

LOUISE M. MONROE, individually and on behalf of the Decedent, BERNARD MONROE, SR., SHAUN MONROE, BERNARD MONROE, JR., STEPHANIE BELL, and GERALD MONROE,

VERSUS

TOWN OF HOMER, TIM COX, in his official capacity and individually, and JOSEPH HENRY, in his official capacity and individually.

NUMBER: 38811

2ND JUDICIAL DISTRICT COURT  
CLAIBORNE PARISH, LOUISIANA

SECTION \_\_\_\_\_

PETITION

I.

**BACKGROUND**

**FILED**  
FEB 10 2010  
SHANNON T. ZACHARY  
DEPUTY CLERK  
CLAIBORNE PARISH, LA

This action arises from the failure of Defendants Henry and Cox to exercise reasonable care while performing their duties as police officers and while acting in the scope and course of their employment. The Defendants' unreasonable actions created a volatile situation which resulted in the fatal shooting of Bernard Monroe, Sr., on February 20, 2009.

Defendants Henry and Cox, unlawfully and without just cause, entered the Monroe's home in pursuit of the deceased's son, Shaun Monroe, who had committed no offense in their presence and was not wanted for any crime. During the pursuit, Defendant Henry shot Shaun Monroe twice in the back with a taser gun for no legal reason. Although Bernard Monroe, Sr., age 73 and handicapped, posed no threat to Defendants Henry or Cox, Defendant Cox then shot Bernard Monroe, Sr., multiple times in his chest and body. Defendant Cox, who was inside the Monroe's house at the time, unlawfully and repeatedly fired his gun through the screen door at Bernard Monroe, Sr., while he was standing harmlessly on his own front porch.

Petitioners, the deceased's wife and children, seek damages for the wrongful death and survival actions of Bernard Monroe, Sr., and the emotional distress caused by Defendants, including *Lejeune* claims. Due to Defendant Henry's and Defendant Cox's

negligence and failure to exercise reasonable care, Petitioners have been deprived of the deceased's love and affection, companionship, financial and emotional support, and services.

## II.

### STATEMENT OF FACTS AND CAUSES OF ACTION

The petition of **LOUISE M. MONROE, STEPHANIE BELL, SHAUN MONROE, BERNARD MONROE, JR.,** and **GERALD MONROE**, with respect represents:

#### 1.

Petitioner, **LOUISE M. MONROE**, the wife of **BERNARD MONROE, SR.**, (hereinafter "the deceased"), is a person of the full age of majority and a resident of, and domiciled in, Claiborne Parish, Louisiana.

Petitioner, **STEPHANIE BELL**, the deceased's daughter, is a person of the full age of majority and a resident of, and domiciled in, Dallas County, Texas.

Petitioner, **SHAUN MONROE**, the deceased's son, is a person of the full age of majority and a resident of, and domiciled in, Claiborne Parish, Louisiana.

Petitioner, **BERNARD MONROE, JR.**, the deceased's son, is a person of the full age of majority and a resident of, and domiciled in, Dallas County, Texas.

Petitioner, **GERALD MONROE**, the deceased's son, is a person of the full age of majority and a resident of, and domiciled in, Jefferson County, Texas.

#### 2.

Defendants herein are:

**THE TOWN OF HOMER, LOUISIANA**, a municipality of the State of Louisiana, whose agent for service of process is Mayor David M. Newell, whose address is 400 East Main Street, Homer, LA 71040.

**TIM COX**, a person of the full age of majority, currently a resident of, and domiciled in, St. Tammany *Parish, Louisiana*, who can be served at 48 Laurel Oak, Covington, LA 70433. Defendant Cox was employed by the Homer Police Department as a police officer during the events alleged herein.

**JOSEPH HENRY**, a person of the full age of majority, currently a resident of, and domiciled in, Webster Parish, Louisiana, who can be served at 870 Shadow Lane, Dubberly, LA 71025. Defendant Henry was employed by the Homer Police Department as a police officer during the events alleged herein.

3.

Venue is proper in the District Court of Claiborne Parish pursuant to La. R.S. § 13:5104(B) because the Town of Homer is a political subdivision of Louisiana and the tortious acts committed by Defendants Henry and Cox occurred in Claiborne Parish.

4.

On February 20, 2009, Defendant Henry, a white police officer, and Defendant Cox, a recently hired white police officer, were patrolling predominantly African American neighborhoods when they saw a group of people, including several children and toddlers, in front of the deceased's house. The group consisted of the family members and friends of the deceased, including the deceased's son, Shaun Monroe, all of whom are African American.

5.

Defendants Henry and Cox entered the deceased's property, without permission or just cause, and began chasing Shaun Monroe. Defendants Henry and Cox then ran into the deceased's house and continued to chase Shaun Monroe. Each of these actions was without legal justification.

6.

Defendants Henry and Cox failed to exercise reasonable care when they entered the deceased's property, without permission and without just cause, and began chasing

Shaun Monroe. Defendants Henry and Cox continued to inflame the situation despite the foreseeable high risk that someone would get injured.

7.

Upon Shaun Monroe's exit from the house, Defendant Henry shot him twice in the back with a taser gun. These actions were negligent, unreasonable, and without legal justification.

8.

Bernard Monroe, Sr., who was seventy-three and handicapped, began walking from his front yard towards his house to check on his elderly, sick wife, who was inside.

9.

Without just or reasonable cause and without warning, Defendant Cox, who was still inside the house, then shot Bernard Monroe, Sr., several times through the closed screen door as he climbed the porch stairs.

10.

Defendant Cox acted negligently, unreasonably, and without just cause when he shot Bernard Monroe, Sr., multiple times, causing Mr. Monroe's death.

11.

Defendant Henry failed to exercise reasonable care when he, as a senior mentor and fellow officer, failed to take any measures to de-escalate a volatile situation.

12.

Terrified by the gunshots and fearful for her family, Louise M. Monroe immediately came out of the house and onto the porch where she saw her husband, while he was alive, lying on the sidewalk bleeding.

13.

Because of Defendants' actions, Bernard Monroe, Sr., suffered significant physical, emotional, and mental injuries and distress from the moment that he was shot until his death.

14.

Petitioner Louise M. Monroe, the wife of Bernard Monroe, Sr., was at the scene of the shooting and death sued upon herein, and suffered damages of mental anguish and emotional distress as a result.

15.

Defendants the Town of Homer, Henry, and Cox are liable to Petitioners for Bernard Monroe, Sr.'s pain and suffering prior to his death, the wrongful death of Bernard Monroe, Sr., and the emotional pain and suffering that Defendants Henry and Cox caused when Bernard Monroe, Sr., was killed in front of his family.

16.

Defendants Henry and Cox were acting within the scope of their employment with the Homer Police Department when they committed the negligent acts that caused the death of Bernard Monroe, Sr.

17.

Petitioners, as members of the deceased's immediate family, are entitled to damages for loss of financial and emotional support, loss of society, loss of consortium, loss of love and affection, loss of services, and emotional distress as a result of Bernard Monroe, Sr.'s death.

18.

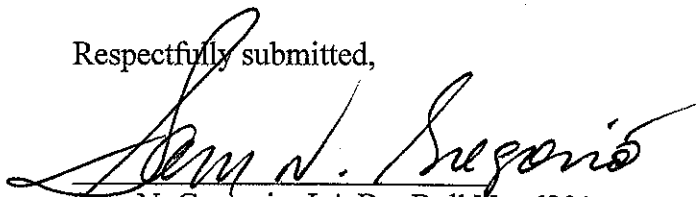
Petitioners are further entitled to funeral expenses.

19.

Because Petitioners herein are entitled to damages for the items set forth above in such amounts as are reasonable.

**WHEREFORE**, Petitioners pray that certified copies of this petition, together with citation, be issued and served according to law on the Defendants and that they be cited to appear and answer same; that after due delays and legal proceedings had, that there be judgment herein in favor of Petitioners, and against Defendants Tim Cox, Joseph Henry, and the Town of Homer, Louisiana, jointly and/or severally, awarding Petitioners special damages, compensatory damages, costs, including expert witness fees, all with legal interest from the date of judicial demand, and such other relief as is just and equitable.

Respectfully submitted,



Sam N. Gregorio, LA Bar Roll No. 6291  
GREGORIO, GREGORY & PAYNE  
7600 Fern Avenue, Building 700  
Shreveport, LA 71105  
Telephone: (318) 865-8680  
Facsimile: (318) 865-8565

Henry C. Walker, LA Bar Roll No. 13059  
441 Drexel Drive  
Shreveport, LA 71106  
Telephone: (318) 518-8994

Morris S. Dees, Jr., *pro hac vice pending*  
J. Richard Cohen, *pro hac vice pending*  
Jennifer Kwon, *pro hac vice pending*  
SOUTHERN POVERTY LAW CENTER  
400 Washington Avenue  
Montgomery, AL 36104  
Telephone: (334) 956-8200  
Facsimile: (334) 956-8481

Glenn A. Perry, *pro hac vice pending*  
SLOAN, BAGLEY, HATCHER & PERRY  
LAW FIRM  
101 East Whaley Street  
Longview, Texas 75601  
Telephone: (903) 757-7000  
Facsimile: (903) 757-7574

ATTORNEYS FOR PETITIONERS

[SERVICE INFORMATION ON FOLLOWING PAGE]

Please serve:

1. Town of Homer, Louisiana,  
through its agent for service of process,  
Mayor David M. Newell  
Office of the Mayor  
400 East Main Street  
Homer, LA 71040  
(318) 927-3555

2. Tim Cox  
48 Laurel Oak  
Covington, LA 70433  
(318) 514-8186

3. Joseph Henry  
870 Shadow Lane  
Dubberly, LA 71025  
(318) 371-0911