

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

Tom and Lynne Pike, and
Mitchell Holder, Jr.,

Plaintiffs,

V.

Case No.

Jordan White, in his individual capacity,
Serve at:

Independence Police Department
223 N Memorial Drive,
Independence, Missouri 64050,

Chad Cox, in his individual capacity,
Serve at:

Independence Police Department
223 N Memorial Drive,
Independence, Missouri 64050,

Defendants.

Petition for Damages

COMES NOW, Plaintiffs Tom and Lynne Pike, the parents of decedent Maria Pike, and Mitchell Holder, Jr., the father of decedent D.H., and for their Petition for Damages against Defendants Jordan White and Chad Cox, state as follows:

Preliminary Statement

This wrongful death action arises out of the November 7, 2024 shooting deaths of Maria Pike and her infant daughter, D.H., by Defendant Jordan White, an officer with the Independence, Missouri, Police Department.

PARTIES

1. Plaintiff Tom Pike is an individual over the age of eighteen who resides in the state of Alabama; he is the father of decedent Maria Pike, and as such is a class 1 beneficiary under Missouri's wrongful death statute, § 537.080 RSMo., for the wrongful death of Maria Pike.

2. Plaintiff Lynne Pike is an individual over the age of eighteen who resides in the state of Alabama; she is the mother of decedent Maria Pike, and as such is a class 1 beneficiary under Missouri's wrongful death statute, § 537.080 RSMo., for the wrongful death of Maria Pike.

3. Plaintiffs Tom and Lynne Pike represent all class 1 beneficiaries under Missouri's wrongful death statute, § 537.080 RSMo., for the wrongful death of Maria Pike.

4. Maria Pike and Plaintiff Mitchell Holder, Jr. were the parents of two-and-half-month old decedent D.H., and all three were living together at the time these shooting deaths, in Independence, Jackson County, Missouri.

5. Plaintiff Mitchell Holder, Jr. is an individual over the age of eighteen who resides in the state of Missouri; he is the father of infant decedent, D.H., and as such is a class 1 beneficiary under Missouri's wrongful death statute, § 537.080 RSMo., for the wrongful death of D.H.

6. There are no other class 1 beneficiaries under Missouri's wrongful death statute, § 537.080 RSMo., for the wrongful death of D.H.

7. Defendant Jordan White is a resident of the state of Missouri, and at all relevant times herein, was a police officer for the Independence, Missouri, Police Department.

8. Defendant Chad Cox is a resident of the state of Missouri, and at all relevant times herein, was the police officer for the Independence, Missouri, Police Department.

9. Defendants, Officers White and Cox, are being sued in their individual capacity.

10. There are no other actions pending for the wrongful deaths of decedents Maria Pike and D.H.

JURISDICTION AND VENUE

11. Jurisdiction is proper in this Court pursuant to § 506.500.3 RSMo. in that regarding the allegations giving rise to Plaintiffs' tort claims, the commission of the tortious act occurred in the state of Missouri.

12. Venue is proper in this Court pursuant to § 508.010 RSMo. and § 478.461.1(2) RSMo., in that regarding the allegations giving rise to Plaintiffs' tort claims, Plaintiffs are considered first injured in Independence, Jackson County, Missouri, because the decedents, Maria Pike and D.H., were first injured by the wrongful acts of Defendants in Independence, Jackson County, Missouri.

13. For jurisdictional purposes, the amount at issue in this matter is in excess of \$25,000.00.

14. Complete diversity of the parties does not exist in this matter, and this case cannot be properly removed to federal court.

FACTUAL ALLEGATIONS

15. On November 7, 2024, at approximately 1:43 p.m., Defendants Officer Jordan White and Officer Chad Cox, both Independence, Missouri, Police Department police officers, were dispatched, in response to an alleged domestic dispute call, to a residential apartment in Independence, Jackson County, Missouri, where Plaintiff Mitchell Holder, Jr. and decedents Maria Pike¹ and D.H. resided together.

¹ For sake of clarity, and so as to not be confused with her parents by the same last name, decedent Maria Pike will be referred to as "Maria."

16. Soon after arrival, Officers White and Cox spoke to Holder's mother, who reported Maria had struck her, while both were inside Maria and Holder's apartment.

17. The officers then approached the apartment for the purpose of investigating the alleged dispute between Holder's mother and Maria.

18. The officers encountered Holder at the doorway of the apartment.

19. Holder reported to both officers that after refusing to let his mother come inside the apartment, his mother unlawfully entered the apartment through a sliding glass door.

20. He further reported to both officers, that upon his mother's unlawful entry into the apartment, he and Maria asked her to leave, and after she refused, he and Maria physically forced her out of their apartment, which was their legal right to do so.

21. The officers completely disregarded Holder's version of events, and knowingly made the unlawful decision to arrest Maria, take her to jail for assault, and remove D.H. from Holder's and Maria's custody.

22. Officer Cox also disregarded Holder's version of events, and restrained Holder inside the apartment, knowing he had no legal justification to do so.

23. The officers encountered Maria, in the bedroom, who was holding D.H. in her arms.

24. Officer White determined Maria was an "EDP," which is a derogatory police term that stands for "emotionally disturbed person," and is frequently used by police to describe persons suffering from mental illness, including post-partum depression, such as Maria.

25. Officer White told police dispatch to call Children's Division to the apartment, because he was taking custody of D.H.

26. Both officers recognized that Maria was suffering from some type of mental illness, and knew from their training and experience that forcibly removing D.H. from Maria's arms would

likely escalate into violence, resulting in harm to Maria and D.H., unless the officers took some appropriate measures to avoid such harm.

27. As a result, they called a female mental health “co-responder” to the scene, and knew that the “co-responder” was nearby and would be at the apartment within minutes.

28. The “co-responder” rides with Independence, Missouri police officers to assist on calls with persons suffering from mental illness.

29. As Officers White and Cox knew, the “co-responder” is trained to assist police officers, like them, in dealing with mentally-ill and “emotionally-disturbed” persons, such as Maria.

30. But instead of waiting for the “co-responder” to respond, whom the officers knew would be able to deescalate the situation, the officers insisted Maria hand over D.H. to them.

31. When Maria refused, Officer White, again, took that as a challenge to his authority, and determined he along with Officer Cox were going to take D.H. by physical force from Maria’s arms right then and there.

32. When the officers made the decision to physically remove D.H. from Maria’s arms, Maria had not been threatening to them, D.H., or anyone else.

33. In preparation for what the officers believed would be a physical fight with Maria, the officers physically closed in on Maria and D.H.

34. Anticipating that one or both of them may use deadly force on Maria, the officers called an ambulance to the scene “in case someone got hurt.”

35. Anticipating that one or both them may use deadly force on Maria, Officer Cox told the apartment manager, who had been inside the apartment with them in a completely separate room, to leave so he did not get hurt.

36. In front of Maria, Officer White gloved up with black latex gloves to prepare for a physical fight with Maria, and the officers verbally agreed, in front of Maria, that Officer Cox would “take” Maria, while Officer White would “take” D.H.

37. Maria resisted the attempt to take her child out of her arms and raised a knife.

38. Officer White, then, discharged his firearm at Maria, while Maria held D.H. in her arms, striking Maria in the back, neck, and wrist, and striking D.H. in the head.

39. The female mental health “co-responder” had arrived to the doorway of the apartment and heard the gunshots.

40. Had the officers waited just a few seconds longer before escalating the situation, the “co-responder” would have intervened and assisted.

41. The gunshot that penetrated D.H.’s head, caused a significant portion of her brain to expel from her skull onto the bedroom floor; however, D.H. did not immediately die.

42. D.H. survived for several minutes, gasping and choking to breathe and letting out faint cries as she suffered great physical pain.

43. D.H. was later pronounced dead at the hospital as a result of the gunshot wound to her head.

44. Maria did not immediately die from the gunshot wounds to her back, neck, and wrist; instead, she survived for several minutes, suffering great physical pain.

45. Maria was later pronounced dead as a result of the gunshot wounds.

Count I-Battery Claim under § 537.080 RSMo.
Plaintiffs Tom and Lynne Pike for the death of Maria Pike against Defendant White

46. Plaintiffs incorporate by reference each and every allegation set forth herein in the preceding paragraphs.

47. In the process of unlawfully arresting Maria, Officer White intentionally shot and killed Maria and used more force than reasonably necessary.

48. Officer White intentionally killed Maria without just cause and acted with malice and a reckless, deliberate and flagrant disregard for the safety of Maria and D.H., because he (a) made the decision to wrongfully arrest Maria and wrongfully take D.H. from her custody, in response to Plaintiff Holder's and Maria's challenge to Officer White's authority, (b) failed to wait a few more seconds for the "co-responder" to arrive who was trained to deal with persons, like Maria; (c) shot Maria when she held an infant in her arms and was not a threat to him or anyone else at the time of the shooting, and (d) callously stood by and watched Maria suffer as she lay dying on the bedroom floor, doing nothing to save her life or ease her pain for several minutes.

49. As a direct and proximate result of Officer White's conduct, Maria suffered greatly between the time of her injuries until her death.

50. As a direct and proximate result of Officer White's conduct, Plaintiffs Tom and Lynne Pike suffered the cost of funeral expenses, and the loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support by reason of Maria's death.

WHEREFORE, Plaintiffs Tom and Lynne Pike respectfully request that judgment be entered against Defendant White and in favor of Plaintiffs on Count I for compensatory damages in an amount that is fair and reasonable, punitive damages, plus prejudgment and post-judgment interest as provided by law and equity, plus court costs, and for such other and further relief that is just and necessary.

Count II-Negligence Claim under § 537.080 RSMo.

Plaintiff Mitchell Holder, Jr. for the death of D.H. against Defendant White

51. Plaintiffs incorporate by reference each and every allegation set forth herein in the preceding paragraphs.

52. In the process of wrongfully arresting Maria, Officer White negligently shot and killed infant D.H. while Maria held D.H. in her arms.

53. Officer White chose to exercise his authority to wrongfully take custody of D.H., and in the act of taking physical custody of D.H. from her parents, owed a duty of care to D.H. to (a) provide a safe removal of custody from her parents to him, (b) avoid placing D.H. at risk of physical harm and death, (c) take all measures ensuring that D.H. would not suffer physical injury and death, (d) avoid creating a situation that may cause serious physical injury and death to D.H., and (e) refrain from actions which a reasonable officer would understand are likely to create a risk of injury or death to D.H.

54. Based on the facts herein stated in this Petition, the shooting death of D.H. was foreseeable to a reasonable officer and was foreseeable to Officer White.

55. Officer White breached his duty of care to D.H. and is responsible for the following acts and occurrences of negligence and carelessness by failing to measure up to the requisite standards of due care, practice, training, and skill required by members of the law enforcement community: (a) wrongfully choosing to arrest Maria, knowing there was no basis for legal arrest; (b) wrongfully choosing to remove D.H. from the care and custody of her parents, out of spite arising from a challenge to his authority; (c) failing to wait for the mental health co-responder to arrive who could have safely assisted the removal of D.H. from her parents' physical custody; (d) failing to give any warning to Maria prior to shooting her and D.H.; (e) failing to choose a less-than-lethal option for the purpose of saving D.H.'s life; (f) failing to follow law enforcement

priority of life standard of care in that he placed the protection of his own life over the protection of an innocent civilian's life (D.H.), and (g) negligently using excessive force.

56. Officer White negligently killed D.H. without just cause and acted with malice and a reckless, deliberate and flagrant disregard for the safety of D.H. for all the reasons outlined in paragraph 61, above.

57. As a direct and proximate result of Officer White's conduct, D.H. suffered greatly between the time of her injuries until her death.

58. As a direct and proximate result of Officer White's conduct, Plaintiff Mitchell Holder, Jr. suffered the cost of funeral expenses, and the loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support by reason of decedent D.H.'s death.

WHEREFORE, Plaintiff Mitchell Holder, Jr. respectfully requests that judgment be entered against Defendant White and in favor of Plaintiff on Count II for compensatory damages in an amount that is fair and reasonable, punitive damages, plus prejudgment and post-judgment interest as provided by law and equity, plus court costs, and for such other and further relief that is just and necessary.

Count III-Negligence Claim under § 537.080 RSMo.
All Plaintiffs against Defendant Cox

59. Plaintiffs incorporate by reference each and every allegation set forth herein in the preceding paragraphs.

60. In the process of knowingly arresting Maria with no legal basis, and physically removing D.H. from Maria's arms, Officer Cox acted negligently, as outlined below in paragraph 68, contributing to the cause of Maria's and D.H.'s shooting death.

61. Officer Cox chose to exercise his authority to wrongfully arrest Maria and wrongfully take custody of D.H., which he knew to be wrongful, and in the act of taking physical custody of D.H. from Maria as Maria was being arrested, owed a duty of care to Maria and D.H. to (a) provide a safe removal of custody from Maria to him, (b) avoid placing D.H. and Maria at risk of physical harm and death, (c) take all measures ensuring that Maria and D.H. would not suffer physical injury and death, (d) avoid creating a situation that may cause serious physical injury and death to Maria and D.H., and (e) refrain from actions which a reasonable officer would understand are likely to create a risk of injury or death to Maria and D.H.

62. Officer Cox breached his duty of care to Maria and D.H. and is responsible for the following acts and occurrences of negligence and carelessness by failing to measure up to the requisite standards of due care, practice, training, and skill required by members of the law enforcement community: (a) wrongfully choosing to arrest Maria, knowing there was no basis for legal arrest; (b) wrongfully choosing to remove D.H. from the care and custody of Maria, knowing serious injury and possibly death may result; (c) failing to wait for the mental health co-responder to arrive who could have safely assisted the removal of D.H. from Maria's physical custody; (d) escalating the situation and any need for the use of force by physically closing in on Maria and making a verbal agreement with Officer White, in front of Maria, to "take" D.H. from Maria's arms by physical force as Officer White "took" Maria by physical force.

63. Officer Cox's negligent acts as outlined in paragraph 68, contributed to cause the shooting death of Maria and D.H., by creating the need to use such deadly force, and such negligent acts were without just cause and with malice and a reckless, deliberate and flagrant disregard for the safety of Maria and D.H. for all the reasons outlined in paragraphs 67 and 68, above.

64. As a direct and proximate result of Officer Cox's conduct, Maria and D.H. suffered greatly between the time of their injuries until their deaths.

65. As a direct and proximate result of Officer Cox's conduct, Plaintiffs suffered the cost of funeral expenses, and the loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support by reason of Maria's and D.H.'s deaths.

WHEREFORE, Plaintiffs respectfully requests that judgment be entered against Defendant Cox and in favor of Plaintiffs on Count III for compensatory damages in an amount that is fair and reasonable, punitive damages, plus prejudgment and post-judgment interest as provided by law and equity, plus court costs, and for such other and further relief that is just and necessary.

Count IV-False Imprisonment
Plaintiff Mitchell Holder, Jr. against Defendant Cox

66. Plaintiffs incorporate by reference as though fully set forth herein all preceding paragraphs.

67. Officer Cox purposefully and intentionally restrained Holder against Holder's will.

68. Officer Cox was without legal justification in restraining Holder and therefore, his actions were unlawful.

69. Holder sustained damages as a result of being restrained without legal justification in that he suffered emotional and mental distress and anxiety.

70. Officer Cox knew he was restraining Holder without legal justification.

WHEREFORE, Plaintiff Holder respectfully requests that judgment be entered against Defendant Cox and in his favor on Count IV for compensatory damages in an amount that is fair and reasonable, punitive damages, plus prejudgment and post-judgment interest as provided by law and equity, plus court costs, and for such other and further relief that is just and necessary.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues that are triable to a jury.

Respectfully submitted,

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/s/ Thomas J. Porto

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