

**IN THE CIRCUIT COURT OF ST. CHARLES COUNTY  
STATE OF MISSOURI**

MARGARET BURCH, as mother, plaintiff ad litem	)
and next friend of LOUIS GUMPENBERGER,	)
and as guardian of his minor child Tevelan	)
Gumpenberger,	)
	)
Plaintiff,	)
v.	)
	)
PAMELA HUPP,	)
	)
Serve at: Missouri Department of	)
Corrections-Women’s Eastern	)
Reception, Diagnostic, and	)
Correctional Center	)
1101 US-54	)
Vandalia, MO 63382	)
	)
Defendant.	)

**FIRST AMENDED PETITION**

**COMES NOW** Plaintiff Margaret Burch, as mother and next friend of decedent, Louis Gumpenberger and as guardian of his minor child Tevelan Gumpenberger, by and through her undersigned counsel, and for her First Amended Petition against Defendant Pamela Hupp, states:

**COUNT I – Wrongful Death**

1. Plaintiff Margaret Burch is a citizen and resident of St. Charles County, Missouri. Plaintiff Margaret Burch is the mother and next friend of deceased Louis Gumpenberger. Margaret Burch is also the guardian of Louis Gumpenberger’s minor child, Tevelan Gumpenberger

2. Defendant Pam Hupp is incarcerated at the Missouri Department of Corrections- Women’s Eastern Reception, Diagnostic and Correctional Center in Vandalia, Missouri.

3. Defendant Hupp intentionally killed Louis Gumpenberger on August 16, 2016, by shooting him.

4. Defendant Hupp intended to cause death or serious bodily injury on August 16, 2016, when she shot and killed Louis Gumpenberger.

5. Defendant Hupp was indicted for first-degree murder on December 16, 2016.

6. Defendant Huff fraudulently concealed her actions. Defendant Hupp called 9-1-1 shortly before shooting Gumpenberger. Hupp claimed that Gumpenberger, armed with a knife, had jumped out of a car (driven by another person) into her driveway, accosted her while she sat in her vehicle in her garage, and demanded she drive them to a bank to retrieve Russ Faria's money. She also stated this prompted her to flee into her house and then shoot Gumpenberger in self-defense with a gun she kept on her nightstand after he pursued her. Hupp planted a knife and a note on Gumpenberger's body. The note contained instructions to "kidnap Hupp, get Russ's money from Hupp at her bank, and kill Hupp" and to "Take Hupp back to house and get rid of her. Make it look like Russ' wife. Make sure knife sticking out of neck." in return for a reward of \$10,000. She put \$900 in Gumpenberger's pocket.

7. Defendant Hupp is equitably estopped and is foreclosed, as a wrongdoer, from asserting a wrongful death statute of limitations defense in this case. *State ex rel. Beisly v. Perigo*, 469 S.W.3d 434 (Mo.banc 2015).

8. On June 19, 2019, Defendant Hupp entered an Alford guilty plea of the charges and was sentenced to life imprisonment without the possibility of parole for the murder of Louis Gumpenberger. In her Alford plea, Hupp still did not admit to any criminal act relating to Gumpenberger.

9. Venue is proper in this court pursuant to R.S.Mo § 508.010.

10. As a direct and proximate result of the foregoing intentional actions of Defendant Pamela Hupp, Louis Gumpenberger died.

11. As a direct and proximate result of the foregoing acts on the part of Defendant Pamela Hupp, Plaintiff claims such damages as the trier of facts may deem fair and just for the death and loss of Louis Gumpenberger pursuant to R.S.Mo §537.080 and 537.090.

**WHEREFORE**, Plaintiff Margaret Burch, as mother and next friend of Louis Gumpenberger and as guardian of his minor child Tevelan Gumpenberger, prays for judgment against Defendant Pamela Hupp for a sum in excess of the jurisdictional minimum of this Court to fully compensate her for the death and loss of Louis Gumpenberger pursuant to R.S.Mo § 537.080 and 537.090, plus costs, and for any further just and proper relief.

**COUNT II – ASSAULT AND BATTERY**

**COMES NOW** Plaintiff Margaret Burch, as plaintiff ad litem for Louis Gumpenberger, by and through her undersigned counsel, and for her cause of action for Assault and Battery against Defendant Pamela Hupp, states:

12. Plaintiff Burch adopts and incorporates by reference all the allegations in Count I as though fully set forth herein.

13. On August 16, 2016, Defendant Pamela Hupp intentionally and without provocation shot Louis Gumpenberger with a gun she kept on her nightstand.

14. Defendant Pamela Hupp willfully and maliciously injured Louis Gumpenberger by intentionally shooting Gumpenberger with the purpose of causing

him injury. Defendant Pamela Hupp's actions constituted a deliberate and intentional injury resulting in Louis Gumpenberger's death.

15. Louis Gumpenberger never struck or attempted to strike Defendant Pamela Hupp.

16. Louis Gumpenberger did not consent or agree to fight with Defendant Pamela Hupp.

17. As a direct and proximate result of the willful, malicious, reckless, and intentional acts of Defendant Pamela Hupp, Louis Gumpenberger suffered injuries to his body, resulting in his death.

**WHEREFORE**, Plaintiff Margaret Burch, as mother and next friend of Louis Gumpenberger and as guardian of his minor child Tevelan Gumpenberger, prays for judgment against Defendant Pamela Hupp for a sum in excess of the jurisdictional minimum of this Court, and for any further just and proper relief.

**COUNT III- Fraud and Misrepresentation**

**COMES NOW** Plaintiff Margaret Burch, as plaintiff ad litem for Louis Gumpenberger, by and through her undersigned counsel, and for her cause of action for Fraud and Misrepresentation against Defendant Pamela Hupp, states:

18. Plaintiff Burch adopts and incorporates by reference all the allegations in Counts I and II as though fully set forth herein.

19. Defendant Hupp represented to Gumpenberger that she was a producer for the television program Dateline NBC and offered to pay him to reenact a 9-1-1 call. She represented to him that he should follow her to her home for this reenactment. She represented to him she would pay him for this reenactment and that he would then safely leave.

20. Louis Gumpenberger relied on the representations of defendant Hupp. These representations were material and it was reasonable for Louis Gumpenberger to rely on them.

21. Defendant's representations were false.

22. Defendant knowingly made these representations. In the alternative, Defendant made these representations without knowledge of their truth or falsity.

23. Plaintiff Louis Gumpenberger did not know the representations were false.

24. As a direct and proximate result of Louis Gumpenberger's reliance on Defendant's representations, Louis Gumpenberger was damaged because he relied on them to visit Defendant's home, where she shot and killed him.

25. Margaret Burch, as mother and next friend of Louis Gumpenberger and as guardian of his minor child Tevelan Gumpenberger, may maintain this action on behalf of her son as plaintiff ad litem under R.S.Mo § 537.021.1(1).

**WHEREFORE**, Plaintiff Margaret Burch, as mother and next friend of Louis Gumpenberger and as guardian of his minor child Tevelan Gumpenberger, prays for judgment against Defendant Pamela Hupp for a sum in excess of the jurisdictional minimum of this Court, and for any further just and proper relief.

Respectfully submitted,

**BURGER LAW, LLC**

/s/ Gary K. Burger

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing instrument was filed with the Court via the Court's electronic filing system and served on all *pro se* defendants via U.S. mail, postage prepaid on this 2nd day June, 2020, to:

Pamela Hupp  
#1343843  
Chillicothe Correctional Center  
3151 Litton Road  
Chillicothe, MO 64601

/s/ Gary K. Burger