upon information and belief, Defendant John Doe #1, at all relevant times, was an individual resident of the State of Missouri who was employed and directly compensated by the Corporate Defendants and was acting within the course and scope of his employment by the Corporate Defendants.

16. Upon information and belief, Defendant John Doe #2, at all relevant times, was an individual resident of the State of Missouri who was employed and directly compensated by the Corporate Defendants and was acting within the course and scope of his employment by the Corporate Defendants.

17. Upon information and belief, Defendant Jane Doe, at all relevant times, was an individual resident of the State of Missouri who was employed and directly compensated by the Corporate Defendants and was acting within the course and scope of her employment by the Corporate Defendants.

18. The Corporate Defendants and Defendants Patel, John Doe #1, John Doe #2, and Jane Doe are sometimes collectively referred to herein as “Defendants.”

19. The Court has jurisdiction over this matter because Defendants are each residents of the State of Missouri subject to the principles of general jurisdiction and because Defendants each committed the specific torts alleged herein in the State of Missouri, thereby subjecting them to the principles of specific jurisdiction.

20. Venue in this Court is appropriate because this petition alleges a tort and the underlying injury at issue first occurred in the City of St. Louis, Missouri.

ALLEGATIONS COMMON TO ALL COUNTS

21. On or about August 8, 2022, Mr. Orlando DeShawn Harris was involuntarily committed to Barnes Jewish Hospital’s Behavioral Health Services for psychiatric treatment following a suicide attempt.

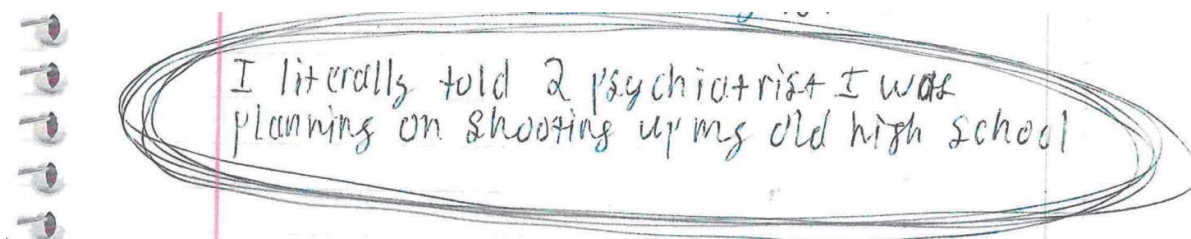
22. This was the third time that Mr. Orlando DeShawn Harris had been involuntarily committed to Barnes Jewish Hospital’s Behavioral Health Services for psychiatric issues.

23. On that date, it was determined that Mr. Orlando DeShawn Harris’s psychotic behavior was increasing.

24. Between August 8, 2022, and October 24, 2022, Mr. Orlando DeShawn Harris was seen by various psychiatrists and clinic staff members employed by the Corporate Defendants, including Defendant Patel, Defendant John Doe #1, and Defendant Jane Doe.

25. During an August 22, 2022, appointment, Mr. Orlando DeShawn Harris told Defendant Patel that he had a plan to “shoot up [his] old high school,” the Central Visual and Performing Arts High School.

26. As reflected in his subsequently discovered manifesto, during one or more of his appointments between August 8, 2022, and October 24, 2022, Mr. Orlando DeShawn Harris also told at least two other psychiatrists employed by the Corporate Defendants – Defendant John Doe #1 and Defendant Jane Doe – that he had a plan to “shoot up [his] old high school,” the Central Visual and Performing Arts High School:



27. Despite being made aware of this specific serious and imminent threat, neither Defendant Barnes Jewish Hospital, nor Defendant BJC Health System, nor Defendant BJC Behavioral Health, nor Defendant The Washington University, nor Defendant Patel, nor Defendant John Doe #1, nor Defendant Jane Doe notified school administrators at the Central Visual and Performing Arts High School or any other person or entity of the threat.

28. On October 15, 2022, Mr. Orlando DeShawn Harris’s mother, Tanya Ward, twice called employees of the Corporate Defendants – including John Doe #2 – to inform them that she had discovered that Mr. Orlando DeShawn Harris had obtained an AR-15 assault rifle, a tactical vest, twenty high-capacity magazines, and hundreds of rounds of ammunition, and to voice her concern that he presented a danger.

29. Despite being made aware of this serious and imminent threat, specifically including the target of the threat, neither Defendant Barnes Jewish Hospital, nor Defendant BJC

Health System, nor Defendant BJC Behavioral Health, nor Defendant Washington University, nor Defendant Patel, nor Defendant John Doe #1, nor Defendant John Doe #2, nor Defendant Jane Doe notified school administrators at the Central Visual Performing Arts High School of the threat, nor did they inform any other person or government entity, including law enforcement, of the specific threat against the Central Visual Performing Arts High School.

30. On October 24, 2022, Mr. Orlando DeShawn Harris broke into the Central Visual and Performing Arts High School armed with the previously identified AR-15 assault rifle, tactical vest, high-capacity magazines, and hundreds of rounds of ammunition.

31. Mr. Orlando DeShawn Harris stated in his manifesto that it was his goal to kill 30 people minimum and then die in a shootout with the police.

32. On October 24, 2022, at the Central Visual and Performing Arts High School, Mr. Orlando DeShawn Harris shot a 15-year-old student, Ms. Alexandria Bell, in the back and left arm.

33. Ms. Alexandria Bell fled, her arm dangling, bleeding out, screaming for help until, four minutes later, she collapsed and died.

34. Mr. Orlando DeShawn Harris continued to stalk the hallways of the school, traveling to the third floor, where he forced his way into a classroom where Mrs. Barbara Jean Kuczka was teaching a course on health.

35. Mrs. Barbara Jean Kuczka threw herself between Mr. Orlando DeShawn Harris and her students and directed her students to escape through the classroom window while she shielded them from gunfire.

36. While the students were escaping through the window, Mr. Orlando DeShawn Harris shot Mrs. Barbara Jean Kuczka in the abdomen at point-blank range.

37. Mrs. Kuczka fell to the floor, where she remained, bleeding out, until paramedics arrived to transport her to Barnes Jewish Hospital.

38. Mrs. Kuczka was pronounced dead at 10:00 a.m., approximately 30 minutes after she was shot.

39. At approximately 11:14 a.m., following news reports of the school shooting but prior to Mr. Orlando DeShawn Harris being identified as the shooter, an employee of the Corporate Defendants contacted Mr. Orlando DeShawn Harris's mother, Tanya Ward to ask if it was her son who was responsible for the shooting.

COUNT I
(Negligent Failure to Warn – The Corporate Defendants)

40. Plaintiffs incorporate the allegations stated in paragraphs 1 through 39 of this petition as if restated in their entirety in this paragraph.

41. Prior to October 24, 2022, the Corporate Defendants, by and through their employees and agents, specifically including but not limited to Defendants Patel, John Doe #1, John Doe #2, and Jane Doe, knew or should have known that Mr. Orlando DeShawn Harris presented a serious and imminent danger of future violence to the students, teachers, and staff at the Central Visual and Performing Arts High School.

42. The Corporate Defendants, by and through their employees and agents, specifically including but not limited to Defendants Patel, John Doe #1, John Doe #2, and Jane Doe, owed the students, teachers, and staff at the Central Visual and Performing Arts High School, specifically including Mrs. Barbara Jean Kuczka, a duty to warn them of the existence of that serious and imminent danger.

43. The Corporate Defendants breached this duty by failing to notify the Central Visual and Performing Arts High School of the threat and failing to inform any other person or entity,

including law enforcement, of the specific serious and imminent danger against the Central Visual and Performing Arts High School.

44. As a direct and proximate result of the Corporate Defendants' negligence, alleged above, Mrs. Barbara Jean Kuczka was shot and killed by Mr. Orlando DeShawn Harris.

45. As a direct and proximate result of the Corporate Defendants' negligence, alleged above, and Mrs. Barbara Jean Kuczka's resulting death, Plaintiffs and Mrs. Barbara Jean Kuczka suffered the following losses and damages recoverable in this action pursuant to § 537.090, RSMo.:

- a. Pecuniary losses suffered by reason of Mrs. Barbara Jean Kuczka's death, including lost income and financial support;
- b. Funeral expenses and other costs and expenses incurred in connection with Mrs. Barbara Jean Kuczka's death;
- c. Deprivation of Mrs. Barbara Jean Kuczka's services, consortium, companionship, instruction, guidance, counsel, training, and support for the remainder of her life expectancy;
- d. Pain and suffering experienced by Plaintiffs due to Mrs. Barbara Jean Kuczka's death;
- e. Pain, suffering, fear, and mental trauma that Mrs. Barbara Jean Kuczka experienced between the time of the incident and the time of her death; and
- f. Medical bills, expenses, and costs which Mrs. Barbara Jean Kuczka incurred between the time of the incident and the time of her death.

WHEREFORE Plaintiffs, individually and on behalf of all claimants under § 537.090, RSMo., pray for a judgment against the Corporate Defendants, and each of them, in an amount in excess of \$100,000,000.00 that is fair and reasonable under the circumstances, for their taxable costs incurred in connection with this action, for post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper under the circumstances presented.

COUNT II
(Negligent Supervision and Training – The Corporate Defendants)

46. Plaintiffs incorporate the allegations stated in paragraphs 1 through 45 of this petition as if restated in their entirety in this paragraph.

47. The Corporate Defendants owed a duty to the students, teachers, and staff at the Central Visual and Performing Arts High School, specifically including Mrs. Barbara Kuczka, to ensure that their employees, specifically including Defendant Patel, Defendant John Doe #1, Defendant John Doe #2, and Defendant Jane Doe, knew how to identify a serious danger of future violence to a potential third-party victim from a patient, knew the laws, policies, and regulations relating to when potential third-party victims needed to be warned of a serious danger of future violence from a patient, and knew how to warn potential third-party victims of a serious danger of future violence from a patient, as well as to supervise and oversee its employees to ensure that they were complying with these rules and requirements.

48. The Corporate Defendants breached this duty in one or more of the following ways:

- a. Failing to promulgate policies and procedures to be followed when a patient presented a serious danger of future violence to a potential third-party victim;
- b. Failing to train their employees regarding such policies, procedures, rules, and requirements;
- c. Failing to establish a reporting structure, committee, or other means of oversight to ensure that a danger of future violence to a potential third-party victim was reliably identified and reported;
- d. Failing to establish a system to ensure that all information relevant to a serious and imminent danger of future violence was collected and maintained together or in a centralized, accessible location;
- e. Failing to enforce such policies, procedures, rules, and requirements in a manner sufficient to ensure consistent compliance by their employees; and/or
- f. Failing to properly supervise those overseeing treatment and care of those

employees providing care for psychiatric conditions that might present a serious and imminent danger of future violence to third parties.

49. As a direct and proximate result of the Corporate Defendants' negligence, its employees, specifically including Defendant Patel, Defendant John Doe #1, Defendant John Doe #2, and Defendant Jane Doe, failed to identify and/or notify the Central Visual and Performing Arts High School or any other appropriate person of the specific serious danger of future violence threatened by Mr. Orlando DeShawn Harris against the Central Visual and Performing Arts High School, thereby resulting in Mrs. Barbara Kuczka's death.

50. As a direct and proximate result of the Corporate Defendants' negligence, alleged above, and Mrs. Barbara Jean Kuczka's resulting death, Plaintiffs and Mrs. Barbara Jean Kuczka suffered the following losses and damages recoverable in this action pursuant to § 537.090, RSMo.:

- a. Pecuniary losses suffered by reason of Mrs. Barbara Jean Kuczka's death, including lost income and financial support;
- b. Funeral expenses and other costs and expenses incurred in connection with Mrs. Barbara Jean Kuczka's death;
- c. Deprivation of Mrs. Barbara Jean Kuczka's services, consortium, companionship, instruction, guidance, counsel, training and support for the remainder of her life expectancy;
- d. Pain and suffering experienced by Plaintiffs due to Mrs. Barbara Jean Kuczka's death;
- e. Pain, suffering, fear, and mental trauma that Mrs. Barbara Jean Kuczka experienced between the time of the incident and the time of her death; and
- f. Medical bills, expenses, and costs which Mrs. Barbara Jean Kuczka incurred between the time of the incident and the time of her death.

WHEREFORE Plaintiffs, individually and on behalf of all claimants under § 537.090, RSMo., pray for a judgment against the Corporate Defendants, and each of them, in an amount in excess of \$100,000,000.00 that is fair and reasonable under the circumstances, for their taxable

costs incurred in connection with this action, for post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper under the circumstances presented.

COUNT III
(Negligent Failure to Warn – Defendant Patel)

51. Plaintiffs incorporate the allegations stated in paragraphs 1 through 50 of this petition as if restated in their entirety in this paragraph.

52. Prior to October 24, 2022, Defendant Patel knew or should have known that Mr. Orlando DeShawn Harris presented a serious danger of future violence to the students, teachers, and staff at the Central Visual and Performing Arts High School.

53. Defendant Patel owed the students, teachers, and staff at the Central Visual and Performing Arts High School, specifically including Mrs. Barbara Jean Kuczka, a duty to inform them of the existence of that serious danger.

54. Defendant Patel breached this duty by failing to notify the Central Visual and Performing Arts High School of the threat and failing to inform any other person or entity who might respond to the threat of the specific threat against the Central Visual and Performing Arts High School.

55. As a direct and proximate result of Defendant Patel's negligence, alleged above, Mrs. Barbara Jean Kuczka was shot and killed by Mr. Orlando DeShawn Harris.

56. As a direct and proximate result of Defendant Patel's negligence, alleged above, and Mrs. Barbara Jean Kuczka's resulting death, Plaintiffs and Mrs. Barbara Jean Kuczka suffered the following losses and damages recoverable in this action pursuant to § 537.090, RSMo.:

- a. Pecuniary losses suffered by reason of Mrs. Barbara Jean Kuczka's death, including lost income and financial support;
- b. Funeral expenses and other costs and expenses incurred in connection with

Mrs. Barbara Jean Kuczka's death;

- c. Deprivation of Mrs. Barbara Jean Kuczka's services, consortium, companionship, instruction, guidance, counsel, training and support for the remainder of her life expectancy;
- d. Pain and suffering experienced by Plaintiffs due to Mrs. Barbara Jean Kuczka's death;
- e. Pain, suffering, fear, and mental trauma that Mrs. Barbara Jean Kuczka experienced between the time of the incident and the time of her death; and
- f. Medical bills, expenses, and costs which Mrs. Barbara Jean Kuczka incurred between the time of the incident and the time of her death.

WHEREFORE Plaintiffs, individually and on behalf of all claimants under § 537.090, RSMo., pray for a judgment against Defendant Patel in an amount in excess of \$100,000,000.00 that is fair and reasonable under the circumstances, for their taxable costs incurred in connection with this action, for post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper under the circumstances presented.

COUNT IV
(Negligent Failure to Warn – Defendant John Doe #1)

57. Plaintiffs incorporate the allegations stated in paragraphs 1 through 56 of this petition as if restated in their entirety in this paragraph.

58. Prior to October 24, 2022, Defendant John Doe #1 knew or should have known that Mr. Orlando DeShawn Harris presented a serious danger of future violence to the students, teachers, and staff at the Central Visual and Performing Arts High School.

59. Defendant John Doe #1 owed the students, teachers, and staff at the Central Visual and Performing Arts High School, specifically including Mrs. Barbara Jean Kuczka, a duty to inform them of the existence of that serious danger.

60. Defendant John Doe #1 breached this duty by failing to notify the Central Visual and Performing Arts High School of the threat and failing to inform any other person or entity who

might respond to the threat of the specific threat against the Central Visual and Performing Arts High School.

61. As a direct and proximate result of Defendant John Doe #1's negligence, alleged above, Mrs. Barbara Jean Kuczka was shot and killed by Mr. Orlando DeShawn Harris.

62. As a direct and proximate result of Defendant John Doe #1's negligence, alleged above, and Mrs. Barbara Jean Kuczka's resulting death, Plaintiffs and Mrs. Barbara Jean Kuczka suffered the following losses and damages recoverable in this action pursuant to § 537.090, RSMo.:

- a. Pecuniary losses suffered by reason of Mrs. Barbara Jean Kuczka's death, including lost income and financial support;
- b. Funeral expenses and other costs and expenses incurred in connection with Mrs. Barbara Jean Kuczka's death;
- c. Deprivation of Mrs. Barbara Jean Kuczka's services, consortium, companionship, instruction, guidance, counsel, training and support for the remainder of her life expectancy;
- d. Pain and suffering experienced by Plaintiffs due to Mrs. Barbara Jean Kuczka's death;
- e. Pain, suffering, fear, and mental trauma that Mrs. Barbara Jean Kuczka experienced between the time of the incident and the time of her death; and
- f. Medical bills, expenses, and costs which Mrs. Barbara Jean Kuczka incurred between the time of the incident and the time of her death.

WHEREFORE Plaintiffs, individually and on behalf of all claimants under § 537.090, RSMo., pray for a judgment against Defendant John Doe #1 in an amount in excess of \$100,000,000.00 that is fair and reasonable under the circumstances, for their taxable costs incurred in connection with this action, for post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper under the circumstances presented.

COUNT V
(Negligent Failure to Warn – Defendant John Doe #2)

63. Plaintiffs incorporate the allegations stated in paragraphs 1 through 62 of this petition as if restated in their entirety in this paragraph.

64. Prior to October 24, 2022, Defendant John Doe #2 knew or should have known that Mr. Orlando DeShawn Harris presented a serious danger of future violence to the students, teachers, and staff at the Central Visual and Performing Arts High School.

65. Defendant John Doe #2 owed the students, teachers, and staff at the Central Visual and Performing Arts High School, specifically including Mrs. Barbara Jean Kuczka, a duty to inform them of the existence of that serious danger.

66. Defendant John Doe #2 breached this duty by failing to notify the Central Visual and Performing Arts High School of the threat and failing to inform any other person or entity who might respond to the threat of the specific threat against the Central Visual and Performing Arts High School.

67. As a direct and proximate result of Defendant John Doe #2's negligence, alleged above, Mrs. Barbara Jean Kuczka was shot and killed by Mr. Orlando DeShawn Harris.

68. As a direct and proximate result of Defendant John Doe #2's negligence, alleged above, and Mrs. Barbara Jean Kuczka's resulting death, Plaintiffs and Mrs. Barbara Jean Kuczka suffered the following losses and damages recoverable in this action pursuant to § 537.090, RSMo.:

- a. Pecuniary losses suffered by reason of Mrs. Barbara Jean Kuczka's death, including lost income and financial support;
- b. Funeral expenses and other costs and expenses incurred in connection with Mrs. Barbara Jean Kuczka's death;
- c. Deprivation of Mrs. Barbara Jean Kuczka's services, consortium, companionship, instruction, guidance, counsel, training and support for the

remainder of her life expectancy;

- d. Pain and suffering experienced by Plaintiffs due to Mrs. Barbara Jean Kuczka's death;
- e. Pain, suffering, fear, and mental trauma that Mrs. Barbara Jean Kuczka experienced between the time of the incident and the time of her death; and
- f. Medical bills, expenses, and costs which Mrs. Barbara Jean Kuczka incurred between the time of the incident and the time of her death.

WHEREFORE Plaintiffs, individually and on behalf of all claimants under § 537.090, RSMo., pray for a judgment against Defendant John Doe #2 in an amount in excess of \$100,000,000.00 that is fair and reasonable under the circumstances, for their taxable costs incurred in connection with this action, for post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper under the circumstances presented.

COUNT VI
(Negligent Failure to Warn – Defendant Jane Doe)

69. Plaintiffs incorporate the allegations stated in paragraphs 1 through 68 of this petition as if restated in their entirety in this paragraph.

70. Prior to October 24, 2022, Defendant Jane Doe knew or should have known that Mr. Orlando DeShawn Harris presented a serious danger of future violence to the students, teachers, and staff at the Central Visual and Performing Arts High School.

71. Defendant Jane Doe owed the students, teachers, and staff at the Central Visual and Performing Arts High School, specifically including Mrs. Barbara Jean Kuczka, a duty to inform them of the existence of that serious danger.

72. Defendant Jane Doe breached this duty by failing to notify the Central Visual and Performing Arts High School of the threat and failing to inform any other person or entity who might respond to the threat of the specific threat against the Central Visual and Performing Arts High School.

73. As a direct and proximate result of Defendant Jane Doe's negligence, alleged above, Mrs. Barbara Jean Kuczka was shot and killed by Mr. Orlando DeShawn Harris.

74. As a direct and proximate result of Defendant Jane Doe's negligence, alleged above, and Mrs. Barbara Jean Kuczka's resulting death, Plaintiffs and Mrs. Barbara Jean Kuczka suffered the following losses and damages recoverable in this action pursuant to § 537.090, RSMo.:

- a. Pecuniary losses suffered by reason of Mrs. Barbara Jean Kuczka's death, including lost income and financial support;
- b. Funeral expenses and other costs and expenses incurred in connection with Mrs. Barbara Jean Kuczka's death;
- c. Deprivation of Mrs. Barbara Jean Kuczka's services, consortium, companionship, instruction, guidance, counsel, training and support for the remainder of her life expectancy;
- d. Pain and suffering experienced by Plaintiffs due to Mrs. Barbara Jean Kuczka's death;
- e. Pain, suffering, fear, and mental trauma that Mrs. Barbara Jean Kuczka experienced between the time of the incident and the time of her death; and
- f. Medical bills, expenses, and costs which Mrs. Barbara Jean Kuczka incurred between the time of the incident and the time of her death.

WHEREFORE Plaintiffs, individually and on behalf of all claimants under § 537.090, RSMo., pray for a judgment against Defendant Jane Doe in an amount in excess of \$100,000,000.00 that is fair and reasonable under the circumstances, for their taxable costs incurred in connection with this action, for post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper under the circumstances presented.

COFMAN TOWNSLEY, LLP

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