

IN THE CIRCUIT COURT
OF CLAY COUNTY, MISSOURI

P.R.Y., Individual Minor, by and through his
Next of Friend, CLEOPATRA NAGBE

Plaintiff,

v.

ANDREW LESTER & HIGHLAND ACRES
HOMES ASSOCIATION, INC.

Defendants.

No.: _____

PETITION

Now comes the Plaintiff, P.R.Y., Minor, by and through his Next of Friend, Cleopatra Nagbe, complaining of Defendants, Andrew Lester and Highland Acres Homes Association, Inc., states as follows:

PARTIES

1. At all relevant times, Plaintiff, P.R.Y., was and is a resident of Clay County, Kansas City, Missouri.

2. At all relevant times and upon information and belief, Defendant, Andrew Lester, was and is a resident of Clay County, Kansas City, Missouri.

3. At all relevant times and upon information and belief, Defendant, Highland Acres Homes Association, Inc., was and is Defendant, Andrew Lester's, residential homeowners association.

FACTS COMMON TO ALL COUNTS

4. On and prior to April 13, 2023, Defendant Andrew Lester, resided at or near 1100 Northeast 115th Street, Kansas City, Missouri.

5. On and prior to April 13, 2023, Plaintiff, P.R.Y., was a resident living in close proximity to Defendant, Andrew Lester.

6. At all relevant times Plaintiff, P.R.Y., conducted himself reasonably and respectfully and posed no threat to anyone, including Defendant, Andrew Lester.

7. That on and before April 13, 2023, Defendant, Andrew Lester, was beholden to and required to comply with all of the bylaws and guidelines set forth by his homeowners association.

8. On April 13, 2023, at all times relevant Plaintiff, P.R.Y., in an effort to get his two younger brothers and bring them home from their friend's house, mistakenly and inadvertently went to Defendant, Andrew Lester's residence and rang his doorbell.

9. At all relevant times, Defendant, Andrew Lester, went to his front door with a firearm, readied said firearm and then fired on Plaintiff, P.R.Y.

10. At all times relevant, Plaintiff, P.R.Y., never posed or issued a threat to Defendant, Andrew Lester.

11. At no time relevant to the circumstances giving rise to this litigation did Plaintiff, P.R.Y., do anything that warranted Defendant, Andrew Lester, brandishing a firearm at him.

12. At no time relevant to the circumstances giving rise to this litigation did Plaintiff,

P.R.Y., do anything that warranted Defendant, Andrew Lester, discharging a firearm at him.

13. That without warning or provocation, Defendant, Andrew Lester, shot Plaintiff, P.R.Y., multiple times, seriously injuring him.

14. On information and belief, at no time prior to shooting Plaintiff, P.R.Y., did Defendant, Andrew Lester, ever call the police or otherwise indicate to anyone that he was concerned for his safety.

15. On information and belief, Defendant, Highland Acres Homes Association, Inc., had policies, practices, and/or customs that prohibited Defendant, Andrew Lester, from shooting Plaintiff, P.R.Y.

16. On information and belief, Defendant, Highland Acres Homes Association, Inc., was aware of or should have been aware of Defendant, Andrew Lester's, propensity for violence, access to dangerous weapons and racial animus.

17. On information and belief, Defendant, Highland Acres Homes Association, Inc., failed to warn Plaintiff, P.R.Y., of the known danger posed by Defendant, Andrew Lester.

18. On information and belief, Defendant, Highland Acres Homes Association, Inc., failed to restrain Defendant, Andrew Lester, from causing harm to Plaintiff, P.R.Y.

19. At all times relevant to the circumstances giving rise to this litigation, Defendant, Andrew Lester, knew or should have known that Plaintiff, P.R.Y., was not a threat to him or anyone else.

20. As a direct and proximate result of the gunshots fired by Andrew Lester, Plaintiff, P.R.Y., was severely injured and suffered bodily injury, emotional, psychological, and

physiological injury and damages.

COUNT I – Ralph Yarl v. Andrew Lester

21. Plaintiff, P.R.Y., realleges paragraphs 1-20 of this Complaint as paragraph 21 of Count I of this Complaint as though fully set forth herein.

22. At all relevant times, it was the duty of the Defendant, Andrew Lester, to refrain from careless and negligent conduct against others, including Plaintiff, P.R.Y.

23. The aforementioned duty included, but was not limited to Defendant, Andrew Lester's, duty to exercise reasonable care in the ownership, operation, maintenance, control, and use of a firearm.

24. Notwithstanding said duty, Defendant, Andrew Lester, committed one or more of the following careless and/or negligent acts and/or omissions thereby breaching his duties in one or more of the following respects:

- A. Carelessly and negligently failed to communicate with Plaintiff, P.R.Y., prior to shooting him;
- B. Carelessly and negligently failed to ascertain Plaintiff's, P.R.Y., purpose prior to shooting him;
- C. Carelessly and negligently ignored the fact that Plaintiff, P.R.Y., announced and openly disclosed his presence to Defendant, Andrew Lester, by ringing doorbell;
- D. Carelessly and negligently displayed a loaded firearm in the presence of an unarmed minor;
- E. Carelessly and negligently pointed a loaded firearm at an unarmed minor;
- F. Carelessly and negligently discharged a loaded firearm at an unarmed minor;

G. Carelessly and negligently failed to give audible warning to Plaintiff, P.R.Y., prior to brandishing a loaded firearm;

H. Carelessly and negligently failed to give audible warning to Plaintiff, P.R.Y., prior to pointing a loaded firearm a Plaintiff, P.R.Y.;

I. Carelessly and negligently failed to give audible warning to Plaintiff, P.R.Y., prior to shooting him;

J. Carelessly and negligently failed to render aid to Plaintiff, P.R.Y., after shooting him;

K. Carelessly and negligently assessed the reason that Plaintiff, P.R.Y., rang Defendant, Andrew Lester's, doorbell;

25. As a direct and proximate result of Defendant, Andrew Lester's, careless and negligent conduct, Plaintiff, P.R.Y., suffered and sustained permanent injuries, endured pain and suffering of a temporary and permanent nature, experienced disability and losses of normal life activities, was obligated to spend large sums of money for medical care and attention and suffered other losses and damages.

Wherefore, Plaintiff, P.R.Y., prays for judgment in his favor and against Defendant, Andrew Lester, in an amount in excess of this Court's jurisdictional limit, plus the costs of this suit.

COUNT II- Ralph Yarl v. Highland Acres Homes Association, Inc.

26. Plaintiff, P.R.Y., realleges paragraphs 1-20 of this Complaint as paragraph 26 of Count II of this Complaint as though fully set forth herein.

27. At all relevant times, it was the duty of the Defendant, Highland Acres Homes Association, Inc., to refrain from careless and negligent conduct against others, including, Plaintiff, P.R.Y.

28. The aforementioned duty included, but was not limited to Defendant, Highland Acres Homes Association, Inc.'s, duty to exercise reasonable care in its instruction, direction, management and/or control regarding the use of a firearm in and on the properties making up the Association or residences.

29. Notwithstanding said duty, Defendant, Highland Acres Homes Association, Inc., committed one or more of the following careless and/or negligent acts and/or omissions thereby breaching its duties in one or more of the following respects:

- A. Carelessly and negligently failed to promulgate regulations sufficient to prevent its residents from firing a loaded weapon at a minor;
- B. Carelessly and negligently failed to inform its residents of its expectations involving the use of firearms on Association grounds, including homes within the boundaries of the Association;
- C. Carelessly and negligently created and allowed the existence of an atmosphere where Defendant, Andrew Lester, could shoot Plaintiff, P.R.Y., after ringing Defendant, Andrew Lester's doorbell;
- D. Carelessly and negligently failed to inform and/or educate Defendant, Andrew Lester, about the dangers of discharging a loaded weapon within the grounds of the Association.
- E. Carelessly and negligently failed to render aid to Plaintiff, P.R.Y., after he was shot;
- F. Was otherwise careless and negligent.

30. As a direct and proximate result of Defendant, Highland Acres Homes Association, Inc.'s, careless and negligent conduct, Plaintiff, P.R.Y., suffered and sustained permanent injuries, endured pain and suffering of a temporary and permanent nature, experienced disability and loss of normal life activities, was obligated to spend large sums of money for medical care and attention and suffered other losses and damages.

Wherefore, Plaintiff, P.R.Y., prays for judgment in his favor and against Defendant, Highland Acres Homes Association, Inc., in an amount in excess of this Court's jurisdictional limit, plus the costs of this suit.

/s/ Clinton Adams, Jr.

Clinton Adams, Jr.

Attorney at Law

MO SBN: 25438

324 E. 11th Street, Suite 1700

Kansas City, MO 64106

Phone: 816-221-8567

cadamsjrlaw@swbell.net

Local Counsel

/s/ S. Lee Merritt

S. Lee Merritt

Attorney at Law

PA SBN: 314891

Merritt Law Firm, LLC

425 Pinson Road, Ste M

Forney, TX 75126

Phone: 215-876-7016

Lee@leemerrittesq.com

Pro Hac Vice Forthcoming

/s/ Cannon D. Lambert, Sr.

Cannon D. Lambert, Sr.

Attorney at Law

IL SBN: 39922

Karchmar & Lambert, PC

211 W. Wacker Drive, Suite 1400

Chicago, Illinois 60606

Phone: 312-977-1300

Cannon@karchmarlambert.com

Pro Hac Vice Forthcoming

ATTORNEYS FOR PLAINTIFF