

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

ELAINE MCALISTER,

Plaintiff,

v.

CITY OF KANSAS CITY, MISSOURI,

Case No.:

**JURY TRIAL DEMANDED**

Serve at:

Office of the City Attorney  
414 E. 12th Street  
28th Floor  
Kansas City, MO 64106

and

KYLE GREENWALT,

Serve at:

Kansas City Aviation Department  
601 Brasilia Avenue  
Kansas City, MO 64153

and

MATTHEW ZILS,

Serve at:

Kansas City Aviation Department  
601 Brasilia Avenue  
Kansas City, MO 64153

Defendants.

**PETITION FOR DAMAGES**

COMES NOW Plaintiff Elaine McAlister, by and through undersigned counsel, and states and alleges as follows for her Petition for Damages against Defendants City of Kansas City, Missouri, Kyle Greenwalt, and Matthew Zils:

**PLAINTIFF**

1. Plaintiff Elaine McAlister has been, at all relevant times herein, a female resident of the State of Missouri.
2. Plaintiff is a black, African-American woman.

**DEFENDANTS**

***City of Kansas City, Missouri***

3. Defendant City of Kansas City, Missouri (“KCMO”) owns and operates the Kansas City International Airport (“KCI”).
4. KCI is a place of public accommodation within the meaning of the Missouri Human Rights Act, R.S.Mo. 213.010, *et seq.*

5. Defendant KCMO exists and is organized under the laws of the State of Missouri.

***Kyle Greenwalt***

6. Upon information and belief, Defendant Kyle Greenwalt (“Greenwalt”) is a Missouri resident.

7. Defendant Greenwalt is a “person” pursuant to R.S.Mo. § 213.010(14).

8. Defendant Greenwalt, at all times relevant to the allegations herein, was employed by Defendant KCMO. He acted both individually and within the course and scope of his employment and/or agency with Defendant KCMO.

9. Defendant KCMO is liable for Defendant Greenwalt's actions and/or inactions under the principles of vicarious liability, ratification, and/or respondeat superior and the laws of Missouri.

*Matthew Zils*

10. Upon information and belief, Defendant Matthew Zils ("Greenwalt") is a Missouri resident.

11. Defendant Zils is a "person" pursuant to R.S.Mo. § 213.010(14).

12. Defendant Zils, at all times relevant to the allegations herein, was employed by Defendant KCMO. He acted both individually and within the course and scope of his employment and/or agency with Defendant KCMO.

13. Defendant KCMO is liable for Defendant Zils' actions and/or inactions under the principles of vicarious liability, ratification, and/or respondeat superior and the laws of Missouri.

**JURISDICTION AND VENUE**

14. This Court has personal jurisdiction over Defendants KCMO, Greenwalt, and Zils who committed tortious acts within the state of Missouri and who, upon information and belief, are residents of the state of Missouri.

15. Venue is proper in this Court because Plaintiff's first injury and the unlawful actions complained of herein occurred in Platte County, Missouri.

ADMINISTRATIVE PREREQUISITES

16. Plaintiff timely filed a Charge of Discrimination against Defendants City of Kansas City, Missouri, Kyle Greenwalt, and Matthew Zils with the EEOC and the Missouri Commission on Human Rights (“MCHR”). A copy of the Charge of Discrimination is attached hereto as **Exhibit A** and incorporated herein by reference under Rule 55.12.

17. The MCHR issued Plaintiff a Notice of Right to Sue. A copy of the Right to Sue Notice is attached hereto as **Exhibit B** and incorporated herein by reference under Rule 55.12.

18. This action is timely filed within ninety (90) days of the issuance of the Notice of Right to Sue (attached as Exhibit B).

19. Plaintiff has met all conditions precedent to filing this action.

FACTUAL ALLEGATIONS

20. Plaintiff hereby incorporates by reference all the allegations in the preceding paragraphs as if fully set forth herein.

21. On October 14, 2023, Plaintiff went to the Kansas City, Missouri International Airport, a place of public accommodation, with a ticket booked to travel to Montego Bay, Jamaica.

22. After arriving at the airport, prior to boarding her flight, Plaintiff was approached by Kansas City, Missouri International Airport Police officers (“KCI officers”), whose names Plaintiff understands to be Officer Kyle Greenwalt and Sergeant Matthew Zils, and a United States Customs and Border Patrol Officer.

23. Upon the KCI officers' request, Plaintiff provided her passport and drivers' license to them to review.

24. Plaintiff was then placed in handcuffs by the Kansas City, Missouri International Airport Police and advised that she was being arrested because she was the subject of an out-of-state warrant relating to a charge of possession of marijuana, because of an incident where Plaintiff had allegedly been pulled over previously on or about August 19, 2023 in Johnson County, Kansas.

25. Plaintiff advised the KCI officers that she had not been pulled over or arrested in Johnson County, Kansas and, to her knowledge, that she did not have any outstanding warrants for her arrest.

26. After being informed of the alleged August 19, 2023 traffic stop and claimed arrest, Plaintiff advised Defendants Greenwalt and/or Zils that she had lost her drivers' license earlier in or about August 2023.

27. Plaintiff also advised Greenwalt and/or Zils that, consistent with this, she had obtained a new Missouri drivers' license, which she showed them a copy of at that time.

28. A friend who was also present with Plaintiff at the airport on October 14, 2023 observed a photograph of the individual who purported to be Plaintiff (the imposter), who appeared to also be black/African-American, and at that time, Plaintiff's friend advised the KCI officers that the person in the photograph they had was not Plaintiff.

29. On the left below is a picture of a mugshot of the imposter taken on or about August 19, 2023 by the Johnson County, Kansas Sheriff. On the right below is a picture of Plaintiff from her driver's license as of October 14, 2023:



**The Imposter**



**Plaintiff Elaine McAlister**

30. Upon information and belief, Defendants KCMO, Greenwalt, and Zils had a copy of Plaintiff's above driver's license photo at the time Plaintiff was detained by them on October 14, 2023.

31. It is obvious to any reasonable person, let alone a law enforcement officer, that the person in the Johnson County, Kansas booking photograph has no similarity to Plaintiff other than also appearing to be a black/African-American female.

32. Upon information and belief, Defendants KCMO, Greenwalt and Zils either had a copy of the imposter's mugshot or had the ability to easily and quickly access a copy of the imposter's mugshot taken by the Johnson County, Kansas Sheriff at the time Plaintiff was detained by them on October 14, 2023.

33. Upon information and belief, prior to the time Plaintiff was stopped, detained, and arrested by the Kansas City, Missouri International Airport Police, in addition to having the photograph clearly showing a different person, Defendants Greenwalt and Zils had documents relating to Plaintiff's imposter ("the imposter") and multiple tattoos that the imposter had--including tattoos on her chest, right arm, and left leg--that Plaintiff did not have. This information should have confirmed to Defendants Greenwalt and Zils that Plaintiff was not the person who had been arrested in Johnson County, Kansas in August 2023 and was not the subject of an arrest warrant.

34. The imposter who illegally impersonated Plaintiff was arrested in August 2023, and was charged with a criminal violation involving possession of marijuana, pursuant to Kansas Statutes Annotated 21-5706(c)(3)(A).

35. The criminal charge of possession of marijuana upon which the imposter was charged, pursuant to Kansas Statutes Annotated 21-5706(c)(3)(A), is a "class B nonperson misdemeanor."

36. The criminal charge for failure to appear by someone who is charged with a misdemeanor, pursuant to Kansas Statutes Annotated 21-5915(c)(1), is also a "class B nonperson misdemeanor."

37. In the state of Kansas, crimes classified as class B nonperson misdemeanors carry a maximum potential sentence of six months of confinement in a county jail and a \$1,000 fine.

38. Plaintiff was arrested by Defendants KCMO, Greenwalt, and Zils on October 14, 2023 without a valid arrest warrant.

39. After being arrested by Defendants Greenwalt and Zils, Plaintiff was crying.

40. When asked why she was crying, Plaintiff advised them that she was crying because the person who had the alleged warrant out for her was not Plaintiff.

41. Following Plaintiff's arrest by City of Kansas City, Missouri Airport Police Officers Greenwalt and Zils, Plaintiff was transferred into the custody of the Platte County, Missouri Sheriff's Department on October 14, 2023, where she was detained at the Platte County, Missouri Detention Center until October 18, 2023.

42. On the day of Plaintiff's arrest, the Platte County, Missouri prosecuting attorney filed a Complaint Against a Fugitive from Justice, with case number 23AE-CR02619, in the Circuit Court of Platte County, Missouri.

43. This Complaint Against a Fugitive from Justice requested that a Missouri arrest warrant be issued for Elaine McAlister, who was in the custody of the Platte County, Missouri Sheriff's Department.

44. This Complaint Against a Fugitive from Justice requested that an arrest warrant be issued on the basis of Missouri law, specifically R.S.Mo. § 548.141.

45. R.S.Mo. § 548.141 provides:

**The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or associate circuit judge with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 548.131; and thereafter his answer shall be heard as if he had been arrested on a warrant.**

(emphasis added).



46. This Complaint Against a Fugitive from Justice noted that:

“Pursuant to Section 548.141, RSMo., ... [Prosecuting Attorney] ... being duly sworn upon his oath, states that in the State of Kansas, a warrant was issued for one ELAINE J MCALISTER, for a failure to appear, the aforesaid ELAINE J MCALISTER was found within the bounds and confines of Platte County, Missouri, on or about October 14, 2023, a fugitive from justice from the State of Kansas, contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State of Missouri...”

47. Based upon the request of the prosecuting attorney, on or about October 14, 2023, a Missouri arrest warrant was purportedly issued to Plaintiff, with a \$5,000 cash only bond.

48. Based on the fact that the Kansas warrant was issued for the imposter’s arrest **for a Kansas crime which was not punishable by death nor imprisonment for a term exceeding one year**, the Missouri arrest warrant was obtained improperly.

49. Upon information and belief, none of the Defendants took Plaintiff’s fingerprints following her unlawful arrest and imprisonment.

50. Had Defendants taken Plaintiff’s fingerprints and compared them to those of the imposter, Defendants would have realized that Plaintiff was not the person (1) who was charged in Kansas and (2) for whom a Kansas warrant was issued.

51. Plaintiff was held in the Platte County, Missouri Detention Center for four nights, until October 18, 2023, at which time it was determined that Plaintiff was in fact *not* the person who had been arrested on or about August 19, 2023, and that this person had illegally impersonated Plaintiff.

52. Defendants KCMO, Greenwalt, and Zils did not have a reasonable suspicion that Plaintiff had committed or was committing a breach of the peace or a criminal offense under Missouri law and, therefore, did not have the legal authority to stop, detain, and/or arrest Plaintiff on or before October 14, 2023.

53. Plaintiff had not committed a criminal offense in the presence of Defendants KCMO, Greenwalt, and/or Zils on or before October 14, 2023.

54. On or about October 14, 2023, Defendants KCMO, Greenwalt, and Zils did not have reasonable grounds to believe Plaintiff had committed a recent felony.

55. No exigent circumstances existed on or before October 14, 2023 that authorized Defendants KCMO, Greenwalt, and/or Zils to stop, detain, or arrest Plaintiff on this date.

56. Defendants KCMO, Greenwalt and/or Zils did not have a valid Missouri warrant authorizing the stop, detention, and/or arrest of Plaintiff on October 14, 2023.

57. Plaintiff was confined by Defendants Greenwalt and Zils without legal justification.

58. Defendants KCMO, Greenwalt, and Zils directly procured, aided, abetted, or assisted in the unlawful arrest and imprisonment of Plaintiff, and are liable as principals for these unlawful actions.

59. Under Missouri law, Defendants KCMO, Greenwalt, and Zils are charged with knowing all of the facts they could have obtained by due diligence before making the arrest, and had a duty to use all reasonable means to avoid a mistake of identity.

60. Prior to and at any time before her arrest, Defendants KCMO, Greenwalt, and Zils, could have compared Plaintiff's fingerprints with those of the imposter, which would have demonstrated that the imposter—not Plaintiff—was the person who had been charged in Kansas and for whom a Kansas arrest warrant had issued.

61. Prior to and at any time before October 18, 2023, Defendants KCMO, Greenwalt, and Zils could have compared the tattoos of the imposter (which were described in records that, upon information and belief, were in the possession of Defendants and their respective employer) with Plaintiff which would have demonstrated that the imposter was the person who had been charged in Kansas and for whom a Kansas arrest warrant had issued.

62. Plaintiff was unlawfully arrested on October 14, 2023, and unlawfully detained and imprisoned until October 18, 2023.

63. On October 18, 2023, prior to being released, an employee of the Platte County, Missouri Sheriff's Department asked Plaintiff to show him her tattoos.

64. An employee of Platte County, Missouri Sheriff's Department then advised Plaintiff that her tattoos did not match that of her imposter.

65. Plaintiff believes that the unfair treatment she experienced was discrimination as it relates to her race.

66. Plaintiff was falsely arrested and falsely imprisoned by Defendants.

67. As a result of the discrimination, false arrest, and false imprisonment, Plaintiff has experienced, and continues to experience, significant emotional distress and loss of enjoyment of life.

**COUNT I**  
**Missouri Human Rights Act – R.S.Mo. § 213.065 et seq.**  
**Race Discrimination**  
**(Against Defendants KCMO, Greenwalt, and Zils)**

68. Plaintiff incorporates by reference the preceding paragraphs as though fully set forth herein.

69. The conduct, actions, and omissions of Defendants KCMO, Greenwalt, and Zils alleged herein constitute improper and discriminatory behavior.

70. The Aviation Department and Kansas City International Airport, which are within Defendant KCMO, is a public place of accommodation covered by the Missouri Human Rights Act.

71. Plaintiff was subjected to harassment based on her race by Defendants KCMO, Greenwalt, and Zils while in a place of public accommodation.

72. Plaintiff was subjected to discrimination based on her race by Defendants KCMO, Greenwalt, and Zils.

73. Upon information and belief, the harassment toward Plaintiff by Defendants KCMO, Greenwalt, and Zils included, but was not limited to, placing her under arrest and transferring her to the custody of Platte County, Missouri.

74. The above-referenced conduct occurred based on Plaintiff's race and constituted discrimination and/or harassment based on her race.

75. The harassment was subjectively and objectively severe or pervasive.

76. Defendant Greenwalt was acting in the course and scope of employment with Defendant KCMO when he arrested Plaintiff and subsequently transferred her to the custody of Platte County, Missouri.

77. Defendant Zils was acting in the course and scope of employment with Defendant KCMO when he arrested Plaintiff and subsequently transferred her to the custody of Platte County, Missouri.

78. As a result of the race discrimination and harassment against Plaintiff, she has experienced emotional distress in the form of anxiety, fear, and other manifestations.

79. At all times mentioned herein, before and after, the individuals alleged to have engaged in any wrongdoing or unlawful activity were agents, servants, and/or employees of Defendant KCMO, and/or were at all such times acting within the scope and course of their agency and employment, and/or at all such times were acting directly in the interest of Defendant KCMO.

80. Alternatively, the actions of the individuals alleged to have engaged in any wrongdoing or unlawful activity were expressly authorized by Defendant KCMO and/or their actions were ratified by Defendant KCMO, making Defendant KCMO vicariously liable for such actions.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendants on Count I of her Petition, for an award of compensatory damages, pre-judgment and post-judgment interest as provided by law, for her costs expended, reasonable attorneys' fees, and for such other relief as this Court deems just and proper, including equitable relief.

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**COUNT II**

**Missouri Human Rights Act – R.S.Mo. § 213.070(1)1  
Aiding and Abetting Discrimination & Harassment  
(Against Defendant KCMO)**

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81. Plaintiff incorporates by reference every other allegation made herein.

82. Defendant KCMO aided and abetted the acts of discrimination, harassment,

and denial of access to public accommodations as set forth herein including illegally

arresting Plaintiff and transferring her to the custody of Platte County, Missouri.

83. Defendant KCMO, through its employees and agents, aided and abetted

harassment by failing to protect Plaintiff from being discriminated against on the basis of

her race.

84. As a result of the race discrimination and harassment against Plaintiff, she

has experienced emotional distress in the form of anxiety, fear, and other manifestations.

85. At all times mentioned herein, before and after, the individuals alleged to

have engaged in any wrongdoing or unlawful activity were agents, servants, and/or

employees of Defendant KCMO, and/or were at all such times acting within the scope and

course of their agency and employment, and/or at all such times were acting directly in the

interest of Defendant KCMO.

86. Alternatively, the actions of the individuals alleged to have engaged in any

wrongdoing or unlawful activity were expressly authorized by Defendant KCMO and/or

their actions were ratified by Defendant KCMO, making Defendant KCMO vicariously

liable for such actions.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant KCMO on Count II of her Petition, for an award of compensatory damages, pre-judgment and post-judgment interest as provided by law, for her costs expended, reasonable attorneys' fees, and for such other relief as this Court deems just and proper, including equitable relief.

**COUNT III**  
**False Arrest/False Imprisonment**  
**(Against Defendants Greenwalt and Zils)**

87. Plaintiff incorporates by reference every other allegation made herein.

88. Defendants Greenwalt and Zils did not have a reasonable suspicion that Plaintiff had committed or was committing a breach of the peace or a criminal offense under Missouri law and, therefore, did not have the legal authority to stop, detain, arrest, and/or imprison Plaintiff on or before October 14, 2023.

89. Plaintiff did not commit a criminal offense in the presence of Defendants Greenwalt and Zils on or before October 14, 2023.

90. On or about October 14, 2023, Defendants KCMO, Greenwalt, and Zils did not have reasonable grounds to believe Plaintiff had committed a recent felony.

91. No exigent circumstances existed on or before October 14, 2023 that authorized Defendants Greenwalt and Zils to stop, detain, arrest or imprison Plaintiff on this date.

92. Defendants Greenwalt and Zils did not have a valid Missouri warrant authorizing the stop, detention, arrest, or imprisonment of Plaintiff on October 14, 2023.

93. Defendants Greenwalt and Zils did not have probable cause to arrest Plaintiff on October 14, 2023.

94. Plaintiff was confined and imprisoned by Defendants Greenwalt, and Zils without legal justification.

95. Under Missouri law, Defendants Greenwalt and Zils are charged with knowing all of the facts they could have obtained by due diligence before making the arrest, to use all reasonable means to avoid a mistake of identity.

96. Defendants Greenwalt and Zils directly procured, aided, abetted, or assisted in the unlawful arrest and imprisonment of Plaintiff, and are liable as principals for these unlawful actions.

97. These actions were done intentionally by Defendants Greenwalt and Zils.

98. These actions were done without Plaintiff's consent.

99. These actions were done against Plaintiff's will.

100. These actions were done by Defendants Greenwalt and Zils in bad faith, malice, or conscious wrongdoing in the following respects:

a. Upon information and belief, Defendants KCMO, Greenwalt, and Zils had a copy of Plaintiff's driver's license photo at the time Plaintiff was detained by them on October 14, 2023 which clearly show the Plaintiff to be a different person than the imposter, other than both being black/African-American females.

b. Upon information and belief, Defendants KCMO, Greenwalt and Zils either had a copy of the imposter's mugshot or had the ability to easily and quickly



access a copy of the imposter's mugshot taken by the Johnson County, Kansas Sheriff at the time Plaintiff was detained by them on October 14, 2023 which clearly show the Plaintiff to be a different person than the imposter, other than both being black/African-American females.

c. It is obvious to any reasonable person, let alone a law enforcement officer, that the person in the Johnson County, Kansas booking photograph had no similarity to Plaintiff other than also appearing to be a black/African-American female.

d. Prior to and at any time before Plaintiff's arrest, Defendants Greenwalt and/or Zils could have compared Plaintiff's fingerprints with those of the imposter, which would have demonstrated that the imposter was the person who had been charged in Kansas and for whom a Kansas arrest warrant had issued.

e. Prior to and at any time before Plaintiff's arrest, Defendants Greenwalt and Zils could have compared the tattoos of the imposter (which were described in records that, upon information and belief, were in the possession of Defendants and their respective employers) with Plaintiff, which would have demonstrated that the imposter was the person who had been charged in Kansas and for whom a Kansas arrest warrant had issued.

f. A friend who was also present with Plaintiff at the airport on October 14, 2023 observed a photograph of the individual who purported to be Plaintiff (the imposter), who appeared to also be black/African-American, and, at that

time, Plaintiff's friend advised the KCI officers that the person in the photograph they had was not Plaintiff. Presumably, the photo was the booking photo of the imposter.

g. After being informed of the alleged August 19, 2023 traffic stop and claimed arrest, Plaintiff advised the Greenwalt and/or Zils that she had lost her drivers' license earlier in or about August 2023.

h. Plaintiff also advised Greenwalt and/or Zils that, consistent with this, she had obtained a new Missouri drivers' license, which she showed them a copy of at that time.

101. The conduct described herein would have offended a reasonable person in Plaintiff's position.

102. Defendants Greenwalt and Zils knew or should have known that the arrest of Plaintiff was illegal and that Defendants had no right to arrest, detain, or imprison Plaintiff.

103. Plaintiff was falsely arrested by Defendants Greenwalt and Zils on October 14, 2023, and was falsely arrested/imprisoned from that date until October 18, 2023.

104. In engaging in these acts, Defendants Greenwalt and Zils intentionally restrained Plaintiff against her will.

105. As a result of these actions, Plaintiff has experienced emotional distress which has manifested itself in ways including, but not limited to, anxiety, fear, humiliation, degradation, and stress.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendants Greenwalt and Zils on Count III of her Petition, for an award of compensatory damages,

pre-judgment and post-judgment interest as provided by law, for her costs expended, and for such other relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all issues so triable.

**HOLMAN SCHIAVONE, LLC**

By: /s/ Brandon Corl

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**ATTORNEYS FOR PLAINTIFF**