

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

DANIELLE CARRARA

Case No.:

Plaintiff,

Div:

vs.

WALGREENS CO.

Serve: Prentice-Hall Corporation Systems, Inc.  
221 Bolivar St.  
Jefferson City, MO 65101

**JURY TRIAL DEMANDED**

Defendant.

**PETITION**

Plaintiff, for her cause of action against Defendant, states as follows:

1. Plaintiff is a resident of the State of Missouri.
2. Defendant Walgreen Company is a Delaware corporation doing business in the state of Missouri with authority to sue and be sued.
3. At all times relevant, Defendant owned and operated Walgreen's store #10211 in Warrenton, Missouri and acted through its agents, servants, and/or employees.
4. On or about October 10, 2020, Plaintiff took digital images to Defendant to be printed. Plaintiff advised Defendant that the images were sensitive in nature, and Defendant told her they could be printed.
5. Plaintiff returned for the prints later that day and was advised that the images could not be printed as they violated Defendant's policy.
6. Contrary to its statement to Plaintiff, Defendant printed the pictures and retained them in violation of its policies and representations to Plaintiff.
7. Upon information and belief, Defendant disclosed and published the private pictures to others, including its employees.
8. On February 25, 2022, Defendant disclosed and published the pictures to Plaintiff's minor daughter.
9. Defendant failed to put into place or follow proper procedures to

safeguard the privacy rights of Plaintiff.

**Count I- Intentional Infliction of Emotional Distress**

10. Defendant published and disclosed Plaintiff's private photographs intentionally and for no proper purpose.

11. Defendant should have realized that its conduct involved an unreasonable risk of causing distress.

12. From the facts known to Defendant, it should have realized that the distress, if it were caused, might result in illness or bodily harm.

13. The actions of Defendant were outrageous because of Defendant's evil motive or reckless indifference to the rights of Plaintiff.

14. As a direct result of the actions of Defendant aforesaid, Plaintiff suffered mental and emotional distress and humiliation; her relationship with her daughter and others has been and in the future will be negatively impacted, all to her injury and damage.

WHEREFORE, having shown good cause, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, including exemplary damages to deter Defendant and others from similar behavior, and for such other and further relief as this Court deems reasonable and proper.

**Count II- Invasion of Privacy**

15. The photographs of Plaintiff were private matters in which the public had no legitimate concern.

16. The disclosure of Plaintiff's photographs to others including Plaintiff's minor daughter are actions which would cause shame and/or humiliation to a person of ordinary sensibilities.

17. The actions of Defendant as aforesaid caused unreasonable publicity to the private life of Plaintiff.

18. The actions of Defendant as aforesaid injured Plaintiff's good name and reputation, and subjected her to disgrace, contempt, ridicule and hatred and caused her to suffer

great mortification, humiliation, embarrassment and shame, and caused her to suffer lasting and permanent mental shock, injury, embarrassment and derangement, and her right to be let alone and not have intimate details of her life exposed to the public have been violated.

19. Defendant's actions were intentional or with reckless disregard and indifference for Plaintiff's rights.

WHEREFORE, having shown good cause, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, including exemplary damages to deter Defendant and others from similar behavior, and for such other and further relief as this Court deems reasonable and proper.

### **Count III- Breach of Fiduciary Duty**

20. Defendant affirmatively assured Plaintiff that her photographs would not be printed.

21. Defendant caused and encouraged Plaintiff to believe that her photographs would be kept confidential and if printed, would be destroyed in 195 days if not picked up sooner.

22. Defendant had a duty to and advised Plaintiff that it would protect her privacy as a customer and intentionally did not so do.

23. As a direct result of the actions of Defendant aforesaid, Plaintiff suffered mental emotional distress and humiliation; her relationship with her daughter and others has been and in the future will be negatively impacted, all to her injury and damage.

WHEREFORE, having shown good cause, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, including exemplary damages to deter Defendant and others from similar behavior, and for such other and further relief as this Court deems reasonable and proper.

### **Count IV- Unreasonable Intrusion upon the Seclusion of Another**

24. Plaintiff's photographs in Defendant's possession were of a secret and private subject matter.

25. Plaintiff had a right in keeping that subject matter private.

26. Defendant obtained the private information through unreasonable means, in that it advised that it could not and would not print the photographs but did so and retained them for almost two years, sharing them with its employees and others throughout that time period.

27. Defendant subjected Plaintiff to unreasonable publicity about her private life.

28. The actions of Defendant were extreme and outrageous.

29. As a direct result of the actions of Defendant aforesaid, Plaintiff suffered mental emotional distress and humiliation; her relationship with her daughter and others has been and in the future will be negatively impacted, all to her injury and damage.

WHEREFORE, having shown good cause, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, including exemplary damages to deter Defendant and others from similar behavior, and for such other and further relief as this Court deems reasonable and proper.

#### **Count V- Negligent Infliction of Emotional Distress**

30. In exhibiting the photographs aforementioned, Defendant should have realized that its conduct involved an unreasonable risk of causing distress.

31. Plaintiff suffered emotional distress or mental injury that is medically significant.

32. As a direct result of the actions of Defendant aforesaid, Plaintiff suffered mental emotional distress and humiliation; her relationship with her daughter and others has been and in the future will be negatively impacted, all to her injury and damage.

WHEREFORE, having shown good cause, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, and for such other and further relief as this Court deems reasonable and proper.

**THE S.E. FARRIS LAW FIRM**

/s/ Spencer Farris

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DATE: March 18, 2022