

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

<p>JOSHUA LEE CLOSE, INDIVIDUALLY) and as ADMINISTRATOR of the ESTATE) OF ANGELA MARIE PRICHARD, and) COLTON HANCOCK, INDIVIDUALLY,)</p> <p style="text-align: center;">Plaintiffs,)</p> <p>vs.)</p> <p>CITY OF BELLEVUE, IOWA, DENNIS) SCHROEDER, RYAN KLOFT and) SHELBY MUTZL,)</p> <p style="text-align: center;">Defendants.)</p>)	<p>CASE NO.:</p> <p>COMPLAINT & JURY DEMAND</p>
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COMES NOW, the Plaintiffs, Joshua Lee Close, individually and as Administrator of the Estate of Angela Marie Prichard, and Colton Hancock, individually, to file this Complaint and Jury Demand against Defendants, the City of Bellevue, Iowa, Dennis Schroeder, Ryan Kloft and Shelby Mutzl, as follows:

INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. §1983; the Constitution of the United States of America; Iowa Common Law, as recognized at the time of the ratification of the Iowa Constitution in 1857 and as protected by the Constitution of the State of Iowa, Article I, §9; Article XI, §5 of the Iowa Constitution; Iowa Code §236.11(1) and §664A.6 (mandatory arrests for violations of no contact orders); Iowa Code §63.10, §63.11 and §64.2(1)(requiring oath of office and bond); Iowa Code §633.535 (the Iowa Slayer Statute); Iowa Code §670.7(1) and (2) (insurance waives statutory immunities); Bellevue City Code §§2-2-5 through 2-2-8 (requiring oath and bond); and other Iowa statutory provisions and common law precedent.

2. All of the unconstitutional and unlawful acts alleged below were committed by the Defendants in or around the City of Bellevue, Iowa, between April 1, 2022 and October 8, 2022, when Christopher Prichard, through the malfeasance, reckless and/or intentional behavior of the Bellevue Police Department and its individual officers in willfully and/or wantonly disregarding the rights and safety of Angela Prichard, took advantage of a state created danger by shooting and killing Angela Marie Prichard; and for conduct by the Defendants after the fact to benefit Christopher Prichard to the detriment of the estate and heirs of Angela Maria Prichard.

3. All violations alleged herein set out below, with particular facts and circumstances cited in support of the allegations, and all the rules and laws alleged to have been violated by the Defendants, including the Constitutional protections that were violated, were clearly established at the time the Defendants engaged in conduct resulting in a state created danger and willful and/or wanton disregard of the safety of Angela Prichard that proximately resulted in the shooting death of Angela Prichard on October 8, 2022.

JURISDICTION

4. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §1331 and 42 U.S.C. §1983.

5. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §1391(b) in that one or more of the Defendants live and/or do business in this district and the events that give rise to this claim occurred in this district.

PARTIES

6. At all times material hereto before her death Angela Marie Prichard was a citizen and resident of Jackson County, Iowa.

7. Plaintiff, Joshua Lee Close, is the duly appointed and acting Administrator of the Estate of Angela Marie Prichard pursuant to the Order and Letters of Appointment issued by the Iowa District Court for Jackson County.

8. At all times material hereto, Joshua Lee Close was the son of the deceased, Angela Marie Prichard, residing in Dubuque County, Iowa.

9. At all times material hereto, Colton Hancock was the son of the deceased, Angela Marie Prichard.

10. The Defendant City of Bellevue, Iowa is a governmental subdivision of the State of Iowa, that includes a Police Department.

11. Defendants Dennis Schroeder, Ryan Kloft and Shelby Mutzl at all times material hereto are, upon information and belief, residents of Jackson County, Iowa; employed by the City of Bellevue as police officers; and they engaged in malfeasance, and/or reckless and/or willful and wanton conduct and/or intentional unlawful conduct, showing favoritism toward Christopher Prichard which enabled and fostered his ability to murder his estranged spouse Angela Marie Prichard; repeatedly refused to enforce a mandatory no contact order in a willful and/or wanton manner in complete disregard of the safety of Angela Prichard in violation of Iowa Code §236.11.1 and §664A.6; and committed other wrongful, intentional and/or reckless acts that also violated both the U.S. and Iowa constitutions, statutory law, common law, Bellevue Municipal Code, and their oaths of office, all while acting under color of state law as a law enforcement officers for the City of Bellevue Police Department.

FACTUAL BACKGROUND

12. On November 14, 2019, a Criminal Complaint and Affidavit was filed in an unrelated matter against Christopher Prichard in Iowa District Court for Jackson County

charging him with First Degree Theft, a felony. Iowa District Court for Jackson County, Crime No. FECR 020747.

13. The Defendants acquiesced to Christopher Prichard getting out on bail and in getting the criminal matter repeatedly delayed, including eight continuances in 2020, seven continuances in 2021, six continuances in 2022 and seven continuances in 2023, plus three plea hearing continuances in 2022 which led to the denial of a plea agreement; and all 31 of the continuances over a four year period enabled Christopher Prichard to remain free of custody and emboldened him to repeatedly harass and assault Angela Marie Prichard under the justified belief the law would not be enforced against him by the Defendants.

14. The Defendants intentionally refused to enforce the law against Christopher Prichard and assisted Christopher Prichard in avoiding the legal consequences of his unlawful conduct because of Christopher Prichard's personal relationship with one or more of the named Defendants.

15. On April 18, 2022, Christopher Prichard was arrested for Domestic Violence against Angela Prichard and a no contact order was issued. On May 03, 2022, that no contact order was terminated.

16. In July or August of 2022, Angela Prichard located a tracking device in her Jeep and two hidden cameras placed in her home, all in violation of Iowa's anti-stalking and invasion of privacy laws. See I.C.A. §708.11 and §709.21. Angela Prichard notified the Defendants of the harassment and they refused to enforce the law against Christopher Prichard.

17. On August 23, 2022, Christopher Prichard sent threatening texts to Angela Prichard stating "it is going to get real fucking ugly." Angela Prichard notified the Defendants

of the harassment and they refused to enforce the law against Christopher Prichard.

18. On August 28, 2022, Christopher Prichard told Angela Prichard that he “will destroy her business.” Angela Prichard notified the Defendants of the harassment and they refused to enforce the law against Christopher Prichard.

19. On August 29, 2022, Christopher Prichard called the police and falsely reported that Angela Prichard threw a bottle at him and hit him in the face. The Defendants took no action regarding this false claim.

20. On September 1, 2022, a Temporary Restraining Order (“TRO”), to protect Angela Prichard from Christopher Prichard, was filed and personally served on Christopher Prichard on the same date. See Iowa District Court for Jackson County, Case No: 07491 DACV029082.

21. The September 1, 2022 TRO includes a “CAUTION: ...FIREARMS WARNING for Law Enforcement.” The Defendants were specifically informed of Christopher Prichard’s ownership and use of a number of firearms.

22. The September 1, 2022, TRO stated, as follows:

“...the court orders, 1. Defendant must not threaten, assault, stalk, molest, sexually abuse, attack, harass, or otherwise abuse Plaintiff... 2. Defendant must stay away from Plaintiff, Protected Person, or Other Protected Persons and must not be or remain in the presence or the immediate vicinity of residences or places of employment of Plaintiff...3. **If Defendant violates this order, Defendant must be arrested immediately.** A violation occurs even if Plaintiff, Protected Person, or any Other Protected Person consents to conduct this order prohibits. **Only the court can relieve Defendant from restrictions listed in this order.**”

(Emphasis added).

23. On September 2, 2022, Angela Prichard requested officers' assistance to go back to her house. Officers contacted and included in the report include “BRK1,” believed to

be Defendant Ryan Kloft. Angela notes she will not be physically staying at the residence until safety cameras are installed.

24. On September 2, 2022, Christopher Prichard was re-served with the 9-1-22 TRO and moved out of the house. Angela Prichard was escorted by police to the house to find the doors bolted, utilities shut off and no business phone. The home was vandalized, including the keepsake chest, hall bath damage, paint on the floor, master bath and master bedroom damage, spare bedroom damage, one mattress was moved around and smeared with dog poop, and guns were moved around the house.

25. The abuse and harassment caused by Christopher Prichard's vandalizing the home before Angela Prichard could take possession was ignored by the Defendants and they refused to arrest Christopher Prichard for violating the TRO.

26. After failing to appear for the first two TRO hearings on September 1, 2022, which resulted in continuances, the TRO was made permanent on 10-7-22. The Court ordered that "Defendant has not denied the acts alleged in the Petition and is in default. The allegations in the Petition are therefore admitted."

27. The permanent restraining order issued on 10-7-22, including the following admonition:

Notice for law enforcement

Any peace officer with probable cause to believe Defendant has violated this order **must** immediately arrest Defendant. Iowa Code sections 236.11(1) and 664A.6.

28. On September 7, 2022 @ 13:14, Angela Prichard contacted officer "BDS1," believed to be Bellevue Police Chief Dennis Schroeder, to report that Christopher Prichard

violated the restraining order by going to her place of work and cutting the grass. Defendant Schroeder, refused to enforce the TRO and instead, “advised that [Angela Prichard] needs to contact her attorney and [Chief Schroeder] would do a report.”

29. After the TRO was in place, Angela Prichard pulled into Casey’s gas station in Bellevue. While she was there pumping gas Christopher Prichard pulled in next to her and just stared at her. Angela called the Defendants who refused to enforce the court’s Restraining Order, stating “it’s a small town, you will have that.”

30. On September 9, 2022, Christopher Prichard drove by Angela Prichard’s house while her pregnant daughter-in-law was visiting. Christopher Prichard then stalked the daughter-in-law at a gas station. The Defendants were contacted and once again refused to enforce the court’s Restraining Order. The police told Angela Prichard that they will contact the County Attorney Sara Davenport and call her back, which they did not do.

31. Over the next few days after September 9, 2022, Christopher Prichard repeatedly drove past Angela Prichard’s home, including one night where he drove by six times in one hour. The Defendants were contacted about the harassment, but the Defendants refused to enforce the court’s restraining order.

32. On September 11, 2022, Christopher Prichard was driving around in a white 2-door pick-up truck, not his usual vehicle, and drove around Colton Hancock’s house at 11pm. Angela Prichard believed the white 2-door pick-up truck was missing from Jim Mueller Auto and that she had seen Christopher Prichard drive it previously right past her when he was trying to be inconspicuous. The Defendants were contacted again about Christopher Prichard’s violation of the restraining order and once again refused to enforce the court’s restraining order.

33. On September 12, 2022, Christopher Prichard went to Angela Prichard's house to complain about credit cards he claimed Angela Prichard opened in his name. The police were contacted and Defendant Shelby Mutzl responded, but refused to enforce the court's restraining order.

34. On September 13, 2022, Angela Prichard provided Defendant Ryan Kloft text messages sent from Christopher Prichard to her in violation of the court's restraining order. Once again, Defendant Kloft refused to enforce the court's restraining order.

35. On September 14, 2022, Christopher Prichard informed Defendant Ryan Kloft that Angela Prichard has a boyfriend. Instead of investigating this claim to determine how Christopher Prichard became aware of the allegation, which would have been in violation of the court's Restraining Order if obtained through personal observation or contact, Defendant Kloft again refused to enforce the court's Restraining Order.

36. On September 15, 2022, Christopher Prichard left a note to Angela Prichard on the steps of her home in violation of the court's Restraining Order. Angela Prichard provided a copy of the note to Defendant Ryan Kloft on September 18, 2022. Defendant Kloft initially told Angela Prichard, "[you] can't prove it" was Christopher Prichard and stated he "will tell [Christopher Prichard] to knock it off," rather than enforce the court's restraining order.

37. On September 15, 2022, at 13:57, Defendant Ryan Kloft finally arrested Christopher Prichard after being shown a text message to Angela Prichard from Christopher Prichard. Defendant Kloft only made the arrest on September 15, 2022, because he was advised that "this was a mandatory arrest."

38. On September 15, after Defendant Kloft finally arrested Christopher Prichard for violation of the court's Restraining Order, Christopher Prichard spent one night in jail.

39. On September 16, 2022, the order on initial appearance for violation of the restraining order required Christopher Prichard to show up for a hearing on the violation on September 29, 2022.

40. In full public view on a main street in Bellevue where Christopher Prichard had a shop, during September of 2022, Christopher Prichard placed signs making negative comments about Angela Prichard in the shop window, all in violation of the court's Restraining Order.

41. The Defendants were aware of the harassment by Christopher Prichard using signs in his shop window on a main downtown street in Bellevue and refused to enforce the court's Restraining Order prohibiting such harassment and abuse.

42. On September 17, 2022, Angela Prichard made sure the Defendants were aware of the harassing signs placed in Christopher Prichard's shop. Angela Prichard contacted Defendant Mutzl who went to the shop, observed the signs, but refused to enforce the court's restraining order.

43. Defendant Mutzl "advised Angela [Prichard] that she should speak with County Attorney Sara Davenport, the attorney she is already working with, about a restraining order against Chris," even though a restraining order prohibiting such conduct was already in place.

44. On September 17, 2022, Angela Prichard contacted Defendant Shelby Mutzl stating that Christopher Prichard was parked close by and was watching her. Defendant Mutzl observed Christopher Prichard's jeep in a nearby parking lot. Officer Mutzl also noted she saw "[Christopher Prichard]'s jeep did drive past while I was speaking to Angela. . ." Despite identifying Prichard's Jeep, Mutzl claimed it "was dark outside so [she] was unable to observe

if the driver was [Christopher Prichard] or not.” Once again, Defendant Mutzl refused to enforce the court’s restraining order.

45. Also on September 17, 2022, Christopher Prichard was spotted spying on Angela Prichard by hiding in a lumberyard near Angela Prichard’s sister’s house, where Angela Prichard was staying. The harassment was reported to Defendants at least two times but they refused to enforce the court’s restraining order.

46. On September 19, 2022, Angela took pictures of the signs lit up in Christopher Prichard’s shop and provided copies to the Defendants. Despite the harassment and abuse from the signs, the Defendants continued to refuse to enforce the court’s restraining order.

47. On September 23, 2022, the date the rescheduled hearing on the restraining order was supposed to be held, Christopher Prichard failed to show up for the hearing even though Defendant Mutzl personally went to Christopher Prichard’s shop to remind him of the court hearing.

48. Neither Mutzl, nor any other Defendant, informed the court of the reminder to attend the hearing on September 23, 2022, which assisted Christopher Prichard in perpetrating a fraud upon the court that resulted in the court accepting Christopher Prichard’s lie that he “called the clerk’s office and was unclear of the hearing date, he stated he had contacted the Bellevue Police Dept who told him the date for this hearing was 9/29/22.”

49. Also on September 23, 2022, Christopher Prichard repeatedly violated the restraining by following and harassing Angela Prichard. Christopher Prichard showed up where Angela was staying and told a number of people present that he “did not give a fuck if he went to jail.” The Defendants were notified of the violations of the court’s restraining order and again refused to enforce the order.

50. Christopher Prichard did not show up for the rescheduled hearing on September 29, 2022, regarding violation of the restraining order. Christopher Prichard was sentenced to 6 days in jail with credit for the one day he served when he was arrested on September 15, 2022. The judge gave him 24 hours to get his affairs in order, and he was to turn himself in by 2:00 pm on September 30, 2022.

51. On September 30, 2022, Christopher Prichard failed to turn himself in to serve the sentence for violation of the restraining order knowing the Defendants would not enforce the order by arresting him. The “Mittimus/Warrant of Commitment” stated that the “Sheriff has notified the court that [Richard Prichard] has failed to report as ordered to serve the sentence imposed in this case.”

52. The Mittimus/Warrant of Commitment stated, “TO ANY PEACE OFFICER IN THE STATE... THEREFORE YOU ARE HEREBY COMMANDED forthwith to deliver the said defendant/respondent, CHRISTOPHER EUGENE PRICHARD, into the custody of the JACKSON COUNTY SHERIFF to immediately begin serving the sentence imposed in this case.”

53. Despite knowing Christopher Prichard’s usual whereabouts in a small town of under 2,500 people, and the unique vehicle he drove, a black 2-door Jeep Wrangler with “0dark30” plates, the Defendants flat out refused to enforce the warrant and arrest Christopher Prichard for nine full days until after he stalked, shot, and murdered Angela Prichard on October 8, 2022.

54. On October 1st, 2022, Angela Prichard called the Defendants and informed them that she intended on moving back into the house that day and asked them to keep an eye out and watch the house because of threats from Christopher Prichard. Defendant Schroeder went

to the house and informed Angela Prichard that she should wait on moving back into her house because he was afraid that Christopher Prichard was “going to hurt her and/or himself.”

55. On October 8, 2022 @ 7:49 a.m. Jackson County Sheriff’s Office responded to a 911 call where Angela Prichard worked at the Mississippi Ridge Kennels located at 31821 Highway 52, Bellevue, Iowa. Angela Prichard was dead upon police arrival from a gunshot wound to the chest.

56. On October 9, 2022 @ 12:30 a.m. Christopher Prichard was easily located at a known “rural Jackson County residence for violation of the no contact order.” Christopher Prichard was found with the murder weapon and ammo in his possession.

57. Upon information and belief Christopher Prichard performed electrical services for at least some of the Defendants on a reduced fee or free basis.

58. Christopher Prichard has been criminally charged with and convicted of murdering Angela Prichard in the First Degree.

59. Christopher Prichard admitted shooting and killing Angela Prichard, but claimed it was an “accident,” *i.e.* that he stalked her, confronted her at her place of work with a loaded shotgun and pointed the shotgun at her, but that he pulled the trigger by accident.

60. The deceased, Angela Prichard, was born on April 14, 1967, and was 55 years old at the time she was murdered by Christopher Prichard.

61. At all times relevant hereto Defendant Bellevue, Iowa had *respondeat superior* responsibility for the conduct of Defendants Schroeder, Kloft and Mutzl pursuant to the Iowa Constitutional, statutory, and common law.

62. Defendants Schroeder, Kloft and Mutzl, along with other unknown officers of the Bellevue Police Department, acted with recklessness and/or malice, and/or willfully

and wantonly, subjecting them to awards of punitive damages.

63. The Defendants' wrongful conduct resulted in the death of Angela Marie Prichard, causing significant harms and losses to Plaintiffs, including pre-death pain and suffering, losses of consortium and emotional distress.

64. Defendants' conduct violated clearly established constitutional and other law at the time of Angela Prichard's death such that every reasonable law enforcement officer would have understood the conduct violated their oaths of office and constituted a violation of law.

COUNT I
STATE CREATED DANGER IN VIOLATION OF
SUBSTANTIVE DUE PROCESS – FIFTH AND FOURTEENTH
AMENDMENTS TO THE U.S. CONSTITUTION

65. Plaintiffs replead and reallege paragraphs 1 through 64 as fully set forth herein.

66. The Defendants' conduct, violating their oaths of office, by protecting Christopher Prichard and repeatedly refusing to arrest him in violation of a restraining order that gave them no discretion and mandated his arrest upon a probable cause assessment of the violation of the Restraining Order, shocks the conscience.

67. The Defendants' conduct in protecting Christopher Prichard by repeatedly refusing to arrest him even though they were aware of the likelihood of him committing violence against Angela Prichard, were aware that there was an arrest warrant out mandating his apprehension and knowing his whereabouts over a nine-day period leading up to his murder of Angela Prichard, shocks the conscience.

68. The Defendants unlawful and wrongful conduct in protecting Christopher Prichard in violation of their oaths of office, placed Angela Prichard in greater danger of a

known risk of harm than she would have been without the Defendants' conduct in aiding and abetting Christopher Prichard's homicidal intent.

69. Christopher Prichard was well known to the Defendants and based upon the Defendants' conduct towards him, Christopher Prichard was of the belief that he could engage in any conduct he chose without fear of being arrested or otherwise held accountable by the Bellevue Police Department.

70. The Defendants' conduct including sustained inaction by government officials in the face of potential acts of violence constitutes "prior assurances," rising to the level of an affirmative condoning of private violence, even without explicit approval or encouragement.

71. The affirmative conduct of the Defendants in refusing to follow court ordered mandate to take Christopher Prichard into custody, including ignoring a court issued restraining order and a separate arrest warrant, gives rise to an actionable due process violation because it communicates, explicitly or implicitly, official sanction of Christopher Prichard's private violence.

72. The Defendants' conduct toward Christopher Prichard including responding to repeated violations of a court order by telling him to "cut it out," and telling Angela Prichard that she just had to accept violations of the restraining order because she lived in a small town, plainly transmitted the message to Christopher Prichard that what he did was permissible and would not cause him to be held accountable by the Bellevue Police Department.

73. The Defendants, by their affirmative conduct, enhanced the danger to Angela Prichard because they conveyed to Christopher Prichard that he could continue to engage in domestic violence, abuse and harassment with impunity, and that the Defendants thus violated

Angela Prichard's substantive due process rights pursuant to the Fifth and Fourteenth Amendments to the U.S. Constitution.

74. The Defendants' refusal to arrest Christopher Prichard for nine days after the issuance of an arrest warrant created an additional danger to Angela Prichard because she could not be harmed by Christopher Prichard if he was in custody.

75. Angela Prichard was far worse off and more exposed to harm from Christopher Prichard than she would have been had law enforcement not been involved in the situation at all. In that case, Angela Prichard could have taken additional steps to protect herself, including relocating or arming herself, rather than relying on the false belief that the Defendants would enforce the law before she was murdered. Also, Christopher Prichard would not have been emboldened to believe that he would not be held accountable by the Defendants for his wrongful conduct.

76. Angela Prichard was a member of a limited, precisely definable group, *i.e.*, victims of domestic violence who had procured restraining orders and warrants for the arrest of their abusers, who were well known to local enforcement officers.

77. The Defendants' conduct in refusing to enforce restraining orders or execute arrest warrants in cases against individuals for domestic abuse and/or who were well known to them put Angela Prichard at significant additional risk of serious, immediate, and proximate harm.

78. The risk of harm to Angela Prichard resulting from Defendants' wrongful conduct was obvious or known to the Defendants.

79. The Defendants acted recklessly in conscious disregard of the risk to Angela Prichard.

80. In total, Defendants' conduct shocks the contemporary conscience.

81. The Defendants' conduct was willful, wanton and/or deliberately indifferent to Angela Prichard's safety and welfare and the Defendants were well aware of the fact that Christopher Prichard posed a substantial risk of serious harm to Angela Prichard; and they ignored that risk.

82. The Defendants wrongful conduct in violation of the substantive due process clause of the U.S. Constitution proximately caused injuries and damages to the Plaintiffs in the following ways:

- a. Lost value to the Estate of Angela Prichard;
- b. Pre-death pain and suffering of Angela Prichard;
- c. Pre-death loss of full use of mind and body;
- d. Loss of adult child parental consortium for Joshua Close; and
- e. Loss of adult child parental consortium for Colton Hancock.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

COUNT II
VIOLATION OF EXPRESS STATUTES REGARDING
NO CONTACT ORDERS PROTECTED BY
ARTICLE I, SECTION 9 OF THE IOWA CONSTITUTION

83. Plaintiffs replead and reallege paragraphs 1 through 82 as fully set forth herein.

84. Defendants' unlawful and unconstitutional conduct was a violation of acceptable law enforcement practices and norms as recognized by Iowa common law at the

time of the ratification of the Iowa Constitution in 1857 and as identified in express statutes regarding the enforcement of no contact orders.

85. Defendants' conduct violated express legislative statutes holding law enforcement officers liable for acting in bad faith and upon unreasonable grounds pursuant to Iowa Code §236.11 and §664A.6 - Mandatory arrest for violation of no contact order, as follows:

1. If a peace officer has probable cause to believe that a person has violated a no-contact order issued under this chapter, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody.

2. If the peace officer is investigating a domestic abuse assault pursuant to section 708.2A, the officer shall also comply with sections 236.11 and 236.12.

3. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided the peace officer acts in good faith and on reasonable grounds and the peace officer's acts do not constitute a willful or wanton disregard for the rights or safety of another.

86. The Defendants wrongful conduct was done in willful and/or wanton disregard for the rights and safety of Angela Prichard.

87. The Defendants refused to fulfill their sworn duty as law enforcement officers directly leading to the murder of Angela Prichard.

88. The Defendants refused to follow mandated directions from a duly constituted court of law to arrest Christopher Prichard for probable cause violations of a known restraining order, and to take Christopher Prichard into custody upon his conviction of violating the restraining order, as set out in a subsequent arrest warrant, which refusals directly led to the murder of Angela Prichard.

89. The Defendants' wrongful conduct proximately caused Plaintiffs' damages, including lost value to the estate of Angela Prichard, pre-death pain and suffering for Angela Prichard, loss of parental consortium for Joshua Close and loss of parental consortium for Colton Hancock.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

COUNT III
INTENTIONAL INFLICTION OF SEVERE
EMOTIONAL DISTRESS

90. Plaintiffs replead and reallege paragraphs 1 through 89 as fully set forth herein.

91. Defendants engaged in extreme and outrageous conduct.

92. Defendants intentionally caused, or recklessly disregarded the likelihood of causing, severe or extreme emotional distress to Angela Prichard by refusing to do their duty, violating their oaths of office and bestowing favoritism upon Christopher Prichard by refusing to hold him accountable for his unlawful conduct, all in violation of direct court orders to the contrary.

93. Angela Prichard, Joshua Close and Colton Hancock suffered severe or extreme emotional distress resulting from the Defendants' conduct both pre and post murder of Angela Prichard. For the outrageous conduct by the Defendants post murder see Count V below for violation of the Iowa Slayer Act by the Defendants.

94. Defendants' extreme and outrageous conduct was the actual and proximate cause of severe and/or extreme emotional distress to Angela Prichard and her sons in the months leading up to her death; and that her sons suffered in the months after her death; all caused by the wrongful conduct of the Defendants, including mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past pain and suffering.

95. Defendants' conduct was so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

COUNT IV
ACTION ON THE BOND
IOWA CONSTITUTION - ARTICLE XI SECTION 5
AND IOWA CODE §63 and §64

96. Plaintiffs replead paragraphs 1 through 95 as if fully set forth herein.

97. Article XI, section 5 of the Iowa Constitution provides that “[e]very person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.”

98. Action on the bond was a cause of action recognized by the Iowa Constitution at the time of its adoption in 1857.

99. Iowa Code § 63.10 similarly requires police officers to swear to the oath and is an express statute on the subject.

100. Iowa Code § 64.2(1) requires all public officers, and police officers, to give bond under the condition that “the officer will faithfully and impartially, without fear, favor, or oppression, discharge all duties now or hereafter required of the office by law” and is an express statute on the subject.

101. Bellevue similarly requires all officers to give bond upon swearing oath of office. See Bellevue City Code §§2-2-5 through 2-2-8 and are express codes on the subject.

102. Iowa Code § 63.11 requires the oath be subscribed on the bond.

103. Defendants were constitutionally and statutorily required to give written bond and upon information and belief were bonded for all time relevant to the claims made in this lawsuit.

104. Defendants had a constitutional and statutory duty to support the Iowa constitution, obey Iowa law and obey orders from duly constituted courts of law.

105. The wrongful acts of Defendants breached their duty to support the Iowa constitution, obey Iowa law and obey orders from duly constituted courts of law and were done without justification.

106. The Defendants breach of duty proximately caused injuries and damages to Plaintiffs.

107. Each of the Defendants’ bonds should be forfeited for the use and benefit of Plaintiffs pursuant to Iowa Code § 64.18, “All bonds of public officers shall run to the state,

and be for the use and benefit of any corporation, public or private, or person injured or sustaining loss, with a right of action in the name of the state for its or the corporation's or person's use."

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

COUNT V
VIOLATION OF THE IOWA SLAYER ACT

108. Plaintiffs replead paragraphs 1 through 107 as if fully set forth herein.

109. The Defendants' favoritism toward Christopher Prichard at the expense of Plaintiffs even continued after Christopher Prichard murdered Angela Prichard.

110. As Husband-and-Wife Angela Prichard and Christopher Prichard owned property, both real and personal, including the home where Angela resided at 402 State St., Bellevue, Iowa, legally described as:

Commencing at the northwest corner of lot four hundred fourteen (414) in the Town of Bellevue, Jackson County, Iowa according to the United States survey; thence southerly along the west line of lots four hundred fourteen (414) and four hundred fifteen (415) in said Town, to the southwest corner of lot four hundred fifteen (415); thence easterly along the south line of said lot four hundred fifteen (415), fifty-five (55) feet; thence northerly and parallel with the west line of lots four hundred fourteen (414) and four hundred fifteen (415) to a point fifty-five (55) feet easterly from the northwest corner of lot four hundred fourteen (414); thence westerly along the north line of said lot four hundred fourteen (414), fifty-five (55) feet to the place of beginning. It being the intention to convey the west fifty-five (55) feet of lots four hundred fourteen (414) and four hundred fifteen (415) in the Town of Bellevue, Iowa, according to the United States Survey Thereof.

111. The record title to the property was in the name of Christopher Prichard, but Angela Prichard had possession of the property at the time of her death pursuant to the restraining order and Christopher Prichard was not allowed on the property prior to her death also pursuant to the restraining order.

112. Prior to her death Angela Prichard had both a dower interest and a possessory interest in the real property, and personal property located in the home. By killing Angela Prichard, Christopher Prichard attempted to extinguish both Angela Prichard's dower and possessory interest in said property, both real and personal.

113. Angela Prichard had a significant amount of personal property among the household goods, located at 402 State Street, Bellevue, Iowa.

114. After the murder of Angela Prichard by Christopher Prichard the Bellevue Police Department, acting under color of state law, outrageously required under penalty of arrest that the family of Angela Prichard, surrender custody and control of said property, including all personal property located on the premises, to the family of Christopher Prichard, in violation of Iowa law.

115. Defendant Ryan Kloft contacted Joshua Close and ordered him to appear at the house on a date and time specified, to surrender all keys to the property and ordered him and all other family members of Angela Prichard to refrain from entering upon said property, all without any authority to insert law enforcement and the threat of arrest into what would otherwise have been a civil matter in which the Plaintiffs would have been protected by Iowa Code Section 633.535.

116. The possession of the property was surrendered to the family of Christopher Prichard under the threat of arrest and punishment as required by the Defendants acting under color of state law.

117. Upon information and belief, the surrender of the property as ordered by the Defendants allowed Christopher Prichard to sell the home and possessions and keep the proceeds for himself and his family in violation of the Iowa Slayer Act.

118. The Defendants' conduct acting under color of state law to intervene unlawfully in a civil matter is outrageous and conscience shocking.

119. The Defendants' conduct directly violated the Iowa Slayer Act which prohibits a person who murdered someone from benefitting in any way from the murder. See I.C.A. §633.535, stating that Christopher Prichard can in no way benefit from his act of murdering Angela Prichard, including by extinguishing either her dower or possessory interest in the property, real and personal.

120. I.C.A. §633.535 - Person causing death - states, as follows:

A person who intentionally and unjustifiably causes or procures the death of another shall not receive any property, benefit, or other interest by reason of the death as an heir, distributee, beneficiary, appointee, or in any other capacity whether the property, benefit, or other interest passed under any form of title registration, testamentary or nontestamentary instrument, intestacy, renunciation, or any other circumstance. The property, benefit, or other interest shall pass as if the person causing death died before the decedent.

121. The unlawful and outrageous conduct of the Defendants in ordering Plaintiffs to surrender custody of the real estate and personal property to Christopher Prichard was contrary to Iowa law.

122. By contacting the family of Angela Prichard and requiring them to surrender custody of said real property and all personal property located therein, including by

surrendering all keys to the property and by prohibiting the family of Angela Prichard from entering the property, all without authority to do so and in violation of Iowa law, proximately caused direct injuries and damages to Plaintiffs, including pain, suffering, humiliation and the lost value of said property.

123. In addition, the Defendants' intentional violation of Iowa's Slayer Act also caused damages, as noted above in Count III, by the intentional infliction of severe emotional distress.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

COUNT VI
TRESSPASS ON THE CASE
RECOGNIZED AT COMMON LAW IN 1857

124. Plaintiffs replead paragraphs 1 through 123 as if fully set forth herein.

125. Defendants unlawful and unconstitutional conduct was a violation of acceptable law enforcement practices and norms as recognized by Iowa common law at the time of the ratification of the Iowa Constitution in 1857.

126. The Defendants conduct caused an injury unaccompanied with force or which resulted indirectly from the act of the Defendants, also known in the context of the facts of this case as assumpsit and, simply, case.

127. Trespass on the case, assumpsit and case were torts or implied contract actions that were recognized at the time of the adoption of the Iowa Constitution in 1857. See *Zerfing*

v. Mourer, 2 Greene 520, 520-521, 1850 Iowa Sup. LEXIS 38, *1 and *Goodwin v. Thompson*, Greene 329, 331, 1849 Iowa Sup. LEXIS 63, *4.

128. The Defendants Trespass on the Case indirectly but proximately caused Plaintiffs damages, including pain and suffering; loss use of mind and body; and loss of consortium.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

COUNT VII
LOSS OF CONSORTIUM

129. Plaintiffs replead paragraphs 1 through 128 as if fully set forth herein.

130. Angela Prichard was the natural mother of Joshua Close and Colton Hancock who bring this loss of claim on their own behalf.

131. Since Prichard's death Close and Hancock have suffered a loss of aid, companionship, cooperation, and affection of their mother, Angela Prichard.

132. As a result of said losses Close and Hancock have been damaged.

133. The Defendants are liable for Close's and Hancock's loss of consortium.

134. The losses of Close and Hancock are individual and separate from the losses sustained by the Estate of Angela Prichard, as the result of her death caused by the wrongful conduct of the Defendants.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount which will fully and fairly compensate them for their injuries and damages; for attorney's fees as allowed by law; for interest and costs as allowed by law; for punitive damages against Defendants Schroeder, Kloft and Mutzl; and for such other and further relief as may be just in the premises.

JURY DEMAND

Plaintiffs hereby request a jury trial on all issues raised by their Complaint.

Respectfully submitted,

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