

3. Defendant R. Clark & Sons Construction, LLC is a limited liability company with its principal place of business in Jackson, Missouri. Defendant R. Clark & Sons Construction, LLC owns one or more of the cemetery properties at issue. The member of Defendant R. Clark & Sons Construction, LLC is Defendant Ronald Clark, who is a citizen of the state of Missouri. Defendant R. Clark & Sons Construction, LLC has a principal place of business at 1944 Ripken Way in Jackson, Missouri 63755. Defendant Ronald Clark, individually and/or as member of Defendant R. Clark & Sons Construction, LLC, hired Defendants Dale Birk and Jeremy Spooler to excavate and relocate graves.

4. Defendant Dale Birk is a citizen of the state of Missouri. Defendant Birk was hired by Defendant Clark and/or R. Clark & Sons Construction, LLC to excavate and relocate the graves as described more fully below.

5. Defendant Jeremy Spooler is a citizen of Missouri. Defendant Spooler was hired by Defendant Clark and/or R. Clark & Sons Construction, LLC to excavate and relocate the graves as described more fully below.

JURISDICTION AND VENUE

6. This Court has original jurisdiction pursuant to R.S. Mo. § 478.070.

7. Venue is proper in this Court pursuant to R.S. Mo. § 508.010(4), because there is a count alleging a tort (Negligence Counts) and Plaintiff and the Class members were first injured in the state of Missouri and the county of Cape Girardeau is the county where Plaintiff and the Class Members were first injured by the acts or conduct alleged in this action.

FACTUAL ALLEGATIONS

8. In or about August 2025, Defendant Clark, d/b/a/ R. Clark & Sons, LLC and/or Defendant R. Clark & Sons, LLC purchased the 650-acre property in Cape Girardeau County with

the intention of developing the property.

9. There are three cemeteries on the 650-acre property: the English Cemetery, the Benjamin M. Horrell Cemetery, and Horrell's Slave Cemetery (collectively, the "Cemeteries").

10. The English Cemetery is an historical burial ground dating back more than 200 years, with documented burials as early as 1804 – seventeen years before Missouri achieved statehood.

11. Thomas English, the direct ancestor of Plaintiff, was a Revolutionary War veteran who moved from Georgia to Cape Girardeau after the war. Thomas and his family were among the first settlers of southeast Missouri. Thomas was interred at the English Cemetery.

12. The Cemeteries are the resting places of other early settlers, their descendants, and emancipated slaves.

13. All three Cemeteries are known and identifiable burial sites with graves clearly marked by headstones and grave markers.

14. To make room for development, Defendant Clark, individually and/or a member of R. Clark & Son, LLC, decided to excavate the graves from the Cemeteries and rebury them in a different portion of the property.

15. Without first seeking legal authorization for disinterment and without the consent of Plaintiff or any other surviving next-of-kin, Defendant Clark, individually and/or a member of R. Clark & Son, LLC, hired Defendants Birk and Spooler to excavate the graves.

16. Defendants Birk and Spooler used large earth-moving equipment not designed for the delicate process of disinterring human remains.

17. As a result, coffins and burial containers were crushed, human remains were scattered and comingled, and burial markers were displaced from their original locations.

18. In March 2026, local authorities began investigating reports of these disturbed burial sites. Authorities found that at least 18 graves had been disturbed. Public reporting identifies some of the disturbed graves in the English Cemetery as belonging to Margaret Kinnison, Jane English, Thomas Joyce, Sara E. Joyce, Joseph McFerron, Martha English, the infant daughter of A. Joyce, Benjamin Horrell, and possible graves of enslaved people.¹

19. Each of the Defendants now face felony charges for disturbing 18 burial sites across the three Cemeteries.²

CLASS ACTION CLAIMS

20. Plaintiff brings this action pursuant to Missouri Rule of Civil Procedure 52.08 on behalf of himself and a class of similarly situated individuals (“the Class”) defined as:

All citizens of the state of Missouri who are descendants, next of kin, or otherwise legally recognized relatives of individuals interred at the English Cemetery, the Benjamin M. Horrell burial site, the Horrell Slave Cemetery, and/or any other burial sites located on property owned, controlled, or developed by Defendants in Cape Girardeau County, Missouri, whose ancestors’ graves, remains, or funerary objects were disturbed, removed, relocated, or otherwise affected by Defendants’ conduct.

21. Excluded from the Class are Defendants, their officers and employees, any judge to whom this case is assigned, his or her spouse, and members of the judge’s staff. Plaintiff reserves the right to modify, change, or expand the Class definition after conducting discovery.

22. Numerosity: Upon information and belief, the Class is so numerous that joinder of all members is impracticable. While the exact number and identities of individual members of the Class is unknown at this time, the affected burial sites span multiple families and generations dating back more than 200 years. Many Class members are geographically dispersed throughout

¹ <https://www.semissourian.com/news/cape-girardeau-man-arrested-for-disturbing-burial-sites-0ba70402>, last accessed April 27, 2026

² *Id.*

the state of Missouri or not readily identifiable without genealogical investigation, making individual joinder impracticable.

23. Commonality: Common questions of law and fact exist as to all members of the Class. These questions predominate over the questions affecting individual Class members and include, but are not limited to:

- a. Whether Defendants disturbed, excavated, or relocated burial sites and human remains without lawful authorization
- b. Whether Defendants were on notice of the existence of the cemeteries;
- c. Whether Defendants failed to comply with Missouri law governing disinterment and the handling of human remains;
- d. Whether Defendants used improper excavation methods, including heavy equipment unsuitable for the careful recovery of human remains;
- e. Whether Defendants' conduct resulted in the destruction, displacement, or comingling of remains and funerary objects;
- f. Whether such conduct constitutes interference with the right of sepulcher;
- g. Whether Defendants acted negligently, recklessly, or with conscious disregard for the rights of descendants;
- h. Whether Class members are entitled to compensatory and punitive damages;
- i. Whether injunctive or equitable relief is necessary to ensure proper recovery, identification, and reinterment of remains.
- j. Whether injunctive or equitable relief is necessary to ensure the ancestors' graves, remains, or funerary objects are returned to their original location.

24. Typicality: All of Plaintiff's claims are typical of the claims of the Class, because Plaintiff, like all Class members, is a descendent of individuals interred at one of the affected burial sites. Plaintiff's claims arise from the same course of conduct by Defendants, and Plaintiff is advancing the same claims and legal theories on behalf of himself and all absent Class members.

25. Adequacy: Plaintiff is an adequate representative because his interests do not conflict with the interests of the Class he seeks to represent; he has retained counsel that are competent and highly experienced in complex class action litigation, and he intends to prosecute

this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and his counsel.

26. Superiority: A class action is superior to all other available means of fair and efficient adjudication of the claims of Plaintiff and members of the Class. The injury suffered by each individual Class member is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Defendants' conduct. Even if the members of the Class could afford such individual litigation, the court system could not. Individualized litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation also increases the delay and expense to all parties, and to the court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court. Absent class certification, many Class members may be unable to effectively vindicate their rights.

27. Injunctive Relief: Pursuant to Mo. R. Civ. P. 52.08(b)(2), Defendants have acted or refused to act on grounds that apply generally to the Class, so that final injunctive relief, corresponding declaratory relief, or final equitable relief is appropriate with respect to the Class as a whole.

CAUSES OF ACTION

COUNT I

Negligent Interference with Right of Sepulcher

Against All Defendants

28. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully set forth herein.

29. Plaintiff's ancestor, Thomas English, fought in the Revolutionary War and has been

at rest in the English Cemetery for almost 200 years.

30. Defendants' and/or Defendants' agents' complete disrespect for Thomas English's remains has caused Plaintiff emotional distress and anguish.

31. Defendants and/or Defendants' agents' attempted to disinter the deceased families of Plaintiff and the Class with large equipment not designed for the delicate process of exhumation. As a result, coffins and burial containers were crushed, human remains were scattered and comingled, and burial markers were displaced from their original locations.

32. Defendants' and/or Defendants' agents' conduct was willful, wanton, malicious, and with total disregard to the consequences of their actions. Defendants' and/or Defendants' agents' mistreatment of their ancestors' remains has caused Plaintiff and the Class members to suffer emotional distress and anguish, and are entitled to recover compensatory and punitive damages for their suffering.

COUNT II
Negligence Per Se
Against All Defendants

33. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully set forth herein.

34. Missouri law authorizes the owner of a cemetery to disinter and relocate remains under three circumstances: (1) to correct an error made in the original interment of the remains; (2) with the written and signed authorization of the deceased's family, or (3) pursuant to a final order issued by the circuit court for the county in which the cemetery is located. R.S. Mo. § 214.208

35. Missouri law also prohibits the mutilation, disfigurement, or removal of any monument, gravestone, or other structure in any abandoned family cemetery or private burial ground. R.S. Mo. § 214.131.

36. These statutes pronounce what the conduct of a reasonable person must be when disinterring human remains in a cemetery, and Defendants and/or Defendants' agents' had a duty to conduct themselves accordingly.

37. Defendants and/or Defendants' agents' violated R.S. Mo. § 214.208 when they disinterred and attempted to relocate the ancestral remains of Plaintiff and the Class members without either the written consent of the living family members or a court order.

38. Defendants and/or Defendants' agents' violated R.S. Mo. § 214.131 when they destroyed, mutilated, and/or removed headstones and other grave markers from the cemeteries.

39. Defendants' and/or Defendants' agents' conduct therefore constitutes negligence per se.

40. Defendants and/or Defendants' agents' used large equipment not designed for the delicate process of exhumation. As a result, coffins and burial containers were crushed, human remains were scattered and comingled, and burial markers were displaced from their original locations.

41. Plaintiff and the Class members were injured by Defendants' and/or Defendants' agents' conduct, because they experienced emotional distress and anguish when their ancestors' remains were so disrespectfully exhumed without their consent.

COUNT III
Intentional Infliction of Emotional Distress
Against All Defendants

42. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully set forth herein.

43. Defendants knew, before undertaking excavation, that the marked graves at English Cemetery contained human remains, including the remains of deceased children, and that the

graves were sacred burial sites of the ancestors of Plaintiff and the Class.

44. Despite that knowledge, and despite being on notice of the extraordinary care required in disturbing human burials, Defendants intentionally, willfully, or in conscious and reckless disregard of the rights of Plaintiff proceeded to exhume, disturb, and destroy graves using large earth-moving equipment wholly unsuited to the careful recovery and preservation of human remains.

45. Defendants undertook these activities without implementing reasonable archaeological, forensic, or protective precautions to prevent the crushing, scattering, fragmentation, loss, and commingling of human remains, even though such consequences were not merely foreseeable but substantially certain to occur.

46. Defendants acted with actual knowledge, or at minimum with malicious and reckless indifference, that the destruction, desecration, and commingling of Plaintiff's ancestor's remains would inflict profound anguish, shock, grief, and lasting emotional trauma upon surviving descendants, yet proceeded in conscious disregard of those consequences.

47. Defendants' conduct in desecrating ancestral graves, including graves of children, destroying the bodily integrity of the dead, and obliterating the identity of individual remains was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

48. In proceeding with mechanized excavation of known graves while disregarding obvious and catastrophic risks to the dead and their descendants, Defendants prioritized expedience over human dignity, treating a historic burial ground not as sacred ground but as an obstacle to be removed.

COUNT IV
Gross Negligence

Against All Defendants

49. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully set forth herein.

50. Defendants owed Plaintiff and the Class the highest duty of care in undertaking any disturbance, excavation, relocation, or handling of graves and human remains interred at English Cemetery, a historic burial ground containing the remains of Plaintiff's ancestors, including deceased children.

51. Defendants breached those duties not merely through inadvertence or ordinary negligence, but through conduct constituting gross negligence, willful misconduct, and reckless indifference to the rights of Plaintiff and the sanctity of human remains.

52. Defendants knew before excavation began that the graves contained human remains, knew disturbance of those graves carried grave and obvious risks of crushing, fragmentation, loss of identity, and commingling of remains, and knew extraordinary precautions were required if excavation were attempted.

53. Despite that knowledge, Defendants consciously elected to proceed using large earth-moving equipment not designed for the careful recovery and preservation of human remains, while failing to employ reasonable archaeological, forensic, or protective protocols necessary to prevent destruction of the dead.

54. Defendants proceeded in conscious disregard of known and substantial risks that their methods would desecrate graves, destroy bodily integrity, obliterate identification of remains, and inflict severe emotional harm upon surviving descendants.

55. Defendants' conduct reflected an entire want of care and a deliberate indifference to consequences so reckless as to constitute gross negligence.

56. Defendants further acted with reckless indifference by prioritizing speed, convenience, cost savings, development interests, or other institutional objectives over the preservation of human remains and the dignity owed to the dead.

57. Defendants' misconduct was aggravated by the fact that the risks of crushing, scattering, destruction, and commingling of remains were not remote or speculative but obvious, foreseeable, and substantially certain consequences of the methods Defendants chose to employ.

58. Defendants nevertheless persisted in that conduct in conscious disregard of those consequences

59. As a direct and proximate result of Defendants' gross negligence and recklessness, Plaintiff and Class members suffered destruction and desecration of ancestral remains, loss of burial integrity, emotional distress, and other damages.

COUNT V
Punitive Damages
Against All Defendants

60. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully set forth herein.

61. Defendants' acts and omissions were willful, wanton, outrageous, and undertaken with conscious disregard for the safety, dignity, and legally protected rights of Plaintiff and the Class.

62. Defendants knew or had reason to know there was a high probability their conduct would result in desecration of graves and catastrophic injury to Plaintiff's protected interests, yet deliberately proceeded in disregard of that known probability.

63. Defendants' conduct demonstrated evil motive or, at minimum, reckless indifference sufficient to warrant the imposition of punitive damages to punish Defendants and

deter similar conduct.

64. The crushing, commingling, destruction, and loss of human remains in a historic cemetery—including the remains of children—through conscious disregard of known risks constitutes conduct warranting exemplary and punitive damages.

COUNT VI
Civil Conspiracy
Against All Defendants

65. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully set forth herein.

66. At all relevant times, Defendants, including the property owner and those retained, engaged, or directed by the property owner to excavate, disturb, remove, or relocate graves and human remains at English Cemetery, acted in concert and pursuant to a common design, agreement, understanding, or meeting of the minds.

67. Defendants agreed, expressly or tacitly, to undertake the disturbance and relocation of graves despite knowledge that the cemetery contained marked graves, human remains, including the remains of children, and despite knowledge that the methods contemplated created grave risks of destruction, commingling, desecration, and loss of identity of human remains.

68. The object of the conspiracy was to facilitate excavation, relocation, and/or development affecting the cemetery through means undertaken in conscious disregard of lawful duties owed to descendants and of the sanctity and integrity of the burial ground.

69. Defendants understood that the acts undertaken pursuant to their agreement would foreseeably result in desecration of graves, destruction of bodily integrity, interference with Plaintiff's sepulcher rights, and severe emotional harm to descendants, yet they knowingly proceeded.

70. The acts of each conspirator were undertaken in furtherance of the common scheme, and each Defendant is jointly and severally liable for the acts of the others committed in furtherance of the conspiracy.

71. In furtherance of the conspiracy, Defendants committed overt acts, including but not limited to:

- a. agreeing to excavate and relocate graves using methods foreseeably likely to damage human remains;
- b. employing large earth-moving equipment not suited to the careful exhumation and preservation of human remains;
- c. proceeding without adequate archaeological, forensic, identification, or protective protocols;
- d. authorizing, directing, participating in, or ratifying the disturbance, destruction, and commingling of graves and human remains;
- e. failing to halt excavation despite obvious destruction or mishandling of remains; and
- f. concealing, minimizing, or misrepresenting the extent of disturbance, destruction, or commingling of remains.
- g. Acting without legal authority to move gravesites.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, respectfully request that this Court:

A. determine that the claims alleged herein may be maintained as a class action under Rule 52.08 of the Missouri Rules of Civil Procedure, and issue an order certifying the Class as

defined above;

- B. appoint Plaintiff as the representative of the Class and his counsel as Class counsel;
- C. empanel a jury to try all issues so triable;
- D. award all actual, general, special, incidental, statutory, punitive, and consequential damages to which Plaintiff and Class members are entitled;
- E. award pre-judgment and post-judgment interest on such monetary relief;
- F. grant appropriate injunctive and/or declaratory relief;
- G. award injunctive relief that includes the restoration of the cemetery;
- H. award injunctive or equitable relief necessary to ensure proper recovery, identification, and reinterment of remains.
- I. award injunctive or equitable relief necessary to ensure the ancestors' graves, remains, or funerary objects are returned to their original location.
- J. award reasonable attorney's fees, costs, and litigation expenses; and
- K. grant such further relief that this Court deems appropriate.
- L. Award of Punitive Damages in an amount sufficient to punish and deter.

Dated: April 27, 2026

Respectfully submitted,

/s/ Tiffany Marko Yiatras

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