

United States Court of Appeals  
For the Eighth Circuit

---

No. 23-3161

---

Calvin Allen; Marixia Maldonado,

*Plaintiffs – Appellants*

v.

Seth Gomez; Bipin J. Patel, Individual and Corporate Capacity; Laxmi Enterprise, Inc., Corporate Capacity,

*Defendants-Appellees,*

Ozark, Inn,

*Defendant-Appellees*

Chief Paul F. Williams, Individual and Official Capacity; Detective Kelly Patton, Individual and Official Capacity; Springfield Police Department, Official and Corporate Capacity; Amanda L. Simrin, Individual Capacity; Dominic L. Jordon, Individual Capacity; Baily D. Stoddard, Individual Capacity; Rachel E. Slobig, Individual Capacity,

*Defendants-Appellees*

---

Appeal From United States District Court for  
Western District of Missouri-Springfield

---

Submitted: November 26, 2024  
Filed: December 3, 2024  
[Unpublished]

---

Before SMITH, ERICKSON, and KOBES, Circuit Judges.

---

PER CURIAM.

Calvin Allen, Sr. and Marixia Maldonado appeal following the district court's<sup>1</sup> dismissal of their prose civil rights action arising from the death of their son, Calvin Allen, Jr. Having carefully reviewed the record and the parties' arguments on appeal; we find no basis for reversal. See Glick v. W. Power Sports, Inc., 944 F.3d 714, 717- 18 (8th Cir. 2019) (de novo review of grant of motion to dismiss for failure to state claim; abuse of discretion review of denial of motion for default judgment); Elmore v. Harbor Freight Tools USA, Inc., 844 F.3d 764, 767 (8th Cir. 2016) (abuse of discretion review of decision to decline supplemental jurisdiction); Schooley v. Kennedy, 712 F.2d 372, 374 (8th Cir. 1983) (per curiam) (abuse of discretion review of dismissal for failure to prosecute). We also find no abuse of discretion in the district court's denial of appellants' Federal Rule of Civil Procedure 59(e) motions. See Schoffstall v. Henderson, 223 F.3d 818, 827 (8th Cir. 2000) (standard of review).

The judgment is affirmed. See 8th Cir. R. 47B. We deny the motion to supplement the record filed by appellees Patel and Laxmi Enterprise, Inc.

---

After consideration, it is hereby ordered and adjudged that the judgment of the district court this cause is affirmed in accordance with the opinion of this Court.

December 03, 2024

Order Entered in Accordance with Opinion:  
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

---

/s/ Maureen W. Gornik

---

<sup>1</sup> The Honorable M. Douglas Harpool, United States District Judge for Western District of Missouri.

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

---

No. 23-3161

---

Calvin Allen, Sr; Marixia Maldonado

Plaintiffs-Appellants,

v.

Seth Gomez, Bipin J. Patel, Individual and Corporate Capacity; Laxmi Enterprises, Inc., Corporate Capacity, Defendants-Appellees, Ozark Inn, Defendant, Chief Paul F. Williams, Individual and Official Capacity; et al., Defendants-Appellees,

---

Appeal from U.S. District Court for Western District of Missouri-Springfield (6:22-cv-03041-MDH

---

**MANDATE**

In accordance with the opinion and judgment of December 3, 2024, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

January 22, 2025

Acting Clerk, U.S. Court of Appeals, Eighth Circuit

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

JUDGMENT IN CIVIL CASE

CALVIN ALLEN,SR, and )  
MARIXIA, MALDONADO, )  
                          )  
Vs.                      ) No. 22-3041cv-s-MDH  
                          )  
                          )  
SETH A. GOMEZ, et al., )

       Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried, and the jury has rendered its verdict.

  X   Decision by Court. This action came to determination before the Court. The issues have been determined, and a decision has been rendered.

**It is THEREFORE ORDERED:**

All claims against Defendant Gomez are dismissed without prejudice. (Order, Doc. 78). All federal claims brought against Defendants Simrin, Jordon, Stoddard, and Slobig are dismissed for failure to state a claim. Any remaining state-level claims are dismissed for lack of jurisdiction. (Order, Doc. 110)

**IT IS SO ORDERED.**

Date August 7, 2023

Paige Wymore-Wynn Clerk of Court

Entered on: August 7, 2023

/s/Linda Howard  
(By) Deputy Clerk

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

CALVIN ALLEN,SR, and )  
MARIXIA, MALDONADO, )  
                          )  
                          )  
Vs.                      ) No. 22-3041cv-s-MDH  
                          )  
                          )  
SETH A. GOMEZ, et al., )

**ORDER**

Before this Court is Defendant Seth Gomez's 12(b)(6), Motion to Dismiss failure to state a claim. (Doc. 69. Defendant filed his motion on December 12, 2022, and Plaintiffs' response was due no later than December 30, 2022. (Doc. 69). Plaintiffs, who remain pro se, do not appear to have an email address on file through which to receive electronic notifications. The certificate of service on Defendants Motion to Dismiss fails to indicate that notice of the filing was mailed to plaintiffs at their physical address of record. (Doc. 70 at 32).

Mindful of plaintiffs pro se status, this Court waited until January 18, 2023, at which time this Court ordered Plaintiffs to respond to Defendant's Motion to Dismiss no later than February 17, 2023. (Doc. 77). To date plaintiffs have filed no response to Defendants' Motion to Dismiss.

Plaintiffs 97 page First amended petition describes of events surrounding the death of Calvin Allen, Jr. on March 1, 2019.(Doc. 14 ¶¶ 10-12). Calvin Allen, Jr. Plaintiff's son was killed at Ozark Inn, a Springfield, Missouri hotel. (Doc. 14 at 3). Calvin Allen, Jr. was killed allegedly due in part to his race. (Doc. 14 at 3). Plaintiffs allege multiple federal and state law violations against eleven defendants. (Doc. 14). Plaintiffs allege Defendant Gomez, Simrin, Slobig, and Jordan began planning the murder of Calvin Allen, Jr. on February 17, 2019. (Doc. 14 ¶ 199).

Plaintiffs allege Defendant Gomez carried out the homicide!.(Doc. 14 ¶ 204). Plaintiffs allege Springfield Police Officers miss handled a 911 call in responding to the hotel. Plaintiff also listed as defendant Laxmi Enterprise, Inc. and Bipin Patel, who Plaintiffs allege owned the hotel where Plaintiffs son was killed. (Doc. 14 at ¶¶ 3-5). In June 2022, this court dismissed this action against Springfield Police Department, Paul Williams, Kelly, Patton, Bipin Patel, Laxmi Enterprises, Inc. pursuant to 12(b)(6) Motion to Dismiss. (Doc. 40, 41).

Federal Rules of Civil Procedure, 41(b) allows for involuntary dismissal when a plaintiff fails to prosecute. Dismissal pursuant to 41(b) is an adjudication on the merits of the claim. Unless specifically stated in the courts order. Courts ought to employ a dismissal with prejudice on the merits “only in cases of willful disobedience of a court order or... persistent failure to prosecute a claim.”. *Rodgers v. Curators of Univ. of Missouri*, 135 F.3d 1216, 1219 (8<sup>th</sup> Cir, 1998). (citation omitted). Mindful of Plaintiffs’ pro se status, this Court hereby GRANTS Defendants’ Gomez Motion to Dismiss. All claims against Defendant Gomez are dismissed without prejudice.

**IT IS SO ORDERED.**

Dated: February 23, 2023

/s/ Douglas Harpool  
DOUGLAS HARPOOL  
United States District Judge

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

CALVIN ALLEN,SR, and )  
MARIIXIA, MALDONADO, )  
 )  
 Vs. ) No. 22-3041cv-s-MDH  
 )  
 SETH A. GOMEZ, et al., )

**ORDER**

On August 3, 2023, this Court held a hearing pursuant to Pro Se Plaintiffs' Motions for Hearing as to Default Judgments for Defendants Slobig, Simrin, and Stoddard. (Docs. 96, 101). Plaintiffs filed their Amended Complaint April 18, 2022, alleging ten counts of various federal and Missouri state-level causes of action. Each of Plaintiffs' ten counts cites 42 U.S.C. §§ 1981, 1983, 1985; the federal t01t claims act; and Missouri's wrongful death statute, all arising from the death of their son. Plaintiffs listed as defendants Seth Gomez, Bipin Patel, Ozark Inn, Chief Paul Williams of the Springfield Police Department, Detective Kelly Patton of the Springfield Police Department, the Springfield Police Department, Rachel Slobig, Dominic Jordon, Baily Stoddard, and Amanda Simrin.

The incident underlying Plaintiffs' claims involves the homicide of Plaintiffs' son, Calvin Allen Jr., at a hotel in Springfield, Missouri during March 2019.<sup>1</sup> This Court previously dismissed from this action Defendants Springfield Police Department, Patton, and Kelly, as well as Defendants Patel and Ozark Inn. (Docs. 40, 41). The Court also dismissed Defendant Gomez. (Doc. 78).

Plaintiffs' ninety-seven-page complaint fails to sufficiently allege any named defendant, other than Defendants Kelly, Patton, and Springfield Police Department, acted under the color of state law or otherwise on behalf of the state at the time of the events giving rise to Plaintiffs' claims. At the August 3, 2023 hearing, Plaintiff Allen acknowledged the remaining defendants, Slobig, Simrin, Stoddard, and Jordon, are private individuals rather than state actors. Defendants Slobig, Simrin, Stoddard, and Jordon were not employed by or otherwise working with or on behalf of state or federal law enforcement agencies at the time of Allen's homicide.

Unless a defendant is working under color of state law or otherwise acts as a state actor, claims brought under 42 U.S.C. §§ 1981, 1983, and 1985 fail as a matter of law. *See, e.g., Bediako v. Stein Mart, Inc.*, 354 F.3d 835, 841 (8th Cir. 2004)

---

<sup>1</sup> Defendant Gomez was convicted of first-degree murder in the death of Calvin Allen Jr. in Missouri state court. (allegations under §1981 require that defendants were acting under color of state

law); *Roe v. Humke*, 128 F.3d 1213, 1215 (8th Cir. 1997) (§1983 claim fails as matter of law if defendant not acting under color of state law); *Federer v. Gephardt*, 363 F.3d 754, 758 (8th Cir. 2004) (claim under §1985(3) requires state involvement or that the aim of the conspiracy somehow benefits the state itself). Similarly, claims under the Federal Torts Claim Act must list as a defendant federal government employees. *United States v. Orleans*, 425 U.S. 807, 813 (1976).

To the extent Plaintiffs intend to alleged violations of §§ 1981, 1983, and 1985 or the Federal Tort Claims Act against Defendants Slobig, Simrin, Stoddard, or Jordon, these claims fail as a matter of law. This is because Plaintiffs' allegations and admissions make clear that these defendants were not acting under color of state law or otherwise on behalf of the state, nor were they employees of the federal government, at the time of the events giving rise to Plaintiffs' Amended Complaint. Rather, they were all private individuals. This finding disposes of all federal claims alleged in Plaintiffs' Amended Complaint.

At the August 3, 2023 hearing, Plaintiff Allen made this Court aware for the first time of a related state-level case in Greene County Circuit Court under cause 193 1-CC00739. Upon review of state-court records, this Court learned that on March 3, 2023 Plaintiffs obtained default judgments against Defendants Gomez for wrongful death and battery, and against Defendants Simrin, Jordon, and Stoddard for wrongful death of their son in the total amount of \$40,400,000.00. To the extent Plaintiffs seek in the present matter wrongful death default judgments against Defendants Gomez, Simrin, Jordon, and Stoddard, res judicata would appear to preclude any such disposition. See *State ex rel. Gen. Credit Acceptance Co., LLC v. Vincent*, 570 S.W.3d 42, n6 (Mo. 2019) ("Res judicata applies to final judgments entered by default."). Plaintiffs would not be entitled in both federal and state court to judgments against the same defendants in the death of their son.

In any event, to the extent any state-level claims remain after the state court judgment, this Court declines to entertain such claims. A district court "may decline to exercise supplemental jurisdiction over a claim" if "(1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling's reasons for declining jurisdiction." 28 U.S.C. § 1337(c). Accordingly, any remaining state-level claims are DISMISSED without prejudice for lack of jurisdiction.

## CONCLUSION

All federal claims brought against Defendants Simrin, Jordon, Stoddard, and Slobig are dismissed for failure to state a claim. Any remaining state-level claims are dismissed for lack of jurisdiction. This order renders MOOT all pending matters in this case.

### **IT IS SO ORDERED.**

Dated: August 7, 2023

/s/ Douglas Harpool  
DOUGLAS HARPOOL  
United States District Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

**JUDGMENT IN CIVIL CASE**

CALVIN ALLEN,SR, and )  
MARIXIA, MALDONADO, )  
 )  
Vs. ) No. 22-3041cv-s-MDH  
 )  
SETH A. GOMEZ, et al., )

       Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried, and the jury has rendered its verdict.

  X   Decision by Court. This action came to determination before the Court. The issues have been determined, and a decision has been rendered.

It is **THEREFORE ORDERED:**

The City of Springfield Defendants' (Springfield Police Department, Paul Williams, and Kelly Patton) Motion to Dismiss (Doc. 19) is GRANTED in its entirety. All claims brought against the City of Springfield Defendants in Plaintiffs' Amended Complaint are hereby dismissed with prejudice. (Order, Doc. 40)

Defendants Bipin Patel's and Laxmi, Enterprise, Inc.'s Motion to Dismiss (Doc. 21) is GRANTED in its entirety. All claims asserted against Defendants Patel and Laxmi contained in the Amended Complaint are hereby dismissed. The federal claims asserted are dismissed with prejudice. The state law claims are dismissed without prejudice. (Order, Doc. 41)

**IT IS SO ORDERED.**

Date July 19, 2022

Paige Wymore-Wynn Clerk of Court

Entered on: June 22, 2022

/s/Linda Howard  
(By) Deputy Clerk

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

CALVIN ALLEN,SR, and )  
MARIXIA, MALDONADO, )  
                          )  
                          )  
Vs.                      ) No. 22-3041cv-s-MDH  
                          )  
                          )  
SETH A. GOMEZ, et al., )

**ORDER**

Before the Court is Defendants Springfield Police Department's, Chief of Police Paul Williams' s, and Detective Kelly Patton's (collectively, "City of Springfield Defendants") Motion to Dismiss Plaintiffs' First Amended Complaint. (Doc. 19). For the reasons set forth herein, the Motion is GRANTED, and all claims asserted against the City of Springfield Defendants are dismissed.

**BACKGROUND**

Broadly speaking, Plaintiffs' 97-page First Amended Petition describes a series of events surrounding the murder of Calvin Allen Jr. on March 1, 2019. (See Doc. 14, ¶¶ 10-12). More specifically, Plaintiffs allege that non-moving Defendants Gomez, Simrin, Slobig, and Jordon began planning the murder of Calvin Allen Jr. on February 17, 2019. (Doc. 14, ¶ 199). Plaintiffs do not allege that any of the City of Springfield Defendants participated in that planning process. Plaintiffs allege that the planned murder was carried out by Defendant Gomez on March 1, 2019, in Room # 30 of the Ozark Inn. (Doc. 14, ¶ 204). Plaintiffs do not allege that any of the City of Springfield Defendants were present or otherwise participated in that murder.

Plaintiffs' allegations against the City of Springfield Defendants appear to be limited to the theory that Springfield Police Officers mishandled a 911 call at the hotel. Plaintiffs seem to allege that had Springfield Police Officers handled it differently, they may have been able to prevent the eventual murder of Calvin Allen Jr. Plaintiffs allege that Springfield Police Officers responded to the Ozark Inn following a 911 call placed by Bipin Patel, who was working at Ozark Inn at the time. (Doc. 14, ¶ 15).

Plaintiffs allege that Defendant Patel then directed Springfield Police Officers to the "wrong room," namely Room #142 of the Ozark Inn. (Doc. 14, ¶ 17). Plaintiffs do not allege that Springfield Police Officers made a mistake in which room they examined in response to the 911 call. Rather, Plaintiffs allege that Defendant Patel directed Springfield Police Officers to Room #142, which they examined, and that

Defendant Patel did not further direct them to Room #230, where the murder of Calvin Allen Jr. took place. (Doc. 14, ¶¶ 242-242a).

### STANDARD

The purpose of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) is to test the legal sufficiency of the complaint. *NEXTEP, LLC v. Kaba Benzing America, Inc.*, 2007 WL 4218977, \*1 (E.D. Mo. 2007). When considering a 12(b)(6) motion, the factual allegations of a complaint are assumed true and are considered in the light most favorable to the plaintiff. *Id.* To avoid dismissal for failure to state a claim, Rule 8(a)(2) of the Federal Rules of Civil Procedure requires that the complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." *Id.* This statement requires that the plaintiff give the defendant facts sufficient to give fair notice of what the plaintiff's claim is and the grounds upon which it rests. *Id.* The court may dismiss the complaint when it is clear that no relief can be granted under any set of facts that could be proved consistent with the complaint. See *Id.*

### DISCUSSION

#### A. Counts I-XIII(§ 1981 claims)

Counts I through XIII of Plaintiffs' Amended Complaint each assert to be claims under 42 U.S.C. § 1981. "To prevail on a § 1981 claim, a plaintiff must show: '(1) membership in a protected class, (2) discriminatory intent on the part of the defendant, (3) engagement in a protected activity, and (4) interference with that activity by the defendant." *Combs v. The Cardish Companies, Inc.*, 862 F.3d 671, 681 (8th Cir. 2017)(quoting *Gregory v. Dillard's, Inc.*, 565 F.3d 464, 469 (8th Cir. 2009)(en banc)). "While § 1981 prohibits racial discrimination in all phases and incidents of a contractual relationship, the statute does not provide a general cause of action for race discrimination." *Gregory* at 468 (internal quotations and citations omitted). "Any claim brought under § 1981, therefore, must initially identify and impaired contractual relationship under which the plaintiff has rights. *Id.* at 468-69 (internal quotation omitted).

Plaintiffs' have failed to state a claim under § 1981 against any of the City of Springfield Defendants because they have not identified any impaired contractual relationship. Plaintiffs have suggested general principles of law enforcement as a contractual relationship, citing specifically "breach of public contracts for safety and security" and "breach public contracts to protect and served." (Doc 8-1 at pp. 1) However, these broad principles of law enforcement do not create a recognized contractual relationship of any kind, let alone a contractual relationship cognizable under § 1981. "The term contract, as used in § 1981, refers to a right in the promisee against the promisor, with a correlative special duty in the promisor to the promisee of rendering the performance promised." *Adams v. McDougal*, 695 F.2d 104, 108 (5th Cir. 1983)(internal quotation omitted). Plaintiffs have not identified any existing or

attempted contract between the City of Springfield Defendants and Calvin Allen Jr., therefore they have failed to state a claim under § 1981.

Plaintiffs further fail to state a claim under § 1981 because they do not allege any facts that would indicate discriminatory intent on the part of any of the City of Springfield Defendants. Plaintiffs' primary allegation against the City of Springfield Defendants is that Springfield Police Officers checked the "wrong room" in response to a check person call at the hotel where Calvin Allen, Jr. was murdered. Plaintiffs specifically allege that Springfield Police Officers checked the room that they were led to by hotel staff. Plaintiffs do not allege that the City of Springfield Defendants intentionally examined the "wrong room" of the Ozark Inn based on discriminatory intent. Plaintiffs further do not allege the City of Springfield defendants had a discriminatory reason for not conducting a room by room search of the remainder of the hotel, despite no reports of criminal activity in any other room. Upon inspecting Room #142, Springfield Police Officers had no information regarding the race of the occupants of that room or any other room in the hotel. By failing to allege any possible basis for discriminatory intent, Plaintiffs fail to state a claim under § 1981.

Finally, freestanding § 1981 claims against state actors are not recognized. *Onyian v. St. Cloud University*, 5 F.4th 926, 929-30 (8th Cir. 2021). Rather, the exclusive remedy for violations of § 1981 by state actors is a claim under § 1983. As more fully discussed below, the allegations regarding the City of Springfield Defendants do not meet the minimum threshold for liability under § 1983. In sum, all § 1981 claims against the City of Springfield Defendants contained in Counts I-XIII of the Amended Complaint are dismissed with prejudice.

#### **B. Count IX (§ 1983 claim)**

Plaintiffs fail to state a claim against the City of Springfield Defendants under § 1983. To state a claim for relief under § 1983, Plaintiffs must plead two essential elements, (1) that the conduct complained of was committed by a person acting under color of state law and (2) whether the conduct deprived a person of rights, privileges, or immunities secured by the Constitution or laws of the United States. *DuBose v. Kelly*, 187 F.3d 999, 1002 (8th Cir. 1999). Plaintiffs do not allege that any of the City of Springfield Defendants participated in the planning or act of the murder of Calvin Allen Jr. Plaintiffs likewise do not allege that any of the City of Springfield Defendants had prior knowledge of Defendant Seth Gomez's intent to murder Calvin Allen Jr. Instead, Plaintiffs' theory appears to be that if Springfield Police Officers had conducted a room by room search of the entire Ozark Inn after the 911 call that they may have discovered something that allowed them to prevent the murder of Calvin Allen Jr. (See Doc. 14, ¶, 282-282a).

Plaintiffs do not allege any basis to support a legal duty to perform such a wide-ranging search, nor do they identify any authority on which officers could have

searched each guest room in the entire hotel. It is well established that individuals have a reasonable expectation of privacy in their hotel rooms. *U.S. v. Williams*, 521 F.3d 902, 906 (8th Cir. 2008); *U.S. v. Roby*, 122 F.3d 1 120, 1125 (8th Cir. 1997). Plaintiffs have not alleged facts that would indicate Springfield Police Officers had probable cause of criminal activity in any room other than Room#142. Accordingly, officers had no basis to enter any other room of the hotel, or to apply for search warrants to do so. There is also no reason to believe, based on Plaintiffs' allegations, that such a search would have been fruitful. Plaintiffs specially allege that Defendants Simrin and Jordon were seen leaving the Ozark Inn prior to Springfield Police Officers arriving on scene (Doc. 14, ¶250). Because Plaintiffs do not allege sufficient facts to suggest that officers had legal authority or a legal obligation to perform the search that Plaintiffs urge, their Petition fails to state a § 1983 claim against any City of Springfield Defendant.

City of Springfield Defendants argue that, even if one were to assume that the Springfield Police Officers on scene could have developed a legal basis to conduct a room-by-room search, their failure to do so would at most constitute an allegation of negligence. Plaintiffs use the term "negligence" multiple times in their First Amende□ Petition in reference to the City of Springfield Defendants (See e.g., Doc. 14, ¶¶ 22, 23, 102, 104, 141, 211, 282a, 290, 313, 315) As the Supreme Court has stated, "... the Constitution does not guarantee due care on the part of state officials; liability for negligently inflicted harm is categorically beneath the threshold of constitutional due process." *County of Sacramento v. Lewis*, 523 U.S. 833, 849, 118 S.Ct. 1708, 1718, 140 L.Ed.2d 1043. (1998) (citing *Daniels v. Williams*, 474 U.S. 327, 331, 106 S.Ct. 662, 665, 88 L.Ed.2d 662 (1986)). The§ 1983 claim against all City of Springfield Defendants in Count X of the Amended Complaint is dismissed with prejudice.

### C. Count X (§ 1985 claim)

Plaintiffs finally assert a conspiracy claim under 42 U.S.C. § 1985 in Count X of their Amended Petition. In order to establish a civil rights conspiracy, Plaintiffs must establish: "(1) the defendants conspired, (2) with the intent to deprive them, either directly or indirectly, of equal protection of the laws, or equal privileges and immunities under the laws, (3) an act in furtherance of the conspiracy, and (4) that they or their property were injured, or they were deprived of exercising any right or privilege of a citizen of the United States." *Barstad v. Murray County*, 420 F.3d 880, 887 (8th Cir. 2005). Plaintiffs have not alleged that any of the City of Springfield Defendants participated in any conspiracy to murder Calvin Allen Jr. "A conspiracy claim requires evidence of specific facts that show a 'meeting of minds' among conspirators". Again, Plaintiffs have not alleged any prior knowledge of a plan to murder Calvin Allen Jr. by any of the City of Springfield Defendants, and certainly not any agreement to participate 1n the murder. Plaintiffs have alleged that a group of individuals that did not include any of the City of Springfield Defendants plotted

and carried out the murder of Calvin Allen Jr. (Doc. 14, ¶¶ 199-204).

Further undermining any allegations of a conspiracy involving any of the City of Springfield Defendants, Plaintiffs allege that other named defendants lied to Springfield Police Officers in an effort to cover up their own involvement in the murder of Calvin Allen Jr. (Doc. 14, ¶¶ 152, 153). Moreover, as Plaintiffs acknowledge in their First Amended Petition, following the Springfield Police Departments investigation of the murder, Defendant Seth Gomez was successfully prosecuted, convicted of murder in the first degree, and sentenced to life without the possibility of parole. (Doc. 14, ¶ 125). These allegations simply do not support the allegation that the City of Springfield Defendants were a part of any conspiracy related to the murder of Calvin Allen Jr. Accordingly, Plaintiffs' § 1985 claims contained in Count X in the Amended Complaint are dismissed with prejudice.

#### **D. Failure to supervise claim**

In their First Amended Complaint, Plaintiffs make multiple references to the City of Springfield Defendants' duty to supervise other officers of the Springfield Police Department. (See e.g. Doc. 14, ¶ 20.). Under § 1983, a municipality cannot be held liable for the actions of its employees on a theory of respondeat superior. *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 691, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978). "Moreover, it appears that the Supreme Court has held that a § 1983 action will not lie against police supervisory officers for failure to prevent police misconduct, absent a showing of direct responsibility for the improper action." *Harris v. Pirch*, 677 F.2d 861, 685 (8th Cir. 1982)(citing *Rizzo v. Goode*, 423 U.S. 362, 96 S.Ct. 598, 46 L.Ed.2d 561 (1976) and *Kostka v. Hogg*, 560 F.2d 37 (1st Cir. 1977).

A failure to supervise claim may be maintained only if Plaintiffs demonstrate deliberate indifference or tacit authorization of the offensive acts by failing to take remedial steps following notice of a pattern of such acts by subordinates. *Wilson v. City of North Little Rock*, 801 F.2d 316, 322 (8th Cir. 1986). Additionally, in the absence of an underlying constitutional violation by subordinate officers, a § 1983 claim for failure to supervise necessarily fails. *Morris v. Lanpher*, 563 F.3d 399, 403 (8th Cir. 2009). Plaintiffs' claims against each of the City of Springfield Defendants are predicated on a theory of failure to properly supervise the officers that responded to the 911 call and examined Room #142. As discussed above, Plaintiffs have not alleged that a constitutional violation occurred during the handling of that call. Any claims based on a failure to supervise theory against the City of Springfield Defendants are therefore dismissed with prejudice.

#### **E. Claims under the Federal Torts Act**

Plaintiffs have requested to voluntarily dismiss their claims against the City of Springfield Defendants under the Federal Torts Claims Act, citing that the

defendants are not employees of the United States Government. Indeed, the FICA allows for suits against the United States for tortious conduct of federal employees, 28 U.S.C. §1346; 28 U.S.C. §2671. "A threshold requirement to establish jurisdiction under the FTCA is that the federal employee must have been acting within the scope of his employee when the tort was committed." *Johnson v. U.S.*, 534 F.3d 958, 963 (8th Cir. 2008)(emphasis added). Any claims against the City of Springfield Defendants in the Amended Complaint brought pursuant to the FTCA are dismissed with prejudice.

### CONCLUSION

Based on the foregoing reasons, the City of Springfield Defendants' (Springfield Police Department, Paul Williams, and Kelly Patton) Motion to Dismiss (Doc. 19) is **GRANTED** in its entirety. All claims brought against the City of Springfield Defendants in Plaintiffs' Amended Complaint are hereby dismissed with prejudice.

**IT IS SO ORDERED.**

Dated: June 22, 2022

/s/ Douglas Harpool  
DOUGLAS HARPOOL  
United States District Judge

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

CALVIN ALLEN,SR, and )  
MARIXIA, MALDONADO, )  
 )  
 Vs. ) No. 22-3041cv-s-MDH  
 )  
 SETH A. GOMEZ, et al., )

**ORDER**

Before the Court is Defendants Bipin Patel's and Laxmi Enterprise, Inc.'s (collectively, "Moving Defendants") Motion to Dismiss Plaintiffs' Amended Complaint. (Doc. 21). For the reasons set forth herein, the Motion is GRANTED, and all claims brought against Moving Defendants in the Amended Complaint are dismissed.

**BACKGROUND**

Plaintiffs Calvin Allen and Marixia Maldonado (collectively "Plaintiffs") invoke Missouri wrongful death statutes to assert claims against several defendants, including Bipin Patel ("Patel") and his company, Laxmi Enterprise, Inc., ("Laxmi")<sup>1</sup>. Calvin Allen, Jr., the son of the Plaintiffs, was killed at a hotel, Ozark Inn, in Springfield, due allegedly at least in part to his race. (Doc 14 fil...l). Ozark Inn was allegedly under the ownership and control of the Moving Defendants on March 1, 2019, when non-moving Defendant Seth Gomez<sup>2</sup> ("Gomez"), allegedly in conspiracy with his girlfriend, non-moving Defendant Rachel Slobig ("Slobig"), and friends, non-moving Defendants Amanda Simrin ("Simrin"),

Dominic Jordan ("Jordan"), and Baily Stoddard ("Stoddard"), murdered Allen, Jr. in hotel room #230. Doc 14 at , ¶¶ 3-5. Plaintiffs claim that Patel "after the murder called 911 reference policies for wellness 'check person' and to report seeing a weapon inside hotel room #142." Id. ,r 6; see also , ¶¶ 9, 13 (stating Patel directed officers to the "wrong room"), ,r 16 (Patel reported guns seen, but not shots heard), 17, 19, 21. Plaintiffs apparently believe that Patel should have reported gunshots that they allege were heard, which may have saved Allen, Jr.'s life. *Id* ¶, 7.

**STANDARD**

---

<sup>1</sup> The hotel owned by Patel and Laxmi is referred to in Plaintiffs' Complaint as "c/b/a Ozark Inn". For the purposes of this motion, the Court refers to the hotel as the "Ozark Inn".

<sup>2</sup> Gomez was convicted of first-degree murder of Calvin Allen, Jr. in 2021. Plaintiffs allege throughout their Amended Complaint that Defendants Slobig, Simrin, Jordan, and Stoddard acted as co-conspirators to the murder. s against these non-moving defendants are not at issue in the instant motion.

The purpose of a motion to dismiss under Federal Rule of Civil Procedure *Benzing America, Inc.*, 2007 WL 4218977, \*1 (E.D. Mo. 2007). When considering a 12(b)(6) motion, the factual allegations of a complaint are assumed true and are considered in the light most favorable to the plaintiff. *Id.* To avoid dismissal for failure to state a claim, Rule 8(a)(2) of the Federal Rules of Civil Procedure requires that the complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." *Id.* This statement requires that the plaintiff give the defendant facts sufficient to give fair notice of what the plaintiff's claim is and the grounds upon which it rests. *Id.* The court may dismiss the complaint when it is clear that no relief can be granted under any set of facts that could be proved consistent with the complaint. See *id.*

## DISCUSSION

### A. § 1981 claims

The only federal claim Plaintiffs assert against the Moving Defendants is a claim under 42 U.S.C. § 1981. "To prevail on a § 1981 claim, a plaintiff must show: '(1) membership in a protected class, (2) discriminatory intent on the part of the defendant, (3) engagement in a protected activity, and (4) interference with that activity by the defendant." *Combs v. The Cardish Companies, Inc.*, 862 F.3d 671, 681 (8th Cir. 2017)(quoting *Gregory v. Dillard's, Inc.*, 565 F.3d 464, 469 (8th Cir. 2009)(en banc)). "While § 1981 prohibits racial discrimination in all phases and incidents of a contractual relationship, the statute does not provide a general cause of action for race discrimination." *Gregory* at 468 (internal quotations and citations omitted). "Any claim brought under § 1981, therefore, must initially identify and impaired contractual relationship under which the plaintiff has rights. *Id.* at 468-69 (internal quotation omitted).

Counts III, IX, and X are expressly directed against the Moving Defendants (as well as other defendants), though Defendant Patel's actions are referenced throughout the Amended Complaint. All comprehensible claims against Moving Defendants are brought pursuant to § 1981. Paragraph 78 alleges that "Patel, d/b/a/, Ozark Inn on March 1, 2019.. .in operating, controlling, and managing the Hotel, owed a duty to exercise reasonable and ordinary care to make its business premises safe... " See also , ¶¶ 81-82. The Moving Defendants were allegedly negligent in several respects, at least in part because of "prior criminal conduct on or near its premises." Plaintiff also alleges that Moving Defendants were negligent in handling a 911 phone call and directed responding officers to the wrong hotel room. ¶ 304.

The second element of a § 1981 claim is not sufficiently alleged by Plaintiffs in any claim against the Moving Defendants. "[D]iscriminatory intent on the part of the defendant[s]," is simply not alleged in Plaintiffs' Complaint. Plaintiffs have alleged, at most, negligence, and "a plaintiff pursuing a claimed violation of § 1981..must show that the discrimination was intentional." *Patterson v. Cty. of Oneida*, 375 F.3d 206

226 (2d Cir. 2004). Plaintiffs specifically allege how non-moving Defendant Gomez referred to Allen, Jr., stating "got that nigga up there with my woman that shot me," ¶ 3, but there are no similar allegations regarding any evidence that Patel or any employee working at the hotel treated or thought of Allen, Jr., any differently due to race, or was even conscious of the race of anyone in the hotel room where he was murdered. Plaintiffs assert that Moving Defendants were negligent or complicit with respect to the murder of Calvin Allen, Jr., but there is simply no allegation that Moving Defendants acted with any discriminatory intent at any time. The Plaintiffs' allegations fail to "raise a right to relief above a speculative level," Schaaf, 517 F.3d at 549. Accordingly, Plaintiffs have failed to satisfy the "discriminatory intent" element of a § 1981 claim and therefore failed to state a claim under § 1981. All federal law claims asserted against the Moving Defendants in the Amended Complaint are dismissed with prejudice.

### **B. State law negligence claim**

Plaintiffs' remaining claims against Moving Defendants are based on Missouri state law negligence. Plaintiff seeks to invoke this Court's jurisdiction under 28 U.S.C. §§ 1331 and 1337 with respect to these state law negligence claims. There is no question this Court has federal question jurisdiction over Plaintiffs' § 1981 claim against the moving Defendants. *See* § 1331. Supplemental jurisdiction, codified in 28 U.S.C. § 1337, gives this Court jurisdiction to address state "claims that are so related to claims in the action within [federal question] jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." But a district court "may decline to exercise supplemental jurisdiction over a claim" if "(1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction." § 1337(c).

Here, the Court has dismissed Plaintiffs claims against the Moving Defendants brought pursuant to § 1981. "When district courts dismiss all claims independently qualifying for the exercise of federal jurisdiction, they ordinarily dismiss as well all related state claims." *Artis v. District of Columbia*, 138 S. Ct. 594, 597-98 (2018) (citing § 1337(c)(3)). Accordingly, the Court declines to exercise supplemental jurisdiction over Plaintiffs' state law negligence claims against the Moving Defendants. All state law negligence claims asserted against the Moving Defendants are dismissed without prejudice.

### **CONCLUSION**

For the foregoing reasons, Defendants Bipin Patel's and Laxmi Enterprise, Inc.'s Motion to Dismiss (Doc. 21) is **GRANTED** in its entirety. All claims asserted

against Defendants Patel and Laxmi contained in the Amended Complaint are hereby dismissed. The federal claims asserted are dismissed with prejudice. The state law claims are dismissed without prejudice.

**IT IS SO ORDERED.**

Dated: June 22, 2022

/s/ Douglas Harpool  
DOUGLAS HARPOOL  
United States District Judge

**IN THE U. S. DISTRICT COURT WESTERN DISTRICT OF MISSOURI**  
**SOUTHERN DIVISION**

CALVIN ALLEN, SR and )  
MARIXIA MALDONADO, )  
Husband, wife and Parents )  
Of CALVIN R. ALLEN, JR )  
Decedent, )  
)  
PETITIONERS/PLAINTIFFS')  
v. )NO. 22-cv-03041DMH  
)  
SETH A. GOMEZ, )  
Jacket No. 01362930 )  
Address to be served: )  
Petosi Correctional Center )  
11593 State HWY O )  
Mineral Point, MO 63660 )  
and )  
)  
BIPIN J. PATEL, )  
(Individual and Corporate )  
Capacity )  
and )  
)  
LAXMI ENTERPRISE, INC., )  
(Corporate Capacity) )  
and )  
)  
D/B/A, OZARK INN, )  
Address to be served: )  
4011 E. Casitas Del Rio Dr )  
Phoenix, AZ 85050 )  
and )  
PAUL F. WILLIAMS, CHIEF, )  
(Individual and Official )  
Capacity )  
and )  
KELLY PATTON, DETECTIVE )  
(Individual and Official )  
Capacity )  
and )  
)

SPRINGFIELD POLICE )  
DEPARTMENT, )  
(Official and Corporate )  
Capacity) )  
 )  
Address to be served: )  
321 E. Chestnut Expressway )  
Springfield, MO 65802 )  
And )  
 )  
AMANDA L. SIMRIN, )  
(Individual Capacity) )  
 )  
Address to be served: )  
737 N Elder Ave. )  
Springfield, MO 65802 )  
and )  
 )  
DOMINIC L. JORDON, )  
(Individual Capacity) )  
 )  
Address to be served: )  
1633 S. Desswood Ave. )  
Springfield, MO 65804 )  
and )  
BAILY D. STODDARD, )  
(Individual Capacity) )  
 )  
Address to be served: )  
2606 N East Ave. )  
Springfield, MO 65802 )  
and )  
 )  
RACHEL E. SLOBIG, )  
(Individual Capacity) )  
 )  
Address to be served: )  
1017 E. Commercial St. )  
Springfield, MO 65803 )  
 )  
RESPONDENT/DEFENDANT. )

**PETITION**  
**PLAINTIFFS REQUEST TRIAL BY JURY**

COMES NOW, Plaintiffs', Calvin Allen, Sr. and Marixia Maldonado (individually and collectively as parents, husband and wife) pursuant to Federal Rules of Civil procedures hereby file petition in the brutal murder and wrongful death, by Seth A. Gomez, Bipin J. Patel, Laxmi Enterprise, Inc, d/b/a, Ozark Inn, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, Amanda L. Simrin, Dominic L. Jordon, Baily D. Stoddard, and Rachel E. Slobig; referred to herein after as defendant's on March 1-2, 2019, in the brutal murder and wrongful death of Calvin R, Allen, Jr., at Ozark Inn in Springfield, Missouri; and plaintiffs causes of action for violations of plaintiffs constitutional and civil rights to life and equal protection, because of race against all defendant's vicariously and culpable with liability of the post-traumatic, PTSD and substantial personal injuries and damages, as result of the brutal murder and wrongful death of plaintiffs, alleges, avers, and states to Court as follows:

**REQUEST TRIAL BY JURY**

Plaintiff hereby respectfully request this honorable court for a trial by jury on all counts of this petition; that jury is empowered to award punitive damages in the amount that is certain to punish and deter these defendants from any further breaches of civil and constitutional rights to life, negligence misrepresentation, equal protection, deprivation, conspiracy, race base and national origin discrimination and disparaging treatment in murder investigation.

Respectfully Submitted,

/s/ Marixia Maldonado

---

Marixia Maldonado  
1230 N. National Avenue  
Springfield, MO 65802-1624  
(417) 873-3498-phone/fax

/s/ Calvin Allen, Sr.

---

Calvin Allen, Sr.  
1230 N. National Avenue  
Springfield, MO 65802-1624  
(417) 873-3498-phone/fax

**VERIFICATION**

COUNTY OF GREENE )  
                         ) ss.  
STATE OF MISSOURI )

NOW, Calvin Allen and Marixia Maldonado petitioners/affiants, referred to hereinafter as affiants, after being duly sworn upon his oath that he/she is of legal age and sound mind and hereby submits affidavit; that affiants declares under the penalty of perjury that the aforementioned statements, facts, averments and expressions which are set forth in this Civil Rights Petition, alleging constitutional and civil rights violations complaint are true and accurate to the best of his/her knowledge, information, and belief.

Affiant Further Sayeth Naught.

/s/ Leonor M. Maldonado Marquez

\_\_\_\_\_  
Leonor M. Maldonado Marquez

/s/ Calvin Allen, Sr.

\_\_\_\_\_  
Calvin Allen, Sr.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

/s/ \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**IN THE U. S. DISTRICT COURT WESTERN DISTRICT OF MISSOURI**  
**SOUTHERN DIVISION**

CALVIN ALLEN, SR and )  
MARIXIA MALDONADO, )  
Husband, wife and Parents )  
Of CALVIN R. ALLEN, JR )  
Decedent, )  
)  
PETITIONERS/PLAINTIFFS')  
v. )NO. 22-cv-03041DMH  
)  
SETH A. GOMEZ, )  
Jacket No. 01362930 )  
Address to be served: )  
Petosi Correctional Center )  
11593 State HWY O )  
Mineral Point, MO 63660 )  
and )  
)  
BIPIN J. PATEL, )  
(Individual and Corporate )  
Capacity )  
and )  
)  
LAXMI ENTERPRISE, INC., )  
(Corporate Capacity) )  
and )  
)  
D/B/A, OZARK INN, )  
Address to be served: )  
4011 E. Casitas Del Rio Dr )  
Phoenix, AZ 85050 )  
and )  
PAUL F. WILLIAMS, CHIEF, )  
(Individual and Official )  
Capacity )  
and )  
KELLY PATTON, DETECTIVE)  
(Individual and Official )  
Capacity )  
and )  
)

SPRINGFIELD POLICE )  
 DEPARTMENT, )  
 (Official and Corporate )  
 Capacity) )  
 )  
 Address to be served: )  
 321 E. Chestnut Expressway )  
 Springfield, MO 65802 )  
 And )  
 RESPONDENT/DEFENDANT.)

**FIRST AMENDED PETITION**  
**PLAINTIFFS REQUEST TRIAL BY JURY**

COMES NOW, Plaintiffs', Calvin Allen, Sr. and Marixia Maldonado, members of protected class (individually and collectively as parents, husband and wife) pursuant to Federal Rules of Civil procedures hereby file first amended petition under equal protection, deprivation, conspiracy to deprived plaintiffs constitutional and civil rights to life, Federal Tort Act, and equal protection under law, as result of murder by defendant, Seth A. Gomez, co-conspirators, Stoddard, Simrin, Jordon, and Slobig, in concert with Bipin J. Patel, d/b/a, Ozark Inn, Paul F. Williams, chief of police, Kelly Patton, detective, and Springfield Police Department, (referred to herein after as City of "Springfield Defendants") on March 1, 2019, in the murder and wrongful death of Calvin R. Allen, Jr., at Ozark Inn in Springfield, Missouri because of race, national origin, (African American and Hispanic Origin and members of protected class) and plaintiffs causes of action for egregious violations of plaintiffs constitutional and civil rights to life, equal protection, and "breach public contracts safety and security" and "breach public contracts protect and served", deprivation and conspiracy to deprived of civil rights to life because of race against all above defendant's and co-conspirators vicariously and culpable with liability of the PTSD post-traumatic stress and duress disorder, infliction of emotional distress and duress as result of the brutal, vicious murder and wrongful death of plaintiffs, alleges, avers, and states to Court as follows:

**PROBATIVE FACTS OF PARTYS**  
**COMMON TO ALL COUNTS IN PETITION**

1. That plaintiffs Calvin Allen, Sr. and Marixia Maldonado, members of protected class (individually and collectively) as parents, husband and wife are currently citizens and residents of Greene County, Missouri and was so on March 1-2, 2019, during the egregious and brutal murder and wrongful death of our only son in senseless death because of race, national origin, civil and constitutional rights to life, violations and misconduct sustains plaintiffs causes of action for violations of plaintiffs constitutional and civil rights to life and equal protection, "breach public

contracts for safety and security" and "breach public contracts to protect and served", equal protection, deprivation, coupled with conspiracy and plaintiffs are and were members of protected class, because of race and national origin (African American and Hispanic Origin) described herein were residents of Missouri and all times relevant hereto resided at 1230 N. National, Springfield, Greene County, State of Missouri.

2. That plaintiffs, Allen and Maldonado are the natural parents of decedent, Calvin R. Allen, Jr. born of marriage on May 19, 1989, and decease on March 1, 2019, in the brutal murder and wrongful death and life of Calvin R. Allen, Jr. victims are member of protected class, because of race, in senseless death, subjection to extreme civil rights violations to life, and misconduct sustained plaintiffs causes of action for violations of constitutional and civil rights to life and equal protection under law for life because of race and national origin while sleep in bed with Slobig at Ozark Inn in Springfield, Missouri, and all times relevant hereto was resident of Missouri resided at 1230 N. National, Springfield, Greene County, and State of Missouri.

3. That defendant, Seth Gomez on March 1, 2019 boyfriend of Rachael Slobig for two years, and friend of co-conspirators Simrin, Stoddard, and Jordon, as the principal parties, premeditated, in concert with co-conspirators and other defendants, was primary aggressor of the murder conspiracy: that defendant, Gomez and Simrin and other defendants begin planning murder on February 27, 2019 in accords to the social media platforms, Springfield PD reports evidences, as to one motives of defendant, Gomez and co-conspirators, Simrin and Jordon; prior to the murderous attack by defendant, Gomez actions and misconduct exhibited jealousy, pretext relationship decedent, Allen Jr. and Slobig, but with Gomez criminal enterprises in the murder because of race... **"got that nigga up there with my woman that shot me"**...can be construed as federal hate crime and committed capital offense and murder charge warranted death penalty conviction, in further violations of plaintiffs constitutional and civil rights to life, equal protection under law, in taking one's life in murder of Calvin R. Allen, Jr on March 1, 2019, by Seth A. Gomez, co-conspirators, Jacket No. 01362930 address to be served: Petosi Correctional Center, 11593 State HWY O, Mineral Point, MO 63660.

4. That defendant, Seth Gomez plan with co-conspirators Amanda L. Simrin, person of interest, aided, abetted, and accomplices in the murder in renting and the location of rented rooms, purports "premeditation" which carry no statute of limitation for murder. On March 1, 2019, Simrin arrived at Ozark Inn in Springfield, Missouri, approximately 1:00 pm on 3/1/19, to socialized and party with friends. After arrival Simrin rented and paid for two hotel rooms, for invitees, Allen, Jr and Slobig; and Simrin and Jordon were in room #142, first floor of hotel; at the time of Gomez "unannounced entry" into Allen, Jr and Slobig hotel room #230. As such Gomez conspiracy to murder commencing at 11:10 pm up to 11:22 pm on 3/1/19, texting

Simrin urgently needing a ride from hotel ... leaved car running, ... Baily will be in bathroom... at the same time ... Jordan texting Simrin he was lock out of hotel room and the misconduct described herein of Amanda L. Simrin resided in Springfield, Greene County, and State of Missouri.

5. That defendant, Seth Gomez on March 1, 2019, before commencing the egregious murder at 11:10-11:22 pm in room #230 at Ozark Inn, decedent, Calvin Jr and co-conspirator, Rachel Slobig was subjected to an "unannounced entry" into hotel room by defendant, Gomez and co-conspirators Stoddard, another unknown male and ambush decedent while sleep, coupled with facts purporting premeditation of murder by defendant, Gomez in concert with co-conspirators, including law enforcement and motel set forth herein. Further, Gomez ambush on decedent, Allen, Jr while sleep in bed was extremely violent, over-killed (warranted death penalty) and excessive with dagger knife of 14-15 defensive (stabs and cuts) wounds to decedent, Calvin Jr., upper body, hands, head, legs, arms, feet, and (6) six different gunshot wounds causing (11) eleven holes in Allen, Jr body, just with the gun, in front legs, elbows, groin, penius, and the deadly gun shot in the back during the egregious murder of Calvin Jr., as he was desperately trying to escape death in exiting and leaving room #230 at Ozark Inn in Springfield, Missouri. The action and misconduct described herein of defendant, Gomez and co-conspirators resided in Oklahoma City, Oklahoma and Springfield, Greene County, Missouri.

6. That on March 1, 2019, at 11:10-11:22 pm after the defendants, Bipin Patel, d/b/a Ozarks Inn and after the murder called 911 reference policies for wellness "**check person**" and to report seeing a weapon inside the hotel room #142, pretext masking and covering up time and location of murder room #230. On March 1, 2019, at 11:30 pm defendant, Springfield PD officers can be seen checking room #142 and talking to defendants, Patel hotel manager discussing guns in room. However, the 911 calls records don't show or reporting by any invitee of hotel or clerk, Patel that "**gun shots were heard**" during the entire 911 call by Patel at 11:22 pm, lacks credence and mental belief purports tampering with 911 Emergency Communication for Springfield-Greene County.

7. That on March 1, 2019, the 911 emergency calls record don't show or anyone calling and reporting "**gun shots heard**" from Ozark Inn pretext, masking, purports tampering with 911 Emergency Communications, Springfield-Greene County records, and covering up time of murder in room #230. Further, on March 1, 2019, in the records of defendant, Springfield PD on 3/1/19 responded to 911 wellness calls and allegedly investigated room #142 discovered mask and left the crime scene at Ozark Inn within **(6) six minutes of arrival**. In accords to Greene County Coroner and medical examiner during the murder trial on April 12-14, 2021, testified decedent, Calvin, Jr lived for approximately (20-30) twenty-thirty minutes after the last gunshot in Allen, Jr back. As such, if City of Springfield defendants with all six different dispatch units at 11:22 pm to Ozark Inn on 3/1/19 could have "**spared and**

**save the life**" of decedent, Calvin, Jr. our only son...if all of the four to six different dispatch units of Springfield PD at 11:22 pm had performed duty in accordance policies for wellness check "**check every room**" at Ozark Inn for wellness check, per 911 call could have assisted officers checking all rooms.

8. That on March 1, 2019, defendant, Springfield PD officers, as result of 911 call by Patel at 11:22 pm reference policies for wellness "**check person**" had a duty "protect and served" all defendants, Springfield PD dispatch units had a direct duty in accordance policy's to "**check every room**" at Ozark Inn for wellness check. Defendant, Gomez ambush on decedent, Allen, Jr while sleep in bed was extremely violent, over-killed and unbelievable for one person alone: and excessive with dagger knife of 14-15 fourteen-fifteen defensive (stabs and cuts) wounds to the body of decedent, Calvin Jr.

9. That on March 1, 2019, at 11:22 pm defendant, Gomez and co-conspirators, subjected decedent, Allen, Jr stabs and cut wounds, coupled with (6) six different 9mm gunshot wounds causing (11) eleven holes to body and the deadly gun shot in the back as he was desperately trying to escape death in exiting and leaving room #230. However, 911 records incompatible with the audio and transcript purports tampering and altering of Springfield-Greene County 911 calls records for Ozark Inn on March 1-2, 2019, at 11:22 pm by defendant, Patel and by invitee, Caprice at 12:13 am. Finally, on March 1, 2019, defendant, Springfield PD officers are seen leaving the hotel at 11:36 pm. After, co-conspirators, Simrin, and Jordon's vehicle speedy out hotel parking lot (3-4) three-four minutes before defendant, Springfield PD arrived at the hotel.

10. That defendant, Gomez, plan with co-conspirators, Rachel E. Slobig person of interest aided, abetted, and accomplices in the murder of decedent Calvin R. Allen, Jr, arrived at Ozark Inn in Springfield, Missouri, in Simrin vehicle approximately 1:00 pm on 3/1/19, to socialized and party with friends. That Slobig after arrival assisted Simrin renting and paid for two motel rooms, for invitees Allen, Jr and Slobig in room #230 second floor of motel; subsequently, law enforcement investigation found the empty medical prescription bottle for hydrocodone, bearing Gomez name in motel room #230. Including finding hospital bracelet of Slobig, as result violent incident cutting of Slobig leg by Gomez, a week before the murder, and Allen, Jr only knew Slobig for two weeks; and the action and misconduct described herein of co-conspirators, Rachel E. Slobig resided in Springfield, Greene County, Missouri.

11. That defendant, Gomez, and co-conspirators knew who shot (Gomez) him during preliminary hearing in April of 2019, by advising his counsel during examination of the witnesses and information over social media; and Gomez on February 15, 2019, discovered that Dominic Jordon and Russel Jackson were accused of robbing Gomez of drugs and shooting Gomez in the back. As result of Gomez being

shot in back was not able to identify person or persons that fired gun. That Jordon and other co-conspirators reported false information and persuaded Gomez that Allen, Jr involved in shooting, however, Jordon as person of interest aided, abetted, and accomplices in the murder of Allen, Jr on March 1, 2019, arrived at Ozark Inn in Springfield, Missouri with Simrin in her vehicle arriving approximately 1:00 pm on 3/1/19, to socialized and party with friends. After arrival Simrin rented and paid for two motel rooms for invitees, co-conspirators, Jordon plan in concert with Gomez at 11:10 pm up to 11:22 pm, on 3/1/19, in commencing murder at Ozark Inn in Springfield, Missouri.

12. That defendant, Gomez, on 3/1/19, plan with co-conspirator Baily D. Stoddard person of interest aided, abetted, and accomplices in the murder, very close friend of Gomez (akin like Gomez sister) Stoddard arrived at Ozark Inn in Springfield, Missouri, in unknown vehicle approximately 3:00 pm up to 8:30 pm on 3/1/19, to socialized and party with friends and invitees, Allen, Jr and Slobig in room #230. That Stoddard held Slobig in bathroom during the murderous attack by Gomez, which Stoddard prevented witnessing by holding Slobig in bathroom with dog. That Stoddard in the PC, probable cause statements on 3/3/19, inform PD, that Gomez specifically told them (Stoddard and Slobig) to go to the bathroom. Bailey Stoddard also stated that Gomez told them to leave the hotel room, pretext masking direct involvement in murder at Ozark Inn in Springfield, Missouri.

13. That defendants, Gomez and Bipin J. Patel d/b/a, Ozark Inn in concert knowingly or unknowingly plan to murder of Calvin R, Allen, Jr on March 1, 2019, as such defendant, Patel under equal protection of law, "breach public contracts for safety and security" and "breach public contracts to protect and served", person of interest aided, abetted, and accomplices in murder at 11:22 pm made the 911 emergency call referencing check a person directed Springfield PD to wrong room and/or dispatched advise officer to go to room #142, wellness "check a person", which was room #142 for Jordon and Simrin. That defendant, Gomez, and Patel misconduct purports complicity knowingly or unknowingly in masking and covering up time and room location of the murder, in 911 emergency call advising operator of suspicious party's...Jordon and Simrin leaving hotel in black sedan vehicle with another (male person), which Patel alleged he open room #142 for Simrin and Jordon, thus, direct material facts of complicity, conspiracy in masking time and location of murder at Ozark Inn and pretext for misconduct of conspiracy, complicity and obstruction of murder investigation by Springfield PD at Ozark Inn.

14. That defendants, Bipin J. Patel, d/b/a Ozark Inn hotel and agents breach public contract to "safety and security" and aided and abetted in the murder at all times relevant herein agent, operated, controlled managed hotel in Springfield, Missouri for public accommodation invitees and customers, at all times relevant herein on March 1, 2019, defendant, Bipin J. Patel, d/b/a, Ozark Inn was acting personally and operating through its clerks, agents and acting within the course and

scope of their employment, and relationship with the hotel, d/b/a, Ozark Inn, Springfield, Missouri (hereinafter referred to Patel Hotel) was a business good standing on March 1-2, 2019 and can be served through its registered agent: Bipin J. Patel at 4011 E. Casitas Del Rio Dr., Phoenix, AZ 85050.

15. That defendant(s), Springfield Police Department (official and corporate capacity) officers and agents breach public contract to "protect and served" and subjected to conspiracy as result ministerial duties during investigations on March 1, 2019, in concert with defendant Bipin J. Patel person of interest aided, abetted, and accomplices, Patel at 11:22 pm made the 911 emergency call referencing wellness check a person and directed officers during the onset investigation of brutal and egregious murder and civil rights violations and misconduct, purports egregious negligence described herein to..."protect and served"...citizens of Springfield, Missouri was egregiously negligent and dereliction of duty of Springfield PD, purports complicity and conspiracy during the murder investigation by complying with Patel masking and covering up time and location of murder. Springfield Police Department address to be served: 321 E. Chestnut Expressway, Springfield, MO 65802.

16. That Defendant(s), Springfield Police Department on March 1, 2019, at the times of the incidents described herein the Springfield Police department lead detective "breach public contracts for safety and security" and "breach public contracts to protect and served", and other peace officers person of interest aided, abetted, and accomplices, dereliction of duty at 11:22 pm on 3/1/19, after defendant, Patel made the 911 call to investigate suspicious **check persons** guns seen and no gunshots herd by (other invitees of hotel) in checking all hotel rooms at Ozark Inn and wrongful death with PC, probable cause statements and authorized to promulgate rules, polices to protect and served citizens and public rights; and formulate regulations for law enforcement investigations and execution of peace officers arrests in compliance with federal and state laws governing and customs under the color of state law. Springfield Police Department address to be served: 321 E. Chestnut Expressway, Springfield, MO 65802.

17. That defendant(s) Paul F. Williams, (individual and official capacity) on March 1, 2019, chief of police, "breach public contracts for safety and security" and "breach public contracts to protect and served", person of interest aided, abetted, and accomplices in murder, as result of ministerial duties, *ultra-virus* authority, actions and misconduct during investigations by Springfield PD officers and agents, executive officer of the Springfield Police Department, on March 1, 2019, as chief authorized to instruct detectives and other peace officers with duty to respond to defendant Bipin J. Patel at 11:22 pm made the 911 emergency call referencing wellness check, "**check a person**", at Ozark Inn and directed Springfield PD wrong room to check a person, which was room #142 for Jordon and Simrin purports cover-up and obstruction of murder investigation; as the official duty of officers and authorized to "protect and served" citizens should have search all rooms at Ozark Inn in Springfield and Greene

County, Missouri.

18. That defendant(s) Paul F. Williams, chief of police, on March 1-2, 2019, as result of ministerial duties, actions and misconduct during investigations of murder, "breach public contracts for safety and security" and "breach public contracts to protect and served", as such person of interest aided, abetted, and accomplices as executive officer of Springfield Police Department authorize officers, detectives, agents *ultra-virus* authority during investigation of brutal murder, wrongful death, and/or negligently omitted the prerequisite and Tier 1, protocol of law enforcement officers in murder investigations are (TSD), time since death determination of murdered victims/plaintiffs, Calvin Allen, Jr purports complicity, cover-up and conspiracy in the brutal murder and wrongful death on March 1-2, 2019, with PC, statements to rule out all probable suspects, and/or parties of interest, authorized officers and detectives compliance with federal and state law during the investigations of the egregious murder, civil and constitutional rights to life violations because of race, national origin and misconduct in brutal murder and death of Calvin R. Allen, Jr. at Ozark Inn Motel, Springfield, Missouri.

19. That defendant(s) Paul F. Williams, chief of police, (individual and official capacity) had duty to respond and engaged on March 1, 2019, with defendant, Bipin J. Patel at 11:22 pm made the 911 emergency call referencing "check a person" directed Springfield PD to wrong room to check a person, which was room #142 for Jordon and Simrin obstruction of murder investigation, whereas Jordon and Simrin misconduct and actions of confusing Patel and Springfield, PD misconduct purports *ultra-virus* authority; as the chief authorized and as executive officer during the investigations the murder and egregious civil rights violations of constitutional rights to life and misconduct during investigation in brutal murder and death of Calvin R. Allen, Jr. at Ozark Inn Motel, Springfield, Missouri.

20. That defendant(s) Paul F. Williams, chief of police, (individual and official capacity) on March 1, 2019, person of interest aided, abetted, and accomplices had duty to direct the, "breach public contracts for safety and security" and "breach public contracts to protect and served" supervise, training all officers and detectives of murder investigations and promulgate rules and formulate regulations for law enforcement investigations of murders and wrongful death; implement policies, and execution of arrests with PC, probable cause statements in compliance with city, county and state prosecutors, federal and state statutory laws governing murder investigations, officers, agents duties and customs under the color of state law and misconduct as political subdivisions acting under color of law purports complicity and conspiracy in the brutal murder and wrongful death by said defendants described herein of Paul F. Williams, chief of police address to be served: 321 E. Chestnut Expressway, Springfield, MO 65802.

21. That defendant(s) Kelly Patton, (individual and official capacity) person of

interest aided, abetted, and accomplices on March 1, 2019, lead detective had duty as result of "breach public contracts for safety and security" and "breach public contracts to protect and served" respond and engaged, when advised by 911 operator of defendant Bipin J. Patel at 11:22 pm made the 911 emergency call referencing wellness "**check a person**" which directed Springfield PD to wrong room and/or dispatched advise officer to check room #142 to check a person, which was room #142 for co-conspirators, Jordon and Simrin, as such obstruction of murder investigation with Springfield Police department peace officers, further the egregious negligence in accords to "911 call for check a person" to protect and served citizens of Greene County and Springfield, Missouri.

22. That defendant(s) Kelly Patton, (individual and official capacity) on March 1, 2019, actions and misconduct during investigation purports person of interest aided, abetted, and accomplices lead detective the egregious negligence during investigation and dereliction of duty by Springfield PD, officers and detectives misconduct purports *ultra-virus* authority not having all the other peace officers dispatched and responded to check every room at Ozark Inn at 11:22 pm, 911 call on 3/1/19, bespeaks egregious negligence and/or complicity instead of leaving Ozark Inn within five minutes of arrival purports complicity and conspiracy in the brutal murder and wrongful death. Moreover, purports complicity and conspiracy by all defendants above in the brutal murder and/or omissions of its employees, detectives, and peace officers; coupled with their egregious and reckless negligence, dereliction of law enforcement duty by officers and agents under the doctrines of vicarious liability and respondeat superior, including chief of police, officers, and detectives of Springfield Police Department.

23. That Defendant(s) Kelly Patton, (individual and official capacity) as lead detective had duty to respond and engaged investigation and exhibited egregious negligence, when gunshots or weapons reported in 911 call at Ozark Inn, hotel. On March 1, 2019, as such negligence and dereliction of duty by detectives, Springfield, PD misconduct and agents purports *ultra-virus* authority actions and misconduct and at the times of the incidents described herein lead detective, officers; coupled with the egregious negligence in wrongful death investigations because of race on March 1-2, 2019, and failed to make (TSD) analysis for time since death determination of victim, Allen, Jr murder, to rule out all suspects and parties of interest in the murder, execution of arrests; and subsequent PC, probable cause statements crimes committed and submit to prosecutor for charges in brutal murder in accords to policies, rules, procedures, and customs under the color of state law purports complicity and conspiracy in the brutal murder and wrongful death; as such misconduct as political subdivisions and state officials, acting under color of state law said co-defendants and address for service and process: 321 E. Chestnut Expressway, Springfield, MO 65802.

24. On March 1, 2019, at Ozark Inn hotel room, and upon information and belief, all person of interest aided, abetted, and accomplices of defendant, Gomez was

provided a key to Allen, Jr. room to make the “unannounced entry” into room #230 attacking invitee Allen, Jr. while sleep in bed with Slobig, which Slobig “scream” that echoes throughout hotel between 11:10 pm up to 11:22 pm, on /3/19; coupled with depraved mind Gomez attacks plaintiff, Allen, Jr with vicious uses of dagger knife, inflicting 14-15 fourteen different cuts and stab wounds to victim, coupled with six-shots from 9mm handgun six times, striking in the back and killing Calvin Allen, Jr. At all times relevant herein, all above defendants Springfield Police Department, chief of police and detectives, peace officers and including Ozark Inn (hotel) premises, purports complicity and conspiracy in the brutal murder, as such misconduct are liable for brutal murder and wrongful death, in violations of plaintiff constitutional and civil rights to life, which occurred at 2601 North Glenstone, Springfield, Greene County, Missouri.

25. On March 1, 2019, at Ozark Inn hotel after defendant, Gomez and other co- conspirators, person of interest aided, abetted, and accomplices in murder with “unannounced entry” into room #230, attacking invitee while sleep in bed with Slobig, and subsequently invitee Allen, Jr. body was found, seen and discovered by another invitee of hotel, Caprice at 12:13 am on 3/2/19, which made 911 call reporting the dead body lying on balcony of hotel in front of room #230, Springfield, PD officers arrived on scene in three minutes at 12:16 am, on /3/2/19 discovered the deceased body, which Springfield PD officers, touch of Allen, Jr body cold and touch of blood was dry on body and the balcony blood was dry around body.

26. On March 2, 2019, at Ozark Inn hotel after defendant, Gomez and other co- conspirators and persons of interest aided, abetted, and accomplices were successful in murder conspiracy with “unannounced entry” into room #230, attacking invitee Allen, Jr. stabbing and shooting him to death, while sleep with Slobig by Gomez. Upon information, informants, Jordon and Simrin acted in murder conspiracy with Gomez, along with Stoddard, and Slobig being held in bathroom of room #230 with the dog purports complicity and conspiracy in the brutal murder and wrongful death. After the brutal murder Stoddard, Slobig and the dog capture on Ozark Inn video surveillance walking out hotel parking lot around 12:11 am on 3/2/19, and shortly thereafter around 12:13 am on 3/2/19 Gomez capture on video surveillance leaving and walking out of front entrance of Ozark Inn parking lot in the guise of the night darkness and video surveillance.

27. Accordingly, on March 1-2, 2019 the above defendants and co-conspirators are liable for the tortious acts in brutal murder because of race, as such defendants action and misconduct herein purports violations of equal protection under law, deprivation and conspiracy Federal Tort Act, “breach public contracts for safety and security” and “breach public contracts to protect and served”, coupled with deprivation and conspiracy with other actors in the egregious murder and wrongful death of Calvin R. Allen, Jr. on March 1, 2019 at 11:10 pm up to 11:22 pm. Defendant, Gomez and co-conspirators misconduct and circumstantial evidences, inconsistent reporting and testimony of persons involvement in murder are suspect, as to detective

Patton police interviews on March 1-2, 2019, and the preliminary hearing transcript on 4/22/19. Therefore, the Court shall find and conclusions of the misconduct of all above defendants, Bipin Patel, City of Springfield, PD and officers and agents, co-conspirators, Amanda Simrin, Bailey Stoddard, Dominic Jordon, and Rachael Slobig and all other co-conspirators, agents, officers' action, misconduct, and defendants were accomplices, accessories, aided and abetted Gomez in the murder of Calvin Jr. wittingly or unwittingly, and knowingly, or unknowingly.

### JURISDICTION

28. That this action is brought pursuant to the constitutional and civil rights protected by this section under color of State law; 42 U.S.C. § 1981, Equal Protection under the law, "breach public contracts for safety and security" and "breach public contracts to protect and served", including civil and constitutional rights to life, 42 U.S.C. § 1983, Deprivation of civil rights to life, and 42 U.S.C. § 1985 Conspiracy to deprive of civil rights to life, and the Federal Tort Act, absent race discriminatory treatment; and race discriminatory actions, misconduct and egregious negligence, whereby all defendants conspired to deprive, damage and injured plaintiffs' and cause plaintiffs death, loss of life person, or property, or deprived of having and exercising any right or privilege, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation of civil rights to life by all defendants. That does invoke federal district court exclusive jurisdiction pursuant to 28 U.S.C. §§1331 and 1367. Further jurisdiction conferred upon this court to adjudicate, enforce these constitutional violations under due process clauses of Missouri 10 Tenth Amendment and U.S. Constitution Amendments 5 Five and 14 Fourteen Amendments sections 5.

29. That this action further brought pursuant to RSMo, § Section 565.021, RSMo § 571.030 and RSMo § section 301.010, and RSMo personal injury statutes, in conjunction with federal statutes and the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation and conspiracy to deprived of civil and constitutional rights by all defendants. Plaintiff civil rights violated, the rights protected by this section under color of law, race discriminatory treatment, negligence and personal injury tort doctrine, or other state legal relations are affected by state statute. That does invoke federal district court jurisdiction pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367. Further jurisdiction conferred upon this court to adjudicate and enforce these constitutional and civil rights violations under the due process clauses of Missouri Amendment 10 and U.S. Constitution Amendment 5 and 14 sections 5.

### COUNT I

COME NOW Plaintiffs, Calvin Allen and Marixia Maldonado, members of protected class, by through Pro Se status, in Count-I pursuant to 42 USC 1981, equal protection of law "breach public contracts for safety and security" and "breach public

contracts to protect and served", civil rights to life, and for their causes of action against defendant, Seth A. Gomez and co-conspirators and other defendants in conspiracy to murder because of race, national origin subjected violent attack on Allen, Jr. while sleep with Slobig, sustained death to plaintiffs and subjection to PTSD, post-traumatic stress disorder, excessive personal injuries to plaintiffs' person, pain and suffering against all defendant(s) and agents for violations of equal protection of natural life, alleges, avers, and states to the Court as follows:

30. Plaintiffs hereby incorporates herein by reference Paragraphs 1-29 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

31. That plaintiff s, alleged on March 1, 2019, co-conspirators with defendant, Gomez, advised Amanda L. Simrin, Dominic L. Jordon, Rachel E. Slobig, and Stoddard to include decedent, Calvin Allen, Jr. unknowingly of conspiracy to murder arrived at Ozark Inn in Springfield, Missouri in Simrin vehicle approximately 1:00 pm on 3/1/19, alleged to socialized and party with friends, however the real reason was the murder conspiracy.

32. That plaintiff s, alleged on March 1, 2019, after arrival Simrin rented and paid for two motel rooms, at Ozark Inn for invitees Allen, Jr and Slobig in room #230 second floor of hotel, and Simrin and Jordon were in room #142, first floor of motel.

33. That plaintiff s, alleged on March 1, 2019, co-conspirator, Stoddard visited decedent, Allen, Jr and Slobig room #230 of Ozark Inn, in unknown vehicle late afternoon making inquiry for Gomez and his girlfriend Slobig whereabouts; and Gomez, arrived at Ozark Inn in unknown vehicle late afternoon and/or early evening visited co-conspirators, Jordon and Simrin room #142.

34. That plaintiff s alleged on 3/1/19 Stoddard and Gomez arrived approximately 6:00 pm up to 7:30 pm and visited Simrin and Jordon in room #142, first floor of motel. At that time defendant, Gomez and Slobig had been engaged in boyfriend and girlfriend relationship for over two years.

35. That plaintiff s alleged on March 1, 2019, in accordance with hotel video surveillance of co-conspirators, Jordon, Stoddard and Gomez, left in Simrin vehicle from Ozark Inn in Springfield, Missouri, approximately 8:30 pm on 3/1/19.

36. That plaintiff s alleged on March 1, 2019, approximately 8:30-9:00 pm on 3/1/19, in accordance with Ozark Inn video surveillance co-conspirators, Jordan and Stoddard left from room #230, and defendant, Gomez left from room #142, where Simrin was getting ready for alleged night club engagement.

37. That plaintiff s alleged on March 1, 2019, in accordance with Ozark Inn video surveillance co-conspirators, Dominic L. Jordon in Simrin vehicle returned to Ozark Inn in Springfield, Missouri, approximately 9:00-9:30 pm on 3/1/19.

38. That plaintiff s alleged on March 1, 2019, approximately 9:00-9:30 pm in accordance with defendant, Patel Ozark Inn video surveillance capture Jordan returning to Ozark Inn in Simrin vehicle alone, and surveillance capture co-conspirators, Jordan getting out of vehicle alone.

39. That plaintiff s alleged on March 1, 2019, Jordan seen using rear stairway entrance to go up to second floor Ozark Inn visited room #230, where Allen, Jr and Slobig; and returned to room #142, where Simrin was getting dress to go out to night club in southwest Springfield, Missouri.

40. On March 1, 2019, the night of murder and before defendant, Gomez diabolical murder attack, directly contacted Simrin via text requesting urgent ride from the Ozark Inn at 11:07-11:22 pm, which evidences premeditation, via social media, text messages and defendant, City of Springfield PD investigation and reports.

41. On March 1, 2019 at 11:07-11:22 pm defendant, Gomez co-conspirators Stoddard urgently...via texting and expressing to co-conspirators, Simrin...leave car running and Bailey will be in bathroom...before commencing the murder with "unannounced entry" into room #230 at Ozark Inn.

42. Upon information, Jordon on March 1, 2019, provided defendant, Gomez the key to Calvin, Jr room #230, while sleeping with Slobig purports murder conspiracy, meeting of the minds and murder commencing on March 1, 2019, at 11:07-11:22 pm at Ozark Inn purports complicity, aided, abetted, collusion and conspiracy with other actors and parties of interest via Springfield PD investigations, social media, Facebook messenger and texting.

43. On March 1, 2019, defendants, Patton, and other officers' reports of Springfield PD investigation are supported and cited by accurate description of Jordon and the clothes he was wearing at 11:07-11:22 pm at Ozark Inn by an eyewitness at Ozark Inn hotel leaving the crime scene of murder and gunshots from room #230, second floor.

44. On March 1, 2019, by eyewitness at Ozark Inn during Springfield, PD investigations, seen in person and identified as Jordon accurately expressing the description of co-conspirators, Jordan height and slim built leaving the scene of murder with mask on by eyewitness in adjoining room.

45. On March 1, 2019, by eyewitness specifically express if seen again (Jordon) she could identify him. Also, the eyewitness describes exactly and accurately

Jordan clothes and mask as purported in Springfield, PD reports, after leaving crime scene in fast pace on 3/1/19 at 11:22 pm.

46. On March 1, 2019, Jordan was seen on video surveillance on March 1, 2019, at 11:22 pm on Ozark Inn video surveillance camera roaming the parking lot, which was detraction.

46a. As such on March 1, 2019, Jordan actions were masking, pretext and covering up the time and location of murder and complicity with defendant, Patel hotel clerk, and subsequent defendants, City of Springfield PD officers' actions and misconduct purports complicity, and conspiracy knowingly or unknowingly.

47. On March 1, 2019, this action and misconduct in hotel parking lot by Jordon was done purposely to obstruct defendant, Patel 911 call at 11:22 pm, while texting on the **dead man phone** Calvin, Jr, to co-conspirator, Amanda Simrin...requesting urgently come to the hotel...because he was allegedly locked out of the hotel room # 142 at Ozarks Inn.

48. On March 1, 2019, decedent, Calvin Allen, Jr was in bed "unannounced entry" in room #230 at Ozark Inn Hotel, when defendant, Gomez attack Allen, Jr. at 11:07-11:22 pm while sleep with Slobig, with dagger knife and discharged 9mm handgun (6) six shots striking and killing Calvin Allen, Jr. on balcony of hotel with deadly shot in back as Calvin Jr trying to escape death.

49. That defendant, Gomez, and co-conspirators on March 1, 2019, without cause or legal justification caused injuries and infliction of battery upon plaintiffs, Allen, Jr via "unannounced entry" into Ozark Inn hotel room #230, with dagger knife and 9mm handgun.

50. That plaintiffs on March 1-2, 2019, are the natural parents of Calvin Allen, Jr., and proper parties to bring this action under federal torts act, under civil rights statutes, 42 USC 1981, 1983 and 1985 sections equal protection, deprivation, and conspiracy under law on behalf of all Tier I Claimants, pursuant to Section 537.080, RSMo.

51. That plaintiffs on March 1-2, 2019, to present date alleged were victims of egregious racial and intentional discrimination against the plaintiffs and victim Allen, Jr. murder and wrongful death investigations, and plaintiffs are members of protected class (African American and Hispanic decent).

52. That plaintiffs on March 1-2, 2019, to present date, subjection to extreme violations of plaintiffs constitutional and civil rights to life and equal protection under the law because of race (black) and national origin (African American and Hispanic) are members of protected class were victims of egregious

discrimination and murder and warranted due diligence of prosecution via death penalty.

53. That plaintiffs alleged all defendant(s) and agents on March 1-2, 2019, to present date further discriminated and subjection to disparaging treatment against plaintiffs, and victim Allen, Jr. wrongful death because other similar situated white victims subjected to egregious homicide and murders, investigation not been depriving of due diligence, reasonable and appropriate police investigations of murder and wrongful death.

54. That plaintiff on March 1-2, 2019, to present date were victims of egregious racial and intentional discrimination against the plaintiffs and victim Allen, Jr. during wrongful death post investigations, plaintiffs were member of protected class, and other similar situated white victims of egregious homicide and murders not subjected to further discrimination because of race (black) and national origin (African American and Hispanic), as such violations of constitutional and civil rights to life and equal protection under law because of race and national origin and were criminal victims of Allen, Jr. wrongful death.

55. That plaintiffs alleged all defendant(s) and agents on March 1-2, 2019, to present date, further discriminated and subjection to disparaging treatment by all defendants during murder and criminal investigations of victim Allen, Jr. wrongful death because of race and national origin, other similar situated white victims of egregious homicide and murders similar situated not deprive of due diligence in prosecution of murder and death penalty.

56. As a direct and proximate result of the misconduct of defendants, Gomez, and co- co-conspirators, on March 1-2, 2019, with depraved minds, conspiracy, carelessness, egregious and reckless negligence, and disregard for safety of Calvin Allen, Jr., and others were brutally murdered with dagger knife and 9mm handgun and the subjection to substantial PTSD, pain and suffering of the mortal injuries and sustained the cause of Allen, Jr death.

57. That on March 1, 2019, after injuries but prior to his death, plaintiffs, Calvin Allen, Jr., was caused to experience extreme, substantial, significant, and great pain and suffering, as result violent and vicious murder with dagger knife and handgun for which Plaintiffs are entitled to recover, pursuant to 537.090, RSMo.

58. That by the reason of above on March 1, 2019, all plaintiffs have incurred medical and funeral expenses and have been caused to and will in the future suffer and will be deprived for life of the services, mother and father son relationships, society, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent, Calvin Allen, Jr.

59. That on March 1, 2019, defendant's, Gomez, and co-conspirators, misconduct was premeditated, substantially reckless and consciously disregarded the

decedent Calvin Allen, Jr life, safety, and safety of others, warrants the imposition of punitive and including damages for aggravating circumstances.

60. That on March 1-2, 2019, by reason of the foregoing, plaintiffs, Calvin Allen, Jr, siblings, Allen, Sr., and Maldonado have been substantially injured and sustained PTDS, post traumatic distress disorder for the remains of life and personal injuries and damaged in an amount more than \$75,000.00, seventy-five thousand dollars.

61. That pursuant to federal civil rights statutes 42 USC 1981, equal protection under law, 1983 deprivation and 1985, conspiracy to deprive of civil and constitutional rights to life and Federal Tort Act because of federal funds and federal grants awarding to City of Springfield in combating and policing gangs related crimes and other policing of social relationships with public and citizens of Missouri and Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendant, Gomez, and co-conspirators, willful and intentional acts and/or omissions acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE Plaintiffs plea and pray for judgment against defendant, Seth A. Gomez, and co-conspirators, and other defendants in conspiracy to murder for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for punitive damages and aggravating circumstances, and for such other and further relief as is just and proper.

## COUNT II

COME NOW, Plaintiffs, Calvin Allen and Marixia Maldonado, members of protected class, by and through Pro Se status, Count-II pursuant to 42 USC 1981, equal protection of law "breach public contracts for safety and security" and "breach public contracts to protect and served", civil rights to life and for their causes of action against defendant, Seth A. Gomez and co-conspirators in the premeditated attack and assault on Allen, Jr, while sleep in bed with Slobig because of race subjected victim Allen, Jr. to death, violations of plaintiffs constitutional and civil rights to life, extreme pain and suffering, PTSD and excessive personal injuries to plaintiffs' against all defendant(s) and agents for violations of equal protection of the law, alleges, avers, and states to the Court as follows:

62. Plaintiffs hereby incorporates herein by reference Paragraphs 1-61 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

63. On March 1, 2019, the night of the murder and before defendant, Gomez diabolical murder attack directly communicated with co-conspirators, Simrin via text requesting urgent ride from the Ozark Inn at 11:07-11:22 pm, which evidences via social media, text messages and defendant, Springfield PD investigation and reports.

64. That on March 1, 2019, Gomez urgently...via texting and expressing to co-conspirators, Amanda Simrin...leave car running...Bailey will be in bathroom...before commencing the murder with "unannounced entry" into room #230 at Ozark Inn.

65. Upon information, co-conspirator, Jordon provided defendant Gomez the key to decedent, Calvin, Jr room #230, while sleeping with Slobig purports murder complicity and conspiracy commencing on March 1, 2019, at 11:07-11:22 pm at Ozark Inn purports conspiracy and collusion with other parties of interest, City of Springfield defendants, via social media, Facebook messenger and texting.

66. On March 1, 2019, defendant Patton lead detective reports of Springfield PD investigation are supported by accurate description of Jordon, and the clothes he was wearing at 11:07-11:22 pm at Ozark Inn by an eyewitness at Ozark Inn hotel leaving the scene of murder and room #230.

67. On March 1, 2019, by eyewitness and invitee at Ozark Inn during defendant, Springfield, PD investigations, seen co-conspirator, Jordon and accurately expressing the description of Jordan height and slim built leaving the scene of murder with mask on by eyewitness in adjoining room.

68. On March 1, 2019, by eyewitness specifically express if seen again Jordon, she could identify him. Also, the eyewitness describes co-conspirator, Jordan clothes and mask as purported in defendant, Springfield, PD reports, after leaving crime scene of murder in fast pace on 3/1/19 at 11:22 pm, at Ozark Inn room #230, decedent, Calvin R. Allen, Jr.

69. On March 1, 2019, Jordan was seen on video surveillance on March 1, 2019, at 11:22 pm on camera roaming the parking lot of Ozark Inn which was detraction, covering up and masking the time and room #230, location of murder with defendants, Patel and Springfield PD officers and agents' purports complicity, collusion and in concert conspiracy in the murder.

70. On March 1, 2019, this action by Jordon was done purposely, while texting on the **dead man phone** plaintiffs, Calvin, Jr, to co-conspirators, Simrin... requesting urgently come to the hotel...because he was allegedly locked out of the room # 142 at Ozarks Inn.

71. That defendant, Gomez with co-conspirators without cause or legal justification, caused and inflicted significant battery with dagger knife and 9mm handgun and cause substantial pain and suffering upon plaintiff, Calvin, Jr. during

the egregious murder and wrongful death on March 1, 2019, at Ozark Inn, Springfield, Missouri.

72. That defendant, Gomez with co-conspirators, violated Section 565.021 RSMo, which was in full force and effect at the time of the murder and provides that:

A person commits the offense of murder in the second degree if he or she:

(1) Knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person ...

Violation of said statute constitutes negligence per se.

73. In the alternative, that defendant Gomez, with co-conspirators, violated Section 571.030 RSMo, which was in full force and effect at the time of the accident and provides that:

1. A person commits the offense of unlawful use of weapons ... if he or she knowingly:

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges, or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense

Violation of said statute constitutes negligence per se.

74. That defendant Gomez, with co-conspirators, on March 1, 2019 owed to Calvin Allen, Jr., and others the duty to exercise the highest degree of care while handling a dagger knife and firearm when it then fired, contrary to principal intent of defendant, Gomez to cause death of decedent.

75. That defendant Gomez, with co-conspirators, on March 1, 2019, were not acting in lawful self-defense when he shot the firearm, contrary to principal intent of defendant, Gomez to cause death to decedent/plaintiffs, Calvin Allen, Jr.

76. That defendant's Gomez, with co-conspirators, on March 1, 2019, misconduct was diabolical, evil and of depraved mind as monster, over-killed with reckless misconduct and consciously disregarded the safety of decedent Calvin Allen, Jr as plaintiffs and others warrants the imposition of punitive damage relief and damages for aggravating circumstances under RSMo section 571.030.

76a. That pursuant to federal civil rights statutes 42 USC 1981, equal protection under law, 1983 deprivation and 1985, conspiracy to deprive of civil and constitutional rights to life and Federal Tort Act because of federal funds and federal grants awarding to City of Springfield in combating and policing gangs related crimes

and other policing of social relationships with public and citizens of Missouri and Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendant, Gomez, and co-conspirators, willful and intentional acts and/or omissions acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE Plaintiffs pray for judgment against defendant, Seth A. Gomez, and co-conspirators and other defendants in conspiracy to murder for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances and damages to punish this defendant, co-conspirators and deter others similarly situated defendants from like conduct in the future, and for such other and further relief as is just and proper.

### COUNT III

COME NOW Plaintiffs, Calvin Allen and Marixia Maldonado, members of protected class, by through Pro Se status, Count-III pursuant to 42 USC 1981, equal protection under the law 42 USC 1981, equal protection of law "breach public contracts for safety and security" and "breach public contracts to protect and served" and civil rights to life, and for their cause of action against defendant, Bipin J. Patel, d/b/a, Ozark Inn in concert with Gomez and other defendants because of race in violations of plaintiffs constitutional and civil rights to life and the egregious negligence for safety and security subjected plaintiffs loss of life, excessive damages, PTSD, post-traumatic stress disorder and personal injuries against all defendant(s) and agents for violations of equal protection under the law, alleges, avers, and states to the Court as follows:

77. Plaintiffs hereby incorporates herein by reference Paragraphs 1-76a of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

78. That defendants Bipin J. Patel, d/b/a, Ozark Inn on March 1, 2019 (referred to herein after Patel Hotel) in operating, controlling, and managing the Hotel, owed a duty to exercise reasonable and ordinary care to make its business premises and rooms safe for its invitees, customers, guests, and visitors.

79. That on March 1, 2019, decedent, Calvin Allen, Jr., and co-conspirator, Rachael Slobig were guests and invitees and legally upon defendant's Hotel premises.

80. That defendants, Patel on March 1, 2019, in operating the Hotel by and through its agents, employees, contractors, servants and/or apparent servants, failed to exercise reasonable and ordinary care and were egregiously negligent as follows:

- a. That defendants, Patel d/b/a Ozark Inn did not provide reasonable security for the premises, and.
- b. That defendants, Patel, d/b/a Ozark Inn failed to properly hire train, and/or supervise its employees, who were responsible for monitoring and patrolling the premises, vetting guests, customers, visitors, for providing security for the premises for the safety of its guests, invitees, and customers; and
- c. That defendants, Patel, d/b/a Ozark Inn allowed defendant Gomez and co-conspirators to enter its property when it knew, or by using ordinary care could or should have known, of his dangerous propensities; and
- d. That defendants, Patel, d/b/a Ozark Inn did not timely remove defendant Gomez and co-conspirators or call the police, after defendant Gomez acted in such a way as to indicate danger to invitees and visitors, including Calvin Allen, Jr., when it had sufficient time to do so; and
- e. That defendants, Patel, d/b/a Ozark Inn failed to provide procedures, training and/or instruction to its employees with respect to the response to dangerous and/or violent persons or situations; and
- f. That defendants, Patel, d/b/a Ozark Inn did not timely warn Calvin Allen, Jr. of the dangerous propensities of defendant Gomez and co-conspirators in sufficient time to allow Calvin Allen Jr. to safely leave the premises before the knife injuries and shooting.

81. On or about March 1, 2019, a "special relationship" existed between defendants and decedent, Calvin Allen Jr. during stay as invitee of defendants, Patel d/b/a Ozark Inn.

82. At all times mentioned, on March 1-2, 2019, defendants, Patel d/b/a Ozark Inn by and through its agents and employees, owed a duty to the public, including decedent, to exercise reasonable care to keep and maintain its premises in a condition reasonably safe to use by the public and invitees and its guests in particular and all defendants had a duty to take such precautions that were reasonably necessary to protect its invitees and guests, including decedent, from criminal conduct, which were reasonably known and foreseeable.

83. That on March 1-2, 2019, defendants Patel, d/b/a Ozark Inn in operating the hotel knew, or reasonably should have known that defendant, Gomez posed an immediate threat of danger to customers, guests, and invitees, specifically to decedent, Calvin Allen, Jr.

84. That on March 1-2, 2019, defendants Patel d/b/a Ozark Inn knew or reasonably should have known of prior criminal conduct on or near its premises and should have taken precautions and added additional security measures.

85. That on March 1-2, 2019, defendants Patel, d/b/a Ozark Inn knew or reasonably should have known of defendant, Gomez's, and co-conspirators propensity for violent actions and prior criminal misconduct occurring at Ozark Inn.

86. That on March 1, 2019, defendant, Patel, d/b/a Ozark Inn and co-conspirators knew that a dangerous condition existed which involved an unreasonable risk of harm for invitee, Allen, Jr., and especially in hotel with Slobig.

87. That decedent, Calvin Allen, Jr. on March 1, 2019, relied upon defendants, Patel, d/b/a Ozark Inn and its agents to keep him safe while on defendant's, Patel property.

88. That defendant, Patel, d/b/a Ozark Inn put all their invitees, customers, including decedent, Allen, Jr on March 1, 2019, on false notice that its hotel/motel was safe and secure and free of individuals such as the individual who killed decedent, Calvin Allen, Jr.

89. That defendant, Patel, d/b/a Ozark Inn on March 1, 2019, knew or in the exercise of reasonable care, should have known, that no individual, including decedent, Calvin Allen, Jr. had within its own power to take the measures necessary to provide for its own security on defendant's premises and that defendants and/or its agents and employees were in the best position to take reasonable and necessary measures to prevent and/or deter such criminal acts.

90. That defendant, Patel d/b/a Ozark Inn are culpable and legally liable for all egregious negligence, carelessness, and/or breaches of public contracts and the standard of care on behalf of any of its agents and/or employees on the date of decedent's death on March 1, 2019, by virtue of its egregious negligence, control, management, and operation of the premises.

91. That defendants, Patel, d/b/a Ozark Inn improperly and negligently failed to use ordinary and reasonable care in the following respects, among others:

- a. Defendants failed to properly hire competent security; and
- b. Defendant failed to stop, report, or prevent criminal conduct on its premises and allowed criminal actors to use its premises; and

- c. Defendant failed to properly train and/or supervise its security personnel; and
- d. Defendant failed to require and/or provide an adequate number of properly trained security guards, specifically within the hotel/motel area and balconies.
- e. Defendant failed to warn decedent of the presence of Seth Gomez; and
- f. Defendant failed to provide and/or maintain adequate security equipment, including surveillance cameras, gates, alarms, lighting, or other measure which would alert security guards or potential attacks, such as that upon decedent, and to deter potential attackers or others who used Defendant's premises for criminal enterprises; and
- g. Defendant failed to warn decedent, Calvin Allen, Jr of the propensity that such an attack would occur;
- h. Defendant failed to inspect its hotel/motel properly, adequately, or reasonably premises to ensure that it was in a reasonably safe condition to prevent and/or deter criminal acts of unknown or known third parties; and
- i. Defendant failed to warn of the dangerous and unreasonably unsafe condition of the hotel area and premises.
- j. Defendant failed to adequately monitor, vet, or control guests, invitees and others on their premises.

92. As a direct and proximate result of the aforesaid misconduct of defendants, Patel d/b/a Ozark Inn, plaintiffs, Calvin Allen, Jr., suffered and sustained substantial pain, suffering of mortal injuries, death and died on March 1, 2019.

93. That plaintiffs, Allen, and Maldonado on March 1, 2019, were and are the natural parents of Calvin Allen, Jr., and proper parties to bring this action on behalf of all Tier I Claimants, pursuant to Section 537.080, RSMo.

94. That on March 1, 12019 after injury but prior to his death, plaintiff Calvin Allen, Jr., was caused to experience substantial, significant, and great pain and suffering from personal injuries, as result of knife and gun injuries for which plaintiffs are entitled to recover, pursuant to 537.090, RSMo., including punitive damages, which is Jury question.

95. That by the reason of the above on March 1, 12019 to present date, Plaintiffs have incurred medical and funeral expenses and has been caused to and will in the future suffer and will be deprived of mother, father and son relationships, the services, society, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent Calvin Allen, Jr.

96. That defendant's, Gomez, and co-conspirators actions and misconduct on March 1-2, 2019, was depraved mind, diabolical, egregiously reckless, and consciously disregarded the safety of decedent Calvin Allen, Jr and others and warrants the imposition of punitive damages and damages for aggravating circumstances.

97. As a direct and proximate result on March 1, 12019 of the aforesaid carelessness, egregious negligence and recklessness of all defendants, Patel, Gomez, and other co-conspirators, plaintiff, Calvin Allen, Jr., was brutally and viciously murdered, injured, killed, and demised as result of the ambush with uses of dagger knife and handgun injuries to decedent Allen, Jr sustained and deadly shot in back substantially contributed to cause his death.

98. That plaintiffs alleged defendants, Patel, d/b/a Ozark Inn on March 1, 2019, and its agents, and supervisors deprived plaintiffs of civil and constitutional rights of life, failing to properly and adequately train, control, and supervise its employees and agents of the criminal and civil laws and statutes, regulations; and provisions; that defendant Patel failed to follow existing policy, procedure, state and federal statutory law, or custom of the hotels and the state laws in regards to defendant, Patel, d/b/a Ozark Inn compliance with laws and state and federal statutes that govern hotels and motels as public accommodations, practices, contracts, and application of contracts in compliance under color of state laws and statutes within Missouri laws.

99. That plaintiff alleged defendant, Patel, d/b/a Ozark Inn on March 1, 2019, action and misconduct alleged herein were ministerial and *ultra vires* authority in nature, absent of delegated authority; that Patel, d/b/a Ozark Inn subject to liability as a result of its official, defendant, Patel d/b/a Ozark Inn, *ultra vires* authority and ministerial actions and misconduct; that defendant Patel, failed to

follow existing policies and/or customs in regard to Missouri, statutory and civil rights laws governing hotels.

100. That plaintiff alleged all defendants (official, and individual capacities) and agent Patel, d/b/a Ozark Inn on March 1, 2019, failed to follow and comply with existing policy, ordinances, law, and/or customs, and exercise professional judgment in civil and criminal laws and statutes by defendants, Patel, d/b/a Ozark Inn action and misconduct on or about March 1, 2019, regarding Plaintiff, Allen, Jr demised, and subsequent murder and death in a timely, sufficient, adequate, and reasonable manner.

101. That all defendants Patel, d/b/a Ozark Inn on March 1, 2019, failed to follow and comply with existing policy, ordinances, law, and/or customs, of Missouri and to exercise professional judgment in not recognizing the plaintiff demised, as result of the capital murder causing death and life, free of discriminatory practices in this state on defendants property; that was violated and damages and injuries sustained during plaintiff's murder and wrongful death; and that defendants knew or should have known, that plaintiffs constitutional and civil rights to life were significantly violated and plaintiffs person sustained additional and significant personal injuries, pain and suffering damages, loss and for remains of life.

102. That all Defendants on March 1, 2019 had an affirmative duty to protect and served plaintiff's safety and welfare as result of violent assaults, injuries and death from the breaches of public contracts duties for citizens, "protect and served" safety and dereliction of duty, extreme hotel and police dereliction of duty and failure to properly investigated the egregious murder and wrongful death in timely manner to provide medical attention for plaintiff, Allen, Jr; however, all defendants and co-conspirators egregious negligence, recklessness, conscious indifference and/or omissions that shocks the conscience reasonable person and willful actions and conduct deprived and conspired to deprive plaintiffs of constitutional and civil rights to life.

103. That all defendants on March 1, 2019 failed to follow and comply with existing policy, laws, statutes, provisions, sections of city municipal codes, the promulgation and formulation of defendant, Patel Hotel d/b/a Ozark Inn, and defendant, Springfield, PD departments regulations, provisions, and state and federal laws governing murder investigation, Patel, d/b/a Ozark Inn hotel, customs, policies, statutes, rules, laws, ordinances, and failed to exercise professional judgment, in a timely, proficient, efficient, sufficient, adequate, professional, and reasonable manner with pre-textual reasons that purports malice intent in violations of plaintiffs constitutional and civil rights to life.

104. As a direct and proximate cause and result of all defendant's exhibited and egregious negligence failure to discovered victim Allen, Jr deceased person and

body on balcony at Ozark Inn at 11:22 pm on March 1, 2019, by defendants, Patel and agents, defendant, Springfield, PD, officers and agents fail to timely discover Allen, Jr, provide, help and to seek medical attention for decedent, Allen, Jr., as such all defendants' egregious negligence, recklessness, conscious indifference that shocks the conscience of reasonable person, willful actions and misconduct deprived and conspired to deprive plaintiffs of their constitutional and civil rights to life.

105. As a direct and proximate cause and result of all defendant's exhibited egregious negligence at Ozark Inn at 11:22 pm on March 1, 2019, all plaintiffs sustained extreme and substantial damages continuing to present date. That Plaintiffs alleged injuries and damages and requested relief (past and future) loss emotional distress, compensatory damages, pecuniary loss pain and suffering prospective relief mental anguish and loss of enjoyment of life and monetary damages and warrant punitive damages. That Plaintiff alleged all defendants' egregious negligence in concert with defendants, Springfield, PD officers and agents and plaintiffs' damages more than \$1,000,000.00 (one million dollars) for compensatory and punitive damages, a jury question.

106. As a direct and proximate cause and result of all defendants on March 1-2, 2019, gross negligence, breaches of duties, malicious assaults, recklessness, conscious indifference, and/or willful action and misconduct and/or omissions, plaintiff's person sustained the following damages: tortuous breaches of duty(s) substantially damaged Plaintiff body and persons with negligent and intentional inflictions of emotional distress and duress. Further, subjected Plaintiffs to secondary and aggravation of pre-existing injuries with continuing mental anxiety, stress, disability, personal injury torts, because of the defendant's gross negligence. Plaintiffs were further significantly and substantially damaged, harmed, that Plaintiffs further subjected to damages of loss income, subjection to mental anxiety, PTSD and exacerbation of PTSD distress, duress, pecuniary losses, pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

107. That the above-described actions and misconduct by all defendants on March 1, 2019 demonstrated, purported and showed an unconstitutional, intentional, malicious, deliberate, conscious indifference, and a reckless disregard to Plaintiffs rights to life, subjected to mental anxiety, defect, inflictions of emotional distress, and personal injury torts as a result of assault and battery and loss of life; that shocks the conscience and significantly violated plaintiffs rights to life, liberty, and the pursuit to happiness of living in Missouri and these United States, all in violation of the due process clause of the U.S. Constitutional Amendment 14; and violation of the Due Process Clause of the Missouri Constitution Amendment 10; thus entitling plaintiff to punitive damages for the gross wrong acts and misconduct of defendants.

108. That by reason of the foregoing on March 1, 12019 plaintiffs, Allen and Maldonado have been significantly and substantially and continually too be injured and damaged for the remaining of life in an amount more than \$75,000.00.

109. That pursuant to federal statutes 42 USC 1981, 1983 and 1985, Federal Tort Act and Federal Tort Act because of federal funds and federal grants awarding to City of Springfield in combating and policing gangs related crimes and other policing of social relationships with public and citizens of Missouri and Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to plaintiffs, including, but not limited to, all defendant's willful and intentional acts and omissions and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE Plaintiffs plea and pray for judgment against defendant, Bipin J. Patel, d/b/a, Ozark Inn and co-conspirators and other defendants in conspiracy to murder and for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances and damages to punish this defendant and deter others similarly situated defendants from like conduct in the future, and for such other and further relief as is just and proper.

#### COUNT IV

COME NOW Plaintiffs, Allen and Maldonado members of protected class, by and through their Pro Se status in Count-IV pursuant to 42 USC 1981, equal protection under law "breach public contracts for safety and security" and "breach public contracts to protect and served", civil rights to life, and for their cause of action against defendant, Gomez and co-conspirators, Rachel E. Slobig, Dominic L. Jordan, Baily D. Stoddard and Amanda Simrin and other defendants, Springfield, PD and Patel, Ozark Inn because of race and national origin; and conspiracy in concert with defendant, Gomez, and other defendants, subjected plaintiffs to loss of life, PTSD, result of visiting crime scene, excessive personal injuries to plaintiffs' persons and death against all defendant(s) and agents for violations of equal protection under law and color of law, alleges, avers, and states to the Court as follows:

110. That Plaintiffs hereby incorporates herein by reference Paragraphs 1–109 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

111. That defendant, Gomez, and co-conspirator Rachel E. Slobig, girlfriend of Gomez on March 1-2, 2019 (hereinafter referred to as "Slobig") is an individual, co-conspirator with defendant, Gomez residing in the State of Missouri and in executing defendant, Gomez conspiracy to murder in this civil rights petition.

112. That defendant, Gomez, and co-conspirator Dominic L. Jordan on March 1-2, 2019 (hereinafter referred to as "Jordan") is an individual and co-conspirator with Gomez residing in the State of Missouri and in executing defendant, Gomez and other defendants' conspiracy to murder decedent, Calvin Allen, Jr. in this civil rights petition.

113. That defendant, Gomez, and co-conspirator Baily D. Stoddard on March 1-2, 2019 (hereinafter referred to as "Stoddard") is an individual and co-conspirator with Gomez residing in the State of Missouri and in executing defendant, Gomez conspiracy to murder decedent, Calvin Allen, Jr. in this civil rights petition.

114. That defendant Gomez and co-conspirator Amanda L. Simrin on March 1-2, 2019 (hereinafter referred to as "Simrin") is an individual and co-conspirator with Gomez residing in the State of Missouri and in executing Gomez conspiracy to murder decedent, Calvin Allen, Jr. in this civil rights petition.

115. On March 1, 2019, approximately 1:00 pm defendant, Gomez instructions to co-conspirator Simrin arrived at hotel, with co-conspirator Slobig, and decedent, Calvin Allen, Jr. were place in room #230 Ozark Inn hotel, second floor as invitee and guest at Ozark Inn hotel with co-conspirators, Simrin, Slobig and Jordon.

116. On March 1, 2019, co-conspirators, Jordan, and Simrin were in room #142, and co-conspirator, Stoddard, and defendant, Gomez in late afternoon and/or early evening on March 1, 2019, visited room #142 Ozark Inn hotel to party with friends' co-conspirators, Jordon, and Simrin. (Collectively hereinafter "Defendants").

117. Shortly, thereafter co-conspirator, Stoddard on March 1, 2019, visited room #230 at Ozark Inn, making inquiry for defendant, Gomez to discovered where girlfriend of Gomez, co-conspirator Slobig and decedent, Calvin Allen, Jr were parting with friends in both rooms #142 and #230.

118. Upon information, on March 1, 2019, defendants, Springfield, PD, officers, and agents including Slobig, and other co-conspirators were aware or should have been aware that defendant Gomez was shot in back by co-conspirator, Jordon and Jackson in accords to public and social media, after Gomez seeking medical attention was prescribed hydrocodone for pain two weeks before this murder.

119. On February 27, 2019, via social media and texting message thread defendant, Gomez to co-conspirators Slobig avers: "Seth Gomez ... "So wassup with you an Calvin the fuck?" "Real shit that was sum disrespectful shit you just pulled Rachel" ... "I knew you was gonna pull sum bullshit and fuck me over".

120. On February 27, 2019, via social media and texting message thread continues, defendant, Gomez, quote.... "Why you keep dodging my questions on wassup with you and Calvin" ... Rachel Slobig "Not a damn thing" ... Seth Gomez

...“Why he wants you to come over so bad then”... Rachel Slobig ... “Because he likes me like every other dude, I meet does but we also get along” unquote.

121. On February 27, 2019, via social media and texting message thread defendant, Gomez to co-conspirators Slobig in message thread conversation purports hate crime as motive between Gomez and Slobig continue: Seth Gomez ...“Got my girl staying wit the niggas who shot me the fuck” unquote.

122. On February 27, 2019, via social media and texting message thread defendant, Gomez “And Calvin likes you plus y'all get along pretty good must feel nice” unquote... Rachel Slobig “You've literally broken up with me every day sometimes twice in a day for the last couple weeks, so I am doing the same thing” unquote.

123. That plaintiffs Allen and Maldonado on March 1-2, 2019, to present date alleged were victims of egregious racial and intentional discrimination against plaintiffs, and victim Calvin Allen, Jr. during wrongful death investigations, plaintiffs are members of protected class, plaintiffs subjected to disparaging treatment and in violations of constitutional and civil rights to life and equal protection because of race (black) and national origin, (African American and Hispanic origin and decent) were criminal victims of Allen, Jr. wrongful death.

124. That plaintiffs alleged all defendant(s) and agents on March 1-2, 2019, to present date, and further discriminated and subjection to disparaging treatment against all defendants during criminal investigations of victim Allen, Jr. wrongful death because other similar situated white victims of egregious homicide and murders similar situated or alike have not been deprive of due diligence, objective and appropriate police investigations of murder and wrongful deaths.

125. That plaintiffs alleged the coroner testified on April 22, 2019, during trial for 1<sup>st</sup> Degree Murder and defendant, Gomez criminally convicted himself of the same in April 2021, and sentencing life to Missouri DOC, without possibility of parole in November of 2021.

126. That plaintiffs alleged the coroner testified on April 12-14, 2021, during trial and in toxicology reports methamphetamine at 1,000 mg and marijuana in blood stream of Calvin Allen, Jr. decease and the empty drug bottle bearing defendant Gomez name, and found by defendants, Springfield PD at the crime scene on March 2, 2019.

127. This material fact on March 2, 2019, compelled the conclusion that Calvin Allen, Jr. was subjected to lethal dose, high intake of 1,000 mgs of methamphetamine, marijuana, and Hydrocodone intoxication.

128. That on March 2, 2019, death certificate and toxicology report are absent of the blood testing for Hydrocodone 5-325, which was the drugs and legal

prescriptions subjected decedent, Calvin Allen, Jr to falling to sleep and sleeping, compounding with lethal dose of methamphetamine, unknown to Allen, Jr.

129. That plaintiffs on March 2, 2019, alleged construing of the facts the empty drug bottle found by defendant, Springfield PD, and officers at the crime scene on March 2, 2019, bared the name of Seth Gomez and the date of the prescription, which compel conclusion and contributed to Allen, Jr going to sleep.

130. That plaintiffs alleged on March 1, 2019, Hydrocodone 5-325 drug prescription bottle was empty and was found in room #230 during Springfield PD investigation. The question is did, co-conspirators Slobig, Stoddard or defendant, Gomez, left or not the empty bottle in hotel room #230 at Ozark Inn.

131. That plaintiffs alleged on March 1, 2019, Hydrocodone 5-325 which subjected Allen, Jr to (street slang speed balling), inferring mixing the meth and Hydrocodone 5-325, subsequently ingested in Allen, Jr. causing Allen, Jr to fall asleep.

132. Upon information, on March 1, 2019, co-conspirator Slobig and the other defendants, knew Slobig had obtained the hydrocodone from defendant, Gomez to indulged and engaged with Calvin Allen, Jr, unknowingly. As such prescription bottle discovered by defendant, Springfield, PD during murder investigation on March 2, 2019.

133. On March 1, 2019, plaintiffs, Allen, Jr was subjected to "unannounced entry" into hotel room #230 at Ozark Inn by defendants, Gomez and co-conspirators, Stoddard between 11:07-11:22 pm; and attack by defendant, Gomez while sleep in bed with co-conspirators, Slobig with dagger knife and 9mm handgun.

134. That Jurisdiction and venue for this cause of action on March 1, 2019, lies in U. S. District Court for Western District of Missouri, Southern Division, for the reason all events of alleged constitutional and civil rights violations, referred to herein first amended petition occurred in Western District of Missouri, Southern Division, in Springfield, Greene County, Missouri.

135. That defendants, Ozark Inn, Bipin J. Patel, d/b/a, Ozark Inn (hereinafter referred to collectively as Patel "Hotel") is and was a hotel/motel located at 2601 North Glenstone, Springfield, Missouri and was operating as such on March 1-2, 2019.

136. On March 1, 2019, in room #230 at Ozark Inn hotel via "unannounced entry" into hotel room #230, of plaintiffs, Allen, Jr by defendants, Gomez and co-conspirators, Stoddard with use of 9mm handgun and dagger knife, shot, stabbed, and over-killed decedent, Calvin Allen, Jr.

137. Upon information and belief, on March 1, 2019, prior to the shooting and stabbing of plaintiff, Calvin Allen, Jr., co-conspirators, Slobig was present in the room alone, with Calvin, Jr sleep in bed.

138. Upon information, on March 1, 2019, the other co-conspirators Jordon and Simrin provided defendant, Gomez key to enter the room #230 at Ozark Inn to make and with "unannounced entry", where defendant, Gomez then killed Calvin Allen, Jr with uses of dagger knife and 9mm handgun.

139. Upon information, on March 1, 2019, co-conspirators, Slobig, Stoddard, Simrin, and the other defendants were aware or should have been aware that defendant, Gomez possessed a gun, knife and had violent propensities and posed a danger to Allen, Jr life.

140. Upon information, on March 1, 2019, co-conspirators, Slobig acted upon their meeting of the minds with defendant, Gomez by inviting Calvin Allen, Jr. to the room #230 at Ozark Inn hotel and provided defendant, Gomez key to the room #230, which resulted in defendant, Gomez stabbing and shooting Calvin Allen, Jr. causing his death.

141. As a direct and proximate result of co-conspirators, Slobig, Stoddard, Simrin and the other defendants' misconduct on March 1, 2019, and the egregious and reckless negligence of all defendant's causes plaintiff, Calvin Allen, Jr. injuries which sustained and caused his death.

142. That after injury, on March 1, 2019, but prior to his death, plaintiff, Calvin Allen, Jr., was caused to experience substantial and great pain and suffering for which Plaintiffs are entitled to recover, pursuant to 537.090, RSMo.

143. That on March 1, 2019, co-conspirators, Slobig, Stoddard, Simrin, Jordon and the other defendants, action and misconduct was egregiously reckless and consciously disregarded the safety of others and plaintiff, Calvin Allen, Jr warrants the imposition of punitive damages and for aggravating circumstances.

144. That by the reason of the above misconduct of all defendants on March 1, 2019, as result all Plaintiffs have incurred medical and funeral expenses and have been caused to and will in the future suffer and will be deprived plaintiffs for remains life of the services, society, father son relationship, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent Calvin Allen, Jr.

145. That by reason of the foregoing, all Plaintiffs have been damaged in an amount more than \$75,000.00, seventy-five thousand dollars.

146. That pursuant to Federal Statues, 42 USC 1981, equal protection, 1983 deprivation and 1985 conspiracy and Federal Tort Act because of federal funds and federal grants awarding to City of Springfield in combating and policing gangs related

crimes and other policing of social relationships with public and citizens of Missouri and Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to co-conspirators, Slobig's and other defendants willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE, Plaintiffs, Allen and Maldonado pray for judgment against defendant, Gomez and co-conspirators, Rachel E. Slobig for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances and damages to punish this defendant and deter others similarly situated defendants from like conduct in the future, and for such other and further relief as is just and proper.

#### COUNT V

COME NOW Plaintiffs, Calvin Allen, Sr and Marixia Maldonado are members of protected class, by and through their Pro Se status in Count-V pursuant to 42 USC 1981, equal protection of law "breach public contracts for safety and security" and "breach public contracts to protect and served", civil rights to life and for their cause of action against defendant, Gomez and co-conspirator Dominic L. Jordan because of race, in conspiracy with defendant, Gomez subjected plaintiffs, Allen, Jr to ambush while sleep in bed with Slobig to excessive personal injuries to plaintiffs' persons, demise and wrongful death against all defendant(s) and agents for violations of equal protection, alleges, avers, and states to the Court as follows:

147. That Plaintiffs hereby incorporates herein by reference Paragraphs 1-146 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

148. That co-conspirator Jordon on March 1, 2019, alone with co-conspirators, Simrin, and Slobig, including plaintiff, Calvin Allen, Jr arrived in Simrin vehicle at Ozark Inn to rent rooms and parties with friends. Upon Simrin renting hotel rooms #230 is the room Slobig and Allen, Jr, and room #142 was rented for Jordon and Simrin.

149. That defendant, Gomez on March 1, 2019, at 11:10-11:22 pm before commencing the murder...begin texting urgently ... Simrin for ride... Stoddard will be in bathroom...from hotel and co-conspirator Jordon locked out of room.

150. That defendant, Gomez on March 1, 2019, were texting co-conspirator Simrin at night club... Jordon urgently because he was lock out of room #142 Ozark Inn and needing a key to get in room and ride from hotel.

151. That defendant, Gomez, and co-conspirator, Jordon on March 1, 2019, was identified by another invitee of hotel in adjoining room reporting and seeing Jordon leaving from the scene of the murder and gunshots on second floor Ozark Inn, room #230, walking in fast passe with mask on face.

152. That on March 2, 2019, defendants, Springfield PD, detectives, and officers during investigation discovered decedent Calvin Allen, Jr **cell phone** in co-conspirator, Jordon possession, after lying to officers in (2) two previous inquiries by law enforcement.

153. That on March 2, 2019, defendants, Springfield PD, detectives, after Jordon on two different occasions lied to Springfield PD detectives and officers during investigations of murder and the whereabouts of ... Allen, Jr cell phone, which subsequently, fell from lap of Jordon during Springfield PD interrogation and investigation.

154. That on March 2, 2019, defendants, Springfield PD, co-conspirators, Simrin, and Jordon were in room #142, first floor of hotel, as such misconduct described therein of Dominic L. Jordon resided in Springfield, MO 65802.

155. On March 1, 2019, approximately 11:15 pm defendant Gomez subjected plaintiffs, Allen, Jr. at Ozark Inn room #230 to “unannounced entry” into hotel room with co-conspirator, Stoddard; and co-conspirator, Jordon gave defendant, Gomez key to victim Calvin Allen, Jr and Slobig room #230.

156. On March 1, 2019, and March 2, 2019, Calvin Allen, Jr. was in a room at Ozark Inn motel, when defendant, Gomez brutally attack Allen, Jr while sleep in bed with Slobig shot six times with 9mm handgun and stabbed and cut with dagger knife to Calvin Allen, Jr. body causing his death.

157. On March 1, 2019, approximately 11:15-11:22 pm co-conspirator, Jordon gave Allen, Jr room key to Gomez; as such afforded “unannounced entry” into hotel room #230; and attack by defendant, Gomez, while sleep in bed with co-conspirator, Slobig with dagger knife and handgun.

158. Upon information, on March 1, 2019, prior to the shooting and stabbing of Calvin Allen, Jr., co-conspirator, Jordan was present in the room #142 with the other co-conspirators, provided Gomez key to room, allowed defendant, Gomez to enter the room “unannounced entry” in room #230, where defendant, Gomez then killed Calvin Allen, Jr.

159. Upon information, on March 1, 2019, co-conspirator, Jordan with all the other co-conspirators were aware or should have been aware that defendant, Gomez possessed a gun, knife and had violent propensities and posed a danger to plaintiffs, Allen, Jr in hotel room with Slobig.

160. Upon information, on March 1, 2019, co-conspirator, Jordan acted upon their meeting of the minds and planning the murder by taking and inviting Calvin Allen, Jr. to the room #230 at Ozark Inn hotel, with Slobig.

161. Upon information, co-conspirator, Jordan provided key to room #230, allowing defendant, Gomez, and Stoddard into the room, which resulted in defendant, Gomez stabbing and shooting Calvin Allen, Jr. causing his death.

162. As a direct and proximate result of co-conspirator, Jordan's egregious deceit, breach, and reckless conduct and negligence on March 1, 2019, in conspiracy providing defendant, Gomez key to plaintiff, Calvin Allen, Jr., room #230 was attack by Gomez while sleep in bed with Slobig was brutally injured and the injuries he sustained caused Allen, Jr death.

163. That after injury, on March 1, 2019, but prior to his death, Calvin Allen, Jr., was caused to experience great pain and suffering for which Plaintiffs are entitled to recover, pursuant to 537.090, RSMo.

164. That on March 1, 2019, co-conspirator Jordan's action misconduct was egregiously reckless and consciously disregarded the safety of plaintiff, Calvin Allen, Jr., and others and warrants the imposition of punitive damages and aggravating circumstances.

165. That by the reason of the above, since March 1, 2019, all plaintiffs have incurred medical and funeral expenses and have been caused to and will in the future suffer and will be deprived of the father, mother and son relationships, services, society, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent Calvin Allen, Jr.

166. That by reason of the foregoing, Plaintiffs have been damaged in an amount more than \$75,000.00, seventy-five thousand dollars.

167. That Pursuant to Federal Statues, 42 USC 1981, equal protection, 1983 deprivation and 1985 conspiracy and Federal Tort Act because of federal funds and federal grants awarding to City of Springfield in combating and policing gangs related crimes and other policing of social relationships with public and citizens of Missouri and Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendant Jordan's willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE Plaintiffs plea and pray for judgment against defendant, Gomez and co-conspirator, Dominic L. Jordan and other co-conspirator and other defendants for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein,

damages for aggravating circumstances and damages to punish this defendant and deter others similarly situated defendants from like conduct in the future, and for such other and further relief as is just and proper.

#### COUNT VI

COME NOW Plaintiffs, Allen and Maldonado members of protected class (African American and Hispanic origin) by and through their Pro Se status in Count VI pursuant to 42 USC 1981, equal protection of law “breach public contracts for safety and security” and “breach public contracts to protect and served”, civil rights to life and for their causes of action against co-conspirator, Baily D. Stoddard because of race, national origin and in conspiracy with defendant, Gomez attack plaintiffs, Allen, Jr while sleep with Slobig subjected plaintiffs to PTSD, and substantial and excessive personal injuries to plaintiffs’ persons and cause death against all defendant(s) and agents for violations of equal protection, alleges, avers, and states to the Court as follows:

168. That Plaintiffs hereby incorporates herein by reference Paragraphs 1–167 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

169. Upon information, on March 1, 2019, co-conspirator, Stoddard came to hotel to party with friends and was making and inquiring for Gomez girlfriend Slobig and visited Allen, Jr. room #230, and seen Slobig.

170. That on March 1, 2019, co-conspirator, Stoddard seen Gomez, girlfriend Slobig and Allen, Jr, relationship was in room #230; and visited Simrin and Jordon in room #142, and the misconduct described herein of co-conspirator, Stoddard resides in Springfield, MO 65802.

171. That defendant, Gomez, and co-conspirator Stoddard testified April 22, 2019, at preliminary hearing that Calvin Allen, Jr. and Slobig were at the hotel together and Stoddard and Gomez showed up at the hotel later that evening on 3/1/19 together but no time specific in testimony.

172. That defendant, Gomez, and co-conspirator Stoddard admitted on April 24, 2019, after preliminary hearing via social media that she witnesses the entire brutal and vicious murder of decedent, Allen, Jr. by Gomez, and other co-conspirators.

173. That defendant, Gomez, and Stoddard as eyewitness of the murder, the infamous co-conspirator Stoddard implicates herself in the murder via social media. See co-conspirator, Stoddard on social media platform Facebook messenger on April 24, 2019, as set forth in message thread below to wit:

**[sic] All y'll talking all this shit on dude but fail to realize there's more to this fucking story than what meets the eye. So, unless you was there and witnessed the whole fucking situation keep ya mouth shut. [sic].**

174. As such defendant, defendant, Gomez on April 24, 2019, and his long-standing girlfriend Slobig and co-conspirator, Stoddard bragging about murder as **persons of interest**, so unless you were there and Stoddard witnessed the brutal murder on 3/1/19, and the whole fucking situation keep your mouth shut.

175. That on March 1, 2019, in accords co-conspirator Stoddard action and misconduct in the murder of Calvin Jr. because of her own admission that "she witnessed the whole fucking situation" and purports intimate actions and misconduct in the murder.

176. That co-conspirator, Stoddard on March 1, 2019, at 11:10-11:22 pm (as person of interest and suspect) because she aided and abetted the murder by holding Slobig and dog in bathroom during Gomez and co-conspirators murderous attack on Allen, Jr while sleeping.

177. That defendant, Gomez, on March 1, 2019, and co-conspirators testimony of Slobig and Stoddard both placed co-conspirators, Jordon at the hotel earlier that day and during the evening time of murder on March 1, 2019, at 11:10-11:22 pm at Ozark Inn.

178. That defendant, Gomez on March 1-2, 2019 and co-conspirators circumstantially, evidences via social media and text communication between co-conspirators, Slobig and Jordon on March 1-2, 2019, at 11:10-11:22 pm during and directly after the brutal murder.

179. That on April 22, 2019, co-conspirators, Stoddard testified direct and cross that someone else dropped her and Gomez off on March 1, 2019, at the hotel but would only say "someone else" she would not name the individual and no time specific.

180. That defendant, Gomez, and co-conspirator Stoddard on April 22, 2019, testified inconsistently and subjectively during preliminary hearing and as to probable cause statements on March 3, 2019, by detective, Kelly Patton.

181. That on April 22, 2019, co-conspirators, Stoddard hadn't heard gunshots, until they (Stoddard and Slobig) got to Kearney Street, pretext, and lacks credence because of distance. Inconsistent and perjurious testimony by co-conspirators, Stoddard and Slobig in preliminary hearing on 4/22/19.

182. That on April 22, 2019, during the preliminary hearing Stoddard testified to murderous attack by Gomez and co-conspirator Dominic Jordon, which Stoddard prevented Slobig from seeing and witnessing Jordon presence on March 1, 2019, during the murder.

183. That on March 2, 2019, plaintiffs after the murder visited and made inspection of crime scene at Ozark Inn; and decedent, Calvin Jr was in bed sleep with Slobig. As such visit, by plaintiffs, subjection to PTSD, post-traumatic stress disorder and substantial personal injuries and continuing to present date.

184. That on March 2, 2019, plaintiffs visited the murder crime scene at Ozark Inn and discovered the first stab wound attack to Allen, Jr by Gomez evidences significant blood spot on mattresses in the first bed next to bathroom in room #230, where Allen, Jr, was sleeping.

185. That on March 1, 2019, after plaintiffs visited crime scene discovered that parties purport direct actions and misconduct in the brutal murder wittingly or unwittingly: Bipin Patel, d/b/a Ozark Inn clerk, City of Springfield Defendants, Amanda Simrin, Dominic Jordon, Bailey Stoddard, and Rachael Slobig actions and misconduct of above parties involved in this murder is extremely suspect...wittingly or unwittingly...knowingly...or...unknowingly by virtue of circumstantial actions and misconduct of above parties.

186. That co-conspirator, Stoddard on March 1, 2019, in conspiracy with defendant, Gomez subjected plaintiffs, Allen, Jr to "unannounced entry" into hotel room by Gomez between 11:07-11:22 pm; and Allen, Jr. was attack by Gomez, while sleep in bed with Slobig with dagger knife, 9 mm handgun and cause his death.

187. On March 1-2, 2019, Calvin Allen, Jr. was in a motel room #230 at Motel, when co-conspirator, Jordon provided Gomez, and Stoddard key to room to make "unannounced entry" into Allen, Jr room #230, brutally shot and stabbed Calvin Allen, Jr. causing his death.

188. Upon information, on March 1, 2019, prior to the shooting and stabbing of Calvin Allen, Jr., Stoddard was present in the room #142, with Jordon that provided Gomez key to room #230, which allowed defendant, Gomez to enter the room where Gomez then killed Calvin Allen, Jr., while sleep in bed with Slobig.

189. Upon information, on March 1, 2019, co-conspirator, Stoddard with the other co-conspirator were aware or should have been aware that defendant, Gomez possessed a gun, knife and had violent propensities and posed a danger to Allen, Jr. with Slobig.

190. Upon information, on March 1, 2019, defendant Gomez and Simrin planning with co-conspirator, Stoddard acted upon their meeting of the minds by acting of inviting plaintiffs, Calvin Allen, Jr. with co-conspirator, Slobig to the room #230, at Motel and allowing defendant, Gomez in the room, which resulted in Gomez stabbing and shooting Calvin Allen, Jr. causing his death.

191. As a direct and proximate result on March 1, 2019, of co-conspirator, Stoddard, Simrin and Jordon actions and misconduct with defendant, Gomez and

their premeditated murderous plans and egregious negligence, and conspiracy against plaintiff, Calvin Allen, Jr., attack by Gomez and was injured and the injuries he sustained caused his death.

192. That after injury, on March 1, 2019, but prior to his death, plaintiff, Calvin Allen, Jr., was caused to experience substantial and great pain and suffering for which Plaintiffs are entitled to recover, pursuant to 537.090, RSMo.

193. That co-conspirator, Stoddard's on March 1, 2019, in conspiracy with defendant, Gomez malicious misconduct was egregiously reckless and consciously disregarded the safety of others, including plaintiff, Allen, Jr warrants the imposition of punitive relief and damages for aggravating circumstances.

194. That by the reason of the above, on March 1, 2019, to present date plaintiffs have incurred medical and funeral expenses and have been caused to and will in the future suffer and will be deprived of the services, society, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent Calvin Allen, Jr.

195. That by reason of the foregoing, on March 1, 2019, Plaintiffs have been damaged in an amount more than \$75,000.00.

196. That pursuant to 42 USC 1981, equal protection, 1983, deprivation and 1985, conspiracy to deprived and Federal Tort Act because of federal funds and grants awarding to City of Springfield in combating and policing gangs related crimes and other policing of social relationships with public and citizens in Springfield, Missouri and Missouri RSMo section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendant Stoddard's willful and intentional acts and/or acts made with conscious disregard for safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE, Plaintiffs pray for judgment against defendant Gomez, and other co-conspirators, Baily D. Stoddard and other defendants for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances and damages to punish this defendant and deter others similarly situated defendants from like conduct in the future, and for such other and further relief as is just and proper.

#### COUNT VII

COME NOW Plaintiffs, Allen and Maldonado members of protected class (African American and Hispanic origin) by and through their Pro Se status in Count-VII pursuant to 42 USC 1981, equal protection of law "breach public contracts for safety and security" and "breach public contracts to protect and served", civil rights

to life, and for their cause of action against defendant, Gomez and co-conspirators, Amanda L. Simrin because of race, national origin and in conspiracy with defendant, Gomez subjected plaintiffs to loss of life, death and PTSD, post-traumatic stress disorder and excessive personal injuries to plaintiffs' persons and cause death against all defendant(s) and agents for violations of equal protection, alleges, avers, and states to the Court as follows:

197. That Plaintiffs hereby incorporates herein by reference Paragraphs 1–196 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

198. On February 27, 2019, co-conspirators, Simrin, Stoddard, and Jordon all was advise of messages and communications by Gomez via social media, and the text message thread from Gomez to Slobig avers as follows:

**"Seth Gomez-** "So wassup with you an Calvin the fuck?" "Real shit that was sum disrespectful shit you just pulled Rachel" "I knew you was gonna pull sum bullshit and fuck me over" "Why you keep dodging my questions on wassup with you and Calvin"

**Rachel Slobig-** "Not a damn thing"

**Seth Gomez-** "Why he wants you to come over so bad then"

**Rachel Slobig-** "Because he likes me like every other dude, I meet does but we also get along", see (P158).

**Seth Gomez-** "Got my girl staying wit the niggas who shot me the fuck" "And Calvin likes you plus y'all get along pretty good must feel nice"

**Rachel Slobig-** "You've literally broken up with me every day sometimes twice in a day for the last couple weeks, so I am doing the same thing," see (P.152)".

199. That on February 27, 2019, Gomez begin planning murder with co-conspirators Simrin, Stoddard, Slobig and Jordon, person of interest, aided, abetted, and accomplices in the murder of Allen, Jr in renting and the location of rented rooms #230 and #142 at Ozark Inn, Springfield Missouri.

200. As such, on March 1, 2019, co-conspirators Simrin and Jordon invited decedent, Allen, Jr and Slobig as invitees arrive at Ozark Inn in Springfield, Missouri, as Simrin vehicle arrived 1:00 pm on 3/1/19, to socialized and party with friends. After arrival Simrin rented and paid for two hotel rooms.

201. That on March 1, 2019, co-conspirators, Simrin, and Jordon was in room #142, first floor of hotel; and decedent, Allen, Jr and Slobig as invitee's Ozark Inn hotel room #230, murder commencing at 11:10 pm up to 11:22 pm on 3/1/19.

202. That on March 1, 2019, co-conspirators, Simrin received text messages from Gomez at 11:10 pm up to 11:22 pm and at the time of defendant, Gomez and co-conspirator, Stoddard made "unannounced entry" into Allen, Jr...urgently requesting and needing a ride from Ozark Inn hotel ... leaved car running, ... Baily will be in bathroom

203. That on March 1, 2019, at the same time ... co-conspirators, Jordan was texting, co-conspirators, Simrin he was lock out of hotel room #142 and the misconduct described herein of Amanda L. Simrin resided in Springfield, Greene County, and State of Missouri.

204. On March 1, 2019, subjected plaintiffs, Allen, Jr to "unannounced entry" into hotel room #230, by defendant, Gomez; and Allen, Jr attack by Gomez, while sleep in bed with Slobig with dagger knife and handgun, when Gomez shot and stabbed Calvin Allen, Jr. causing his death.

205. Upon information, on March 1, 2019, prior to the shooting and stabbing of Calvin Allen, Jr., co-conspirator, Simrin was present in the room #142, with the others that provided key to Allen, Jr. room, which allowed Gomez to enter the room unbeknownst to plaintiff, Allen, Jr. where Gomez then killed Calvin Allen, Jr.

206. Upon information, on March 1, 2019 co-conspirator, Simrin and other co-conspirator, were aware or should have been aware that defendant, Gomez possessed dagger knife and handgun and had violent propensities and posed a danger to Allen Jr because of (2) two weeks acquaintance with co-conspirator, Slobig.

207. That plaintiffs Allen and Maldonado on March 1-2, 2019, to present date alleged were victims of egregious racial and intentional discrimination against the plaintiffs and victim Allen, Jr. during wrongful death investigations, than other similar situated Caucasians murders and homicide investigations, plaintiffs were member of protected class, and plaintiffs subjected to disparaging treatment and violations of constitutional and civil rights to life and equal protection because of race (black) and national origin (African American and Hispanic origin and decent) were criminal victims of Allen, Jr. wrongful death.

208. That plaintiffs alleged defendant(s) and agents on March 1-2, 2019, to present date further discriminated and subjection to disparaging treatment against all defendants during criminal investigations of victim Allen, Jr. wrongful death because other similar situated white victims of egregious homicide and murders similar situated or alike have not been deprive of due diligence, objective and appropriate police investigations of murder and wrongful deaths.

209. On March 1, 2019, co-conspirators, Simrin acted upon their meeting of the minds by inviting plaintiff, Calvin Allen, Jr. with co-conspirators, Slobig to parties with friends in room #230 at hotel.

210. On March 1, 2019, co-conspirators, Simrin, and Jordon allowing defendant, Gomez to visit in room #142, planning conspiracy to murder with all other

co-conspirators, friends which resulted in defendant, Gomez attacking plaintiff, Calvin Allen, Jr. stabbing, while sleeping with Slobig and shooting causing his death.

211. As a direct and proximate result of co-conspirators, Simrin, Jordon, Stoddard, and Slobig on March 1, 2019, with defendant, Gomez depraved mind, egregious and reckless negligence and misconduct attack plaintiff, Calvin Allen, Jr., while sleep in bed with Slobig was substantially injured with dagger knife and 9mm handgun and the injuries he sustained caused his death.

212. That after injury, on March 1, 2019, but prior to his death, plaintiff, Calvin Allen, Jr., was caused to experience substantial, great pain and suffering for which Plaintiffs are entitled to recover, pursuant to 537.090, RSMo.

213. That on March 1, 2019, co-conspirators, Simrin's, and Jordon, as co-actor with defendant, Gomez depraved minds and misconduct was egregiously reckless and consciously disregarded the safety of others, plaintiff, Calvin Allen, Jr warrants the imposition of punitive relief and damages for aggravating circumstances.

214. That by the reason of the above, on March 1, 2019, Plaintiffs have incurred medical and funeral expenses and have been caused to and will in the future suffer and will be deprived and denied of father son relationship and mother son relationship, including deprived of the services, society, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent Calvin Allen, Jr.

215. That by reason of the foregoing, on March 1, 2019, Plaintiffs have been damaged in an amount more than \$75,000.00 seventy-five thousand dollars.

216. That pursuant to 42 USC 1981, equal protection, 1983, deprivation and 1985, conspiracy, and Federal Tort Act because of federal funds and federal grants awarding to City of Springfield in combating and policing gangs related crimes and other policing of social relationships with public and citizens in the Springfield, Missouri and Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, co-conspirators, Simrin's willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE Plaintiffs plea and pray for judgment against co-conspirators, Amanda L. Simrin in concert with defendant, Gomez and other co-conspirators, and the other defendants for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances and damages to punish this

defendant and deter others similarly situated actors and defendants from like conduct in the future, and for such other and further relief as is just and proper.

**COUNT VIII**

COME NOW Plaintiffs, Allen and Maldonado members of protected class (African American and Hispanic origin) by and through their Pro Se status in Count-VIII pursuant to 42 USC 1981, equal protection of law “breach public contracts to protect and served”, civil rights to life and for their cause of action against defendants, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (Individually and Collectively as State Actors Defendants), other co-conspirators and defendants, referred to herein as City of Springfield defendant's on March 1-2, 2019, in the brutal murder of Calvin R. Allen, Jr., at Ozark Inn in Springfield, Missouri; and plaintiffs causes of action for violations of plaintiffs constitutional and civil rights to life, equal protection under law because of race and national origin against all City of Springfield defendant's “breach public contracts to protect and served”, as result of the brutal murder and wrongful death post investigations, violating plaintiffs, civil and constitutional rights to life, alleges, avers, and states to Court as follows:

217. That Plaintiffs hereby incorporates herein by reference Paragraphs 1-216 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

218. On March 1, 2019, the night of the murder and before defendant, Gomez diabolical murder attack, directly communicated with co-conspirator, Simrin via text requesting urgent ride from the Ozark Inn at 11:07-11:22 pm, which evidences via social media, text messages, and defendant, Springfield PD investigation and reports.

219. That on March 1, 2019, defendant, Gomez urgently...via texting and expressing to co-conspirator, Simrin...leave car running and Bailey will be in bathroom...before commencing the murderous attack with “unannounced entry” into plaintiff, Calvin Allen, Jr, and co-conspirator, Slobig room #230 at Ozark Inn.

220. Upon, information on March 1, 2019, co-conspirator, Jordon provided defendant, Gomez the key to Calvin, Jr room #230, while sleeping with Slobig purports murder complicity and conspiracy commencing at 11:07-11:22 pm at Ozark Inn purports agreement with other co-conspirators parties of interest via social media, Facebook messenger and texting.

221. On March 1, 2019, at Ozark Inn all invitees at Ozark Inn, hears co-conspirators, Slobig at the time of murder commencing at 11:07-11:22 pm is woman the screaming for help echoing through out hotel, herd by other invitees of Ozark Inn and eyewitness seeing co-conspirator, Jordon walking in fast pace coming from direction of crime scene and room #230 at 11:10-11:22 pm.

222. On March 1, 2019, at Ozark Inn all invitees heard co-conspirator, Slobig a woman screaming, evidences the “**unannounced entry**” into the room #230 of Allen, Jr. and the beginning of TSD, time since death of victim Allen, Jr and between 11:10-11:22 pm on March 1, 2019, at Ozark Inn and co-conspirator, Slobig was the only female and woman in room and in bed with decedent, Allen, Jr.

223. On March 1, 2019, direct evidence of eyewitness seeing co-conspirator, Jordon in Springfield PD reports on March 1, 2019: “she reported the male was taller than her, saying she is 5’1” and she believed he was possibly in his early twenties, eyewitness/invitee, Swanigan said “the male had his hands in his pockets, and he was running kinda fast” which she found suspicious.

224. On March 1, 2019, direct evidence of invitee at Ozark Inn purports circumstantial and direct evidence of eyewitnesses seeing co-conspirator, Jordon and described the clothes and mask he had on leaving the crime scene at 11:10-11:20 pm on 3/1/19.

225. On March 1, 2019, direct evidence, and coupled with fact and eyewitnesses of hearing a female screaming for help echoing through out hotel that evidences it was “unannounced entry” into room #230, purports conspiracy and premeditation by defendants, Gomez and Stoddard and other co-conspirators.

226. On March 1, 2019, direct evidence with the eyewitnesses in hotel adjoining room seeing young African American male leaving and walking at fast pace from room #230 (after the (6) six gunshots with 9mm handgun and female screaming) and brutal murder crime scene accurately describes co-conspirator, Jordon leaving crime scene with mask on.

227. On March 1, 2019, defendant, Patton reports of Springfield PD investigation are supported by accurate description of co-conspirator, Jordon, and the clothes and mask he was wearing at 11:07-11:22 pm at Ozark Inn by an eyewitness and invitee leaving the crime scene of murder, gunshots from room #230, on second floor of hotel.

228. On March 1, 2019, co-conspirator, Jordan was seen on Ozark Inn video surveillance on at 11:15-11:22 pm on video surveillance camera roaming the parking lot, which was detraction.

229. On March 1, 2019, co-conspirator, Jordan, actions and misconduct of obstruction and covering up the time and location of murder with defendant, Patel hotel clerk and defendant, Springfield PD officers’ actions, misconduct and dereliction of police investigation and duty, purports conspiracy and complicity in murder and wrongful death, of plaintiff, Allen, Jr.

230. On March 1, 2019, this action by co-conspirator Jordon was done purposely, while texting on the **dead man** phone Calvin, Jr, to co-conspirator,

Simrin... requesting urgently come to the hotel...because co-conspirator, Jordon was allegedly locked out of the room # 142 at Ozarks Inn.

231. On March 1, 2019, Springfield PD reports state the defendant, Patel and Ozark Inn video surveillance of co-conspirator, Simrin being assisted by defendant, Patel hotel clerk. That on 3/1/19 "at 11:19 pm defendant, Patel can be seen letting co-conspirator, Simrin into the hotel west building room #142.

232. On March 1, 2019, when co-conspirator, Simrin returned to the hotel, Simrin called the defendant, Patel to help get them back into their room #142. As alleged by co-conspirator, Jordan after the defendant, Patel opened the door to their hotel room #142, seen a shotgun lying on the bed.

233. On March 1, 2019, reports co-conspirator, Simrin can be seen returning to the room #142, in the west building on foot and assisted by co-conspirator, Jordon with taking items out of the hotel room and placing them in her car.

234. On March 1, 2019, at 11:21pm co-conspirator, Simrin's vehicle pulled up to the west building and the person wearing a white over black hooded sweatshirt (co-conspirator, Jordon) can be seen getting out of Simrin's vehicle. The video on 3/1/19 showed the co-conspirator, Jordon going into the hotel room in the west building.

235. On March 1, 2019, at 11:21pm, short time later the male stepped out of the room and was seen taking bags and items out of the hotel room and putting the bags in Simrin's car.

236. On March 1, 2019, as alleged by co-conspirator, Jordan when the manager opened the door to their hotel room, alleged the defendant, Patel after seeing...the alleged... shotgun, pretext, masking and cover-up of the murder and location in room #230.

237. On March 1, 2019, as alleged by co-conspirator, Jordan and Simrin said the defendant Patel, kicked them out of the hotel room, pretext, and not true, obstruction time and location of murder in room # 230.

238. On March 1, 2019, at 11:21pm shortly thereafter, co-conspirator, Simrin and defendant, Patel, hotel manager steps out of the hotel room #142 and co-conspirator, Simrin is seen getting into her vehicle and leaving.

**FIRST 911 CALL BY DEFENDANT BILL PATEL**

239. On March 1, 2019, defendant Patel, at 11:22 pm expressing during 911 call, the alleged discovery of guns and masks in room #142, were pretext masking and covering up time and location of murder at Ozark Inn in room #230 on second floor.

240. On March 1, 2019, at 11:25 pm co-conspirator, Simrin and identified by eyewitness and invitee of co-conspirator, Jordon, wearing the black and white hooded jacket get into her car and left hotel parking lot speeding.

241. On March 1, 2019, defendant, Patel on duty made 911 call at 11:22 pm from Ozarks Inn, wellness check reference to "**check person**". Defendant, Springfield PD dispatch five different units consisting of two officers per vehicle to Ozark Inn, at 11:22 pm Springfield, Missouri, however, only one unit showed up in parking lot of defendants, Patel d/b/a Ozark Inn purports complicity and concert conspiracy knowingly or unknowingly in the murder.

242. On March 1, 2019, defendant Patel made 911 call did not involving wellness check "**check person**" but allegations of guns in room #142 Ozarks Inn, and suspicious persons co-conspirators, Simrin and Jordon leaving in black sedan car and informing 911 operator that he wanted Springfield, PD to stop to stop them.

242a. However, defendant Patel made the alleged 911 call about room #142, and directed defendant, Springfield PD to wrong room #142, purports obstruction, complicity, and conspiracy to cover up the time of murder and the murder specific location room #230.

243. On March 1, 2019, the defendants in the room #142, which co-conspirator, Jordon alleged he and Simrin were kicked out and evicted from hotel room, pretext completely absent of 911 call by Patel and PD reports masking and covering up time and room location of the murder at Ozark Inn.

244. Therefore, defendants, Patel, and Ozarks Inn allegations of eviction on March 1, 2019, at 11:22 pm lacks credence because neither the transcript or audio of 911 calls by defendants, Patel purports such facts and expressions.

245. That on March 1, 2019, at 11:30 pm Ozark Inn video surveillance and camera captured defendant, Springfield PD officers arriving and checking room #142.

246. That on March 1, 2019, at 11:22 pm after the defendants, Patel, Ozarks Inn called 911 wellness check "**check person**" to report seeing a weapon inside the hotel room #142, pretext masking and covering up time and location of murder room #230.

247. That on March 1, 2019, at 11:30 pm defendant, Springfield PD officers can be seen checking room #142 and talking to defendants, Patel hotel manager discussing guns in room, "**but no 911 calls reporting of gun shots heard**" during

the entire 911 call by Patel, pretext, masking and covering up time and location of murder in room #230.

248. That on March 1, 2019, in the records of defendant, Springfield PD on 3/1/19 responded to 911 calls and allegedly officer from dispatch 911 call advise officers to investigated room #142, at Ozark Inn, however Springfield PD officers, discovered mask and left the crime scene at Ozark Inn within **(6) six minutes of arrival**. This was co-conspirators, Jordon and Simrin room number, which Patel in 911 call reporting wanted Springfield, PD to stop car.

249. That on March 1, 2019, defendant, Springfield PD officers, as result of 911 call at 11:30 pm reference wellness check **“check person”** had a duty **“protect and served”** all defendants, Springfield PD dispatch units had a direct duty in accordance with the policies wellness check **“check every room”** at Ozark Inn for wellness check and manpower to do so.

250. That on March 1, 2019, defendant, Springfield PD officers are seen leaving the hotel at 11:36 pm. After, co-conspirators, Simrin, and Jordon's vehicle speedy out of Ozark Inn hotel parking lot minutes before defendant, Springfield PD officers arrived at the hotel at 11:30 pm.

251. That all defendants, on March 1, 2019, City of Springfield Police Department, chief, Williams and detective, Patton, patrol officers in operating law enforcement and investigations, and function of the Springfield Police Department as state actor, as political subdivision as municipality and by association of government agencies, local, Greene County and State and Federal agencies, organization and business and through its chief, detectives', police, peace officers, sergeants, captain and lieutenants, agents, and/or employees, failed to exercise reasonable and ordinary policing and investigations of wellness check, murder and subsequent discovery of body, as result of murder at Ozark Inn and egregious negligence and supervising, coupled with being egregiously negligent, purports conspiracy and/or complicity as follows:

- a. That defendants, on March 1, 2019, City of Springfield Police Department failed to properly respond to 911 call at 11:22 pm reference wellness check **“check person”** had a duty **“protect and served”** all defendants, Springfield PD dispatch units did not provide reasonable policing and investigation wellness check at Ozark Inn hotel premises.
- b. That defendants, on March 1, 2019, City of Springfield Police Department failed to properly hire train, and/or supervise its officers, employees, who were responsible for wellness checks and investigation and monitoring and patrolling the hotel premises in Springfield, Greene County Missouri for providing reasonable, objective policing and

investigation for the wellness check of hotel premises for the safety of its citizens, invitees, and customers; and

- c. That defendants, City of Springfield Police defendants on March 1, 2019, allowed defendant Gomez and co-conspirators in the murder to escape from Ozark Inn hotel property when it knew, or by using ordinary policing and investigation could or should have known, of the history of Ozark Inn dangerous propensities of crimes and criminal conduct on its premises, invitees, and customers; and
- d. That defendants, City of Springfield Police Department on March 1, 2019, did not timely arrest and remove defendant Gomez and co-conspirators after defendant Gomez acted in such a way as to indicate danger to invitees and visitors' safety, including Calvin Allen, Jr., when it had sufficient time to do so, but left the crime scene within (6) six minutes of arrival; and
- e. That City of Springfield Police Department on March 1, 2019, failed to provide procedures, training and/or instruction to its officers and employees with respect to the policy and response to wellness check of person at hotels and motels with competent and proficient police investigations; and failed to perform TSD, time since death determination of victim Calvin Allen, Jr. in efforts of ruling out or ruling in all probable suspects and parties of interest in the murder.
- f. That defendants, City of Springfield Police department on March 1, 2019, did not timely perform, respond, and investigate the wellness check for Calvin Allen, Jr. knowing of the dangerous propensities of criminal activities, at Ozark Inn and the conduct defendant Gomez and co-conspirators in sufficient time to have spared Calvin Allen Jr. life with proper room check for wellness check...Ozark Inn premises after the knife injuries and (6) six gunshots injuries with 9 mm handgun.

252. On or about March 1, 2019, a "special relationship" existed between City of Springfield defendants and decedent, Calvin Allen Jr. during tenure as citizen and resident of Springfield; and as invitee of Ozark Inn, 911 call at 11:22 pm reference wellness check "**check person**" had a duty "protect and served" all defendants, Springfield PD six different dispatch units had duty and manpower to do so, in checking all rooms.

253. At all times mentioned herein on March 1-2, 2019, City of Springfield defendants, by and through its chief, sergeants, lieutenants, captains, officers, agents and employees, owed a duty to the public, plaintiffs relied on defendants "protect and served" including decedent, Calvin Allen, Jr to exercise reasonable

policing of hotel premises and monitor criminal activities and conduct to keep and maintain on Ozark Inn and its premises in a condition reasonably safe to use by the public, all defendants had a duty to take such precautions that were reasonably necessary to protect its citizens of Springfield and Greene County, including decedent, from criminal conduct, which were reasonably known and foreseeable by Springfield Police Department officers and detectives of Ozark Inn address North Glenstone, Springfield, Missouri.

254. That on March 1, 2019, defendant Springfield PD officers' action and misconduct purports complicity and conspiracy in the murder and wrongful death because defendant, Patton and Springfield, PD had duty to check every room at Ozark Inn, as result 911call for wellness check "**check person**" including room #230, because of manpower with (6) six dispatch units.

255. That on March 2, 2019, approximately, (2) two minutes after co-conspirators, Slobig and Stoddard exited the hotel walking with a dog, evidence and captured by video surveillance of Ozark Inn on 3/2/2019 at 12:09 am.

256. That on March 2, 2019, defendant, Gomez, and co-conspirators, Slobig and Stoddard after seeing defendant, Gomez committing brutal murder and leaving crime scene at 12:11 am on 3/2/2019 evidence by video surveillance of Ozark Inn.

257. That on March 2, 2019, then ultimately all the murder suspects, Gomez, Slobig and Stoddard meeting up again and staying in an apartment on Florida Street, Springfield, Missouri clearly demonstrating a meeting of the minds, complicity, and conspiracy to murder.

258. That on March 2, 2019, shortly thereafter defendant, Gomez contacts co-conspirators, Simrin again purporting a meeting of minds, making the *prima facie* element of conspiracy at 1:07 am up to 4:18 am on 3/2/19 via social media between Gomez and Simrin.

#### SECOND 911 CALLS AT 12:13 AM BY INVITEE CAPRECE

259. That on March 2, 2019, second 911 calls at 12:13 am: Springfield PD on March 2, 2019, reporting officer's interviews invitee, Swanigan states that they checked into their room at "approximately 2300 hours" 11:00 pm March 1, 2019

260. That on March 2, 2019, invitee, Swanigan said just after responding to the room, invitee, Caprice went back to speak with staff at Ozark Inn. She reported seconds after Caprice left at 11:10 pm on 3/1/19, she heard loud beating on the wall, she was unsure if it were someone knocking on wall or gunshots.

261. That on March 2, 2019, invitee Lewis interviewed by defendant, Springfield PD on March 2, 2019, and confirmed Swanigans account the group had purchased the hotel room at 11:00 pm on 3/1/2019, shortly after arriving at the room Caprice went back to the hotel office to rent additional day.

262. That on March 2, 2019, invitee, Lewis said the argument seemed to intensify as the picture on the wall began to shake in their room. This material fact supports the time brutal murder commences at approximately 11:10 pm on 3/1/19 by defendant, Gomez, and Stoddard via “unannounced entry” into Allen, Jr room #230.

263. That on March 2, 2019, invitee, Lewis said she heard a **female scream** from the same area the noise, gunshots were coming from. She reported Lewis looked out the window and observed a male subject walk by their room, from the direction of noise and gunshots described defendant, Jordon and the clothes and mask he had on leaving the crime scene at 11:20 pm on 3/1/19.

264. That on March 2, 2019, defendant, Springfield PD on March 2, 2019, reporting officers' interviews invitee, Caprice room #228. Caprice explained when she was finished paying for another night, she went back towards the hotel room.

265. That on March 2, 2019, Caprice explained when she went up the stairs, she saw a male laying face up (which was Allen, Jr body) on the (hotel balcony) further down the hallway.

266. That on March 2, 2019, invitee, Caprice explained she thought it was a fake and then realized it was real, and Caprice started banging on her room #228 door was let inside.

267. That on March 2, 2019, invitee, Caprice called 911 because of discovery of body of Allen, Jr. and roommate of Caprice accurately described defendant, Jordon and the clothes and mask he had on leaving the crime scene at 11:20 pm on 3/1/19.

#### **SECOND 911 CALLS AT 12:13 AM CONTINUE**

268. That on March 2, 2019, invitee, Caprice made second 911 calls at 12:13 am continue, defendant, Springfield PD arrived on the scene within three minutes at 12:13 am on March 2, 2019, at Ozark Inn defendant.

269. That on March 2, 2019 after invitee Caprice 911 call reporting officers' interviews invitees Reynolds and Long (room #234) stated they heard (2) two shots approximately one hour before defendant, Springfield PD arrival on the scene at 12:16 am on 3/2/2019 at Ozark Inn defendant.

270. That on June 3, 2020, the Coroner testified during the 1<sup>st</sup> and 2<sup>nd</sup> Degree Murder arraignment on direct and cross examination on April 22, 2019, and June 3, 2020, as to the inflicted injuries by defendant, Gomez and co-conspirators that was extremely brutal, malicious, diabolical, violent, and excessive on March 1, 2019.

271. That on March 1, 2019, the injuries inflicted by Gomez and co-actors with two lethal weapons, a gun and dagger knife of 14-15 defensive (stabs and cuts) wounds to Calvin Jr upper body, hands, head, legs, arms, feet; coupled with (6) six different gunshot wounds in front legs, penius, back and groin, resulting in (11) eleven bullet holes in victim body.

272. That on March 1, 2019, then the deadly gun shot in the back by defendant, Gomez and co-actors only is questionable and suspicious because a projectile found upper walkway purports a second shooter during the egregious murder of plaintiff, Calvin Jr.

273. That on March 2, 2019, after the 911 calls as to egregious murder of Allen, Jr defendant, Springfield PD on March 2, 2019, at 12:16 am discovered the body Calvin R. Allen Jr. a human being lying dead from visible dagger knife and gun shots wounds on balcony, with body halfway in room #230.

274. That on March 2, 2019, after defendant, Springfield PD on March 2, 2019, at 12:16 am defendant, reporting officers, Teal says firsthand and eyewitness, finds and says there were "DRIED" blood on the (male) of plaintiff, Calvin R. Allen, Jr.

275. That on March 2, 2019, defendant, Teal says there was dried blood covering the male body and carpet around him", and defendant, Pyle "felt his skin to be cold to the touch" to deceased body was cold of plaintiff, Calvin R. Allen, Jr.

276. That on March 2, 2019, after defendant, Springfield PD discovered body on March 2, 2019, 12:16 am instructive, as to the (TSD) time since death of the brutal murder.

276a. That on March 2, 2019, after defendant, Springfield PD officers and coroner failed to amend autopsy to reflect and perform (TSD) time since death determination of plaintiff, Calvin R. Allen, Jr. to present date.

277. That on March 2, 2019, which is consistent with facts of 911 calls at 11:22 pm on 3/1/2019 reference wellness **check person**, but defendant, Springfield officers went to wrong room wittingly or unwittingly or knowingly or unknowingly, shocks the conscience of reasonable person.

278. That on March 2, 2019, defendant, Springfield PD defendant, officers reporting invitee, Holland explained several other events he observed prior to the shooting while he was outside of his hotel room at Ozark Inn.

279. That on March 2, 2019, defendant, Springfield PD interview of invitee, Holland spoke about how he saw two cars at the end of the hotel building and about how several cars were driving into the hotel parking lot and leaving.

280. That on March 2, 2019, defendant, Springfield PD interview invitee, Holland believed the murder incident was planned because he did not hear any voices prior to the shooting, as such parties of interest complicity, in conspiracy aided and abetted the murder.

281. That on March 1-2, 2019, defendant, Patel and employees Ozark Inn, co-conspirators as persons of interest that participated and/or complicit in the death and murder conspiracy on 3/1-2/19 knowingly or unknowingly.

281a. That on March 1-2, 2019, defendant, Patel covering up the time and location of murder at 11:22 pm 3/1/19 by directing defendant, Springfield PD officers to wrong room and/or complicity by PD with the murder during wellness check to **check person**.

282. That defendants, Springfield PD officers, as result of 911 call at 11:22 pm reference wellness check “**check person**” had a duty “protect and served” all defendants, Springfield PD officers (6) dispatch units, however only one unit arrived in Ozark Inn parking lot and went directly to room #142.

282a. That defendants, Springfield PD at 11:22 pm 3/1/19 had direct duty in accordance Springfield PD policies for wellness check “**check every room**” at Ozark Inn, as such egregious, dereliction of duty and/or complicity by PD and reckless negligence of law enforcement investigation substantially sustained the cause of death.

283. That after injury, on March 1, 2019, but prior to his death, plaintiff, Calvin Allen, Jr., was caused to experience great pain and suffering for which Plaintiffs are entitled to recover, pursuant to 537.090, RSMo. On March 1, 2019, defendants, Paul F. Williams, chief, Kelly Patton, detective, and Springfield Police Department, action, misconduct was egregiously negligent, reckless and consciously disregarded the safety of plaintiff, Calvin Allen, Jr., and others and warrants the imposition of punitive relief and damages for aggravating circumstances.

284. That by the reason of the above, on March 1, 2019, plaintiffs have incurred medical and funeral expenses and have been caused to and will in the future suffer and will be deprived of the father, mother and son relationships, services,

society, companionship, comfort, instruction, guidance, counsel, love, care, attention, support and income from decedent Calvin Allen, Jr.

285. That plaintiff alleged on March 1, 2019, defendants, Paul F. Williams, chief, Kelly Patton, detective, and Springfield Police Department, and its officers, Sargent, captains, supervisors, deprived plaintiffs of equal protection under law and civil and constitutional rights to life, failing to properly and adequately train, control, and supervise its officers and agents of the criminal and civil laws and statutes, regulations regarding wellness checks; and provisions and policies; that defendant, detective, Patton and other officers failed to follow existing policy, procedure, statutory law, or custom of the agency and the state and federal agency's in regards to Springfield Police Department, policies, laws and statutes that govern law enforcement agency, policy, practices, that govern 911 calls for wellness check of persons in hotel, and motel, and in compliance with Springfield codes in compliance Missouri laws regarding murder investigations.

286. That plaintiff alleged on March 1, 2019, defendants, Paul F. Williams, chief, Kelly Patton, detective's action and misconduct alleged herein were ministerial and *ultra vires* authority in nature, absent of delegated authority; municipal agency, Springfield Police Department, subject to liability as a result of its officials, officers detective, Kelly Patton, *ultra vires* authority and ministerial actions and misconduct; that defendant, Patton and other police officers failed to follow existing policies and/or customs investigation of this murder.

286a. That plaintiff alleged on March 1, 2019, defendants, Paul F. Williams, chief, Kelly Patton, detective's action, and misconduct regarding Missouri criminal investigations of murders, wellness checks, decedent, Calvin Allen, Jr in compliance with statutory and civil laws that govern wellness check in hotel and motels, regarding plaintiff in a timely, sufficient, adequate, and reasonable manner. As result of police failure locate plaintiff in timely manner, as result was denied and failing to provide medical attention in timely may have spared decedent Allen, Jr life; all defendants' negligence, recklessness, conscious indifference that shocks the conscience and willful actions and conduct deprived and conspired to deprive plaintiff of his constitutional and civil rights to life.

287. As a direct and proximate cause on March 1, 2019, and result of all defendant's extreme police misconduct with private actor, Ozark Inn on March 1, 2019, investigation of murder and failure to provide medical attention to decedent, Calvin Allen, Jr in timely basis; all defendants' negligence, recklessness, conscious indifference that shocks the conscience, reasonable person, and willful actions and/or misconduct deprived and conspired to deprive plaintiffs of his constitutional and civil rights to life and plaintiff sustained extreme and substantial damages and injuries of life to current date. That Plaintiff alleged and requested relief (past and future) loss emotional distress compensatory damages pecuniary lose pain and suffering

prospective relief mental anguish and loss of enjoyment of life and monetary damages and punitive damages. That Plaintiff alleged willful actions and conduct deprived and conspired to deprive plaintiff of his constitutional and civil rights to life, injuries in excess of \$1,000,000.00 (one million dollars) for compensatory and punitive damages a jury question.

288. That Pursuant to Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of plaintiff, Calvin Allen, Jr. on March 1, 2019, may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendant Jordan's willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

289. That pursuant to Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. on March 1, 2019, may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendants, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

290. That all Defendants on March 1, 2019, (official, and individual capacities) Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, and agents had an affirmative duty to protect plaintiff's safety and welfare as result of violent assaults by defendants, and injuries from the dagger knife and handgun, breaches of duties for citizen safety and dereliction of duty extreme police misconduct during investigation of murder and wrongful death as results of all defendants' negligence, recklessness, conscious indifference that shocks the conscience and willful actions and misconduct deprived and conspired to deprive plaintiff of constitutional and civil rights.

291. That all Defendants on March 1, 2019, (official corporate and individual capacities) Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, all other defendants' negligence, and recklessness of officers agents failed to follow and comply with investigation of murder and wrongful death existing policy, laws, provisions, sections, codes, the promulgation and formulation of law enforcement training of officers and agents regulations, provisions, and laws governing investigations of murder and arrest of criminal litigants, customs, policies, statutes, rules, laws, ordinances, and failed to exercise professional judgment, in a timely, proficient, efficient, sufficient, adequate, professional, and reasonable manner with pre-textual reasons for 911 calls at 11:22 pm 3/1/19, that purports malice intent.

292. As a direct and proximate cause on March 1, 2019, and result of all defendants Paul F. Williams, chief, Kelly Patton, detective, Springfield Police

Department, agents extreme police negligence of not responding to the hotel 911 call at Ozark Inn, as such direct failure to provide medical attention for Calvin Allen, Jr in timely basis; all defendants' negligence, recklessness, conscious indifference that shocks the conscience and willful actions and conduct deprived and conspired to deprive plaintiffs of constitutional and civil rights and plaintiff sustained extreme and substantial damages to current date. That Plaintiff alleged and requested relief (past and future) loss emotional distress, compensatory damages, pecuniary lose pain and suffering prospective relief mental anguish and loss of enjoyment of life and monetary damages and punitive damages. That Plaintiffs damages more than \$1,000,000.00 (one million dollars) for compensatory and punitive damages jury question.

293. As a direct and proximate cause on March 1, 2019, and result of all defendants Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, (individual and official capacities) gross negligence, breaches of duties, malicious assaults, recklessness, conscious indifference, and/or willful action and conduct and omissions, plaintiffs person sustained the following damages: tort breaches of duty(s) substantially damaged plaintiffs and person's with negligent and intentional inflictions of emotional distress and further subjected Plaintiffs to secondary and aggravation of pre-existing injuries with continuing mental anxiety, disability, personal injury torts, as a result of the defendants gross negligence. Plaintiffs were further significantly and substantially damaged, harmed, that Plaintiffs further subjected to damages of loss income, loss employment, subjection to mental anxiety, pecuniary losses, pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

294. That the above-described actions on March 1, 2019, and misconduct by all defendants Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, (official, corporate and individual capacities) demonstrated and showed an unconstitutional, intentional, malicious, deliberate, conscious indifference, and a reckless disregard to Plaintiff subjected to mental anxiety, defect, inflictions of emotional distress, and personal injury torts as a result of assault and battery; that shocks the conscience and significantly violated Plaintiffs rights to life, liberty, and the pursuit to happiness of living in Missouri and these United States, all in violation of the due process clause of the U.S. Constitutional Amendment 14; and violation of the Due Process Clause of the Missouri Constitution Amendment 10; thus entitling plaintiff to punitive damages for the gross wrong acts and misconduct of defendants.

295. That by reason of the foregoing on March 1, 2019 plaintiffs, Allen, Jr, Allen, Sr and Maldonado have been significantly and substantially and continually too be injured and damaged for the remaining of life in an amount more than \$75,000.00.

296. That pursuant to federal statutes 42 USC 1981, 1983 and 1985, Federal Tort Act and Missouri Revised Statutes Section 537.090, the aggravating

circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to plaintiffs, including, but not limited to, all defendant's willful and intentional acts and omissions and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

WHEREFORE Plaintiffs, Allen and Maldonado plea and pray for judgment against defendants, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (Individually and Collectively as State Actors Defendants) and, Co-conspirators, and other defendants for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for punitive relief and aggravating circumstances, and for such other and further relief as is just and proper.

### COUNT IX

COME NOW Plaintiffs, Allen and Maldonado members of protected class (African American and Hispanic origin) by and through their Pro Se status in Count IX pursuant to 42 USC 1983, deprive of equal protection under laws and rights to life, against defendant, Seth A. Gomez, Bipin J. Patel, d/b/a, Ozark Inn, (Individually and Personally) Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (individually, officially and collectively as State actors defendants) and Co-conspirators, Amanda L. Simrin, Dominic L. Jordon, Baily D. Stoddard, and Rachel E. Slobig; referred to herein after (personally, collectively and individually as Co-conspirators, Defendants) on March 1-2, 2019, in the premeditated and brutal murder of Calvin R. Allen, Jr., and plaintiffs causes of action for deprivation of plaintiffs constitutional and civil rights to life as result of the premeditated murder of plaintiffs, alleges, avers, and states to Court as follows:

297. That Plaintiffs hereby incorporates herein by reference Paragraphs 1-296 of Plaintiff(s) Civil Rights Petition as though fully set forth herein.

297a. Upon information, on March 1, 2019, Co-conspirators, Jordon, Simrin, Slobig and Stoddard, all were and are current RCI's-reliable confidential informants for local, city, county, state and federal law enforcement agencies in southwest Missouri and adjoining states lines in combating criminal activities for illegal guns and drug trafficking in southwest Missouri, across state lines.

297b. Upon information, on March 1, 2019, Co-conspirators, Jordon, Simrin, Slobig and Stoddard, all were and are current RCI's-reliable confidential informants. As such Plaintiffs are compelled to draw conclusion the only reason, not even one Co-conspirators in this civil action were charged with aiding and abetting and accomplices in the brutal and over-killed murder of Calvin Allen, Jr., which are warranted because there is no statute of limitation for murder.

298. That Plaintiff alleged on March 1, 2019, all defendants plan to deprive plaintiffs of civil rights to life on March 1, 2019, 1:00 pm when Co-conspirators, Simrin, Slobig, and Jordon arrived at hotel, with decedent, Calvin Allen Jr., unknown by decedent and renting and location of room #230 and room #142; was done purposely by Co-conspirators, Simrin, Stoddard, Slobig and Jordon in planning the murder.

298a. Upon information, on March 1, 2019, Co-conspirators, Slobig plaining to deprived plaintiffs of civil rights to life and the other Co-conspirators, and other defendants were aware or should have been aware that defendants, Gomez was shot in back by Co-conspirators, Jordon, and included Jackson, after Gomez seeking medical attention was prescribed hydrocodone for pain, two weeks before this murder.

298b. Shortly, thereafter Co-conspirators, Stoddard in planning the conspiracy to deprived plaintiffs of civil rights to life on March 1, 2019, visited room #230, making inquiry for defendant, Gomez, and location of hotel room, where Slobig and Allen, Jr were parting with friends.

299. On March 1, 2019, Co-conspirators, Jordan, and Simrin plaining to deprived plaintiffs, Allen, Jr of civil rights to life, when Co-conspirators, Stoddard, and Gomez, visited room #142, in collusion with Slobig to engaged and party with plaintiff, Allen and placed the prescribed hydrocodone in drink of Allen, Jr.

299a. On March 1, 2019, Co-conspirators, Simrin, Slobig, and Jordon, in late afternoon or early evening on March 1, 2019, visited room #142, and included Gomez' presence and to inform Gomez of room #230, along with key to Allen, Jr room and location of room Allen, Jr and Slobig was done purposely including and planning of the murder.

300. Upon information, on March 1, 2019, Co-conspirators, Slobig plaining to deprived plaintiffs of civil rights to life and the other Co-conspirators, and defendants, knew Slobig had obtained the hydrocodone pills from defendant Gomez to indulged and engaged with Allen, Jr unknowingly.

301. On March 1, 2019, Co-conspirators, Slobig deprived plaintiffs of civil rights to life when planning, engaging, and indulging of hydrocodone pills and prescription to sedate Allen, Jr unknowingly and the empty prescription bottle for hydrocodone was discovered by defendant Springfield, PD during murder investigation on March 2, 2019.

302. On March 1, 2019, plaintiffs, Allen, Jr was deprived of civil rights to life when subjected to "unannounced entry" into hotel room by defendants, Gomez, and Stoddard between 11:07-11:22 pm; and attack by defendant, Gomez while sleep in bed with defendant, Slobig with dagger knife and 9mm handgun, subsequent demised after living for approximately 20-30 minutes after shot in back.

303. That on March 1-2, 2019, defendant, Patel and Ozark Inn, deprived plaintiff Allen, Jr of civil rights to life when defendants participated and/or complicit in the death and murder conspiracy in renting the location of rooms by Simrin on 3/1-2/19 knowingly or unknowingly, or wittingly or unwittingly misconduct in the murder.

304. That on March 1-2, 2019, defendant Patel in covering up the time and location of murder at 11:22 pm 3/1/19 by directing defendant, Springfield PD officers to wrong room and/or officer alleged dispatched advise officer to wrong room, #142, for wellness of **check person**.

305. That on March 1, 2019, defendant, Springfield PD officers, deprived plaintiffs of civil rights to life as result of 911 call at 11:22 pm reference wellness **“check person”** had a duty “protect and served” all defendants, Springfield PD dispatch units had a direct duty in accordance policies for wellness check to **“check every room”** at Ozark Inn.

306. Therefore, defendants, Patel, and Ozarks Inn allegations of eviction on March 1, 2019, at 11:22 pm lacks credence because neither the transcript or audio of 911 calls by defendants, Patel purports such facts and expressions.

307. That on March 1, 2019, at 11:30 pm Ozark Inn video surveillance and camera captured defendant, Springfield PD officers arriving and checking room #142.

308. That on March 1, 2019, at 11:22 pm after the defendants, Patel, Ozarks Inn called 911 wellness check **“check person”** to report seeing a weapon inside the hotel room #142, pretext masking and covering up time and location of murder in room #230.

309. That on March 1, 2019, at 11:30 pm defendant, Springfield PD officers can be seen checking room #142 and talking to defendants, Patel hotel manager discussing guns in room, **“but no 911 calls reporting of gun shots heard”** during the entire 911 call by Patel, pretext, masking and covering up time and location of murder in room #230.

310. That on March 1, 2019, in the records of defendant, Springfield PD on 3/1/19 responded to 911 calls and allegedly officer from dispatch 911 call advise officers to investigated room #142, at Ozark Inn, however Springfield PD officers, discovered mask and left the crime scene at Ozark Inn within **(6) six minutes of arrival**. This was co-conspirators, Jordon and Simrin room number, which Patel in 911 call reporting wanted Springfield, PD to stop car.

311. That on March 1, 2019, defendant, Springfield PD officers, as result of 911 call at 11:30 pm reference wellness check **“check person”** had a duty “protect

and served" all defendants, Springfield PD dispatch units had a direct duty in accordance with the policies wellness check "**check every room**" at Ozark Inn for wellness check and manpower to do so.

312. That on March 1, 2019, defendant, Springfield PD officers are seen leaving the hotel at 11:36 pm. After, co-conspirators, Simrin, and Jordon's vehicle speedy out of Ozark Inn hotel parking lot minutes before defendant, Springfield PD officers arrived at the hotel at 11:30 pm.

313. As a direct and proximate result of all defendants on March 1, 2019, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, and other officers (Individually and Collectively as State Actors Defendants) egregious collusion with Co-conspirators and reckless negligence in murder investigation on March 1, 2019, deprived plaintiffs of civil rights to life, failing to find plaintiff, Allen, Jr. body on the second floor in front of room #230 in timely manner.

314. That defendants, Springfield PD officers, deprived plaintiffs of civil rights to life as result of 911 call at 11:22 pm reference wellness "**check person**" had a duty "protect and served" and check room #230 in timely manner could have spared and saved the life of decedent, Calvin Allen, Jr.,

315. That defendants, Springfield PD officers, deprived plaintiffs of civil rights to life when defendants, Springfield PD dispatch units had a direct duty in accordance policies for wellness check to "**check every room**" at Ozark Inn, as such egregious and reckless negligence of law enforcement investigation substantially sustained the cause of death of plaintiff, Allen, Jr.

316. That Pursuant to Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of plaintiff, Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendant Gomez's, and Co-conspirators, Simrin, Slobig, Stoddard and Jordon, willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

317. That pursuant to Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendants, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, willful and intentional acts and/or acts or omission made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

318. That all Defendants on March 1, 2019, (official, and individual capacities) Paul F. Williams, chief, Kelly Patton, detective, Springfield Police

Department, and agents had an affirmative duty to protect plaintiff's safety and welfare as result of violent assaults by defendants, Gomez and Co-conspirators, and injuries from the dagger knife and handgun, breaches of duties for citizen safety and dereliction of duty extreme police misconduct during investigation of murder and wrongful death as results of all defendants' collusion, negligence, recklessness, conscious indifference and/or omissions that shocks the conscience of reasonable person and willful actions and misconduct deprived and conspired to deprive plaintiff of constitutional and civil rights to life.

319. That all Defendants on March 1, 2019 (official corporate and individual capacities) Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, all defendants' negligence, and recklessness of officers agents failed to follow and comply with 911 calls for wellness check, investigation of murder and wrongful death existing policy, laws, provisions, sections, codes, the promulgation and formulation of law enforcement agents regulations, provisions, and laws governing investigations of murder and arrest of criminal litigants, persons of interest, customs, policies, statutes, rules, laws, ordinances, and failed to exercise professional judgment, in a timely, proficient, efficient, sufficient, adequate, professional, and reasonable manner with pre-textual reasons that purports malice intent to cause death for not checking all rooms, at Ozark Inn.

320. As a direct and proximate cause and result of all defendants on March 1, 2019, Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, officers, agents dispatched to Ozark Inn for wellness check of all rooms at Ozark Inn, as result failed to find Allen, Jr. timely, which defendants had the manpower in dispatched units to check all rooms at Ozark Inn, as such conduct purports collusion and conspiracy to deprived of civil rights to life, failure to provide medical attention timely; all defendants' negligence, recklessness, conscious indifference that shocks the conscience and willful actions and conduct deprived and conspired to deprive plaintiff of his constitutional and civil rights to life and plaintiff sustained extreme and substantial damages as result of loss of life. That Plaintiff alleged and requested relief (past and future) loss emotional distress, compensatory damages, pecuniary lose pain and suffering prospective relief, mental anguish and loss of enjoyment of life and monetary damages and punitive damages. That Plaintiffs damages more than \$1,000,000.00 (one million dollars) for compensatory and punitive damages.

321. As a direct and proximate cause and result of all defendants actions and misconduct on March 1, 2019, Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, (individual and official capacities) gross negligence, breaches of duties, malicious assaults, recklessness, conscious indifference, and/or willful action and conduct and omissions, plaintiffs person sustained the following damages: tort breaches of duty(s) substantially damaged Plaintiff body and person's with negligent and intentional inflictions of emotional distress and further subjected

Plaintiffs to secondary and aggravation of pre-existing injuries with continuing mental anxiety, disability, personal injury torts, as a result of the defendants gross negligence. Plaintiffs were further significantly and substantially damaged, harmed, that Plaintiffs further subjected to damages of loss income, loss employment, subjection to mental anxiety, pecuniary losses, pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

322. That the above-described actions and misconduct by all defendants on March 1, 2019 Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, (official, corporate and individual capacities) demonstrated and showed an unconstitutional, intentional, malicious, deliberate, conscious indifference, and a reckless disregard to Plaintiffs life, subjected plaintiffs to extreme mental anxiety, defect, inflictions of emotional distress, and personal injury torts as a result of assault and battery; that shocks the conscience and significantly violated Plaintiffs rights to life, liberty, and the pursuit to happiness of living in Missouri and these United States, all in violation of the due process clause of the U.S. Constitutional Amendment 14; and violation of the Due Process Clause of the Missouri Constitution Amendment 10; thus entitling plaintiff to punitive damages for the gross wrong acts and misconduct of all defendants.

WHEREFORE Plaintiffs, plea and pray for judgment against all defendants, Seth A. Gomez, Bipin J. Patel, Laxmi Enterprise, Inc, d/b/a, Ozark Inn, (Individually and Corporately Defendants) Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (Individually and Collectively as State Actors Defendants) Amanda L. Simrin, Dominic L. Jordon, Baily D. Stoddard, and Rachel E. Slobig for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances, and for such other and further relief as is just and proper.

#### COUNT X

COME NOW Plaintiffs, Allen and Maldonado members of protected class (African American and Hispanic origin) by and through their Pro Se status pursuant to 42 USC 1985, conspiracy to deprive of equal protection under laws and rights to life, and for their cause of action for claim of conspiracy to deprived of life, against defendant, Seth A. Gomez, Bipin J. Patel, d/b/a, Ozark Inn, (individually and personally) Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (individually, officially and collectively as State actors defendants) and Co-conspirators, Amanda L. Simrin, Dominic L. Jordon, Baily D. Stoddard, and Rachel E. Slobig; referred to herein after (personally, collectively and individually) as co-conspirator's on March 1-2, 2019, in the brutal murder of Calvin R, Allen, Jr., and plaintiffs causes of action for conspiracy to deprive plaintiffs constitutional and civil rights to life as result of the brutal murder plaintiffs, alleges,

avers, and states to Court as follows:

323. Plaintiffs incorporate herein by reference Paragraphs 1-322 of Plaintiffs Petition, as though fully set forth herein.

324. That Plaintiff alleged on March 1, 2019, Co-conspirators, Simrin, Stoddard, Slobig, and Jordon conspired to deprived plaintiffs of civil rights to life on March 1, 2019, 1:00 pm when Co-conspirators, Simrin, Slobig, and Jordon arrived at hotel with decedent, Calvin Allen Jr. and the renting and location of room #230 and room #142 by Simrin and co-actors to carry out the conspiracy to murder.

314. On March 1, 2019, Co-conspirators, Jordan, and Simrin conspired to deprived plaintiffs of civil rights to life when defendants, Stoddard, and Gomez, visited room #142, and Co-conspirators, Simrin, Slobig, and Jordon, in late afternoon or early evening on March 1, 2019, visited room #142, inform of room location of plaintiffs with key to room #230.

315. Shortly, thereafter Co-conspirators, Stoddard conspired to deprived plaintiffs of civil rights to life on March 1, 2019, visited room #230, making inquiry for defendant, Gomez, and location of hotel room, where Slobig and Allen, Jr were parting with friends.

316. Upon information, on March 1, 2019, Co-conspirators, Slobig conspired to deprived plaintiffs of civil rights to life and the other defendants were aware or should have been aware that defendants, Gomez was shot in back by defendants, Jordon, after seeking medical attention was prescribed hydrocodone for pain two weeks before this murder.

317. Upon information, on March 1, 2019, defendant Slobig conspired to deprived plaintiffs of civil rights to life and the other defendants, knew Slobig had obtained the hydrocodone from defendant, Gomez to indulged and engaged with Allen, Jr unknowingly.

318. On March 1, 2019, defendant Slobig conspired to deprived plaintiffs of civil rights to life when planning, engaging, and indulging of hydrocodone prescription to sedate Allen, Jr unknowingly was discovered by defendant, Springfield, PD during murder investigation on March 1-2, 2019.

319. On March 1, 2019, plaintiffs, Allen, Jr was subjected to conspiracy to deprived of civil rights to life when subjected to "unannounced entry" into hotel room by defendants, Gomez, and Stoddard between 11:07-11:22 pm; and attack by defendant, Gomez while sleep in bed with defendant, Slobig with dagger knife and 9mm handgun.

320. That on March 1-2, 2019, defendant, Patel, and Ozark Inn, conspired to deprived plaintiff Allen, Jr of civil rights to life when defendants participated and/or

complicit in the death and murder conspiracy on 3/1-2/19 knowingly or unknowingly and covering up the time and location of murder at 11:22 pm 3/1/19 by directing defendant, Springfield PD officers to wrong room to wellness **check person**.

321. That on March 1, 2019, defendant, Springfield PD officers, conspired to deprived plaintiffs of civil rights to life as result of 911 call at 11:22 pm reference **“check person”** had a duty “protect and served” all defendants, Springfield PD dispatch units had a direct duty in accordance policies to wellness **“check every room”** at Ozark Inn.

322. That on March 1, 2019, at 11:22 pm after the defendants, Patel, Ozarks Inn conspired to deprive plaintiffs of life when called 911 wellness check **“check person”** to report alleging seeing a weapon inside the hotel room #142, pretext masking and covering up time and location of murder in room #230, perfected murder conspiracy.

323. That on March 1, 2019, at 11:30 pm defendant, Springfield PD officers in concert with Patel and Ozark Inn can be seen checking room #142 and talking to defendants, Patel hotel manager discussing guns in room, **“but no 911 calls reporting of gun shots heard”** during the entire 911 call by Patel, pretext, masking conspiracy and deprivation and covering up time and location of murder in room #230.

324. That on March 1, 2019, in the records of defendant, Springfield PD on 3/1/19 responded to 911 calls and allegedly officer from dispatch 911 call advise officers to investigated room #142, at Ozark Inn, pretext masking conspiracy and deprivation of plaintiffs' civil rights to life and happiness.

325. That on March 1, 2019, Springfield PD officers, in furthering the conspiracy to deprive plaintiffs of civil rights to life, alleged discovered mask and left the crime scene at Ozark Inn within **(6) six minutes of arrival**.

325a. That on March 1, 2019, Springfield PD officers capture by video surveillance of Ozark Inn leaving crime scene and wellness check in six minutes purports, conspiracy and collusion with the co-conspirators, Jordon, Slobig, Stoddard and Simrin room number, with Patel in 911 call reporting wanted Springfield, PD to stop car.

326. That on March 1, 2019, defendant, Springfield PD officers, as result of 911 call at 11:30 pm reference wellness check **“check person”** had a duty “protect and served” all defendants, Springfield PD dispatch units had a direct duty in accordance with the policies wellness check **“check every room”** at Ozark Inn for wellness check and manpower to do so.

327. That on March 1, 2019, defendant, Springfield PD officers are seen leaving the hotel at 11:36 pm. After, co-conspirators, Simrin, and Jordon's vehicle speedy out of Ozark Inn hotel parking lot minutes before defendant, Springfield PD officers arrived at the hotel at 11:30 pm.

328. As a direct and proximate result of defendants, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (Individually and Collectively as State Actors Defendants) egregious and reckless negligence, conspiracy in murder investigation on March 1, 2019, conspired to deprived plaintiffs of civil rights to life.

329. That defendants, Springfield PD officers, conspired to deprived plaintiffs of civil rights to life as result of 911 call at 11:22 pm reference "**check person**" had a duty "protect and served" all defendants, Springfield PD dispatch units had a direct duty in accordance policy's to "**check every room**" at Ozark Inn, as such egregious and reckless negligence of law enforcement investigation substantially sustained the cause of death as to timelessness.

330. That Pursuant to Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of plaintiff, Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to Co-conspirators, Simrin, Stoddard, Slobig, and Jordon subjected Plaintiffs, Allen, Jr to willful concert murder conspiracy and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

331. That pursuant to Missouri Revised Statutes Section 537.090, the aggravating circumstances attending the death of Calvin Allen, Jr. may be considered by the trier of facts in determining how much damages should be awarded to Plaintiff, including, but not limited to, defendants, Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, willful and intentional acts and/or acts made with conscious disregard for the safety of others, including the decedent Calvin Allen, Jr.

332. That the above-described actions and misconduct by all defendants Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, (official, corporate and individual capacities) Co-conspirators defendants demonstrated and showed an unconstitutional, intentional, malicious, deliberate, conscious indifference, and a reckless disregard to Plaintiff subjected to mental anxiety, defect, inflictions of emotional distress, and personal injury torts as a result of murder; that shocks the conscience and significantly violated Plaintiffs rights to life, liberty, and the pursuit to happiness of living in Missouri and these United States, all in violation of the due process clause of the U.S. Constitutional Amendment 14; This discriminatory conduct and omissions shock the conscience of a reasonable person, whereas in extreme violation of plaintiff and rights to life under Federal Tort Act, 42

U.S.C. § 1981, 1983 and 1985 Constitutional Rights and under the Due Process Clause of the 5<sup>th</sup> and 14th Amendment to the U.S. Constitution, and the 10<sup>th</sup> Amendment to the Missouri Constitution.

WHEREFORE Plaintiffs plea and pray for judgment against all defendants, Seth A. Gomez, Bipin J. Patel, Laxmi Enterprise, Inc, d/b/a, Ozark Inn, (Individually and Corporately Defendants) Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (Individually and Collectively as State Actors Defendants) co-conspirators, Amanda L. Simrin, Dominic L. Jordon, Baily D. Stoddard, and Rachel E. Slobig for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances, and for such other and further relief as is just and proper.

**REQUEST TRIAL BY JURY**

Now, plaintiffs, Allen and Maldonado hereby respectfully request this honorable court for a trial by jury on all counts of this petition; that jury is empowered to award punitive damages in the amount that is certain to punish and deter these defendants from any further breaches of civil and constitutional rights to life, negligence misrepresentation, equal protection, deprivation, conspiracy to deprived all above defendants, that's race base and national origin African American and Hispanic discrimination and disparaging treatment in murder and wrongful death investigation.

/s/ Marixia Maldonado

---

Marixia Maldonado  
1230 N. National Avenue  
Springfield, MO 65802-1624  
(417) 873-3498-phone/fax

/s/ Calvin Allen, Sr.

---

Calvin Allen, Sr.  
1230 N. National  
Springfield, MO 65802-1624  
(417) 873-3498-phone/fax

**FIRST AMENDED PETITION**  
**PLAINTIFFS REQUEST TRIAL BY JURY**

COMES NOW, Plaintiffs', Calvin Allen, Sr. and Marixia Maldonado, members of protected class (individually and collectively as parents, husband and wife) pursuant to Federal Rules of Civil procedures hereby file first amended petition under equal protection, deprivation, conspiracy to deprived plaintiffs constitutional and civil rights to life, Federal Tort Act, and equal protection under law, as result of murder by defendant, Seth A. Gomez, co-conspirators, Stoddard, Simrin, Jordon, and Slobig, in concert with Bipin J. Patel, d/b/a, Ozark Inn, Paul F. Williams, chief of police, Kelly Patton, detective, and Springfield Police Department, (referred to herein after as City of "Springfield Defendants").

On March 1, 2019, in the murder and wrongful death of Calvin R, Allen, Jr., at Ozark Inn in Springfield, Missouri because of race, national origin, (African American and Hispanic Origin and members of protected class) and plaintiffs causes of action for egregious violations of plaintiffs constitutional and civil rights to life, equal protection, and "breach public contracts safety and security" and "breach public contracts protect and served", deprivation and conspiracy to deprived of civil rights to life because of race against all above defendant's and co-conspirators vicariously and culpable with liability of the PTSD post-traumatic stress and duress disorder, infliction of emotional distress and duress as result of the brutal, vicious murder and wrongful death of plaintiffs, alleges, avers, and states to Court as follows:

**PROBATIVE FACTS OF PARTYS**  
**COMMON TO ALL COUNTS IN PETITION**

The Court standard review *en banc* and *de novo* an abuse of discretion can occur in three principal ways: (1) when a court fails to consider a relevant factor that should have received significant weight; (2) when a court gives significant weight to an improper or irrelevant factor; or (3) when a court considers only appropriate factors but in weighing those factors commits a "clear error of judgment." **Kern v. TXO Prod. Corp.**, 738 F.2d 968, 970 (8<sup>th</sup> Cir. 1984).

Cleary, showing District Court's orders, and final judgments June 22, 2022, July 19, 2022, February 20, 2023, and August 23, 2023, purports egregious abuses of discretion that occurred in all of the three principal ways by District Court, "relevant factor, improper or irrelevant factor and in weighing factor...clear error of judgment," as supported by the panel deficient judgment on December 3, 2024 in conflict with adjudicated 8<sup>th</sup> Circuit precedent case laws.

1<sup>st</sup> amended complaint pleading direct evidence of race-based discrimination intent, animus, use of racial epitaphs .....Defendants, Gomez, prior to the murderous attack by Gomez on Allen Jr. and Slobig sleeping, because of race... **“got that nigga up there with my woman that shot me”**...can be construed as hate crime, (R.Doc-14,¶¶1,3,297a-297b), as such complaint plead race-based animus and discriminatory intent.

1<sup>st</sup> amended complaint pleading tampering with 911 Emergency Communication ....That on March 1, 2019, at 11:10-11:22 pm after the defendants, Bipin Patel, d/b/a Ozarks Inn and after the murder called 911 reference policies for wellness **“check person”**. However, the 911 calls records don't show or reporting by any invitee of hotel or clerk, Patel that **“gun shots were heard”** during the entire 911 call by Patel at 11:22 pm, lacks credence purports tampering with 911 Emergency Communication for Springfield-Greene County. 1<sup>st</sup> amended complaint Pleading breach and fail train and to performed duty in accordance policies for wellness check **“check every room”** at Ozark Inn .... if all of the four to six different dispatch units of Springfield PD at 11:22 pm had performed duty in accordance policies for wellness check **“check every room”** at Ozark Inn for wellness check, per 911 call could have assisted officers checking all rooms. (R.Doc-14,¶¶ 4,5,6,7,8,9).

1<sup>st</sup> amended complaint pleading breach and fail train and to performed duty in accordance policies for wellness check.....That on March 1, 2019, defendant, Springfield PD officers, as result of 911 call by Patel at 11:22 pm reference policies for wellness **“check person”** had a duty **“protect and served”** all defendants, Springfield PD dispatch units had a direct duty in accordance policy's to **“check every room”** at Ozark Inn for wellness check. (R.Doc-14,¶¶ 5, 6,7,8,9). 1<sup>st</sup> amended complaint pleading Allen, Jr., invitee public accommodation contract establishment arrived at Ozark Inn in Springfield, Missouri, in Simrin vehicle approximately 1:00 pm on 3/1/19, to socialized and party with friends. 1<sup>st</sup> amended pleads Slobig after arrival assisted Simrin renting and paid for two motel rooms, for invitee, Calvin R. Allen, Jr and Rachael Slobig in room #230 motel; (R.Doc-14,¶¶ 10,14,16,17,18,19,20,21,22,23,24).

1<sup>st</sup> amended Complaint pleading breach and fail train and to performed duty in accordance policies for wellness check. As such, Patel accomplices in murder at 11:22 pm made the 911 emergency call referencing check a person directed Springfield PD to wrong room and/or dispatched advise officer to go to room #142, wellness **“check a person”**, which was room #142 for Jordon and

Simrin. 1<sup>st</sup> amended complaint Pleading Allen, Jr., invitee public accommodation contract establishment. As such plead race-based discriminatory intent. 1<sup>st</sup> amended pleads *prima facie* that plaintiff on March 1-2, 2019, to present date were victims of egregious racial and intentional discrimination against defendants, plaintiffs were member of protected class, and other similar situated white victims of egregious homicide and murders not subjected to further discrimination because of race (black) and national origin (African American and Hispanic), as such violations of constitutional and civil rights to life and equal protection under law, (R.Doc.14, ¶¶52,53,54,55,59,198,207,208,216).

1<sup>st</sup> amended complaint pleading principle intent egregious intentional...willful.. race-based discrimination, premeditated, as such complaint plead race-based discriminatory intent, consciously disregarded the decedent Calvin Allen, Jr life, (R.Doc.14, ¶¶ 55, 59,61,74,75, 76a). 1<sup>st</sup> amended complaint pleading Allen, Jr., invitee public accommodation contract establishment with Patel and Ozark Inn. On March 1, 2019, decedent Calvin Allen, Jr., and co-conspirator, Rachael Slobig were guests and invitees and legally upon defendant's Patel Hotel premises.(R.Doc.14, ¶¶79,81,82,83).

Circumstantial evidence purports race-based discriminatory intent.... pleads as result of all defendant's willful means intentional exhibited and egregious negligence failure to discovered victim Allen, Jr deceased person and body on balcony at Ozark Inn at 11:22 pm on March 1, 2019, by defendants, Patel and agents, defendant, Springfield, PD, officers, and agents fail to timely discover Allen, Jr. (R.Doc. 14, ¶¶ 80-80a-f, 102,103,104). 1<sup>st</sup> amended all defendants failed provide, help and to seek medical attention for decedent, Allen, Jr., as such all-defendants' egregious negligence...conscious indifference that shocks the conscience of reasonable person, willful intentional actions and conspired to deprive plaintiffs of civil rights to life. (R.Doc.14, ¶¶104, 107,109,123,124,142,146,167,173,196).

1<sup>st</sup> amended complaint circumstantial evidence purports race-based discriminatory intent....described actions and misconduct by all defendants on March 1, 2019, pleads pursuant to equal protection, deprivation, and conspiracy all defendant's willful, intentional acts and omissions and acts safety of others, including the decedent Calvin Allen, Jr., as such the court shall find first amended complaint plead race-based discriminatory intent. (R.Doc.14, ¶¶ 287,288,289,290,291,292,293,294,295,296,297a).

1<sup>st</sup> amended complaint pleading City of Springfield promulgate policies, breach and fail to train and to performed and execute unconstitutional conduct and duty in accordance policies for wellness check... 911 call check a person.....pleading pretext on March 1, 2019, (R.Doc.14, ¶¶245-250), to check all (10) ten rooms of legal invitees at Ozark Inn in each rooms, including Room #230. As such complaint plead race-based discriminatory intent. Complaint pleading City of Springfield promulgate policies, breach and fail to train and to performed and execute unconstitutional conduct and duty in accordance policies for wellness check, 911 call for check a person, that on March 1, 2019, in the records of defendant, Springfield PD on 3/1/19 responded to 911 calls and allegedly officer from dispatch 911 call advise officers to investigated room #142, at Ozark Inn, however Springfield PD officers, discovered mask and left the crime scene at Ozark Inn within **(6) six minutes of arrival.**

1<sup>st</sup> amended pleads investigated room #142, this was co-conspirators, Jordon and Simrin room number, which Patel in 911 call reporting wanted Springfield, PD to stop car. (R.Doc.14, ¶¶247-248), as such circumstantial evidence plead race-based discriminatory intent. Complaint pleading City of Springfield failed to exercise reasonable and ordinary policing and investigations of wellness check...check person, as result of murder at Ozark Inn and egregious negligence and supervising, (R.Doc.14, ¶¶251-251-a-f), that defendants, on March 1, 2019, City of Springfield Police Department failed to properly respond to 911 call at 11:22 pm reference wellness check **“check person”** Springfield PD dispatch units did not provide reasonable policing and investigation wellness check... at Ozark Inn hotel premises, as such circumstantial evidence purports race-based discriminatory intent complaint plead race-based discriminatory intent. (R.Doc.14, ¶¶252,257,285).

1<sup>st</sup> amended complaint pleading all defendants on March 1, 2019, by all defendants and Springfield Police Department, willful and intentional acts failed to follow and comply with existing policy, laws, conscious indifference, willful action and conduct and pleads malice intent, willful actions, intentional and conduct deprived and conspired to deprive plaintiffs of constitutional and civil rights to life, all defendant's willful and intentional acts and omissions. (R.Doc.14, ¶¶286a,298a-b,316,317,318,319,320,321,322,324,330,331), as such the court shall find circumstantial evidence pleads race-based discriminatory intent. (R.Doc. 14, ¶¶297a,297b), as such effectuated the conspiracy of all defendants “meeting of minds” and deprivation with Patel and Springfield, PD, which via egregious murder and loss of life, permanently thwarted public accommodation contract of Calvin Allen, Jr.

Accordingly, for the reasons set forth in petitioners, petition for rehearing, the Court *en banc* shall liberally grant oral argument on petition for rehearing. It is expected that a panel and district court would consider this court's prior precedent, apply the facts to the prior precedent and then articulate its reasoning. As such, in support of petitioners, petition for rehearing, showing substantial conflicts in precedent case laws, prejudice and denial of constitutional and civil rights by District Court to due process of trial, including redressing civil and constitutional rights violations of due process of law and rights to life averred herein.

That the above-described actions and misconduct by all defendants Paul F. Williams, chief, Kelly Patton, detective, Springfield Police Department, (official, corporate and individual capacities) Co-conspirators defendants demonstrated and showed an unconstitutional, intentional, malicious, deliberate, conscious indifference, and a reckless disregard to Plaintiff subjected to mental anxiety, defect, inflictions of emotional distress, and personal injury torts as a result of murder; that shocks the conscience and significantly violated Plaintiffs rights to life, liberty, and the pursuit to happiness of living in Missouri and these United States, all in violation of the due process clause of the U.S. Constitutional Amendment 14; This discriminatory conduct and omissions shock the conscience of a reasonable person, whereas in extreme violation of plaintiff and rights to life under Federal Tort Act, 42 U.S.C. § 1981, 1983 and 1985 Constitutional Rights and under the Due Process Clause of the 5<sup>th</sup> and 14th Amendment to the U.S. Constitution, and the 10<sup>th</sup> Amendment to the Missouri Constitution.

WHEREFORE Plaintiffs plea and pray for judgment against all defendants, Seth A. Gomez, Bipin J. Patel, Laxmi Enterprise, Inc, d/b/a, Ozark Inn, (Individually and Corporately Defendants) Paul F. Williams, chief of police, Kelly Patton, detective, Springfield Police Department, (Individually and Collectively as State Actors Defendants) co-conspirators, Amanda L. Simrin, Dominic L. Jordon, Baily D. Stoddard, and Rachel E. Slobig for compensatory damages in such sum as is fair and reasonable, for interest at the legal rate as allowed by law, for their costs of action incurred herein, damages for aggravating circumstances, and for such other and further relief as is just and proper.

**REQUEST TRIAL BY JURY**

Now, plaintiffs, Allen and Maldonado hereby respectfully request this honorable court for a trial by jury on all counts of this petition; that jury is empowered to award punitive damages in the amount that is certain to punish and deter these defendants from any further breaches of civil and constitutional rights to life, negligence misrepresentation, equal protection, deprivation, conspiracy to deprived all above defendants, that's race base and national origin African American and

Hispanic discrimination and disparaging treatment in murder and wrongful death investigation.

Respectfully Submitted,

/s/Marixia Maldonado

---

Marixia Maldonado  
1230 N. National  
Springfield, MO 65802-1624  
(417) 873-3498-phone/fax

/s/ Calvin Allen, Sr.

---

Calvin Allen, Sr.  
1230 N. National Avenue  
Springfield, MO 65802-1624  
(417) 873-3498-phone/fax

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was served and delivered and filed with District Court on this 7th day of April 2022 and District Court clerk electronically filed and the same served via US First Class Mail to defendants without electronic filing to wit

Christopher M. Hoeman  
Assistant City Attorney,  
City of Springfield Defendants  
840 Booneville Avenue  
Springfield, MO 65802

Seth A. Gomez, et al,  
Respondent/Defendant  
Jacket No. 01362930  
Petosi Correctional Center  
11593 State HWY O  
Mineral Point, MO 63660

/s/ Marixia Maldonado

---

Marixia Maldonado

