

**IN THE CIRCUIT COURT OF THE ST. LOUIS COUNTY  
 TWENTY-FIRST JUDICIAL CIRCUIT  
 STATE OF MISSOURI**

JOHN DOE 118 and JANE DOE 117 )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 ARCHDIOCESE OF ST. LOUIS, a Non- )  
 Profit Corporation, ARCHBISHOP )  
 ROBERT J. CARLSON of the Archdiocese )  
 of St. Louis, and FATHER BRYAN )  
 KUCHAR )  
 )  
 Defendants. )

Cause No.  
 Division

**PETITION**  
**JURY TRIAL DEMANDED**

**SERVE:** )  
 Archdiocese of St. Louis )  
 Reverend Monsignor Jerome Billing )  
 Registered Agent )  
 20 Archbishop May Drive )  
 St. Louis, MO 63119 )  
 )  
 Archbishop Robert J. Carlson )  
 of the Archdiocese of St. Louis )  
 4445 Lindell Blvd. )  
 St. Louis, MO 63108-2333 )  
 )  
 Father Bryan Kuchar )  
 492 Parkgate Dr. )  
 Lake Saint Louis, MO )  
 63367-4379 )

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JAMES H. ...  
 COURT REPORTER  
 1000 ...  
 ST. LOUIS, MO

**PETITION**

Plaintiffs John Doe 118 and Jane Doe 117, for their Petition against the defendants named herein, allege as follows:

1. Plaintiffs bring this lawsuit in order to hold Defendants responsible for the suffering and eventual death of their son which was caused by sexual abuse perpetrated upon their son by Father Bryan Kuchar, one of Defendants' employees, and to protect other children from the pain of childhood sexual abuse.

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiffs asserts claims under Missouri statutory and common law. This Court has jurisdiction because Defendant Archdiocese of St. Louis (hereinafter "Archdiocese") owned and operated Kenrick-Glennon Seminary in Shrewsbury, Missouri, within St. Louis County. The Archdiocese of St. Louis is licensed to do business or transact business in Missouri and has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for the Kenrick-Glennon Seminary. Finally, the sexual molestation described herein occurred at the Kenrick-Glennon Seminary which is located in Shrewsbury, within St. Louis County, within the State of Missouri.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiffs John Doe 118 and Jane Doe 117 were first injured within St. Louis County, within the State of Missouri.

### **PARTIES**

4. Plaintiff John Doe 118 and Jane Doe 117 are husband and wife, and are adult parents of John Doe SON who is deceased. They are the persons entitled under Missouri law to bring this action for wrongful death of their son. John Doe SON died as a result of suicide which was committed in St. Stanislaus Conservation area which is near Hazelwood, Missouri within St.

Louis County. As parents of John Doe SON, John Doe 118 and Jane Doe 117 are proper parties pursuant to R.S.Mo. § 537.080.

5. Prior to his death at age 21, John Doe SON was a lifelong resident of Florissant, Missouri. He lived there with his parents John Doe 118 and Jane Doe 117. He died leaving his mother, father, and two siblings.

6. Plaintiffs Jane Doe 117 and John Doe 118 currently reside within St. Louis County, Missouri.

7. John Doe SON was sexually and emotionally abused by Defendant Bryan Kuchar, who was a Priest within the Archdiocese of St. Louis. He is identified by the pseudonym John Doe SON because he was a minor at the time of the sexual abuse alleged in this petition. Plaintiffs John Doe 118 and Jane Doe 117 are also identified by pseudonyms because they fear further psychological and emotional injury if their real names were publicly disclosed.

8. Defendant Archdiocese which runs the Kenrick-Glennon Seminary, was an unincorporated association doing business in Missouri at the time that Father Bryan Kuchar sexually abused John Doe SON. Defendant Archdiocese incorporated in 2004 and was a domestic non-profit corporation, incorporated and doing business in Missouri when John Doe SON died in 2009. Defendant Archdiocese is still a business incorporated and doing business in Missouri and has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

9. Upon information and belief, Defendant Archdiocese was formed in 1847 out of the Diocese of St. Louis, Defendant Archdiocese has approximately 700 priests working for it, and Defendant Archdiocese has approximately 550,000 catholic members.

10. Defendant Archbishop Carlson (hereinafter “Archbishop”) is a citizen of the State of Missouri and is the current Archbishop in charge of the Archdiocese of St. Louis, Missouri. He is currently responsible for overseeing the day to day operations of the Archdiocese of St. Louis. Defendant Archbishop Carlson is sued herein solely in his official capacity as Archbishop of the Archdiocese.

11. Defendant Father Bryan Kuchar was an ordained priest working at Kenrick-Glennon Seminary, within the Archdiocese of St. Louis when he sexually abused John Doe SON. Defendant Kuchar viciously abused John Doe SON while he was functioning in his role as a priest, mentor and authority figure.

12. At all relevant times herein, Defendant Kuchar was under the direct supervision, employ and control of the Archdiocese of St. Louis and its representative the Archbishop. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Kuchar on how to perform the specific positions of a priest and Vocations Office employee. Defendant Archdiocese and its representative the Archbishop hired, supervised and paid Defendant Kuchar. At all times, Defendant Kuchar acted upon the authority of and at the request and/or permission of the Defendant Archdiocese and Defendant Archbishop.

13. Defendant Kuchar resided on premises owned by Defendant Archdiocese at all times relevant in this matter. He also performed his work on premises owned by the Archdiocese and Archbishop.

14. Defendant Kuchar’s conduct was undertaken while in the course and scope of his employment with, and on property owned by, Defendants Archdiocese and Archbishop.

**BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

15. At all times material hereto, Father Bryan Kuchar was under the direct supervision, employ and control of the Archdiocese and its representative the Archbishop. All acts of sexual contact and abuse alleged herein took place on the premises of the aforesaid seminary where the Priest had custody or control of John Doe SON in his role as a priest, Vocations Office employee and authority figure.

16. John Doe SON was approximately between twelve and fourteen years old when he attended a camp at Kenrick-Glennon Seminary. The camp was designed for children who were interested in learning more about the Archdiocese. Father Bryan Kuchar was employed in the Vocations office of the Archdiocese, and his office was located in the seminary. Priests who work within the Office of Vocations are tasked with assisting young boys who are interested in entering the priesthood or serving the Archdiocese in some capacity. John Doe SON met Defendant Father Kuchar at the camp, and spent time alone with him. Upon information and belief, other “campers” and people who worked at the seminary or within the camp observed Kuchar’s interest in John Doe SON and noticed the time that the two spent alone.

17. Defendant Archdiocese provided Defendant Father Kuchar with training on how to perform the specific positions of a priest, pastor, and vocations official. Defendant Archdiocese hired, supervised and paid Defendant Kuchar. At all times, Defendant Kuchar acted upon the authority of and at the request and / or permission of the Defendant Archdiocese and Defendant Archbishop.

18. Defendant Kuchar performed much of his work on the premises owned by Defendant Archdiocese.

19. Defendant Archdiocese furnished tools and materials to aid and abet Defendant Kuchar's conduct as alleged hereinafter, and the conduct hereinafter described was undertaken while in the course and scope of his employment with Defendant Archdiocese and under supervision of Defendant Archbishop.

20. Upon information and belief, the Archdiocese gave Defendant Kuchar his position in various churches and church related institutions within the control of the Archdiocese, including the Kenrick-Glennon Seminary, St. Louis County, Missouri. Defendants Archdiocese and Archbishop were aware that Defendant Kuchar had engaged in inappropriate touching of young boys prior to his contact with John Doe SON .

21. At all times relevant, the Kenrick-Glennon Seminary was under the direct supervision, employ and control of the Archdiocese and Archbishop.

22. Defendant Kuchar's conduct as alleged herein was undertaken while in the course and scope of his employment with the Defendants Archdiocese and Archbishop.

23. Plaintiffs, John Doe 118 and Jane Doe 117 raised John Doe SON in a Catholic manner. John Doe SON wanted to become a priest. John Doe SON developed great admiration, trust, reverence and respect for Roman Catholic priests and Father Kuchar in particular.

24. As a result of the fiduciary position and the representations made by defendants and by virtue of the fact that Defendants held themselves out as the counselors and instructors on matters that were spiritual, moral, vocational and ethical, Defendants had domination and influence over young John Doe SON.

25. By maintaining and encouraging this highly trusting relationship, the Defendants entered into a fiduciary relationship with John Doe SON and Plaintiffs. In addition, by accepting care, custody and control of the boy during a camp, Defendants stood in loco parentis with John Doe SON. As a result of these special relationships between John Doe SON and the Defendants, young John Doe SON and Plaintiffs trusted and relied upon Defendants to nurture and protect him while he was in Defendants care and custody.

26. John Doe 118 and Jane Doe 117, John Doe SON's parents, were also followers of the Roman Catholic church. They trusted the Archdiocese in taking care of their son while he stayed at the seminary.

27. Defendants, by virtue of their position of authority and trust, entered into a fiduciary relationship with John Doe 118 and Jane Doe 117, encouraging them to entrust their child to Father Kuchar as a representative and employee of the church. As a result of the special relationship between Defendants and Plaintiffs' family, Plaintiffs trusted and relied upon defendants to nurture and care for their child while he was in the custody of the defendants.

28. When John Doe SON was between the tender ages of twelve and fourteen, Father Kuchar engaged in sexual misconduct with him during the overnights of the camp in or between approximately 1999 and 2002.

29. Young John Doe SON and the Defendants had a confidential and / or fiduciary relationship. The power imbalance between Defendants and John Doe SON increased the young boy's vulnerability to Defendant Kuchar.

30. The nature of the relationship and the sexual exploitation perpetrated upon young John Doe SON caused him extreme emotional distress.

31. John Doe SON became severely depressed, and he attempted suicide on numerous occasions. He suffered greatly as a result of the abuse, and his parents suffered in trying to keep their son alive and healthy.

32. John Doe SON committed suicide on May 29, 2009, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

33. The statute of limitations for wrongful death is three years. As John Doe SON died on May 29, 2009, his time would have expired on May 29, 2012. However, the applicable statute of limitations was tolled from May 2, 2012 until May 2, 2013, due to an agreement with the Archdiocese. Accordingly, Plaintiffs' timely filed this matter before May 29, 2013.

34. As a direct result of Defendant Kuchar's conduct, and that of the Archbishop, Archdiocese and Church, John Doe SON's mind was altered, he began suffering a depression that mystified his parents and siblings, he suffered severe emotional distress. In his adult life, he suffered emotional distress, lost earnings capacity, spiritual death and loss of enjoyment of life leading up to his suicide.

35. As a direct result of the acts described herein, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,

36. John Doe SON did not tell his parents about the abuse when it first happened. He did tell his parents that he had spent time alone with Defendant Kuchar, and that Kuchar asked if John Doe SON would "sing him to sleep." Soon after his contact with Kuchar, John Doe SON made his first suicide attempt by drinking antifreeze. Plaintiffs John and Jane Doe finally learned of their son's molestation in approximately 2008. John Doe SON told them that "Father



Kuchar raped” him. John Doe SON also told his mental health providers about the abuse, and confided in at least one friend about the abuse.

37. John Doe SON’s depression continued with suicidal ideation and suicidal attempts revolving around his childhood sexual abuse. He still wanted to become a priest, and officials from the Archdiocese told him that he could never be a priest because he had attempted suicide. He increasingly became convinced that no help would be forthcoming and his psychic pain would never improve, causing him to commit suicide on or about May 29, 2009.

38. John Doe SON’s family watched helplessly as he succumbed to the emotional pain brought on by his childhood experiences and his subsequent attempts to seek help. The unraveling and subsequent death of John Doe SON has caused plaintiffs severe emotional distress which is medically diagnosable and significant.

39. The actions of Defendant Kuchar were outrageous and utterly repugnant to a civilized society.

40. The defendants Kuchar, Archdiocese and Archbishop knew or should have known that their allowing Father Kuchar access to young boys as part of his official duties after reports of impropriety involved an unreasonable risk of causing emotional distress to John Doe SON’s family and other similarly situated individuals.

41. The Archdiocesan defendants actions in allowing Father Kuchar to continue holding himself out as a priest and father figure to the young boys with whom he came into contact, were outrageous and utterly repugnant to a civilized society. Defendants acted with depraved hearts knowing harm including death could result to John Doe SON and other similarly

situated boys. Defendants knew or should have known this outrageous behavior would cause emotional distress to the families of the victims.

42. At all relevant times, all defendants owed the family of John Doe SON duties as their fiduciaries. Defendant Kuchar violated his sacred duties, but also duties imposed upon him by the legal status of fiduciary or confidante to the family of John Doe SON by sexually abusing the child they had entrusted to him.

43. Defendants Archdiocese and Archbishop violated their sacred duties, but also duties imposed upon them by the legal status of fiduciary or confidante to the family of John Doe SON, by intentionally hiding Father Kuchar's dangerous proclivities, failing to adequately supervise their employee and failing to provide appropriate care for John Doe SON in their role in loco parentis when they took over the care and custody of the child.

44. Plaintiffs have struggled with the loss of faith, emotional distress and loss of enjoyment of life as a result of the Defendants' breaches of their duties to their family, as well as loss of their son.

**COUNT I  
WRONGFUL DEATH  
AGAINST ALL DEFENDANTS**

45. Plaintiffs hereby repeat, re-allege and incorporate herein by this reference each and every allegation heretofore pleaded.

46. At the time the Archdiocese and Archbishop placed Defendant Kuchar in contact with Decedent, John Doe SON was a young, impressionable child who desperately wanted to

become a priest and he sought support, guidance, nurturance and care from Father Kuchar.

These yearnings were appropriate and encouraged by the Defendants.

47. Defendants inappropriately, recklessly and or intentionally placed young John Doe Son in a knowingly dangerous environment, as set out in this petition, which acts caused young John Doe SON emotional and psychological distress from which he never recovered.

48. Defendants actions as set forth herein constitute willful, wanton or reckless conduct. Said willful, wanton and / or reckless conduct constitutes aggravating circumstances justifying punitive damages in this matter.

49. As a direct result of the conduct of Defendant Archdiocese, Defendant Archbishop, and Defendant Kuchar, Plaintiffs lost their son. They have suffered pecuniary losses by reason of his death including but not limited to funeral expenses and other damages.

50. As a direct result of the conduct of Defendant Archdiocese, Archbishop and Defendant Kuchar, Decedent John Doe SON suffered lost wages, lost earning capacity, mental anguish, pain of body and mind as well as economic loss for his treatment.

WHEREFORE, Plaintiffs demand judgment against Defendant Kuchar, Archdiocese and Archbishop for Wrongful Death for compensatory damages, for aggravating circumstances, for costs and for such other and further relief as may be fair and reasonable.

**COUNT II**  
**SEXUAL ABUSE AND/OR BATTERY**  
**AGAINST ALL DEFENDANTS**

51. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

52. In or between approximately 1999 and 2002, Defendant Kuchar engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of John Doe SON, a minor.

53. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

54. As a result of the above-described acts, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented from performing his daily activities and obtaining the full enjoyment of life; and incurred expenses for medical and psychological treatment, therapy, and counseling. Plaintiffs watched John Doe SON suffer for years and tried everything they could to help him until he took his life in 2009.

**COUNT III  
NEGLIGENT SUPERVISION OF PRIEST  
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

55. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

56. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Kuchar's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, defendants negligently failed to supervise Kuchar's interactions with children, where he was able to commit the wrongful acts against John Doe SON.

57. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

58. As a result of the above-described acts, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented from performing his daily activities and obtaining the full enjoyment of life; and incurred expenses for medical and psychological treatment, therapy, and counseling. Plaintiffs watched John Doe SON suffer for years and tried everything they could to help him until he took his life in 2009.

**COUNT IV  
INTENTIONAL FAILURE TO SUPERVISE CLERGY  
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

59. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

60. At all times material, Defendants were the supervisors and employers of Ross.

61. Upon information and belief, Defendants were aware of previous sexual misconduct by clergy within their boundaries, including Kuchar, and that future harm was certain or substantially certain to result without proper supervision.

62. Defendants disregarded the known risk of sexual abuse.

63. Defendants' inaction caused injury to the John Doe SON and Plaintiffs.

64. John Doe SON was sexually abused on the property owned and operated by defendants.

65. Defendants knew or should have known that inappropriate touching of individuals by their employees and/or designated agents would cause or was substantially certain to cause those individuals harm.

66. Despite the risk posed by Kuchar, defendants continued to place him in positions in which he would have contact with individuals seeking his counsel including minors.

67. By engaging in these actions, defendants disregarded the risk posed by Kuchar to individuals who came to him for ministering their psychological, emotional, vocational and spiritual needs and their children.

68. Defendants actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

69. As a result of the above-described acts, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented from performing his daily activities and obtaining the full enjoyment of life; and incurred expenses for medical and psychological treatment, therapy, and counseling. Plaintiffs watched John Doe SON suffer for years and tried everything they could to help him until he took his life in 2009.

**COUNT V**  
**NEGLIGENT FAILURE TO SUPERVISE CHILDREN**  
**AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

70. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

71. Defendants had a duty to use ordinary care to protect minors against unreasonable risks of harm while in their programs, including the camp at the seminary.

72. It is a well-known and foreseeable risk when working with minors that some adults may attempt to have abusive contact, sexual or otherwise, with other minors.

73. Also, as explained above, prior to his contact with John Doe SON, defendants knew or should have known that Defendant Kuchar was dangerous to children. Despite such knowledge, Defendants did not take appropriate steps to protect John Doe SON from the sexual abuse described herein.

74. As a well-known risk involved with working with minors and Kuchar, Defendants had the duty to protect its minor parishioners from damaging sexually abusive contact by implementing sufficient policies, procedures and training to prevent such contact.

75. In addition, Defendants had the duty to supervise and monitor the minor parishioners, including John Doe SON, and his interaction with Defendant Kuchar to avoid situations where Kuchar could isolate him, making him vulnerable to sexual advances and manipulation.

76. Defendants breached their duty to Plaintiffs, and were negligent, by:

- (a) Failing to have in effect and /or failing to enforce effective policies, procedures and training prohibiting sexual contact.
- (b) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff on the signs of sexual abuse of a minor.
- (C) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if staff suspects that a minor is having sexual contact with clergy.

- (d) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if a priest is behaving in a sexually inappropriate manner.
- (e) Failing to properly care for and protect John Doe SON whereby Kuchar was able to isolate him and have sexual contact with him.
- (f) Failing to use reasonable care in supervising minors, and /or failing to provide adequate warning to John Doe SON and his family of the dangerous propensities of Kuchar and their failure to adequately supervise him.
- (g) Failing to inform John Doe SON and his family that they knew or had reason to believe that Kuchar had sexually abused children.

77. As a result of the above-described acts, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented from performing his daily activities and obtaining the full enjoyment of life; and incurred expenses for medical and psychological treatment, therapy, and counseling. Plaintiffs watched John Doe SON suffer for years and tried everything they could to help him until he took his life in 2009.

**COUNT VI  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
AGAINST ALL DEFENDANTS**

78. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.



79. Defendants intentionally failed to supervise, remove, or otherwise sanction Father Kuchar after they had notice of his dangerous propensity toward children, and continued to place him in a position of authority over juveniles, including John Doe SON. Defendants knew or were substantially certain that Father Kuchar was unsuitable for the position he held. Defendants failed to adequately review and monitor Father Kuchar's conduct.

80. Defendants intentionally failed to confront, remove, or sanction Father Kuchar about known irregularities in his activities within the scope and course of his employment.

81. Defendants engaged in unconscionable and outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Defendants' conduct caused John Doe SON severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure. Ultimately it ended his life.

82. Defendants' actions and omissions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate. John Doe SON suffered a medically significant distress as a result of Defendants' actions as set forth in this petition.

83. As a result of the above-described acts, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented from performing his daily activities and obtaining the full enjoyment of life; and incurred expenses for medical and psychological treatment, therapy, and counseling. Plaintiffs watched John Doe SON suffer for years and tried everything they could to help him until he took his life in 2009.

**COUNT VII  
BREACH OF FIDUCIARY DUTY  
AGAINST ALL DEFENDANTS**

84. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

85. By committing the acts and omissions described herein, Defendants breached their fiduciary duty to Plaintiffs.

86. Defendants maintained a fiduciary relationship with Plaintiffs as a matter of law in that they had a parishioner to mentor/clergy relationship . At all times, John Doe SON was in a subservient position to Father Kuchar and Defendants and Kuchar had a special relationship with John Doe SON by virtue of his role at the school. This relationship is of confidence, trust and care as a matter of law.

87. Father Kuchar and Defendants breached their fiduciary duty to Plaintiffs in that they failed to protect against child sexual abuse.

88. As a result of the above-described acts, John Doe SON suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented from performing his daily activities and obtaining the full enjoyment of life; and incurred expenses for medical and psychological treatment, therapy, and counseling. Plaintiffs watched John Doe SON suffer for years and tried everything they could to help him until he took his life in 2009.

**JURY TRIAL DEMANDED**

89. The plaintiffs demand a trial by jury on all issues triable in this case.

WHEREFORE, the plaintiffs ask that this Court award judgment against defendants as follows:

1. Award compensatory and punitive damages in favor of the plaintiffs against defendants for damages sustained as a result of the wrongdoing of defendants, Plaintiffs their costs and expenses incurred in this action;
2. Grant such other and further relief as the Court deems appropriate and just.

Dated: 5/2/13

Respectfully submitted,



By: Kenneth M. Chackes, MO Bar #27534  
Nicole Gorovsky, MO Bar #51046  
CHACKES, CARLSON & HALQUIST, LLP  
906 Olive Street, Suite 200  
St. Louis, Missouri 63101  
Phone: (314) 872-8420  
Fax: (314) 872-7017  
[kchackes@cch-law.com](mailto:kchackes@cch-law.com)  
[ngorovsky@cch-law.com](mailto:ngorovsky@cch-law.com)

**ATTORNEYS FOR PLAINTIFF**