

2008 WL 8433298 (Kan.Dist.Ct.) (Trial Pleading)  
District Court of Kansas.  
Wyandotte County

Dorothy KINDRED, Plaintiff,

v.

UNIFIED GOVERNMENT OF WYANDOTTE County/Kansas City, Kansas, Defendant.

No. 08CV1013.  
May 15, 2008.

### **Petition**

[Lawrence W. Williamson, Jr.](#), Williamson Law Firm, LLC, Attorney and Counselor at Law, 816 Ann Ave, Kansas City, Kansas 66101, Telephone: (913) 871-7060, Facsimile: (913) 535-0736, E: [l.williamson@williamsonfirm.com](mailto:l.williamson@williamsonfirm.com).

### **PETITION**

COMES NOW Plaintiff, Dorothy Kindred, by and through her counsel, Lawrence W. Williamson of the Williamson Law Firm, LLC, and Reginald K. Davis of the Law Office of Reginald K. Davis and for her cause of action against defendant, alleges and states as follows:

#### **I. INTRODUCTION**

1. A sixty-seven year old innocent citizen of the State of Kansas was illegally arrested and beaten. She was beaten for no legal reason. She was arrested for no legal reason. Because of this beating, the sixty-seven year old lady lost consciousness, suffered numerous scrapes and bruises to her body and suffered head trauma. This sixty-seven year old female is the plaintiff: Dorothy Kindred. For this extreme negligence, the defendant must be held responsible.

#### **II. JURISDICTION AND VENUE**

2. This court is a court of general jurisdiction and has subject matter jurisdiction over the present dispute.
3. The court has personal jurisdiction over the parties.
4. Venue in this Court is pursuant to [K.S.A. § 60-603](#). Plaintiff has satisfied all conditions precedent and properly satisfied [K.S.A. 12-105b](#).

#### **III. PARTIES**

5. Plaintiff, Dorothy Kindred, is an individual residing in the city of Kansas City, Wyandotte County, Kansas.
6. Defendant, Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) is a Kansas Municipality.

#### IV. GENERAL ALLEGATIONS

7. On or about July 11, 2007, Mrs. Kindred was at home relaxing when officers knocked on her door and begin asking questions. Mrs. Kindred cooperated fully with the officers and voluntarily answered questions. The officers had suspicion about a van that was in Mrs. Kindred's back yard. Mrs. Kindred, being a responsible citizen with nothing to hide, consented to allow the officers to search the vehicle.

8. At some point during this consensual encounter, Detective Mansaw at the scene snatched Mrs. Kindred's liberty away and threw her to the ground and another officer hand cuffed her without any cause. This officer was younger than the plaintiff; stronger than the plaintiff; and was a male. Mrs. Kindred was not resisting in any way and the amount of force used against the plaintiff was unreasonable and excessive.

9. Plaintiff was not breaking the law on the day in question.

#### Count I: Negligence

10. Plaintiff adopts and incorporates the preceding paragraphs as fully set forth herein.

11. The defendant had a duty to keep the peace and to protect plaintiff from the harm. In breaching this duty, the officers used and **abused** their authority entrusted to them by way of their employment with the City. Additionally the City, through the acts of its agents that were acting in the course and scope of their employment as police officers, breached this duty that was owed to plaintiff.

12. Additionally, defendant was negligent in employing or in retaining an employee who the employer knew or should have known was incompetent, dangerous or unfit. Defendant was negligent in failing to properly train officers to handle situations with **elderly** citizens in this country.

13. The defendant is also negligent in that its agent, working in the scope of his employment, used excessive force in the illegal arrest and detention of the plaintiff.

14. As a direct and proximate result of the conduct of defendant as described above, plaintiff has suffered and continues to suffer mental and emotional distress, humiliation, embarrassment, discomfort, anxiety and pain.

#### Count H: Negligent Infliction of Emotional Distress

15. Plaintiff adopts and incorporates the preceding paragraphs as fully set forth herein.

16. Defendant negligently inflicted emotional distress upon plaintiff as identified above. Plaintiff suffered physical injuries that were the direct and proximate result of the emotional distress caused by the alleged negligent conduct.

#### Count III: False Imprisonment and False Arrest

17. Plaintiff adopts and incorporates the preceding paragraphs as fully set forth herein.

18. Defendant, through its agents acting within the scope of their employment and advancing the defendant's interest, restrained the plaintiff of her personal freedom without any legal excuse though excessive force, words, and threats. Plaintiff feared

to disregard the commands of defendant's agents. The negligence alleged above also led to the plaintiff's illegal arrest and imprisonment.

65. Plaintiff has suffered and continues to suffer injury as described above.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for an order of this Court granting judgment against defendant for a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), the costs of this action, attorneys' fees, and for such further relief as this Court deems just and proper.

Respectfully submitted,

<<signature>>

Lawrence W. Williamson, Jr. #21282

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*Attorneys for Plaintiff*

#### **REQUEST FOR JURY TRIAL**

COMES NOW plaintiff and pursuant to [K.S.A. § 60-238](#), respectfully requests a trial by jury on all issues presented herein.

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Lawrence Williamson, Jr. #21282