

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI**

**LINDA WHITE as Mother and Next of Kin of )  
JESSE WHITE, Deceased, and KATHRYN )  
BONDS as Mother and Next of Kin of )  
KRISTOPHER FORD, Deceased )**

**,**

**Plaintiffs,**

**vs.**

**CITY OF HERNANDO, SCOTT WORSHAM, )  
in his official capacity as Chief of Police of the )  
Hernando Police Department, OFFICER )  
LYNN BROWN, Individually and in his )  
official capacity as a Hernando Police Officer, )  
and JOHN DOES 1-25, )**

**Defendants.**

**Case No.:** 3:21cv162-SA-JMV

**JURY DEMANDED**

**COMPLAINT FOR DAMAGES**

Plaintiffs, LINDA WHITE as Mother and Next of Kin of JESSE WHITE, Deceased, and KATHRYN BONDS as Mother and Next of Kin of KRISTOPHER FORD, Deceased, file this action pursuant to 42 USC § 1983 and the Fourth and Fourteenth Amendments to the Constitution of the United States of America arising out of the Wrongful Deaths of JESSE WHITE AND KRISTOPHER FORD on or about July 27, 2019, against the CITY OF HERNANDO, MISSISSIPPI, SCOTT WORSHAM in his official capacity as Chief of Police of the Hernando Police Department, Officer LYNN BROWN individually and in his official capacity as a Hernando Police Officer, and JOHN DOES 1-25, and in support, shows as follows:

## **I. PARTIES**

1. Plaintiff, Linda White, is bringing this action in her individual capacity and as next of kin of Jesse White, who was an adult person residing in the State of Tennessee and died as a result of the wrongful and unconstitutional acts by Defendants as set forth in this Complaint during the late evening of July 27, 2019. Linda White resided in Memphis, Tennessee, at all times relevant to this cause of action and is a proper party to bring this action.

2. Plaintiff, Kathryn Bonds, is bringing this action in her individual capacity and as next of kin of Kristopher Ford who was an adult person residing in the State of Tennessee and died as a result of the wrongful and unconstitutional acts by Defendants as set forth in this Complaint during the late evening of July 27, 2019. Kathryn Bonds resided in Memphis, Tennessee at all times relevant to this cause of action and is a proper party to bring this action.

3. Plaintiffs, Linda White and Kathryn Bonds, shall be referred to as “Plaintiffs” throughout this action.

4. Jesse White shall be referred to as “Jesse” or “Jesse White” or “Decedent White” throughout this action. Likewise, Kristopher Ford shall be referred to as “Kristopher” or “Kristopher Ford” or “Decedent Ford” throughout this action.

5. Defendant, City of Hernando, is a municipality, duly incorporated under the laws of the State of Mississippi and as such is a political subdivision of the State of Mississippi and, among its other functions, operates and maintains a law enforcement agency known as the Hernando Police Department. The City of Hernando is under a duty to operate its policing activities in a lawful manner and to create and approve policies and procedures so as to preserve the peace of the City of Hernando and the rights, privileges, and immunities guaranteed and secured to persons residing in the United States by the constitutions and the laws of the United

States and/or the State of Mississippi. Such municipality is subject to suit pursuant to 42 U.S.C. Section 1983. The City of Hernando may be served with this Complaint by serving Mayor Chip Johnson, City of Hernando, at 475 West Commerce Street, Hernando Mississippi, 38632.

6. Upon information and belief, Defendant Scott Worsham (“Chief Worsham” or “Defendant Worsham”) is a person residing in Hernando, Mississippi. At all times pertinent hereto, Defendant Worsham was the Chief of Police for the Hernando Police Department. Defendant Worsham was responsible for the day-to-day operations of the Hernando Police Department and was the final policymaker with respect to law enforcement operations for the City of Hernando at all times relevant to this action. Defendant Worsham was under a duty to operate the policing activities of the Hernando Police Department so as to preserve not only the peace of the City of Hernando but also to protect persons within the city limits in the City of Hernando, and to preserve their rights, privileges, and immunities guaranteed and secured to them by the constitutions and the laws of the United States and/or the State of Mississippi. Plaintiffs are bringing this action against Defendant Worsham in his official capacity as Chief of Police of the Hernando Police Department. He may be served with process at 475 West Commerce Street, Hernando Mississippi, 38632.

7. Defendant, Lynn Brown (“Officer Brown” or “Defendant Brown”), is upon information and belief, is a person residing in Hernando, Mississippi. At all times pertinent hereto, Defendant Brown was an employee and officer with the Hernando Police Department, acting under the color of state law and within the course and scope of his employment with the Hernando Police Department. Plaintiffs are bringing this action against Defendant Brown in both Defendant Brown’s individual capacity and official capacity as an officer for the Hernando

Police Department. Defendant Brown may be served at 475 West Commerce Street, Hernando Mississippi, 38632.

8. Upon information and belief, John Does 1-25 are persons residing in Hernando, Mississippi and/or employed by the City of Hernando.

## **II. JURISDICTION AND VENUE**

9. This Honorable Court has jurisdiction over this action as specified in 28 U.S.C. §1331 because this action arises under the Fourth and Fourteenth Amendments to the Constitution of the United States. Jurisdiction is also just and proper as specified in 28 U.S.C. §1343 because Plaintiffs bring this action seeking damages for the deprivation of Jesse White and Kristopher Ford's civil rights under 42 U.S.C. §§1983 and 1988.

10. Venue is proper in this Honorable Court because a substantial part of the events or omissions giving rise to the causes of action alleged in this Complaint occurred within the Northern District of Mississippi and more specifically in Hernando, Hernando Mississippi.

## **III. FACTS**

11. On the early morning hours of July 27, 2019, Hernando Police Officer Alec Chatham observed what appeared to be a lone occupant of a maroon Nissan Maxima traveling southbound on Highway 51 just south of Commerce Street.

12. According to Officer Chatham, the driver of the car appeared to be a white male driving alone.

13. Officer Chatham, for reasons unclear, attempted to initiate a traffic stop on the maroon Maxima. While the Maxima initially stopped, it then sped away and Officer Chatham began pursuit.

14. During the pursuit, the Maxima engaged in speeds of approximately 100 miles per hour.

15. Such speeds pose a threat to the pursuing officer, innocent citizens, and the occupant of the vehicle.

16. During the pursuit, Officer Chatham maintained radio contact with the Hernando Police Department through dispatch.

17. Officer Chatham was advised to terminate the high-speed pursuit by Lieutenant Jason Coleman of the Hernando Police Department.

18. The decision to terminate the pursuit was made based upon the threat posed to public safety.

19. Officer Chatham then advised dispatch that the driver appeared to be a white male and was last seen traveling on Highway 51.

20. Defendant Brown was aware of the encounter between Officer Chatham and the maroon Maxima.

21. Defendant Brown knew that the pursuit of the maroon Maxima had been terminated by his supervisor, Lieutenant Coleman.

22. Defendant Brown knew that when pursued by police, the driver of the maroon Maxima would drive in such a manner as to pose a serious threat to the driver, any occupants of the vehicle, himself and others in the community.

23. Defendant Brown did not know whether or not there were occupants other than the driver in the maroon Maxima.

24. Defendant Brown did not know whether any occupants in the maroon Maxima were either encouraging or discouraging the unsafe driving of the driver of the maroon Maxima.

25. Despite being fully aware that Lieutenant Coleman had directed a termination of pursuit of the maroon Maxima, Defendant Brown engaged in further pursuit of the same car.

26. The continued pursuit of the maroon Maxima resulted in further unsafe driving by the driver of the maroon Maxima.

27. Defendant Brown attempted to perform a Tactical Vehicle Intervention on the maroon Maxima without regard to the number of passengers in the vehicle.

28. Defendant Brown attempted to perform a Tactical Vehicle Intervention on a vehicle that had initially been pursued due to some benign or pretextual issue with the car's tags.

29. Defendant Brown had no other information about the actions of the driver of the Vehicle other than he potentially had incorrect or improper tags and an established propensity to engage in unsafe driving when pursued by law enforcement. It was upon this information alone that he decided to reengage the pursuit and attempt to use his police car as a weapon against the maroon Maxima.

30. As predicted by Lieutenant Coleman, the continued pursuit resulted in further unsafe driving by the driver of the maroon Maxima.

31. The maroon Maxima, while being pursued by Defendant Brown and for unknown reason entered the wrong lanes of traffic on I-55 in an attempt to evade police.

32. Such driving was consistent with the known driving habits of the driver of the maroon Maxima and as such, unsafe driving was entirely predictable to Defendant Brown and all other members of the Hernando Police Department.

33. As a result of the unsafe driving and the pursuit, the maroon Maxima flipped and passengers Kristopher and Jesse were both killed.

34. No members of the Hernando Police Department knew whether passengers were in the maroon Maxima.

35. The actions of Defendant Brown contributed to the deaths of Jesse and Kristopher.

36. Kristopher and Jesse were not suspected of committing any crimes at the time of the pursuit or the fatal crash.

37. As a direct and proximate result of the actions and/or omissions of Defendants, Jesse and Kristopher were wrongfully killed, and their Constitutional Rights under the United States Constitution and the Mississippi Constitution were violated.

38. It was foreseeable that Jesse and Kristopher and their families would sustain significant damages and devastating losses as a result of the actions and/or omissions of Defendants.

39. At all times relevant hereto, Defendant Brown was acting in his official capacity as law enforcement officers for the Hernando Police Department and acting under color of state law.

40. The policies, customs, and training of the City of Hernando were the driving force behind the deprivation of constitutional rights sustained by Plaintiffs.

41. Alternatively, at all times relevant to the complaint herein, Defendant Brown was acting in his individual capacity.

#### **IV. CIVIL RIGHTS VIOLATIONS BY DEFENDANTS**

42. The allegations set forth in the previous paragraphs are adopted and incorporated herein by reference. Further, the below allegations are to read as applicable to every cause of action against the Defendants.

43. Defendants, each of them, committed the above described actions and omissions under color of law and under color of their authority as law enforcement officers, substantially depriving Plaintiffs of their rights, privileges, and immunities guaranteed to them as individuals residing in the United States in violation of 42 § 1983 and deprived them of rights guaranteed to them by the Constitution of the United States of America including, but not limited to, the Fourth and Fourteenth Amendments. Specifically, Plaintiffs, Jesse and Kristopher, were deprived of rights including, but not limited to (a) freedom from unlawful seizure of his person; (b) freedom from the use of unjustified and excessive force; and (c) freedom from deprivation of liberty and loss of life without due process.

44. Prior to July 27, 2019, Defendant, City of Hernando, permitted, encouraged, tolerated, and ratified an official pattern, custom, and practice by its officers of unsafe behaviors, using excessive and unjustified force, knowing that said practice violated decedent's and others' free exercise and enjoyment of rights and privileges secured to them by the Constitution of the United States of America and the Constitution of the State of Mississippi.

45. Defendants, directly or with deliberate indifference, under color of law, approved and/or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of officers. By failing to enact proper procedures and policies for disciplining officers that violate the civil rights of persons, such as decedent, or by failing to enforce any such policy or procedure by punishing or censuring officers, Defendants have approved, condoned, and ratified the unlawful conduct of officers. Specifically, the City of Hernando law enforcement officers utilized excessive force and acted in deliberate indifference to Jesse and Kristopher's health and welfare by escalating the situation in an unnecessary fashion. The direct and proximate result of

Defendants' actions and/or inactions were that Decedents suffered severe physical and emotional injuries, including death.

46. Defendants, City of Hernando and Chief Worsham, have allowed police officers to engage in a pattern of conduct that violates the civil rights of persons residing in or passing through the City of Hernando for years leading up to the deaths of Jesse and Kristopher by failing to enforce policies and procedures and by ratifying the unconstitutional conduct of officers by not punishing them and instead allowing them to continue serving as law enforcement officers. The deaths of Jesse and Kristopher would be tragic if it were the only time Defendant Brown has been found guilty of depriving citizens of their Constitutional rights, but it becomes even more tragic when the overall conduct of the Defendant, City of Hernando, is considered and the overall picture is seen of a department that has tolerated, ratified and almost encouraged Defendant Brown's behavior. It is not enough to have policies that prohibit constitutional violations; Defendants, City of Hernando and Chief Worsham, must also enforce those policies and must send a clear message to officers that they will not tolerate violations of those policies by officers. Instead of trying to send that message, Defendants, City of Hernando and Chief Worsham, have chosen to turn a blind eye to the actions of Defendant Brown and other flagrant constitutional rights violations by its officers.

47. Defendants deprived Plaintiffs of fundamental rights guaranteed under the United States Constitution including, but not limited to, the right to be free from unlawful seizure of his person; free from the use of unjustified, unnecessary, and excessive force; and free from the deprivation of life and liberty without due process of law.

48. The unreasonable and excessive use of force against Plaintiffs deprived them of their right to be free from unreasonable, excessive and deadly force and unreasonable seizure

through means intentionally applied under the Fourth Amendment to the U.S. Constitution. The Plaintiffs aver that Defendant Brown knew to a moral certainty that engaging in continued pursuit after the pursuit had been terminated was likely to cause severe injury and/or death.

49. Defendant Brown was not justified in his pursuit and further could not reasonably have believed in good faith that the seizure was warranted and/or necessary. In support of the Plaintiffs' claim that the conduct of Defendant Brown violated the Fourth Amendment rights of Jesse and Kristopher, the Plaintiffs rely upon the factual allegations set forth in this Complaint and the custom and pattern of the Hernando Police Department's officers in its failing to enforce its own policies with regard to the use of deadly force. Plaintiffs would assert that Defendant, Chief Worsham, and Defendant, City of Hernando, have altogether failed to cultivate a culture of excellence within the Hernando Police Department and have tolerated and ratified the actions of its officers for way too long and was unlawful through its intentional action at worst or apathy at best. These Defendants have created the unconstitutional expectations of their officers that it is acceptable to violate the constitutional rights of persons residing in this City.

50. Defendant, City of Hernando, does not properly investigate police seizures and use of excessive force on persons or properly discipline officers for those acts. Defendant, City of Hernando, and its relevant policymakers have failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of the same, thereby tacitly approving and ratifying the type of misconduct alleged here.

51. Municipal policymakers are aware of, condone and facilitate by their inaction, a "code of silence" in the Hernando Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct in this case.

52. The policy, practice and custom of the police code of silence results in police officers refusing to report instances of police misconduct of which they are aware, despite their obligation under police department regulations to do so. This conduct includes police officers who remain silent or give false or misleading information during official investigations in order to protect themselves or fellow officers from internal discipline or retaliation, civil liability, or criminal prosecution.

53. The injuries and deaths of Jesse and Kristopher could have been avoided had Defendant, City of Hernando, provided better or more training as to the proper use of force. This lack of adequate training amounts to an unconstitutional policy.

54. Defendant, City of Hernando, was on notice of each and every constitutional violation alleged herein taking place by Hernando Police Department Officers and Officer Brown.

55. As a direct and proximate result of the actions and omissions of the Defendants, Jesse and Kristopher were wrongly killed and their rights under the Fourth and Fourteenth Amendments of the U.S. Constitution were violated.

56. Plaintiffs aver that Defendant, City of Hernando, and Defendant, Chief Worsham, are liable for the actions of the Defendants, Officer Brown and others, as set forth above because Defendants, City of Hernando and Chief Worsham, permitted, encouraged, tolerated, and ratified an official pattern, custom, and practice by its law enforcement officers violating the Federal Constitutional Rights of the public at large during the course of their law enforcement applications. The actions of Defendant Brown as alleged above were done pursuant to one or more policies, practices and/or customs of Defendant, City of Hernando, including but not limited to common police practice and customs regarding vehicle pursuits.

57. After the incident, Defendants, City of Hernando and Chief Worsham, determined that Defendant Brown had acted appropriately and in compliance with the policies, practices and customs of the Hernando Police Department with respect to the use of force against Jesse and Kristopher.

58. However, the actions of Defendant Brown during this incident were in direct violations of the policies, practices and customs of Defendant, City of Hernando, and the laws of the United States and the State of Mississippi.

59. Despite violating the policies, practices and customs of the City of Hernando and state law, Defendant Brown was not disciplined, reprimanded or terminated. Accordingly, the Defendants, City of Hernando and Chief Worsham, ratified, condoned, acquiesced in or approved the conduct of Defendant Brown in all respects. As the Defendants, City of Hernando and Chief Worsham, determined that the conduct of Defendant Brown as set forth herein was in compliance with the policies, practices and customs of the City of Hernando and the Hernando Police Department, the Defendants, City of Hernando and Chief Worsham, are directly liable for the actions and constitutional violations of Defendant Brown.

60. Moreover, Defendant Brown has a long and well-published history of aggression. Defendant, City of Hernando, violated the civil rights of Jesse and Kristopher through its policies, lack of policies, and/or customs of hiring, firing, retention and supervision. Such policies and customs were the moving force behind the damages sustained by Decedents and Plaintiffs in this case.

61. The City of Hernando believes Defendant Brown acted in accordance with its policies and procedures at all times relevant herein.

62. Defendant, City of Hernando, and its Police Department either intentionally or willfully maintain an inadequate complaint system for persons residing in the City attempting to put the City on notice of the bad actions of certain officers.

63. Defendant, City of Hernando, either intentionally or willfully fails to adequately investigate complaints against its officers.

64. Defendant, City of Hernando, through the Hernando Police Department fails to document complaints by persons against officers, so there is no way to determine the amount of complaints against certain officers.

65. Defendant, City of Hernando, fails to maintain a system that flags officers with multiple complaints against them, whether such complaints are substantiated or “unsubstantiated.”

66. Defendant, City of Hernando, has a “non-complaint” policy wherein complaints to Internal Affairs by persons are often not even recorded as complaints and as such, are not even investigated.

67. Defendant, City of Hernando, fails to support or maintain an adequate early warning or early intervention system to monitor the behaviors of its officers.

68. Defendant, City of Hernando, has a grossly disproportionate amount of its police officers being arrested for committing crimes when compared to cities of similar size and racial make-up.

69. Defendant, City of Hernando, denies such a widespread problem exists within its own force.

70. Such a denial, rather than admission or recognition of an incredibly well-documented history of illegal and/or corrupt police officers creates a culture within the

department wherein Hernando Police Officers believe they can act in violation of persons constitutional rights without consequence.

71. That denial and culture directly contributed and/or fostered, and/or caused the actions of Defendant Brown the night of July 27, 2019.

72. Defendants, City of Hernando and Chief Worsham, violated the civil rights of Decedents in that they were deliberately indifferent to the rights of Decedent and others through their hiring, firing, supervision and retention of officers.

73. As a matter of both policy and practice, the Hernando Police Department and Chief Worsham directly encourage, and are thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train and/or re-train, supervise and control officers, such that their failure to do so manifests deliberate indifference.

74. As a matter of law, policy and practice, the Hernando Police Department and Chief Worsham deny any wrongdoing or misconduct by Defendant Brown.

75. As a matter of both policy and procedure, the Hernando Police Department facilitates the very type of misconduct at issue here by failing to adequately investigate, punish and discipline prior instances of similar misconduct and by failing to train or enforce policies and procedures on the books, if such policies and procedures exist, thereby leading Hernando Police officers to believe their actions will never be scrutinized and, in that way, directly encouraging future abuses such as those affecting Decedent and Plaintiffs.

76. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Hernando Police Department conduct unlawful seizures and use excessive force on persons, yet the Hernando Police Department makes findings of wrongdoing in a disproportionately small number of cases.

77. Defendant, City of Hernando, does not properly investigate police seizures of civilians and uses of excessive force or properly discipline officers for those acts.

78. The aforementioned actions and omissions of the Defendants were proximately caused by the policies, practices and customs of Defendants, City of Hernando and Chief Worsham, which were also the underlying cause of the deaths of Jesse and Kristopher.

79. In particular, Plaintiffs, Linda White and Kathryn Bonds, aver that they had a constitutional right of familial association with their sons. Further, Plaintiffs, Linda White and Kathryn Bonds, aver that they had a constitutional right to the society and companionship of their immediate family. Plaintiffs, Linda White and Kathryn Bonds, had close emotional ties to their sons Jesse and Kristopher. Plaintiffs, Linda White and Kathryn Bonds, aver that the Defendants violated these rights and that their actions constituted an unconstitutional termination of their familial association and society and companionship under the Fourteenth Amendment to the United States Constitution.

80. Defendants committed the above described actions and/or omissions under the color of state law and by virtue of their authority as officers of the Hernando Police Department and substantially deprived Jesse and Kristopher their clearly established rights, privileges and immunities guaranteed to them by the United States through the Fourth and Fourteenth Amendments of the United States Constitution in violation of 42 U.S.C. §1983 and 1988.

## **V. COMMON LAW CLAIMS**

81. Plaintiffs hereby incorporates all previous allegations and paragraphs within this complaint and further refers the below paragraph to the above claims to the extent they are applicable.

82. Plaintiffs hereby assert the deaths of Jesse and Kristopher were both a “Wrongful Death” as contemplated by Mississippi statutory and case law, and the facts as alleged above demonstrate that each Defendant is liable for the Wrongful Death of Jesse and Kristopher by their intentional acts, their acts of negligence, and their willful and wanton conduct. The Defendants each breached their duties owed to Plaintiffs under the law of the state of Mississippi, which lead to a foreseeable and predictable result.

83. Plaintiffs further assert that the City of Hernando is liable for the deaths of Jesse and Kristopher and all attending damages by the wrongful and/or negligent hiring, supervision and retention of not only Officer Brown, but of a multitude of officers which contributed to the policies and customs and permissive culture of silence and protection for the acts of one another.

84. Plaintiffs further allege that the Defendants are liable to the Plaintiffs for the negligent and/or intentional infliction of emotional distress as clearly outlined by Mississippi statutory and case-law.

85. Plaintiffs hereby assert and preserve their right to amend this complaint as further facts are discovered.

## **VI. DAMAGES**

86. As a direct and proximate result of the acts and/or omissions of Defendants, Jesse and Kristopher were wrongfully killed on July 27, 2019, and Plaintiffs each were injured.

The injuries for which Plaintiffs seek compensation, include, but are not limited to:

- a. Physical injuries, including the deaths of Jesse and Kristopher, and the resulting loss of familial association with them;
- b. Conscious physical and emotional pain and suffering of Jesse and Kristopher, from the time of injury until their deaths, and their loss of the pleasures of life;

- c. Medical expenses incurred for Jesse and Kristopher;
- d. Funeral expenses incurred for Jesse and Kristopher;
- e. The pecuniary value of the lives Jesse and Kristopher, including but not limited to the loss of their companionship and;
- f. Infliction of emotional distress, negligent, and/or reckless and/or intentional, upon Plaintiffs;
- g. Prejudgment interest and/or post-judgment interest and statutory and discretionary costs to the extent permitted by law;
- h. Attorney fees pursuant to applicable law, including but not limited to 42 U.S.C. § 1988;
- i. Injunctive and/or declaratory relief that the acts and conduct set forth above were unconstitutional, and precluding them from engaging in such activities in the future; and
- j. All such further relief, both general and specific, to which they may be entitled under the premises.
- k. It was foreseeable that the above damages would be sustained as a result of the policies, customs, lack of training, actions, and omissions of Defendants.

## **VII. PUNITIVE DAMAGES**

87. The allegations set forth in the previous paragraphs are adopted and incorporated herein by reference.

88. The actions of Defendants were performed intentionally, recklessly, fraudulently and/or maliciously, thus entitling Plaintiffs to a substantial award of punitive damages under applicable law.

### **VIII. PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs respectfully pray:

1. That proper process be issued against the Defendants requiring them to plead and answer.
2. That Plaintiffs be awarded a judgment against the Defendants in an amount not less than THREE MILLION DOLLARS (\$3,000,000.00) in actual and compensatory damages for the loss of Jesse and the same amount for the loss of Kristopher.
3. That Plaintiffs be awarded punitive damages in an amount not less than TWELVE MILLION DOLLARS (\$12,000,000.00) for Defendants' grossly negligent, reckless and/or willful acts and/or omissions in this case, where such actions caused actual damages to the Plaintiffs.
4. That Plaintiffs be awarded funeral and burial expenses in the amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) for each Jesse and Kristopher.
5. That Plaintiffs be granted such other relief, general or specific, that this Court deems equitable and just.
6. That the costs of this action including discretionary costs be awarded to Plaintiff.
7. That a jury of the Plaintiffs' peers be empaneled to try these issues.
8. That Plaintiffs reserve the right to amend these pleadings to conform to the facts of this matter.

**PLAINTIFFS DEMAND A TRIAL BY JURY FOR ALL CLAIMS ALLOWABLE BY LAW WHEN THE ISSUES ARE JOINED HEREIN.**

Respectfully Submitted,

S/Martin Zummach

Martin Zummach (MS #9682)

7125 Getwell Road, Suite 201

Southaven, MS 38671

662.349.6900 Office

662.349.6800 Fax

JS 44 (Rev. 04/21)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Linda White, et al.

(b) County of Residence of First Listed Plaintiff Shelby, TN  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

MMartin Zummach, 7125 Getwell Road, Suite 201  
Southaven, MS, 38671 (662)349-6900

## DEFENDANTS

City of Hernando, et al.

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> of Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 690 Other	<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<b>IMMIGRATION</b>	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education			
	<b>PRISONER PETITIONS</b>			
	<input type="checkbox"/> Habeas Corpus:			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<b>Other:</b>			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983 and 42 U.S.C. 1988

Brief description of cause:

Violation of civil rights resulting in wrongful death

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
6,000,000CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7/26/21

SIGNATURE OF ATTORNEY OF RECORD

/s/Martin Zummach

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

\$402

APPLYING IFP

JUDGE

SA

MAG. JUDGE

JMV