

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID WHITT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-cv-1294
)	
CITY OF ST. LOUIS, OFFICER RYAN)	JURY TRIAL DEMANDED
J. LINHORST, SERGEANT MATTHEW)	
T. KARNOWSKI, OFFICER)	
MATTHEW A. SHAW, DETECTIVE)	
BOBBY D. BAINE, and JOHN DOES 1-)	
3,)	
)	
Defendants.)	

COMPLAINT

Plaintiff David Whitt, by his undersigned attorneys, for his complaint against defendants City of St. Louis, Officer Ryan J. Linhorst, Sergeant Matthew T. Karnowski, Officer Matthew A. Shaw, Detective Bobby D. Baine, and Officer John Does 1-3, alleges as follows:

INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. § 1983 and Missouri state law to redress the violation of Plaintiff David Whitt’s constitutional rights secured by the First, Fourth and Fourteenth Amendments to the United States Constitution.

2. David Whitt is a member of CopWatch, a group of community members who monitor and document police activity. In August 2016, David Whitt was arrested and prosecuted for filming St. Louis Metropolitan Police officers in public. Mr. Whitt’s camcorder was seized and searched following his unlawful arrest. Eventually, the City of St. Louis abandoned its charge against Mr. Whitt, who now seeks redress for damages and loss of liberty he suffered for lawfully

engaging in constitutionally protected expressive activity. He further seeks injunctive relief to prevent SLMPD officers from unlawfully arresting him and searching his recording devices.

PARTIES

3. Plaintiff David Whitt (“Whitt”) is a resident of the City of St. Louis, Missouri, and is over eighteen years of age.

4. Defendant City of St. Louis (“City”) is a constitutional charter city created and organized pursuant to the Missouri Constitution and laws of the State of Missouri. The City oversees various agencies and departments, including but not limited to the St. Louis Metropolitan Police Department (“SLMPD”) and the St. Louis City Law Department “Law Department.” The City has direct supervision and control of its employee-officers, including the SLMPD Defendants named herein.

5. Officer Ryan J. Linhorst (“Linhorst”) is or was an employee of the City as a member of the St. Louis Metropolitan Police Department (“SLMPD”) during the relevant time period and assisted and wrote the incident report related to David Whitt’s arrest.

6. Sergeant Matthew T. Karnowski (“Karnowski”) is or was an employee of the City as a member of the SLMPD during the relevant time period and ordered and assisted in arresting Whitt.

7. Officer Matthew A. Shaw (“Shaw”) is or was an employee of the City as a member of the SLMPD during the relevant time period and assisted in the arrest of Whitt.

8. Detective Bobby D. Baine (“Baine”) is or was an employee of the City as a detective of the SLMPD during the relevant time period and assisted in the investigation against Whitt.

9. Defendants John Does 1-3 (collectively, the “Doe Defendants”) are or were employees of the City as members of the SLMPD during the relevant time period and assisted with Whitt’s arrest or detention on August 8, 2016, or contributed to the incident report which resulted in his prosecution.

10. Defendants Linhorst, Karnowski, Shaw, Baine, and Doe Defendants are collectively referred to herein as the “SLMPD Defendants.” All of the SLMPD Defendants were acting under color of law and within the scope of their employment with the City and SLMPD at all relevant times. All are sued in their individual capacities. The City and SLMPD Defendants are collectively referred to herein as the “Defendants.”

JURISDICTION AND VENUE

11. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of the Plaintiff’s rights as secured by the First and Fourth Amendments to the United States Constitution, as incorporated against States and their municipal divisions through the Fourteenth Amendment. This Court therefore has jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiff also brings parallel state claims under the Missouri Constitution, and requests supplemental jurisdiction of those claims pursuant to 28 U.S.C. § 1367.

12. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391(e) because a substantial part of the events giving rise to the claims asserted in this action occurred in this judicial district. Divisional venue is proper in the Eastern Division because a substantial part of the events giving rise to Plaintiff’s claims arose in the City of St. Louis. E.D.Mo. L.R. 2.07(A)(1), (B)(1).

FACTS

CopWatch and Police Accountability

13. David Whitt is a founding member of the St. Louis Chapter of WeCopWatch (“CopWatch”), and an advocate for social justice and police accountability.

14. CopWatch began in the early 1990s in response to police violence in the community. The organization aims to protect communities by filming police engagement and to educate people on their rights if confronted by police.

15. The St. Louis Chapter of CopWatch is a network of community members that observes, monitors and records police activity, with the goal of capturing and preventing police misconduct. Members are trained to peacefully observe and deter aggressive and illegal police activity by using video recording devices and their physical presence.

16. Whitt co-founded the St. Louis chapter in 2014, after Michael Brown was killed by an on-duty St. Louis police officer and there was no video evidence of the incident.

17. CopWatch has a presence across the United States which entails activists in various cities use recording devices in the search for justice for those harassed, harmed, or even killed by police officers. For example, on the morning of April 12, 2015, Freddie Gray was brutalized by Baltimore police officers. Kevin Moore recorded Freddie Gray’s violent arrest after hearing the commotion outside of his home. After uploading the video footage, the brutality of the officers garnered national attention.

18. It is not unusual for members of CopWatch to be unlawfully arrested while filming police activity. For example, on August 5, 2016, Jose LaSalle, a prominent member of South Bronx CopWatch, was arrested after filming a stop-and-frisk in the South Bronx. He was charged with “obstructing governmental administration,” after police claimed that he stood too close to a police

investigation. The District Attorney declined to charge him but it did not stop police officers from attempting to extract information from the devices which he used to record the incident.

19. Just days later, David Whitt was arrested in the City of St. Louis while lawfully filming SLMPD officers.

David Whitt's Arrest

20. Whitt is well known as an activist and CopWatch member. Although he has provided CopWatch training to communities all over the country—including at the Dakota Access Pipeline—he is particularly well known in his home town of St. Louis and the surrounding St. Louis County. He has appeared in multiple documentaries about CopWatch.

21. Whitt is well known to SLMPD because of his involvement with CopWatch and the frequency with which he films police activity.

22. Whitt has grown accustomed to carrying a camera around with him when he leaves his home in case he encounters police. On August 8, 2016, Whitt rode his bicycle through Wells Avenue in St. Louis.

23. While riding west down Wells Avenue with his camera on and recording, Whitt encountered five marked police vehicles and multiple police officers. One individual was in police custody in a police cruiser.

24. There was no caution or crime scene tape around the site. Whitt stayed a reasonable distance from police officers and the man in custody. Whitt's presence was not creating a threat to officer safety, and was not hindering or interfering with police activity.

25. The events that followed were all recorded on Whitt's camcorder:
 - a. Defendant Linhorst drove a police cruiser toward Whitt, placing the vehicle between Whitt and the other police vehicles, pushing Whitt onto the sidewalk. At the same time, Linhorst instructed Whitt to back up. Whitt complied.
 - b. Defendant Karnowski instructed Whitt to back up again. Again, Whitt complied, coming to a stop approximately 50 feet away from the police cruiser in which the individual was detained.
 - c. Whitt then stated that he could see the individual detained in backseat of a police vehicle, at which point Defendant Karnowski looked off camera and remarked, "Yeah." Defendants Karnowski, Linhorst, and Shaw then moved forward to arrest Whitt.

Search and Seizure of Whitt's Camcorder

26. Whitt was detained and booked. He was held for approximately ten hours, and was charged with interfering with a police officer.

27. Whitt paid fifty dollars to be released on bond, and was issued a property receipt for his camcorder and bicycle. But he did not receive his camera back that day. Instead, the camcorder was seized as purported evidence by Officer Linhorst. The camera was held in police custody until January 2017.

28. Officer Linhorst, with the assistance of Baine, then sought a warrant to search the entire contents of Whitt's camera—despite knowing they did not have probable cause to arrest him for interference, or to search the camera for footage of the alleged interference.

29. Nonetheless, Linhorst executed an affidavit in support of a warrant application, claiming Whitt interfered with a police investigation and, while interfering, "was operating and

filming, thus documenting, his interfering with the aforementioned video recording device he was in possession of.” *See* **Exhibit A**. In the second portion of his affidavit, Defendant Linhorst used boilerplate language taken from a book titled, “Forensic Computer Crime Investigation” by Thomas Johnson, to explain why a complete search of all computer databases is necessary.

30. A warrant was issued on or about August 11, 2016,¹ and Baine searched the contents of the camcorder, which included footage of police activity over many days, not just August 8, 2016. A true and correct copy of the search warrant and affidavit in support is attached hereto as Exhibit A.

31. On or about October 16, 2016, the City of St. Louis filed formal charges against David Whitt in the St. Louis City Municipal Division, Case No. D00646137-4. Based in whole or in part upon the information contained in the incident report prepared by Defendant Linhorst, the City charged Whitt with interfering with a police officer, in violation of the City’s municipal ordinance code. *See* Information, attached hereto as **Exhibit B**.

32. Section 15.10.010 of the St. Louis City Municipal Ordinance Code states:

Whoever shall, in this City, falsely represent himself to be an officer of this City, or shall, without being duly authorized by the City, exercise or attempt to exercise, any of the duties, functions, or powers of a City officer or member of the Metropolitan Police Force; or shall hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of his official duties; or attempt to prevent any such officer from arresting any person, or attempt to rescue from such officer any person in his custody, shall be deemed guilty of a misdemeanor.

33. Whitt did not take any action to obstruct or interfere. To the extent anything Whitt did might have been interpreted as interfering, Whitt could not be prosecuted because he did not intend to interfere with police.

¹ Undersigned counsel did not receive a copy of the affidavit or warrant until May 22, 2017.

34. The City proceeded with the prosecution despite lacking probable cause to pursue the charge against Whitt, and despite having in its possession Whitt's own video footage which showed him standing more than a reasonable distance from police and complying with police requests to back up.

35. The City initially refused to return Whitt's camcorder. Undersigned counsel requested it shortly after appearing in his municipal case, but the City Counselor's office initially refused to return the camcorder, claiming it was evidence of a crime.

36. After months of back and forth between counsel, Whitt's camcorder was finally released from police custody on January 4, 2017.

37. The camcorder was returned damaged. The lens shutter would not function, and it was no longer able to read an SD card or record film. In addition, it appeared as though police had attempted to erase all footage from the SD card itself.

38. The City engaged in multiple attempts to negotiate dismissal of the case with prejudice via a plea deal, or "rec"—including presenting a release of liability form at counsel's first municipal appearance and as a purported condition to any kind of plea deal. A true and correct copy of the release form is attached hereto as **Exhibit C**. The City abandoned the prosecution by *nolle prosequi* on May 22, 2017.

39. Whitt continues to participate in CopWatch, and fears that it is only a matter of time before his is arrested and prosecuted again for nothing more than exercising his First Amendment right to film police activity in public.

40. While filming police activity, he has experienced retaliatory and unlawful arrests, as well as harassment from officers. This harassment by officers has included officers placing themselves or their vehicles in Whitt's line of sight so he is unable to film a crime scene or arrest.

This practice is pervasive throughout SLMPD, despite SLMPD's internal Special Order No. SO 1-06, which claims to acknowledge individuals' "unambiguous First Amendment right to record officers in public places...."

CLAIMS FOR RELIEF

COUNT I

Unlawful Seizure/False Arrest pursuant to 42 U.S.C. § 1983 (against Defendants Linhorst, Karnowski, Shaw, and Doe Defendants)

41. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

42. Defendants Linhorst, Karnowski, Shaw, and Doe Defendants arrested David Whitt for lawfully engaging in constitutionally protected expressive activity. Defendant Linhorst prepared an incident report which gave the illusion that David Whitt was a danger to police officers and the crime scene and that there was probable cause to support the arrest when, in fact, there was not.

43. Defendants' seizure of Whitt was unreasonable and unlawful, and deprived Whitt of his right to be free from unreasonable seizure of his person in violation of the Fourth and Fourteenth Amendments to the United States Constitution and his right not to be retaliated against for exercising his First Amendment rights.

44. As a direct result of the Defendants' conduct described above, Plaintiff suffered damages through the loss of liberty.

45. Furthermore, Whitt now reasonably fears future interference with his right to record police, and retaliatory or unlawful arrest for recording police activity. It is not unlikely he will be arrested again for recording SLMPD activity because of his extensive participation in CopWatch, his reputation among SLMPD, and the pervasive custom and practice of SLMPD officers described more fully above and in Count V.

46. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff David Whitt requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants;
- C. Enter an injunctive order preventing Defendants from unlawfully seizing David Whitt in the future for exercising his constitutional right to film police activity;
- D. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.

COUNT II

Malicious Prosecution pursuant to 42 U.S.C. § 1983 (against Defendants Linhorst, Karnowski, Shaw, and Baine)

- 47. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.
- 48. Defendants instigated a quasi-criminal charge against David Whitt, with Defendants Linhorst, Karnowski and Shaw serving as the complaining witnesses identified in the charging Information, which initiated the municipal prosecution; Defendant Baine serving as the investigating detective that searched the contents of Whitt's camcorder and contributed to the application for search warrant; and Defendant City instigating proceedings against Whitt.
- 49. Defendants undertook these actions knowingly and recklessly, and despite the fact that there was no probable cause that Whitt violated the City's ordinance.
- 50. To the extent that Defendants claim they believed that the arrest and prosecution of Whitt was supported by probable cause, Defendants' belief was objectively unreasonable because there was no evidence that Whitt "purposefully or knowingly" interfered with police officers.

Indeed, any such account is belied by video evidence in the Defendants' possession, custody, or control at the time the charge was filed.

51. The charge was eventually resolved in Whitt's favor when the City dismissed the charges *nolle prosequi* and abandoned the charge.

52. As a direct result of the Defendants' conduct described above, Plaintiff suffered damages through the loss of liberty.

53. Furthermore, Whitt now reasonably fears future interference with his right to record police, and retaliatory or unlawful arrest for recording police activity. It is not unlikely he will be arrested again for recording SLMPD activity because of his extensive participation in CopWatch, his reputation among SLMPD, and the pervasive custom and practice of SLMPD officers described more fully above and in Count V.

54. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff David Whitt requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants;
- C. Enter an injunctive order preventing Defendants from maliciously prosecuting David Whitt in the future for exercising his constitutional right to film police activity;
- D. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.

COUNT III

**Retaliation for Exercise of First Amendment Rights in Violation of First and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983
(against Defendants Linhorst, Karnowski, Shaw, and Does)**

55. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

56. Observing on-duty police activity in a public forum, without interfering with those duties, is a legitimate means of gathering information and is expressive conduct protected by the First Amendment of the United States Constitution.

57. On August 8, 2016, Whitt was engaged in constitutionally protected expressive activity—namely, observing and recording on-duty SLMPD officers performing their duties in public.

58. As a result of this activity, and in retaliation for the activity, Defendants Linhorst, Karnowski, Shaw, and Doe Defendants detained and arrested Whitt, seized his camcorder, and initiated municipal charges against him.

59. Defendants' adverse actions in detaining, arresting, seizing the property of, and charging Whitt are sufficiently adverse as to chill a person of ordinary firmness from engaging in protected activity such as recording police in public.

60. During the pendency of the prosecution against him, Whitt had to make appearances in municipal court and retain the assistance of counsel. He lost the use of the camcorder, which was damaged while in police custody. And he now fears being arrested or retaliated against by police while participating in CopWatch activities.

61. As a direct and proximate result of the Defendants' misconduct, David suffered injuries as more fully alleged above, including but not limited to the loss of liberty.

62. Furthermore, Whitt now reasonably fears future interference with his right to record police, and retaliatory or unlawful arrest for recording police activity. It is not unlikely he will be

arrested again for recording SLMPD activity because of his extensive participation in CopWatch, his reputation among SLMPD, and the pervasive custom and practice of SLMPD officers described more fully above and in Count V.

63. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff David Whitt requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Enter an injunctive order preventing Defendants from retaliating against David Whitt in the future for exercising his constitutional right to film police activity;
- C. Award compensatory and punitive damages against the Individual Defendants;
- D. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.

COUNT IV
Unlawful Search pursuant to 42 U.S.C. § 1983
(against Defendants Linhorst and Baine)

64. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

65. Plaintiff has a right under the Fourth Amendment to be free from unreasonable search and seizures.

66. As alleged above, Whitt's camera was seized and searched by Defendants after they arrested Whitt without probable cause.

67. In reliance on the statements provided by Defendants Linhorst and Baine, including a reckless and false claim that Whitt was interfering with a police investigation, a search warrant was issued and Whitt's camcorder was searched by police. Upon information and belief, SLMPD accessed footage taken by Whitt over multiple days—not just the day in question. Defendants

Linhorst and Baine claimed to have been looking for evidence of Whitt's alleged interference, despite knowing that Whitt had not knowingly or purposefully interfered with a police investigation that day.

68. While in police custody, Whitt's camera was damaged.

69. In addition, Whitt was without his camera for approximately five months while it was held in police custody, despite the fact that it was not evidence of any crime.

70. Defendants' search, seizure, and damage to the camcorder were unlawful.

71. As a direct result of the Defendants' conduct described above, Defendants deprived Whitt of his property and he suffered damages through the loss of property.

72. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff David Whitt requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against Defendants Linhorst and Baine;
- C. Enter an injunctive order preventing Defendants from unlawfully seizing David Whitt's personal property in the future absent a valid search warrant and probable cause that the property constitutes evidence to a crime;
- D. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.

COUNT V

***Monell Claim for Violations of First, Fourth, and Fourteenth Amendments
to the United States Constitution pursuant to 42 U.S.C. § 1983
(against the City of St. Louis)***

73. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

74. The City of St. Louis maintains, condones, and is deliberately indifferent to unconstitutional policies, customs and practices of the SLMPD, including but not limited to: falsely arresting people for filming police activity in public, and without probable cause, in violation of the First and Fourth Amendments; enforcing City ordinances in a manner which infringes on free expression and as an improper means for retaliating against protected expression, in violation of the First Amendment; and pursuing baseless municipal prosecutions without probable cause, with malice and for improper retaliatory purposes.

75. These customs and practices are so pervasive that they constitute *de facto* policies of the City of St. Louis.

76. In addition, by its actions the City has ratified the unlawful conduct of the Individual Defendants herein.

77. The aforementioned policies, customs and practices directly caused and were the moving force behind David Whitt's constitutional deprivations and resulting injuries alleged herein, including but not limited to the loss of liberty. Furthermore, he fears future unlawful seizures should he continue to participate in CopWatch activities in the St. Louis area—as he plans to do.

WHEREFORE, Plaintiff David Whitt requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendant City of St. Louis;
- B. Issue a permanent injunction against the City of St. Louis;
- C. Award compensatory damages against the City;
- D. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.

COUNT VI

**False Arrest pursuant to Missouri law
(against Defendants Linhorst, Karnowski, Shaw, and Doe Defendants)**

78. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

79. As alleged above, Defendants Linhorst, Karnowski, Shaw, and Doe Defendants arrested David Whitt for lawfully engaging in constitutionally protected expressive activity. Defendant Linhorst prepared an incident report which gave the illusion that David Whitt was a danger to police officers and the crime scene and that there was probable cause to support the arrest when, in fact, there was not.

80. Defendants' seizure of Whitt was unreasonable and unlawful, and deprived Whitt of his right to be free from unreasonable seizure of his person in violation of the Fourth and Fourteenth Amendments to the United States Constitution and his right not to be retaliated against for exercising his First Amendment rights.

81. As a direct result of the Defendants' conduct described above, Plaintiff suffered damages through the loss of liberty.

82. Furthermore, Whitt now reasonably fears future interference with his right to record police, and retaliatory or unlawful arrest for recording police activity. It is not unlikely he will be arrested again for recording SLMPD activity because of his extensive participation in CopWatch, his reputation among SLMPD, and the pervasive custom and practice of SLMPD officers described more fully above and in Count V.

83. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants; and

C. Allow such other and further relief as the Court deems just and proper.

COUNT VII

**Malicious Prosecution pursuant to Missouri law
(against Defendants Linhorst, Karnowski, Shaw, and Baine)**

84. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

85. Defendants instigated a quasi-criminal charge against David Whitt, with Defendants Linhorst, Karnowski and Shaw serving as the complaining witnesses identified in the charging Information, which initiated the municipal prosecution; Defendant Baine serving as the investigating detective that searched the contents of Whitt's camcorder and contributed to the application for search warrant; and Defendant City instigating proceedings against Whitt.

86. Defendants undertook these actions knowingly and recklessly, and despite the fact that there was no probable cause that Whitt violated the City's ordinance.

87. To the extent that Defendants claim they believed that the arrest and instigation of criminal charges against and prosecution of Whitt was supported by probable cause, Defendants' belief was objectively unreasonable, because there was no evidence that Whitt "purposefully or knowingly" interfered with police officers. Indeed, any such account is belied by video evidence in the Defendants' possession, custody, or control at the time the charge was filed.

88. The charge was eventually resolved in Whitt's favor when the City dismissed the charges *nolle prosequi* and abandoned the charge.

89. As a direct result of the Defendants' conduct described above, Plaintiff suffered damages through the loss of liberty.

90. Furthermore, Whitt now reasonably fears future interference with his right to record police, and retaliatory or unlawful arrest for recording police activity. It is not unlikely he will be arrested again for recording SLMPD activity because of his extensive participation in CopWatch,

his reputation among SLMPD, and the pervasive custom and practice of SLMPD officers described more fully above and in Count V.

91. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff David Whitt requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against Defendants Linhorst, Karnowski, Shaw, and Baine; and
- C. Allow such other and further relief as the Court deems just and proper.

COUNT VIII

Unlawful Search in Violation of Article I, Section 15 of the Missouri Constitution (against Defendants Linhorst and Baine)

92. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

93. Plaintiff has a right under Article I, Section 15 of the Missouri Constitution to be free from unreasonable search and seizures.

94. As alleged above, Whitt's camera was seized and searched by Defendants after they arrested Whitt without probable cause.

95. In reliance on the statements provided by Defendants Linhorst and Baine, including a reckless and false claim that Whitt was interfering with a police investigation, a search warrant was issued and Whitt's camcorder was searched by police. Upon information and belief, SLMPD accessed footage taken by Whitt over multiple days—not just the day in question. Defendants Linhorst and Baine claimed to have been looking for evidence of Whitt's alleged interference, despite knowing that Whitt had not knowingly or purposefully interfered with a police investigation that day.

96. While in police custody, Whitt's camera was damaged.

97. In addition, Whitt was without his camera for approximately five months while it was held in police custody, despite the fact that it was not evidence of any crime.

98. Defendants' search, seizure, and damage to the camcorder were unlawful.

99. As a direct result of the Defendants' conduct described above, Defendants deprived Whitt of his property and he suffered damages through the loss of property.

100. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff David Whitt requests this Court:

A. Enter judgment in favor of Plaintiff and against the Defendants;

B. Award compensatory and punitive damages against Defendants Linhorst and Baine;

and

C. Allow such other and further relief as the Court deems just and proper.

Date: August 7, 2018

Respectfully submitted,

By: /s/ Amy E. Breihan
Amy Breihan, #65499MO
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Affidavit

Introduction

I, Ryan Linhorst, DSN 7175/305, being duly sworn, deposes the following to wit:

That I am a Police Officer with the Saint Louis Metropolitan Police Department and have been so employed since 2006. I am presently assigned to the 5th District, A-Platoon, of the North Patrol Division.

On August 8, 2016, I was in the 5000 block of Wells relative to an investigation involving a stolen vehicle. While on the scene, David Whitt interfered with our Tampering 1st investigation. While interfering, David Whitt was operating and filming, thus documenting, his interfering with the aforementioned video recording device he was in possession of. Based on information obtained throughout this investigation there is probable cause to believe that the above listed video camera contains evidence that David Whitt interfered with a police officer in the performance of their duty.

This affidavit is divided into two parts. The first section explains the evidence expected to be located on the video camera, as well as, the probable cause to believe such evidence exists. The second section explains the procedures for searching and seizing electronic evidence.

Prior to the preparation of this affidavit, I spoke with Detective Bobby D. Baine, DSN 5134/433, regarding the seizure of the video camera that likely documented the Interfering with a Police Officer in the Performance of their Duty investigation.

Detective Baine has been trained in procedures for the proper acquisition and examination of a variety of storage devices for digital data. Detective Baine provided consultation on the following section regarding the subsequent acquisition and examination of the data located on the suspect's video recording device. Detective Baine will further be utilized as needed in the resulting search and seizure of any digital data.

I. Evidence believed to be located on computer systems

David Whitt's actions, which interfered with our investigation while filming using his handheld camera. The camera was seized after he was placed under arrest, in order to obtain the footage that I believe documents our repeated orders for him to back up to the established a distance believed to be safe by officers on the scene.

II. Search, Seizure and Analysis of Computers

In this case, we have already seized the camera relevant to the investigation. It includes Panasonic High Definition camera Model HC-V770 bearing serial # DN5HB001375 belonging to David Whitt.

Definitions

As used in this affidavit and in the search warrant, the terms “record” or “records” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any electrical, electronic or magnetic form (such as any information on a “computer system” and other devices more fully described below, or on any other electronic or magnetic storage device, including hard disks, CD-ROMs, optical disks, printer buffers, as well as printouts or readouts from any magnetic storage device); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form.

- Computer systems can include but are not limited to:
 - (1) Central Processing Units and associated data transmission systems, including cables, radio frequency devices (RF), and infra-red devices (IF).
 - (2) Input devices including but not limited to: (a) Digital Tape Drives, (b) Compact Disk Read Only Memory (CD-ROM), and writable Compact Disk Drives (W-CD, CD-R, CD-RW), or magneto-optical drives or optical drives, (c) Digital Versatile Disks (DVDs).
 - (3) Output devices, including, but not limited to: (a) a computer printer, (b) Monitor, (c) a 3.5 floppy disk drive and/or disk, (d) a Writable Compact Disk and/or Digital Versatile Disks, (e) or any other writeable media

- Computer Data Storage and Retrieval Devices and Media (which can, depending upon device, serve as an input and/or output device) including but not limited to: (1) diskettes, (2) CD-ROMs, W-CD, CD-R, CD-RW, DVDs, or BluRay Disks (BD) (3) magneto-optical drives or optical drives, (4) flash memory devices such as Universal Serial Bus, USB, drives, SD Cards, Micro SD Cards, (5) any other writeable media

- Computer System Documentation would include but is not limited to: (1) Operating System and Application programming disks, CD-ROMs, etc.; (2) Programming and Applications manuals, books or brochures; (3) Internet Service Provider programming or user manuals, books or brochures; (4) Computer access codes, passwords, data security devices and/or protocols whether stored or recorded electronically on diskette, etc., or non-electronically on paper, in a book, etc.

Seizure of Video Cameras and Storage Devices

Based upon your affiant’s knowledge, training and experience, affiant knows that searching and seizing information from computers often requires agents to seize most or all electronic storage devices (along with related peripherals) to be searched later by a qualified computer expert in a laboratory or other controlled environment. This is true because:

(1) The Volume of Evidence: Computer Storage devices can store the equivalent of millions of individual pieces of information. Additionally, a suspect may try to conceal criminal evidence; he or she might store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of crime. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical and invasive to attempt this kind of data search on-site.

(2) Technical Requirements: Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert is qualified to analyze the system and its data. In any event, however, data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Because computer evidence is vulnerable to inadvertent or intentional modification or destruction (from external sources or from destructive code imbedded in the system as a "booby trap"), a controlled environment may be necessary to complete an accurate analysis. Further, such searches often require the seizure of most or all of a computer system's input/output peripheral devices, related software, documentation, and data security devices (including passwords) so that a qualified computer expert can accurately retrieve the system's data in a laboratory or other controlled environment.


Searching Computer Systems and

Searching a computer system for the evidence described above may require a range of data analysis techniques. In some cases, it is possible for agents to conduct carefully targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. For example, agents may be able to execute a "keyword" search that searches through the files stored in a computer for special words that are likely to appear only in the materials covered in the warrant. Similarly, agents may be able to locate the materials covered in the warrant by looking for a particular directory or file name. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide files and directories; encode communications to avoid using key words; attempt to delete files to evade detection; and take other steps designed to frustrate law enforcement searches for information. These steps may require agents to conduct more extensive searches, such as scanning areas of the disk not allocated to listed files, or opening every file and scanning its contents briefly to determine whether it falls within the scope of the warrant. In light of these difficulties, this affiant requests permission to use whatever data analysis techniques appear necessary to locate and retrieve the evidence described herein.

Conclusion

Based on the foregoing information, a search warrant is necessary to obtain additional evidence involving the film documenting David Whitt interfering with our investigation. Due to the statements and evidence procured during the herein described investigation, probable cause exists to believe that the video camera listed in the search warrant documented his interference with the aforementioned tampering investigation. Therefore, this warrant seeks to search and seize these records as they may be found on the described media.

Wherefore complainant prays that a search warrant be issued as provided by law.



Officer Ryan Linkhorst DSN 7175

Subscribed and sworn to me this ninth day of August , 2016 at 9:2 ~~AM~~ PM



Judge

INFORMATION



ST. LOUIS MUNICIPAL DIVISION, 22ND JUDICIAL CIRCUIT, STATE OF MISSOURI

Court Appearance Date: November 09, 2016 09:00 AM Courtroom: 1

City of St. Louis, Plaintiff
VS.

Date Filed: 10/06/2016
Case Number: D00646137-4
Arrest #: 16/013547
Complaint #: 16-039122

DAVID J WHITT, Defendant
5143 WELLS
ST LOUIS MO 63113

Race: B Sex: M Weight: 160 Height: 6'1" Age: 36 DOB: 10/29/1979

On information, the undersigned City Counselor within and for St. Louis, Missouri, informs the Court that on or about the 8th day of August 2016, within the corporate limits of St. Louis, Missouri, at or near 5048 WELLS the above-named defendant DID THEN AND THERE:

unlawfully hinder, obstruct or interfere with P O LINHORST, a City Officer and member of the Metropolitan Police Force of the City of St. Louis, while in the discharge of his official duties.

In violation of Section(s) 15.10.010, Revised Code of the City of St. Louis, 1994.

Witnesses

7175 / 305 - LINHORST, RYAN J - Issuer

On information, undersigned prosecutor on their oath of office, informs the Court that the above facts are true as they believe.

Assistant City Prosecutor, City of St. Louis, Missouri

LAW DEPARTMENT
MICHAEL A. GARVIN
CITY COUNSELOR

FRANCIS G. SLAY
Mayor



MUNICIPAL COURT DIVISION
1520 Market, Room 1062
St. Louis, MO 63103-2633
(314) 657-1844
Facsimile: (314) 613-3183

R E L E A S E

I, _____, for and in consideration of ONE DOLLAR (\$1.00), hereby acknowledged as received, and other valuable consideration do hereby release from any and all liability arising from my arrest of _____, at _____ in the City of St. Louis for the charge of _____ as reflected in police report number _____ the City of St. Louis and the Metropolitan Police Department and all officers and employees of said Police Department and further promise, covenant, and agree not to make, institute, or bring any claim, suit, or cause of action against any of the above relative to said incident.

Date _____

Witness _____

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DAVID WHITT

(b) County of Residence of First Listed Plaintiff St. Louis City (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Amy E. Breihan, Roderick and Solange MacArthur Justice Center 3115 S. Grand Blvd., Suite 300, St. Louis, MO 63118 (314) 254-8540

DEFENDANTS

City of St. Louis, Officer Ryan Linhorst, Sgt. Matthew Karnowski, Officer Matthew A. Shaw, Det. Bobby Baine, and John Does 1-3

County of Residence of First Listed Defendant St. Louis City (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983

Brief description of cause: damages and injunctive suit for false arrest, malicious prosecution, and other related claims

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 08/07/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Amy E. Breihan

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

DAVID WHITT)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-cv-1294
CITY OF ST. LOUIS, et al.)	
)	
)	
Defendant,)	
)	

ORIGINAL FILING FORM

THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY WHEN INITIATING A NEW CASE.

THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____ AND ASSIGNED TO THE HONORABLE JUDGE _____.

THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY, THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 08/07/2018

/s/ Amy E. Breihan
Signature of Filing Party

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

DAVID WHITT

Plaintiff(s)

v.

CITY OF ST. LOUIS, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CITY OF ST. LOUIS
c/o Julian Bush, City Counselor
1200 Market, #314
St. Louis, MO 63103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy E. Breihan
Roderick & Solange MacArthur Justice Center
3115 South Grand Blvd., Suite 300
St. Louis, MO 63118

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

DAVID WHITT

Plaintiff(s)

v.

CITY OF ST. LOUIS, et al.

Defendant(s)

Civil Action No. 18-cv-1294

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Ryan J. Linhorst
1915 Olive Street
St. Louis, MO 63103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy E. Breihan
Roderick & Solange MacArthur Justice Center
3115 South Grand Blvd., Suite 300
St. Louis, MO 63118

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

DAVID WHITT

Plaintiff(s)

v.

CITY OF ST. LOUIS, et al.

Defendant(s)

Civil Action No. 18-cv-1294

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Matthew T. Karnowski
1915 Olive Street
St. Louis, MO 63103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy E. Breihan
Roderick & Solange MacArthur Justice Center
3115 South Grand Blvd., Suite 300
St. Louis, MO 63118

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

DAVID WHITT

Plaintiff(s)

v.

CITY OF ST. LOUIS, et al.

Defendant(s)

Civil Action No. 18-cv-1294

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Matthew A. Shaw
1915 Olive Street
St. Louis, MO 63103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy E. Breihan
Roderick & Solange MacArthur Justice Center
3115 South Grand Blvd., Suite 300
St. Louis, MO 63118

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

DAVID WHITT

Plaintiff(s)

v.

CITY OF ST. LOUIS, et al.

Defendant(s)

Civil Action No. 18-cv-1294

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Bobby D. Baine
1915 Olive Street
St. Louis, MO 63103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy E. Breihan
Roderick & Solange MacArthur Justice Center
3115 South Grand Blvd., Suite 300
St. Louis, MO 63118

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: