

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN  
DISTRICT OF VIRGINIA  
Norfolk Division**

**KATHY B. PATON,** )  
Individually and as personal representative )  
For Kelsey R. Paton, deceased, )

**Plaintiff,** )

v. )

Case No. 3:23-cv-00331

**CITY OF NORFOLK, VIRGINIA,** )

**JURY TRIAL DEMANDED**

**and** )

**JOHN DOE,** )

Individually and )

In his/her official capacity as Police )

Officer for the City of Norfolk, Virginia, )

**Defendants.** )

**COMPLAINT**

Plaintiff, Kathy B. Paton, personal representative of Kelsey R. Paton filing on her behalf pursuant to Virginia Code § 8.01-290, by counsel, hereby alleges the following causes of action:

**INTRODUCTION**

1. This matter arises from the actions of members of the City of Norfolk Police Department which caused Kelsey Paton to lose her life to Michael Ebong, and which shock the conscience.

2. On November 15, 2020, the members of the Norfolk Police Department responding to Michael Ebong’s residence knowingly obstructed the Norfolk

Commonwealth Attorney in the performance of his duty to criminally charge Michael Ebong for the murder of Sheena West.

3. On November 15, 2020, the Norfolk Police Department obstructed justice at the instruction of Maravia Reid, Michael Ebong's mother who held a position of influence within the Norfolk Police Department.

4. The Norfolk Police Department obstructed justice by concealing evidence, failing to preserve evidence and failing to investigate the death of Sheena West.

5. The Norfolk Police Department's obstruction of justice permitted Michael Ebong to remain at large in society, allowing him the opportunity to kill Kelsey Paton on July 11, 2021 using the same methods he employed against Sheena West.

6. On July 11, 2021, the Norfolk Police Department responders to Michael Ebong's home knowingly obstructed the Norfolk Commonwealth Attorney in the performance of his duty to criminally charge Michael Ebong for the murder of Kelsey Paton.

7. On July 11, 2021, the Norfolk Police Department obstructed justice at the instruction of Maravia Reid, Michael Ebong's mother who held a position of influence within the Norfolk Police Department.

8. The Norfolk Police Department obstructed justice by failing to preserve evidence that could lead to Michael Ebong's conviction for first- or second-degree murder.

9. On July 11, 2021, the Norfolk Police Department permitted Michael Ebong to help carry Kelsey Paton's body out of his apartment within the view of multiple witnesses. Kelsey Paton's family received videos from witnesses depicting their daughter's killer carrying her body as if he were a member of the Norfolk Police Department.

10. The Norfolk Police Department's gross carelessness and complete disregard to investigate the circumstances surrounding Kelsey Paton's death shock the conscience and have caused Kelsey Paton's family severe emotional and mental distress.

### **PARTIES**

11. Plaintiff, Kathy B. Paton is the personal representative of Kelsey R. Paton, Kathy is a natural person and a citizen of Virginia, residing in Chesapeake, Virginia.

12. Defendant City of Norfolk is a city in the Commonwealth of Virginia.

13. Defendant John Doe, is a natural person and a presumed citizen of the Commonwealth of Virginia. At all relevant times, Doe worked for the Norfolk Police Department.

### **JURISDICTION AND VENUE**

14. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 as multiple claims arise under 42 U.S.C. § 1983, a law of the United States.

15. Venue for this action lies properly in the United States District Court for the Eastern District of Virginia, Norfolk Division, pursuant to 28 U.S.C. § 1391, because the events giving rise to Plaintiff's claims occurred in the City of Norfolk,

Virginia, a territory included within those assigned to the Norfolk Division of the Eastern District of Virginia.

### **FACTUAL BACKGROUND**

1. At or around November 15, 2020, Michael Ebong drugged Sheena West at Central Shore, a Virginia Beach bar, removed her from the bar against her will, brought her to his home and killed her from a drug overdose.

2. In the morning of November 15, 2020, the City of Norfolk, Virginia (“Norfolk”) Police Department responded to a call from Michael Ebong (“Ebong”), where he reported the death by drug overdose of Sheena West.

3. As of November 15, 2020, Ebong’s mother, Maravia Reid, held a position of influence within the Norfolk Police Department.

4. Maravia Reid knew that Ebong had caused West’s death, and used her position of influence to prevent the responding police officers from investigating the circumstances surrounding West’s death.

5. A glance at Michael Ebong’s criminal history would have revealed multiple charges of sexual offenses against women. Simple questioning of Ebong’s complete lack of connection to West, as well as of the staff and Central Shore, would have provided ample probable cause to place Ebong under arrest as a murder suspect.

6. Rather than question Ebong, the Norfolk Police Department destroyed, concealed and failed to preserve evidence which would have enabled the Norfolk Commonwealth Attorney to pursue murder charges against Ebong.

7. The Norfolk Police Department’s actions constitute obstruction of justice in violation of Virginia Code § 18.2-460.

8. By obstructing Ebong's prosecution for murder, the Norfolk Police Department enabled him to remain at-large in the Hampton Roads community to continue his *modus operandi* of drugging women at bars, removing them from the bars, taking them to his home, raping them, and sometimes killing them of an overdose from the chemicals he drugged them with.

9. It was readily foreseeable to the Norfolk Police Department that Ebong would continue his illegal activity and harm other women. The Norfolk Police Department's affirmative actions of obstruction of justice directly increased the danger of Ebong's actions on women who enjoyed spending time at Hampton Roads' bars.

10. The Norfolk Police Department's affirmative acts directly increased the danger of Kelsey Paton being murdered by Michael Ebong.

11. At or around May 19, 2021, Ebong drugged a woman named [REDACTED] at Seaside Raw Bar, removed her from the bar against her will, brought her to his home and raped her. Ms. [REDACTED] woke up at Ebong's home in a heavily sedated state and managed to leave his residence alive.

12. On July 11, 2021, Ebong drugged Kelsey Paton at Seaside Raw Bar, removed her from the bar against her will, brought her to his home, gave her bruises on her thighs and killed her from an overdose. At some point in his encounter with Kelsey Paton, Ebong inflicted blunt force trauma to her head.

13. Just as he had done with West, Ebong called in Kelsey Paton's murder as an overdose.

14. Just as she had done with West, Reid used her position of influence to prevent the responding officers from questioning Ebong about Kelsey Paton's death, and from obtaining and preserving evidence at the scene of her murder.

15. The Norfolk Police Officers shockingly permitted Ebong to carry Kelsey Paton's body from his home to the transportation vehicle, with a clear disregard for the emotional and mental trauma it would on Kelsey's family knowing her killer carried her body.

16. The Norfolk Police Department failed to preserve key evidence that the Norfolk Commonwealth Attorney could have used in prosecuting Ebong for Kelsey Paton's murder, including Kelsey Paton's purse which Ebong alleged she had pulled drugs out of.

17. The Norfolk Police Department failed to recognize and obtain key evidence that the Norfolk Commonwealth Attorney could have used in prosecuting Ebong for Kelsey Paton's murder, such as the object Ebong used to inflict blunt force trauma to Kelsey Paton's head.

18. The Norfolk Police Department shockingly failed to recognize that Ebong had previously called in the overdose of West and unceremoniously sent Kelsey Paton's body to the medical examiner without recognizing the pattern of behavior and without preserving the evidence at the scene of her death.

19. The Norfolk Police Department acted recklessly and with a conscious disregard to the rights of Kelsey Paton by adding the danger of her encountering Ebong.

20. Due to Norfolk Police Department's obstruction of justice, the Norfolk Commonwealth Attorney was unable to obtain evidence sufficient to charge Ebong with first- or second-degree murder, and had to settle for a conviction of involuntary manslaughter. The Norfolk Police Department's obstruction of justice shocks the conscious and has caused Kelsey Paton's family severe emotional and mental distress.

21. Kelsey Paton has suffered wrongful death from the danger created by the Norfolk Police Department's obstruction of the prosecution of Ebong for the death of Sheena West.

**COUNT I**  
**Violation of Due Process Rights Under the State-Created Danger**  
**Doctrine (42 U.S.C. § 1983)**

22. Plaintiff incorporates by reference and re-alleges each allegation set forth above.

23. At all material times, the Norfolk Police Department and John Doe acted under the color of state of law.

24. Kelsey Paton has a right under the Fourteenth Amendment of the Constitution of the United States to substantive due process right protected by the state-created danger doctrine.

25. By all witness accounts, the Norfolk Police Department affirmatively suppressed evidence from the scene of West's murder, and purposely failed to investigate Ebong for her death. The Norfolk Police Department's actions constitute obstruction of justice.

26. Defendants violated Kelsey Paton's rights by directly increasing her risk of harm through their affirmative acts of obstruction of justice, preventing Ebong's prosecution for the murder of Sheena West.

27. Kelsey Paton was murdered at the hands of Ebong, which could have been prevented if not for the intentional and reckless actions of Defendants.

28. Due to Defendants' state created danger, Kelsey Paton's family suffered severe emotional and mental distress, loss of enjoyment of life, mortification, great personal trauma, stress, fear and injury to their good name and reputation.

**COUNT II**  
**Violation of Due Process Rights By Conduct Which Shocks the**  
**Conscience (42 U.S.C. § 1983)**

29. Plaintiff incorporates by reference and re-alleges each allegation set forth above.

30. At all material times, the Norfolk Police Department and John Doe acted under the color of state of law.

31. State officials may be held liable under the Due Process Clause of the Fourteenth Amendment when their exercise of governmental power shocks the conscience.

32. Defendants' exercise of government power to obstruct justice to prevent the prosecution of Michael Ebong for Sheena West's murder shocks the conscience. Defendants actions are unjustifiable by any government interest.

33. Defendants purposely obstructed Michael Ebong's prosecution knowing he would hurt other women using the same illegal methods.



34. Defendants' conscience shocking obstruction of justice enabled Ebong to murder Kelsey Paton.

35. Due to Defendants' actions, Kelsey Paton's family suffered severe emotional and mental distress, loss of enjoyment of life, mortification, great personal trauma, stress, fear and injury to their good name and reputation.

**COUNT III**  
**Violation of Due Process Rights By Conduct Which Shocks the**  
**Conscience (42 U.S.C. § 1983)**

36. Plaintiff incorporates by reference and re-alleges each allegation set forth above.

37. At all material times, the Norfolk Police Department and John Doe acted under the color of state of law.

38. State officials may be held liable under the Due Process Clause of the Fourteenth Amendment when their exercise of governmental power shocks the conscience.

39. Defendants' exercise of government power to obstruct justice to prevent the prosecution of Michael Ebong for Kelsey Paton's murder shocks the conscience. Defendants actions are unjustifiable by any government interest.

40. Defendants' exercise of government power to permit Ebong to carry Kelsey Paton's body after he murdered her shocks the conscience and is unjustifiable by any government interest.

41. Defendants purposely obstructed justice and enabled Ebong knowing their actions would cause significant emotional and mental distress to Kelsey Paton's family.

42. Due to Defendants' actions, Kelsey Paton's family suffered severe emotional and mental distress, loss of enjoyment of life, mortification, great personal trauma, stress, fear and injury to their good name and reputation.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully request that this Court:

- A. Enter judgment in their favor and against the City of Norfolk and John Doe in his official capacity for the City of Norfolk;
- B. Declare the acts and practices complained of herein are in violation of Kelsey Paton and Kathy Paton's due process rights as secured by the Fourteenth Amendment of the Constitution of the United States, as enforced by 42 U.S.C. § 1983;
- C. Award Plaintiff money damages for all pecuniary losses, including but not limited to, legal expenses incurred and to be incurred;
- D. Award Plaintiff money damages for Defendants' violations of Kelsey and Kathy Paton's federal constitutional and civil rights, causing emotional and mental distress, attorney's fees and costs, inconvenience, loss of enjoyment of life, humiliation, embarrassment, mortification, shame, vilification, great personal trauma, stress, fear, worry, and injury to reputation in an amount not less than Seven Million Five Hundred Thousand Dollars (\$7,500,000);
- E. Award Plaintiffs any and all reasonable attorney's fees, expert fees and costs, pursuant to 42 U.S.C. § 1988(b);
- F. Award Plaintiffs pre-judgment interest from the date of service of this Complaint until the date of judgment; and
- G. Award Plaintiffs any and all other relief the Court deems just and appropriate, including leave to amend the facts, add parties and claims, and amend damages sought as further evidence is obtained through discovery in this matter.

**PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE**

Respectfully Submitted,

**KATHY B. PATON**

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By:  /s/ Matthew J. Weinberg  
Of Counsel

Matthew J. Weinberg, Esquire (VSB# 88664)  
INMAN & STRICKLER, P.L.C.  
575 Lynnhaven Parkway, Suite 200  
Virginia Beach, Virginia 23452  
Telephone: (757) 486-7055  
Facsimile: (757) 431-0410  
E-mail: mweinberg@imanstrickler.com  
*Counsel for Plaintiff*