

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

**MARCELLA LOUIS, individually and as
personal representative of the estate of
JONATHAN PRICE**

Plaintiff,

v.

POLICE OFFICER SHAUN LUCAS

and

WOLFE CITY, TEXAS

Defendants.

Civil action No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

NOW COMES Marcella Louis individually and as the personal representative of the Estate of Jonathan Price, complaining of the Defendants Wolfe City Texas Police Officer Shaun Lucas of Wolfe City, Texas, and for cause would show the Honorable Court as follows:

NATURE OF THE ACTION

1. On October 3, 2020 Wolfe City Police Officer Shaun Lucas shot and killed Jonathan Price, without justification, in violation of his rights under the Fourth Amendment of the United States Constitution and the laws of the State of Texas.
2. Plaintiff’s claims are brought against and officer Shaun Lucas pursuant to 42 U.S.C. § 1983 and Tex. Civ. Prac. & Rem. Code Ann. § § 101.021 & 101.025.

PARTIES

3. Plaintiff Marcella Louis is the mother of the Jonathan Price and the personal representative of his estate and is an adult individual and resident of the state of Texas.
4. Defendant Officer Shaun Lucas was at all relevant times a duly appointed officer with Wolfe City, Texas. He is sued in his individual capacity.
5. Defendant Wolfe City, Texas is a municipality duly organized and existing under the laws of the State of Texas and is responsible for the operation of the Wolfe City Police Department and the conduct of its officers.

JURISDICTION AND VENUE

6. Jurisdiction exists in this Honorable Court pursuant to 28 U.S.C. §§ 1331 and 1343 as this action is brought pursuant to 42 U.S.C. § 1983 to redress deprivation of the Fourth Amendment rights of the decedent Jonathan Price.
7. Venue is proper in this Honorable Court as Defendant's constitutional violations and intentional torts and otherwise violative conduct occurred in the Eastern District of Texas.

FACTUAL BACKGROUND

8. Jonathan Price was a beloved member of the Wolfe City community, a local sports star, and a man who consistently contributed to his community.
9. On October 3, 2020 Mr. Price arrived at the Kwick Check with two longtime friends, having just come from the funeral of a loved one.
10. While his friends went inside the store, Mr. Price remained outside and had a conversation with someone in the parking lot.

11. As Mr. Price went to enter the store, he bumped into a customer who was exiting. This contact led to a brief tussle.
12. A woman also jumped into the tussle and climbed on Mr. Price's back.
13. The tussle was broken up by other customers at the store and it ended without anyone sustaining injuries.
14. Police were called to the scene of the disturbance that had occurred at the store and Police Officer Shaun Lucas responded.
15. Upon his arrival, Officer Lucas was approached by Mr. Price, who asked: "you doing good?" multiple times and extended his hand in a handshake gesture.
16. Officer Lucas declined to shake hands and stated his intent to detain Mr. Price because he believed him to be intoxicated.
17. Mr. Price stated that he "can't be detained" because he had done nothing wrong and began to walk away from Officer Lucas.
18. Within seconds, Officer Lucas deployed his Taser and fired its barbs into Mr. Price's body.
19. Mr. Price made no indication of aggression or resistance and posed no danger to Officer Lucas at the time that he was tased.
20. Mr. Price was not in possession of any firearms, weapons or other objects that would pose a threat to Officer Lucas.
21. The taser that was fired into Mr. Price's body caused brief neuromuscular incapacitation and caused his body to awkwardly lurch forward.
22. Immediately after tasing Mr. Price, Officer Lucas discharged his Wolfe City Police Department firearm four times into Mr. Price's chest.

23. Mr. Price did not pose any threat to Officer Lucas at the time that he was shot.
24. Officer Lucas was not in danger of serious bodily injury or death at the time that he shot Mr. Price.
25. Officer Lucas was not in reasonable fear of serious bodily injury or death at the time that he shot Mr. Price.
26. There was no justification for Officer Lucas to use lethal force against Mr. Price.
27. The bullets fired into Mr. Price's chest caused extreme pain, agony, fear, distress, and untimely death.
28. The death of Price has not only devastated his friends and family, but also sent shockwaves through the close-knit community of Wolfe City.

WRONGFUL DEATH ACTION

29. Plaintiff, as the Personal Representative of the Estate of Jonathan Price, deceased, hereby brings Wrongful Death claims in the Counts *infra* pursuant to 4 Tex. Civ. Prac. & Rem. § 71.001 et seq. ("the Texas Wrongful Death Statute"), on behalf of all those persons entitled by law to recover damages as a result of the wrongful death of Mr. Price.
30. No other action has been brought to recover for Mr. Price's death under the aforementioned statute.
31. Plaintiff claims all available damages under the Texas Wrongful Death Statute for financial contributions and the loss of future services, support, society, comfort, affection, guidance, tutelage, and contribution that the Plaintiff's decedent, Jonathan Price, would have rendered to the wrongful death beneficiaries but for her traumatic, untimely and unnatural death.
32. Plaintiff claims damages for payment for all medical bills and/or expenses.

33. Plaintiff claims damages for payment of funeral and burial expenses.

SURVIVAL ACTION

34. Plaintiff also brings Survival claims in the Counts described *infra* under the Texas Survival Statute, 4 Tex. Civ. Prac. & Rem. § 71.021 et seq. (“the Texas Survival Statute”), for all damages recoverable under the Statute, including but not limited to, loss of income both past and future income potential, as well as pain and suffering prior to death, and for emotional distress suffered by Plaintiff’s decedent, Jonathan Price, from the initiation of the assault upon him until the ultimate cause of her death.

COUNT I: 42 U.S.C. § 1983 FOURTH AMENDMENT VIOLATION

Plaintiff v. Shaun Lucas

35. Plaintiffs hereby incorporate all preceding paragraphs as if fully stated herein.

36. Defendant Officer Lucas intentionally discharged his firearm into Mr. Price’s chest.

37. Defendant Officer Lucas was not at risk of serious bodily injury or death at the time he discharged his firearm.

38. Defendant Officer Lucas was acting under color of state law at the time he discharged his firearm.

39. Defendant Officer Lucas’ use of force was unreasonable.

40. Defendant Officer Lucas unreasonable use of force caused Mr. Price to suffer extreme pain, agony, fear, distress, and untimely death.

WHEREFORE, Plaintiff demands judgment in her favor, and against officer Shaun Lucas pursuant to 42 U.S.C. § 1983, in an amount in excess of the jurisdictional limit including interest, delay damages, costs of suit, general and specific damages, exemplary damages as provided by

law, attorneys' fees under 42 U.S.C. §§ 1985 and 1988, and any other remedies legally appropriate.

COUNT II – Tex. Civ. Prac. & Rem. Code Ann. §§ 101.021 & 101.025

Plaintiff v. Wolfe City

41. Plaintiff hereby incorporates all preceding paragraphs as if fully stated herein.
42. Officer Lucas negligently discharged his Wolfe City issued firearm without justification.
43. The firearm Officer Lucas used was the tangible property of Wolfe City.
44. Mr. Price, suffered extreme pain, agony, fear, distress, and untimely death. as a result of the use of Wolfe City's tangible property.
45. If the conduct that caused Mr. Price's pain, agony and death were engaged in by a private person, Officer Lucas and Wolfe City would be liable under Texas Law.
46. Officer Lucas recklessly discharged it in the direction of Mr. Price, striking and killing him.
47. If the Defendants were private persons, they would be liable to Plaintiff under Texas Law.

WHEREFORE, Plaintiff demands judgment in his favor, and against Defendant Wolfe City, pursuant to Texas Law in an amount in excess of jurisdictional limit including interest, delay damages, costs of suit, general and specific damages, including both survival and wrongful death damages, exemplary damages as provided by law, attorneys' fees and any other remedies legally appropriate.

Respectfully submitted,

/s/ John J. Coyle

John J. Coyle, Esq.
123 S. Broad Street, Suite 2250
Philadelphia, PA 19109
(215) 545-8800
(215) 545-8805 (fax)
jcoyle@mcdrewyoung.com

/s/ Mark V. Maguire

Mark V. Maguire, Esq.
123 S. Broad Street, Suite 2250
Philadelphia, PA 19109
(215) 545-8800
(215) 545-8805 (fax)
mmaguire@mcdrewyoung.com
pro hac vice motion forthcoming