

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

Case No. 3:17-CV-436

Jury Trial Demanded

NIKOLE SMITH, SEAN BENJAMIN, LUBIN GILBERT, and SOPHIE KOSOFSKY

Plaintiffs,

v.

CITY OF BATON ROUGE; PARISH OF EAST BATON ROUGE; MELVIN LEE “KIP” HOLDEN; SID J. GAUTREAUX III, Sheriff of East Baton Rouge Parish; CARL DABADIE, JR., Chief of the Baton Rouge Police Department; COL. MICHAEL EDMONSON, Superintendent of the Louisiana State Police; LOUISIANA SHERIFFS’ ASSOCIATION; MIKE CAZES, Southern District Coordinator of the Louisiana Sheriffs’ Association Emergency Task Force; CHUCK HURST, Director of the Louisiana Sheriff’s Association Task Force service; JASON ARD, Sheriff of Livingston Parish; AIX GROUP, d.b.a. NOVA CASUALTY CO; XYZ INSURANCE CO.; UVW INSURANCE CO.; RST INSURANCE CO.; J. DARREN LEACH; TODD MARTIN; DAVID HAMILTON; NOEL SALAMONI; MICHAEL ZEITLER; GINA HEDRICK; GLENN HUTTO; TRAVIS DENICOLA; JONATHAN ABADIE; MICHAEL RARICK; IRA ROBERTS; ALAINA MANCUSO; JEFFREY PITTMAN; WILLIE WILLIAMS; DERRICK WILLIAMS; FREDERICK THORNTON, Jr; ROBERT McGARNER, Jr.; BRANDON WOODS; LEO WALLACE; ALEX ROBEAU; BRANDON BETHANY; TOMAS QUINTERO; WES HALL; BROCK McMORRIS; JARED NELAND; DERRICK MAGLONE; THOMAS PIERCE; JULIUS RAYMOND; NEIL PORTER; ROBIN DUCOTE; DEVIN HERNANDEZ; DOUG CHUTZ; BRANDON FARRIS; JOSHUA KIRST; CARL ALEXANDER; MICHAEL BARROW; MARK CARRIE; MARK CUMMINGS; BRANDON BLUST; SHAWN DELANEY; JAMES KRISLER; ANDREW DeSALVO; SCOTT JOHNSON; THEODORE SMITH; ALAN HAMILTON; JOSH ELLIS; BRETT McGEE; HUDSON TABOR; WILLIE TURNER; SHONA STOKES; JAMES CUTER; E.J. LAPERYROUSE; RANDALL WIEDMAN; LORENZO COLEMAN; JASON ACREE; NICHOLAS COLLINS; DAVID KENNEDY; JESSE BARCELONA; JOHN FORD; ANTHONY PONTON; JEFFREY SABELLA; TROY BANKS; KENNETH TINER; ROBERT STONE; GREGORY DALE DISCHERRY; RAYMOND KLUG; JASON DEMOULIN; STEVE YOUNG; JAMES A. BROUSSARD; KENNETH HUBAR; RODERICK BROWN; MARK PURSLEY; GREGORY WARREN; BLAIR NICHOLSON; JAMES COOPER; TROY MIMS; CLINE BRELAND; LARRY JAMES; JESSE HALE; WILLIE STEWART; JASON JONES; TODD MARTIN; EVELENA BANKS; ROBERT DIXON; SHANNON BROUSSARD; TODD MORRIS; CALVIN PRUTER; JOHNNY SCOTT; DAVID ERIC; LEROY GRIFFIN; HARRY HOWARD; WILLIAM JENKINS; MICHAEL ALLISON; DAVID PHILPOT; ANTHONY SMITH; JOHN DePEDRO; DUSTIN SELLARS; THOMAS WEIMER; WILLIAM LAWHUN; MARSHALL MENU; NICHOLAS SCHIRO; MATTHEW WOLFE; JAMES BROUSSARD;

JASON RANSOME; JARED WILSON; JAMES JAMISON; BENJAMIN FRIEDMAN; RODERICK BROWN; BRANDON McCALL; BRYAN WHITE; CASEY LILLIE; JESSE HALE; JEREMY HEINE; JASON BOURGEOIS; JACOB BROWN; STEVE BUNCH; MURRAY BUQUET; LOUIS CALATO; KEVIN CANNATELLA; SAMUEL CAPACI; BRITTANY CAUGHLIN; JASON CHIASSON; JOHN CLARY; SCOTT COCO; WILLIAM COOK; BRIAN COGLAN; MARK DENNIS; JOSEPH DESSENS; IAN DOLLINS; ROBERT DOWNS; DAVID EASLEY; TREY ELLIOTT III; CHAD GUIDRY; AARON GUILLIAMS; GLENN HALE; JOSEPH HALL; STEPHEN HAMMONS; JOSEPH HASSELLBECK; JEFFREY HOLLEY; RICHARD HORTON; JONATHAN JAMES; JASON JORDAN; CHRISTOPHER KELLEY; JOHN KELLY; CALEB KENNEDY; TYLER LATIOLAS; MATTHEW LEMMONS; BLAKE LEMOINE; MARTIN MAYON, JR.; HUEY Mc CARTNEY; TODD McCONNELL; JAMES McGEHEE; HERMAN NEWELL, III; MURPHY PAUL; JOEY SCHOUEST; REGINALD TAYLOR; RICHARD WATSON; FRANCIS WOODS; BURNELL THOMPSON, III; JULIAN ANDERSON; JERRY A. COX, JR.; DAVID HAMM; BRENT HARDY; BYRON O. JUNEAU; JODY MORVANT; PHILLIP VAN GESSEL; ALDEN THOMASSON; DANNY PERKINS; DONNIE ROBINSON; LANCE LANDRY; BRANDON ASHFORD; JASON HARRIS; CHAD McGOVERN; CALVIN BOWDEN; FRANK RIZZUTO; TOM MARTIN; TRAVIS HARRIS; JONATHAN CROZIER; CORY WINBURN; MIA TERRELL; JEFF BEATTY; JEREMY McCULLEN; TIM ARD; ERIC ROGERS; KYLE HOTARD; JEREMY PATT; CARL CHILDERS; DAVID EVERHART; JACOB BOURGEOIS; T.J. MORGAN; TREY ROBERTS; BRANDON TULLOS; DUSTIN BROWN; DUSTIN COVINGTON; RICHARD HAGAN; Baton Rouge Police Department OFFICER DOES 1-100; East Baton Rouge Sheriff Office DEPUTY ROES 1-100; and Louisiana State Police TROOPER MOES 1-100.

Defendants.

CIVIL RIGHTS COMPLAINT

I. NATURE OF THE ACTION

1. On July 5, 2016, officers of the Baton Rouge Police Department Tased, tackled, and shot Alton Sterling, a Black father of five, entrepreneur and resident of Baton Rouge, Louisiana. Over the following week, members of the Baton Rouge community – many of them Black residents –came together in solidarity and support to voice anger and disappointment at the killing of Mr. Sterling and the aggressive and racist policing they had endured and observed for decades. In the days after Mr. Sterling’s murder, Louisianans from outside Baton Rouge came to

support the grieving Black community and to join their call for justice. People gathered on the streets, sidewalks, and neutral grounds¹ of Baton Rouge to protest. The protests were spontaneous and peaceful. The protesters were law-abiding.

2. Despite protesters' peaceful methods, their demands for police accountability were perceived as a threat by the leadership of law enforcement agencies in Baton Rouge. To silence those demands, Defendants entered into and executed a conspiracy to deny members of the Black community of Baton Rouge their right to grieve, express their anger, and demand equal protection from law enforcement.

3. As Defendants planned and executed their conspiracy to silence Black residents of Baton Rouge, they additionally targeted supporters of those residents who had come to their state's capital from other parishes to protest racially discriminatory police violence. Defendants painted the local-led and Black-led protests as disruptions by out-of-town agitators in an attempt to justify their own violent and militarized response to peaceful and lawful First Amendment activity. Defendants were so steeped in their plan to suppress First Amendment activity that they illegally arrested non-protesting law-abiding residents as well.

4. In furtherance of their conspiracy, Defendants arrested protesters and those assumed to be protesters without just cause, solely to suppress the protests and deny the protesters' rights to assemble, to free expression, and to petition the government for redress of grievances. Defendants' actions were particularly aimed to suppress dissent of Black citizens of Baton Rouge, but also focused on those non-Black citizens who voiced their support for the Black community. The goal was as simple as it was unlawful: to silence criticism of law enforcement by punishing

¹ Outside of Southeast Louisiana, "the neutral ground" is commonly called a median.

the critics and deterring future protests.

5. To this end, as the protests began, Defendants created a plan to intimidate the protesters through the use of violent, militarized police tactics, which included the use of rifles, batons, riot shields, armored vehicles, and armed officers. Defendants set out to arrest the protesters without probable cause, using pretextual charges that had been written up before Defendants even arrived at a protest. Those that were identified as “leaders” were targeted for arrest and falsely charged.

6. By July 9 and 10, 2016, Defendants’ implementation of their plan was well underway. Plaintiffs were arrested on those days² on a variety of charges: incitement to riot, resisting an officer, or obstruction of a highway or public passage. None of these charges are true.

7. Plaintiffs were detained in the East Baton Rouge Parish Prison, subjected to harsh detention conditions, and labeled as criminals without just cause. Shortly after the release of Plaintiffs and other protesters, the East Baton Rouge District Attorney publicly announced that he would not file bills of information against any of the protesters charged only with simple obstruction of a highway. Unfortunately, only one Plaintiff’s charge fits the District Attorney’s criteria. For the remaining Plaintiffs, the uncertainty of their potential criminal proceedings and the related emotional stress remain.

8. This action seeks to hold Defendants liable for the unjust and racially discriminatory arrests of members of the Black community and those from other parishes that protested in support of that community; arrests which were conducted solely to suppress peaceful protests against the pattern of racist law enforcement by the City of Baton Rouge/Parish of East

² Two Plaintiffs (Nikole Smith and Sean Benjamin) were arrested on July 9; two other Plaintiffs (Lubin Gilbert and Sophie Kosofsky) on July 10.

Baton Rouge.

II. JURISDICTION AND VENUE

9. Plaintiffs bring this action under 42 U.S.C. §§ 1983 and 1985(3), to vindicate their rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution. Plaintiffs also bring supplemental state-law claims. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

10. This case seeks remedies under 28 U.S.C. §§ 1920, 2201, 2202 and 42 U.S.C. §§ 1983, 1985(3), and 1988.

11. Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

III. PARTIES

A. Plaintiffs

12. Plaintiff NIKOLE SMITH is a Black adult citizen of Denham Springs, Louisiana who was arrested on July 9, 2016, on Airline Highway for “Inciting to Riot” while lawfully protesting the shooting death of Mr. Alton Sterling and racist policing in Baton Rouge and surrounding parishes.

13. Plaintiff LUBIN GILBERT is a Black adult citizen of Baton Rouge, Louisiana who was arrested on July 10, 2016, on South 10th Street for “Obstructing Public Passages” and “Resisting an Officer” while riding his bicycle in the vicinity of the protests. He was interested in seeing the protests but did not intend to protest himself.

14. Plaintiff SOPHIE KOSOFSKY is a White adult resident of New Orleans, Louisiana who was arrested on July 10, 2016, near the corner of East Boulevard and France Street for “Simple Obstruction of a Highway of Commerce” and for “Resisting Arrest” while lawfully protesting the

shooting death of Mr. Alton Sterling, racist policing in Baton Rouge, and the suppression of the Black community's peaceful protests by means of mass arrests and excessive force in the days following Mr. Sterling's killing.

15. Plaintiff SEAN BENJAMIN is a White adult resident of New Orleans, Louisiana who was arrested on July 9, 2016, on Airline Highway for "Simple Obstruction of a Highway of Commerce" while lawfully protesting the shooting death of Mr. Alton Sterling and racist policing in Baton Rouge.

B. Defendants

16. Defendant CITY OF BATON ROUGE is a political subdivision of the State of Louisiana. The city's governing authority is consolidated with the government of EAST BATON ROUGE PARISH. For this reason, the consolidated government is referred to as "City/Parish" throughout this complaint.

17. Defendant EAST BATON ROUGE PARISH is a political subdivision of the State of Louisiana. The Parish's governing authority is consolidated with the government of the CITY OF BATON ROUGE. For this reason, the consolidated government is referred to as "City/Parish" throughout this complaint

18. Defendant MELVIN "KIP" HOLDEN is an adult resident of the Middle District of Louisiana. Defendant HOLDEN was, at all relevant times, the duly elected Mayor-President of the CITY/PARISH. Defendant HOLDEN was responsible for the supervision, administration, policies, practices, procedures, and customs for the CITY/PARISH and the City's police department. He was responsible for the hiring, training, discipline, supervision, and control of the Baton Rouge Police Department ("BRPD") officers who are defendants herein, including Defendant CARL DABADIE. He is sued in his individual capacity and in his official capacity as

former Mayor-President of the City/Parish.

19. Defendant SID J. GAUTREAUX III is the Sheriff of East Baton Rouge Parish and is an adult resident of the Middle District of Louisiana. The office of Sheriff is an autonomous political subdivision of the State of Louisiana. Defendant GAUTREAUX was responsible for the supervision, administration, policies, practices, procedures, and customs of the East Baton Rouge Sheriff's Office ("EBRSO"). He was responsible for the hiring, training, discipline, supervision, and control of the EBRSO command staff, supervisors, and deputies. He is sued in his individual and official capacities.

20. Defendant CARL DABADIE JR. is an adult resident of the Middle District of Louisiana. He is the Chief of the Baton Rouge Police Department. Defendant DABADIE was and is responsible for the supervision, administration, policies, practices, customs, and procedures of the BRPD, as well as the hiring, training, supervision, discipline, and control of police personnel under his command, including the BRPD defendants named herein. He is sued in his individual and official capacities.

21. Defendant COL. MICHAEL EDMONSON is an adult resident of the Middle District of Louisiana. Defendant EDMONSON was at all relevant times the Superintendent of the Louisiana State Police ("LSP"). Defendant EDMONSON was responsible for the supervision, administration, policies, practices, customs, operations, training, staff, and operation of the LSP. He is sued in his individual capacity only.

22. Defendant LOUISIANA SHERIFFS' ASSOCIATION ("LSA") is a nonprofit corporation comprised of the 64 sheriffs of Louisiana, along with as many as 14,000 deputy sheriffs. LSA is headquartered in and therefore domiciled in the Middle District of Louisiana. Defendant GAUTREAUX was the President of the LSA at the time of the protests and Plaintiffs'

arrests. On information and belief, the LSA's Emergency Task Force actively coordinated the law enforcement response to the protests of the shooting of Mr. Alton Sterling.

23. Defendant Sheriff MIKE CAZES is an adult resident of the Middle District of Louisiana. He is the Southern District Coordinator of the Louisiana Sheriffs' Association Emergency Taskforce. Defendant CAZES is sued in his individual capacity only.

24. Defendant CHUCK HURST is an adult resident of Louisiana. He is the Director of the Louisiana Sheriffs' Association Task Force and Homeland Security services. Defendant HURST is sued in his individual capacity only.

25. Defendant JASON ARD is the Sheriff of Livingston Parish and is an adult resident of Louisiana. The office of Sheriff is an autonomous political subdivision of the State of Louisiana. Defendant ARD was responsible for the supervision, administration, policies, practices, procedures, and customs of the Livingston Parish Sheriff's Office ("LPSO"). He was responsible for the hiring, training, discipline, supervision, and control of the LPSO command staff, supervisors, and deputies. Defendant ARD assigned supervising officers and deputies from LPSO to support, assist, and act in concert with the other Defendants in the suppression of the free speech and free expression of Black Baton Rouge citizens and residents and Louisianans from outside the parish who protested the killing of Mr. Alton Sterling and the racially discriminatory policing practices of Defendants HOLDEN, DABADIE, and GAUTREAUX. He is sued in his individual and official capacities.

26. Defendant AIX GROUP, doing business as NOVA CASUALTY COMPANY ("NOVA") is an insurance company that, on information and belief, provides insurance to the Louisiana Sheriff's Association and some of its members, including the East Baton Rouge Sheriff's Office. NOVA is domiciled in Connecticut. Its principal business establishment in

Louisiana is in Baton Rouge.

27. Defendant XYZ Insurance Company is an insurance company presently unknown to Plaintiffs after diligent search and inquiry. XYZ Insurance Company may provide insurance and/or indemnification to individual employees of the Louisiana State Police.

28. Defendant UVW Insurance Company is an insurance company presently unknown to Plaintiffs after diligent search and inquiry. UVW Insurance Company may provide insurance and/or indemnification to the City of Baton Rouge/Parish of East Baton Rouge and/or its employees.

29. Defendant RST Insurance Company is an insurance company presently unknown to Plaintiffs after diligent search and inquiry. RST Insurance Company may provide insurance and/or indemnification to the Livingston Parish Sheriff's Office and/or its employees.

30. Defendant MICHAEL ZEITLER is an adult resident of Louisiana. He is a BRPD officer who authored the incident report of NIKOLE SMITH's arrest and signed a pre-printed, boilerplate affidavit of probable cause for Ms. SMITH's arrest.

31. Defendant GINA HEDRICK is an adult resident of Louisiana. She is a BRPD officer and supervisor who approved the incident report of the arrest of NIKOLE SMITH, written by Defendant ZEITLER.

32. Defendant GLENN HUTTO is an adult resident of Louisiana. He is a BRPD officer who acted as Ex-officio notary for the affidavit of probable cause for Plaintiff NIKOLE SMITH'S arrest.

33. Defendant TRAVIS DENICOLA is an adult resident of Louisiana. He is a BRPD officer who participated in the arrest of Plaintiff LUBIN GILBERT and authored the incident report in LUBIN GILBERT's arrest.

34. Defendant JONATHAN ABADIE is an adult resident of Louisiana. He is a BRPD officer who participated in the arrest of Plaintiff LUBIN GILBERT and authored the incident report in LUBIN GILBERT's arrest.

35. Defendant MICHAEL RARICK is an adult resident of Louisiana. He is a BRPD officer who approved the incident report written by Defendants DENICOLA and ABADIE, despite the fact that the report contained no indication that Plaintiff LUBIN GILBERT had engaged in any conduct comprising the offenses with which Plaintiff GILBERT was charged, i.e. obstructing public passages or resisting an officer.

36. Defendant IRA ROBERTS is an adult resident of Louisiana. He is a BRPD officer who signed a preprinted, boilerplate affidavit of probable cause for Plaintiff LUBIN GILBERT'S arrest.

37. Defendant ALAINA MANCUSO is an adult resident of Louisiana. She is a BRPD Detective who participated in the arrest of Plaintiff SOPHIE KOSOFSKY and authored the incident report in KOSOFSKY's arrest.

38. Defendant JEFFREY PITTMAN is an adult resident of Louisiana. He is a BRPD officer who approved the incident report in the arrest of Plaintiff KOSOFSKY written by Defendant MANCUSO.

39. Defendant WILLIE WILLIAMS is an adult resident of Louisiana. He is a BRPD detective who signed a pre-printed, boilerplate affidavit of probable cause for Plaintiff SOPHIE KOSOFSKY'S arrest.

40. Defendant DERRICK WILLIAMS is an adult resident of Louisiana. He is a BRPD officer who acted as Ex-officio notary for the affidavit of probable cause for Plaintiff SOPHIE KOSOFSKY'S arrest. Defendant DERRICK WILLIAMS notarized Defendant WILLIE

WILLIAMS's affidavit.

41. Defendant FREDERICK THORNTON, Jr. is an adult resident of Louisiana. He is a BRPD officer who authored the incident report in the arrest of Plaintiff SEAN BENJAMIN and signed a pre-printed, boilerplate affidavit of probable cause for BENJAMIN's arrest.

42. Defendant Lt. ROBERT McGARNER, Jr. is an adult resident of Louisiana. He is a BRPD Lieutenant who is the supervisor of Defendant THORNTON and has supervisory authority over numerous other BRPD defendants and co-conspirators. Defendant McGARNER approved the incident report in the arrest of Plaintiff SEAN BENJAMIN and, acting as an Ex-officio notary, notarized the affidavit of probable cause for the arrest of BENJAMIN that Defendant THORNTON authored.

43. Defendant J. DARREN LEACH is an adult resident citizen of Louisiana. He is the Incident Commander for the Baton Rouge Police Department's SWAT team. In that capacity, he assisted in coordinating the BRPD's response to the protests at Airline Boulevard on July 9, 2016, when Plaintiffs SMITH and BENJAMIN were arrested, to the protests at the corner of France Street and East Boulevard on July 10, 2016, when SOPHIE KOSOFSKY was arrested.

44. Defendant DAVID HAMILTON is an adult resident citizen of Louisiana. He is the Deputy Chief of the Baton Rouge Police Department. In that capacity, he assisted in coordinating the BRPD's response to the protests at Airline Boulevard on July 9, 2016, when Plaintiffs SMITH and BENJAMIN were arrested, to the protests at the corner of France Street and East Boulevard on July 10, 2016, when SOPHIE KOSOFSKY was arrested.

45. Defendant NOEL SALAMONI is an adult resident citizen of Louisiana. He is the Commander for the Baton Rouge Police Department's Special Operations Unit. In that capacity, he assisted in coordinating the BRPD's response to the protests at Airline Boulevard on July 9,

2016, when Plaintiffs SMITH and BENJAMIN were arrested, to the protests at the corner of France Street and East Boulevard on July 10, 2016, when SOPHIE KOSOFSKY was arrested.

46. The Defendants described in Paragraphs 47 to 66 are BRPD officers who, on information and belief, were assigned to the Mobile Field Force (“MFF”) during Plaintiffs’ arrests.

47. Defendant BRANDON WOODS is an adult resident of Louisiana.

48. Defendant LEO WALLACE is an adult resident of Louisiana.

49. Defendant ALEX ROBEAU is an adult resident of Louisiana.

50. Defendant BRANDON BETHANY is an adult resident of Louisiana.

51. Defendant TOMAS QUINTERO is an adult resident of Louisiana.

52. Defendant WES HALL is an adult resident of Louisiana.

53. Defendant BROCK McMORRIS is an adult resident of Louisiana.

54. Defendant JARED NELAND is an adult resident of Louisiana.

55. Defendant DERRICK MAGLONE is an adult resident of Louisiana.

56. Defendant THOMAS PIERCE is an adult resident of Louisiana.

57. Defendant JULIUS RAYMOND is an adult resident of Louisiana.

58. Defendant NEIL PORTER is an adult resident of Louisiana.

59. Defendant ROBIN DUCOTE is an adult resident of Louisiana.

60. Defendant DEVIN HERNANDEZ is an adult resident of Louisiana.

61. Defendant DOUG CHUTZ is an adult resident of Louisiana.

62. Defendant BRANDON FARRIS is an adult resident of Louisiana.

63. Defendant JOSHUA KIRST is an adult resident of Louisiana.

64. Defendant CARL ALEXANDER is an adult resident of Louisiana.

65. Defendant MICHAEL BARROW is an adult resident of Louisiana.

66. Defendant MARK CARRIE is an adult resident of Louisiana.

67. The Defendants described in Paragraphs 68 to 89 are BRPD officers who, on information and belief, were assigned to the Mobile Field Force (“MFF”) specifically when Plaintiffs SMITH and BENJAMIN were arrested.

68. Defendant MARK CUMMINGS is an adult resident of Louisiana.

69. Defendant BRANDON BLUST is an adult resident of Louisiana.

70. Defendant SHAWN DELANEY is an adult resident of Louisiana.

71. Defendant JAMES KRISLER is an adult resident of Louisiana.

72. Defendant ANDREW DeSALVO is an adult resident of Louisiana.

73. Defendant SCOTT JOHNSON is an adult resident of Louisiana.

74. Defendant THEODORE SMITH is an adult resident of Louisiana.

75. Defendant ALAN HAMILTON is an adult resident of Louisiana.

76. Defendant JOSH ELLIS is an adult resident of Louisiana.

77. Defendant BRETT MCGEE is an adult resident of Louisiana.

78. Defendant HUDSON TABOR is an adult resident of Louisiana.

79. Defendant WILLIE TURNER is an adult resident of Louisiana.

80. Defendant SHONA STOKES is an adult resident of Louisiana.

81. Defendant JAMES CUTER is an adult resident of Louisiana.

82. Defendant E.J. LAPERYROUSE is an adult resident of Louisiana.

83. Defendant RANDALL WIEDMAN is an adult resident of Louisiana.

84. Defendant LORENZO COLEMAN is an adult resident of Louisiana.

85. Defendant JASON ACREE is an adult resident of Louisiana.

86. Defendant NICHOLAS COLLINS is an adult resident of Louisiana.

87. Defendant DAVID KENNEDY is an adult resident of Louisiana.

88. Defendant JESSE BARCELONA is an adult resident of Louisiana.

89. Defendant JOHN FORD is an adult resident of Louisiana.

90. Defendant TODD MARTIN is an adult resident citizen of Louisiana. He is the SWAT Commander for the East Baton Rouge Sheriff's Office. In that capacity, he assisted in coordinating the EBRSO's response to the protests at Airline Boulevard on July 9, 2016, when Plaintiffs SMITH and BENJAMIN were arrested, to the protests at the corner of France Street and East Boulevard on July 10, 2016, when SOPHIE KOSOFSKY was arrested.

91. The Defendants described in Paragraphs 92 to 128 are EBRSO law enforcement officers who, on information and belief, were on duty on July 9, 2016, where they were physically present during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and on July 10, 2016, where they were physically present at the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

92. Defendant ANTHONY PONTON is an adult resident of Louisiana.

93. Defendant JEFFREY SABELLA is an adult resident of Louisiana.

94. Defendant TROY BANKS is an adult resident of Louisiana.

95. Defendant KENNETH TINER is an adult resident of Louisiana.

96. Defendant ROBERT STONE is an adult resident of Louisiana.

97. Defendant STEVE YOUNG is an adult resident of Louisiana.

98. Defendant GREGORY WARREN is an adult resident of Louisiana.

99. Defendant BLAIR NICHOLSON is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office.

100. Defendant JAMES COOPER is an adult resident of Louisiana. He is a Sergeant

with the East Baton Rouge Sheriff's Office

101. Defendant WILLIE STEWART is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

102. Defendant TODD MARTIN is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office

103. Defendant EVELENA BANKS is an adult resident of Louisiana. She is a Lieutenant with the East Baton Rouge Sheriff's Office.

104. Defendant SHANNON BROUSSARD is an adult resident of Louisiana. She is a Deputy with the East Baton Rouge Sheriff's Office.

105. Defendant CALVIN PRUTER is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

106. Defendant DAVID ERIC is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

107. Defendant HARRY HOWARD is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

108. Defendant WILLIAM JENKINS is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

109. Defendant MICHAEL ALLISON is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

110. Defendant DAVID PHILPOT is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

111. Defendant ANTHONY SMITH is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

112. Defendant JOHN DePEDRO is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

113. Defendant DUSTIN SELLARS is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

114. Defendant THOMAS WEIMER is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

115. Defendant WILLIAM LAWHUN is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

116. Defendant MARSHALL MENOUE is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

117. Defendant NICHOLAS SCHIRO is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

118. Defendant MATTHEW WOLFE is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

119. Defendant JAMES BROUSSARD is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office.

120. Defendant JASON RANSOME is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

121. Defendant JARED WILSON is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

122. Defendant JAMES JAMISON is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

123. Defendant BENJAMIN FRIEDMAN is an adult resident of Louisiana. He is a

Corporal with the East Baton Rouge Sheriff's Office.

124. Defendant RODERICK BROWN is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

125. Defendant BRANDON McCALL is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

126. Defendant CASEY LILLIE is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

127. Defendant JESSE HALE is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

128. Defendant JEREMY HEINE is an adult resident of Louisiana. He is a Corporal with the East Baton Rouge Sheriff's Office.

129. Defendant GREGORY DALE DICHARRY is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office who, on information and belief, was on duty at the EOC on July 9 and 10, 2016, where he took part in coordinating the EBRSO's response during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and during the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

130. The Defendants described in Paragraphs 131 to 138 are EBRSO law enforcement officers who, on information and belief, were on duty on July 10, 2016, where they were physically present at the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested

131. Defendant RAYMOND KLUG is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office.

132. Defendant JASON DEMOULIN is an adult resident of Louisiana.

133. Defendant JAMES A. BROUSSARD is an adult resident of Louisiana.

134. Defendant KENNETH HUBER is an adult resident of Louisiana.

135. Defendant RODERICK BROWN is an adult resident of Louisiana.

136. Defendant MARK PURSLEY is an adult resident of Louisiana.

137. Defendant TROY MIMS is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office.

138. Defendant JESSE HALE is an adult resident of Louisiana.

139. The Defendants described in Paragraphs 140 to 142 are EBRSO law enforcement officers who, on information and belief, were on duty on July 9, 2016, where they were physically present during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested.

140. Defendant CLINE BRELAND is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office.

141. Defendant LARRY JAMES is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

142. Defendant JASON JONES is an adult resident of Louisiana. He is a Sergeant with the East Baton Rouge Sheriff's Office.

143. Defendant ROBERT DIXON is an adult resident of Louisiana. He is a Deputy with the East Baton Rouge Sheriff's Office who, on information and belief, was on duty on July 9 and 10, 2016, where he transported prisoners during the protests.

144. Defendant TODD MORRIS is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office who, on information and belief, was on duty on July 9 and

10, 2016 at the Command Post at Baton Rouge Police Department Headquarters, where he assisted in the coordination of the EBRSO response to the protests.

145. Defendant LEROY GRIFFIN is an adult resident of Louisiana. He is a Captain with the East Baton Rouge Sheriff's Office who, on information and belief, was on duty on July 9, 2016, during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and on July 10, 2016, during the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

146. Defendant BRYAN WHITE is an adult resident of Louisiana. He is a Major with the East Baton Rouge Sheriff's Office who, on information and belief, was on duty on July 9, 2016, where he assisted in coordinating the EBRSO response to the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and on July 10, 2016, where he assisted in coordinating the EBRSO response to the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

147. The Defendants described in Paragraphs 148 to 187 are Louisiana State Police law enforcement officers who, on information and belief, were on duty on July 9, 2016, where they were physically present during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and on July 10, 2016, where they were physically present at the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

148. Defendant JACOB BROWN is an adult resident of Louisiana.

149. Defendant STEVE BUNCH is an adult resident of Louisiana.

150. Defendant MURRAY BUQUET is an adult resident of Louisiana.

151. Defendant LOUIS CALATO is an adult resident of Louisiana.

152. Defendant KEVIN CANNATELLA is an adult resident of Louisiana.

153. Defendant SAMUEL CAPACI is an adult resident of Louisiana.

154. Defendant BRITTANY CAUGHLIN is an adult resident of Louisiana.

155. Defendant JASON CHIASSON is an adult resident of Louisiana.

156. Defendant JOHN CLARY is an adult resident of Louisiana. He is a Sergeant with the Louisiana State Police.

157. Defendant SCOTT COCO is an adult resident of Louisiana.

158. Defendant WILLIAM COOK is an adult resident of Louisiana.

159. Defendant BRIAN COGHLAN is an adult resident of Louisiana.

160. Defendant MARK DENNIS is an adult resident of Louisiana. He is a Sergeant with the Louisiana State Police.

161. Defendant JOSEPH DESSENS is an adult resident of Louisiana.

162. Defendant IAN DOLLINS is an adult resident of Louisiana.

163. Defendant ROBERT DOWNS is an adult resident of Louisiana.

164. Defendant DAVID EASLEY is an adult resident of Louisiana. He is a Senior Trooper with the Louisiana State Police.

165. Defendant TREY ELLIOTT III is an adult resident of Louisiana.

166. Defendant CHAD GUIDRY is an adult resident of Louisiana..

167. Defendant AARON GUILLIAMS is an adult resident of Louisiana.

168. Defendant STEPHEN HAMMONS is an adult resident of Louisiana.

169. Defendant JOSEPH HASSELBECK is an adult resident of Louisiana.

170. Defendant JEFFREY HOLLEY is an adult resident of Louisiana.

171. Defendant RICHARD HORTON is an adult resident of Louisiana.

172. Defendant JONATHAN JAMES is an adult resident of Louisiana.

173. Defendant JASON JORDAN is an adult resident of Louisiana. He is a Sergeant with the Louisiana State Police.

174. Defendant CHRISTOPHER KELLEY is an adult resident of Louisiana.

175. Defendant JOHN KELLY is an adult resident of Louisiana.

176. Defendant TYLER LATIOLAS is an adult resident of Louisiana.

177. Defendant MATTHEW LEMMONS is an adult resident of Louisiana.

178. Defendant MARTIN MAYON JR. is an adult resident of Louisiana.

179. Defendant HUEY McCARTNEY is an adult resident of Louisiana.

180. Defendant TODD McCONNELL is an adult resident of Louisiana.

181. Defendant JAMES McGEHEE is an adult resident of Louisiana.

182. Defendant HERMAN NEWELL III is an adult resident of Louisiana.

183. Defendant JOEY SCHOUDEST is an adult resident of Louisiana.

184. Defendant REGINALD TAYLOR is an adult resident of Louisiana.

185. Defendant RICHARD WATSON is an adult resident of Louisiana.

186. Defendant FRANCIS WOODS is an adult resident of Louisiana.

187. Defendant BURNELL THOMPSON III, is an adult resident of Louisiana.

188. Defendant GLENN HALE is an adult resident of Louisiana. He is a Captain with the Louisiana State Police who, on information and belief, was on duty on July 9, 2016, where he assisted in coordinating the LSP response to the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and on July 10, 2016, where assisted in coordinating the response to the protests at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

189. Defendant JOSEPH HALL is an adult resident of Louisiana. He is a Louisiana State

Police Trooper who, on information and belief, was on duty on July 9, 2016, where he was physically present during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested.

190. Defendant CALEB KENNEDY is an adult resident of Louisiana. He is a Louisiana State Police Trooper who, on information and belief, was assigned to the Mayor's Office of Homeland Security and Emergency Preparedness (MOHSEP) on July 9 and 10, 2016, where he assisted in coordinating the LSP response to the protests where Plaintiffs SMITH, BENJAMIN and KOSOFSKY were arrested.

191. Defendant BLAKE LEMOINE is an adult resident of Louisiana. He is a Louisiana State Police Trooper who, on information and belief, was on duty on July 9, 2016, where he was physically present during the protests at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested.

192. Defendant MURPHY PAUL is an adult resident of Louisiana. He is Lieutenant Colonel of the Louisiana State Police who, on information and belief, assisted in coordinating the LSP response to the protests on July 9, 2016 at Airline Boulevard when Plaintiffs SMITH and BENJAMIN were arrested, and to the protests on July 10, 2016 at the corner of East Boulevard and France Street when Plaintiff KOSOFSKY was arrested.

193. The Defendants described in Paragraphs 194 to 202 are Louisiana State Police law enforcement officers who, on information and belief, were on duty at the corner of France Street and East Boulevard on July 10, 2016, when Plaintiff KOSOFSKY was arrested.

194. Defendant JULIAN ANDERSON is an adult resident of Louisiana.

195. Defendant JASON BOURGEOIS is an adult resident of Louisiana.

196. Defendant B. BINGHAM is an adult resident of Louisiana.

197. Defendant JERRY A. COX, JR., is an adult resident of Louisiana.

198. Defendant DAVID HAMM is an adult resident of Louisiana.

199. Defendant BRENT HARDY is an adult resident of Louisiana.

200. Defendant BYRON O. JUNEAU is an adult resident of Louisiana.

201. Defendant JODY MORVANT is an adult resident of Louisiana.

202. Defendant PHILIP VAN GESSEL is an adult resident of Louisiana.

203. The Defendants described in Paragraphs 204 to 231 are Livingston Parish Sheriff's Office law enforcement officers who, on information and belief, were on duty during the protests at Airline Boulevard on July 9, 2016, when Plaintiffs SMITH and BENJAMIN were arrested, and at the corner of France Street and East Boulevard on July 10, 2016, when Plaintiff KOSOFSKY was arrested.

204. Defendant MAJ. ALDEN THOMASSON is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

205. Defendant SGT. DENNY PERKINS is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

206. Defendant LT. DONNIE ROBINSON is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

207. Defendant LT. LANCE LANDRY is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

208. Defendant SGT. BRANDON ASHFORD is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

209. Defendant LT. JASON HARRIS is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

210. Defendant CAPT. CHAD McGOVERN is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

211. Defendant SGT. CALVIN BOWDEN is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

212. Defendant LT. FRANK RIZZUTO is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

213. Defendant LT. TOM MARTIN is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

214. Defendant LT. TRAVIS HARRIS is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

215. Defendant CPL. JONATHAN CROZIER is an adult resident of Louisiana. He is a supervising officer in the Livingston Parish Sheriff's Office.

216. Defendant CORY WINBURN is an adult resident of Louisiana.

217. Defendant MIA TERRELL is an adult resident of Louisiana.

218. Defendant JEFF BEATTY is an adult resident of Louisiana.

219. Defendant JEREMY McCULLEN is an adult resident of Louisiana.

220. Defendant TIM ARD is an adult resident of Louisiana.

221. Defendant ERIC ROGERS is an adult resident of Louisiana.

222. Defendant KYLE HOTARD is an adult resident of Louisiana.

223. Defendant CARL CHILDERS is an adult resident of Louisiana.

224. Defendant DAVID EVERHART is an adult resident of Louisiana.

225. Defendant JACOB BOURGEOIS is an adult resident of Louisiana.

226. Defendant T.J. MORGAN is an adult resident of Louisiana.

227. Defendant TREY ROBERTS is an adult resident of Louisiana.

228. Defendant BRANDON TULLOS is an adult resident of Louisiana.

229. Defendant DUSTIN BROWN is an adult resident of Louisiana.

230. Defendant DUSTIN COVINGTON is an adult resident of Louisiana.

231. Defendant RICHARD HAGAN is an adult resident of Louisiana.

232. Defendant JEREMY PATT is an adult resident of Louisiana. He is a Deputy in the Livingston Parish Sheriff's Office, who, on information and belief, was on duty at the corner of France Street and East Boulevard on July 10, 2016, when SOPHIE KOSOFSKY was arrested.

233. The Defendants named in Paragraphs 30 to 89 above were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters, including those wrongfully assumed to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, each of them participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each of the Defendants named in paragraphs 30 to 89 above is a co-conspirator and joint tortfeasor under Louisiana Civil Code article 2324 with all Defendants except CITY/PARISH, HOLDEN and DABADIE.

234. Defendants OFFICER DOES 1-100 are persons presently unknown to Plaintiffs after diligent search and inquiry. OFFICER DOES 1-100 serve as Officers of the BRPD and were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters, including those wrongfully assumed to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, each of them participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement

to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each Defendant DOE is a co-conspirator and joint tortfeasor under Louisiana Civil Code article 2324 with all Defendants except CITY/PARISH, HOLDEN and DABADIE.

235. Some of the OFFICER DOES had supervisory responsibility, either at the protest locations or elsewhere. Other of the OFFICER DOES provided support for operations at the protest location from BRPD Headquarters, from the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), and/or the Mayor's Office of Homeland Security and Emergency Preparedness (MOHSEP). Other of the OFFICER DOES had training responsibility for members of the BRPD.

236. The Defendants named in Paragraphs 90 to 146 above were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters, including those wrongfully assumed to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, each of them participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each of the Defendants named in paragraphs 90 to 146 above is a co-conspirator and joint tortfeasor under Louisiana Civil Code article 2324 with all Defendants except Defendant GAUTREAUX.

237. Defendants DEPUTY ROES 1–100 are persons presently unknown to Plaintiffs after diligent search and inquiry. DEPUTY ROES 1–100 serve as Deputies of the East Baton Rouge Parish Sheriff's Office and were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters, including those wrongfully assumed

to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, each Defendant ROE participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each Defendant ROE is a co-conspirator and joint tortfeasor under Louisiana Civil Code article 2324 with all Defendants except Defendant GAUTREAUX.

238. Some of the DEPUTY ROES had supervisory responsibility, either at the protest locations or elsewhere. Other of the DEPUTY ROES provided support for operations at the protest location from EBRSO Headquarters, from the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), and/or the Mayor's Office of Homeland Security and Emergency Preparedness (MOHSEP). Other of the DEPUTY ROES had training responsibility for members of the EBRSO.

239. The Defendants named in Paragraphs 147 to 202 above were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters, including those wrongfully assumed to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, each of them participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each of the Defendants named in paragraphs 147 to 202 above is a co-conspirator and joint tortfeasor under Louisiana Civil Code article 2324 with all Defendants.

240. Defendants TROOPER MOES 1-100 are persons presently unknown to Plaintiffs after diligent search and inquiry. TROOPER MOES 1-100 serve as Troopers of the Louisiana State Police and were involved in the suppression of dissent through the use of excessive force,

intimidation, and illegal arrest of protesters, including those incorrectly assumed to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, some of the Defendant MOES participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each Defendant MOE is a co-conspirator and joint tortfeasor with all other defendants under Louisiana Civil Code article 2324.

241. Some of the TROOPER MOES had supervisory responsibility, either at the protest locations or elsewhere. Other of the TROOPER MOES provided support for operations at the protest location from LSP Headquarters, from the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), and/or the Mayor's Office of Homeland Security and Emergency Preparedness (MOHSEP). Other of the TROOPER ROES had training responsibility for members of the LSP.

242. The Defendants named in Paragraphs 203 to 232 above were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters, including those wrongfully assumed to be protesters, in Baton Rouge on July 9 and 10, 2016. On information and belief, each of them participated in the arrest of one or more of the Plaintiffs. In the alternative, each of them provided support, assistance, and encouragement to other of the Defendants (including the DOE, ROE and MOE Defendants) in the arrest of protesters, including the Plaintiffs. As such, each of the Defendants named in paragraphs 203 to 232 above is a co-conspirator and joint tortfeasor under Louisiana Civil Code article 2324 with all Defendants except Defendant ARD.

243. Except as otherwise indicated, each Defendant is a co-conspirator and joint

tortfeasor with every other defendant under Louisiana Civil Code article 2324.

244. After diligent search and inquiry, Plaintiffs are currently unaware of the extent of the policy-making, supervisory, and training authority held by nearly all of the specific law enforcement officers who were physically present for the arrests and incarceration of the Plaintiffs. For this reason, Plaintiffs sue the Defendants listed in paragraphs 30-89 (BRPD), 90-146 (EBRSO) and 203-232 (LPSO) above in both their individual and official capacities.

245. Plaintiffs sue the Defendants listed in paragraphs 203-232 in their individual capacity only.

246. All of the Defendants named and unnamed in this complaint acted under color of state law at all relevant times.

IV. FACTUAL ALLEGATIONS³

A. The Custom and Practice of Racist Policing in Baton Rouge

247. Long before Alton Sterling's murder and the ensuing protests in July 2016, relations between Baton Rouge's law enforcement agencies and the Baton Rouge community had badly deteriorated. Law enforcement relations with the Black community of Baton Rouge have been marked by episodes of tension and violence for generations.

1. BRPD's History of Police Misconduct.

248. As members of the Baton Rouge community, the United States Department of Justice, and others have noted for decades, the City/Parish has long failed to hire a proportionate number of Black officers to the BRPD. The failure of the City/Parish to hire a proportionate

³ Plaintiffs make the allegations in this Complaint based on personal knowledge as to matters in which they have personal involvement and on information and belief as to all other matters.

number of Black officers, and Black Baton Rouge residents in particular, has created a police force that is separated from the community it seeks to protect. Since 1980, the City of Baton Rouge has been under a consent decree with the Department of Justice intended to remedy racially discriminatory hiring practices of a class of Louisiana police and fire departments, including the BRPD. While nearly thirty municipal defendants in that case have reached compliance with the consent decree and been dismissed from the case, only the City of Baton Rouge and one other municipality have not reached compliance—nearly four decades after the consent decree took effect.

249. According to the 2010 U.S. Census, the City of Baton Rouge is 54.5% Black and 39.4% White. However, the BRPD is 30% Black and 67% White. Moreover, nearly half of all BRPD officers live outside of East Baton Rouge Parish, and only one-fifth (1/5) live within the City of Baton Rouge.

250. Discriminatory practices by the BRPD have long extended beyond the Department's employment practices into BRPD's interactions with the community. In September of 2005, the population of Baton Rouge swelled as many residents of New Orleans, a majority Black city, sought refuge from Hurricane Katrina and the resultant flood. The Michigan State Police and New Mexico State Police both sent troopers to assist the BRPD in policing the city's rapidly growing population.

251. Within three days of the troopers' arrival, both state police agencies had ordered their troopers to cease operations with BRPD after the troopers witnessed and complained of egregious misconduct and potentially criminal actions by BRPD officers. A spokeswoman for the Michigan State Police told a reporter that "troopers observed Baton Rouge police officers engage in actions that were an affront to their sense of dignity and respect."

252. Members of both the Michigan State Police and the New Mexico State Police shared observations and concerns that were compiled in a formal letter of complaint to the BRPD. One trooper reported that “I personally believe that most of the Baton Rouge Police Department are good officers that are being directed by their supervisors to crack down on the public.”

253. Examples of Baton Rouge police officers’ antagonism toward Black people as alleged by the out-of-state troopers included multiple instances of excessive force against Black people, including minors, through the use of Tasing, hitting, choking, and pepper spraying of residents, without warning or threat to the safety of officers or civilians; searches of Black individuals and their vehicles without reasonable suspicion or probable cause; and possibly falsifying information against Black individuals in police reports.

254. In an attempt to support officers of the BRPD in the face of the allegations of racial animus and racially discriminatory policing in September 2005, Defendant Mayor HOLDEN publicly stated, “If there’s a blame to be placed on aggressive enforcement, blame it on me.” This statement by Defendant Mayor HOLDEN ratified and condoned the unconstitutional actions and inactions of the BRPD officers.

255. BRPD, under the direction of Defendant HOLDEN and predecessors in office of Defendant DABADIE, also resisted efforts of media and public interest advocates to gain information regarding these post-Katrina abuses, as part of an ongoing effort to cover up and conceal race-based officer misconduct, and to promote the police code of silence.

256. As part of the effort to cover up and conceal allegations of race-based officer misconduct and to promote the police code of silence, the City/Parish and the BRPD actively resisted public records requests and a Public Records Law enforcement action filed by The Advocate newspaper seeking access to the Internal Affairs Division investigative report in 2006.

Defendant DABADIE's predecessor in office authorized a meritless suit to delay and thereby shield investigation records from public view, while imposing high costs on the newspaper.

257. In addition to repeated allegations of excessive force and unconstitutional arrests, both before and after the out-of-state troopers' complaints, it has been reported that BRPD officers disproportionately arrest Black residents of Baton Rouge on drug charges. A 2017 report by Together Baton Rouge, a coalition comprised of churches and community-based organizations, studied publicly available arrest data for the years 2011–16. The report concluded that while rates of drug use are similar in every ZIP code in Baton Rouge, residents of the poorest ZIP codes, whose populations tend to be overwhelmingly Black, are arrested at grossly disproportionate rates. The study classified four ZIP codes, all in North Baton Rouge, the majority-Black section of the city, as "high enforcement areas" and noted that they were "90% black, twice as poor, use drugs slightly *less* frequently and have *five times as many arrests for drug possession*" as low-enforcement, majority-White ZIP codes.

258. In 2011, then-BRPD Chief Dewayne White publicly stated that ten percent of the department's officers failed to exercise basic levels of professionalism, and that "it's become so ingrained" in the minds of some officers that they "believe that everybody they come across or most people they come across with that color of skin is probably a criminal." Chief White described the impact that racially discriminatory policing has on the community: "When the question is raised with an African-American congregation or a constituency, whether they trust the Police Department, no one raises their hand. That, in itself, is indicative of a problem, and we have got to win the trust of that community."

259. Defendant Mayor HOLDEN fired Chief White in 2013. White and his attorney have alleged that HOLDEN micromanaged BRPD during Chief White's tenure. White and his attorney

have further alleged that a month prior to his firing, HOLDEN verbally ordered White to discuss all personnel and disciplinary matters with the Mayor's Office prior to taking any action. This order constituted a temporary change in policy specific to the brief remainder of Chief White's tenure, as, on information and belief, the Chief of the BRPD retains authority over hiring and firing decisions without the need for approval by the Mayor, except for this specific instance in which HOLDEN attempted to circumvent Chief White's authority.

260. Defendant DABADIE was hired in the wake of Chief White's dismissal. HOLDEN, DABADIE and the City/Parish maintained the pattern and practice of ratifying, permitting, and encouraging racist policing in BRPD by, inter alia, (a) denying the prevalence of racist attitudes among White BRPD officers; (b) refusing to investigate the prevalence of such attitudes; and (c) forcing citizens to seek court orders under the Public Records Law—through costly and protracted litigation—before disclosing of the results of investigations into racism in BRPD.

261. The racial animus decried by former Chief White was later laid bare by the publication in September 2014 of a series of racist text messages sent by a BRPD officer to a civilian. In the messages, the officer, a fifteen-year veteran of the Department, referred both to Black colleagues and civilians with racial epithets, and stated, inter alia, "I wish someone would pull a Ferguson on them and take them out. I hate looking at those African monkeys at work . . . I enjoy arresting those thugs with their saggy pants."

262. The officer was placed on administrative leave by BRPD and resigned before any disciplinary action was taken against him by the Department. On information and belief, no action was taken by HOLDEN, DABADIE or the City/Parish to determine the extent of similar racist attitudes among other BRPD officers. Defendant DABADIE stated publicly that there was no need to do so, because the issue was confined to the lone officer.

263. The response of Defendants HOLDEN, DABADIE and the City/Parish to the racist text messages betrayed a strategy to cover up the prevalence of racist attitudes among White BRPD officers. Alternatively, the response of Defendants HOLDEN, DABADIE and the City/Parish amounted to conscious disregard of the prevalence of racist attitudes among White BRPD officers.

264. In addition to racially discriminatory policing, the BRPD, under the direction of Defendants HOLDEN and DABADIE, implements a policy, practice or custom of using excessive force against arrestees.

265. In addition to widespread protest and advocacy stemming from the shooting death of Alton Sterling, multiple lawsuits in recent years have sought to hold BRPD accountable for its policy, practice or custom of excessive uses of force, including: (a) the 2007 arrest of Brian Townsend on a complaint of “loud music” with pepper spray and force that caused the rupture of Townsend’s bladder; (b) the violent 2008 arrest of Jon Leigh Shoulders for smoking marijuana, which resulted in Shoulders’ skull being fractured and caused internal bleeding and permanent brain damage; (c) the 2011 killing of Carlos Harris, who was shot to death by an officer after Harris crashed a car that he’d been ordered by the officer to remove from the scene of a crime—despite Harris’s informing the officer that he was intoxicated; (d) a 2014 incident in which BRPD officers strip-searched Brett Percle, a visitor to a home that was being searched by the officers, then kicked Percle with such force that his head slammed into the floor, knocking several teeth out of his mouth; (e) a 2015 incident in which a reporter and a producer for local media outlet WBRZ were handcuffed, and one arrested, for taking pictures of an arrest; and (f) a 2016 incident in which Ja’Colby Davis, then sixteen years old, was held down by multiple officers while one officer repeatedly punched him in the head.

266. In recent years, suits against the City/Parish for BRPD’s excessive uses of force

and unconstitutional arrests have resulted in sizeable yearly settlements by the Parish Attorney. For example, the City/Parish paid \$372,434 to settle such cases in 2015, \$581,286 in 2014, and \$437,112 in 2011.

267. BRPD has not addressed the problems of racial profiling and overt racial animus by members of the BRPD, despite ample evidence of such racial profiling and animus. Instead, the BRPD, Chief DABADIE and Mayor HOLDEN chose to consciously disregard and cover up the prevalence of racist attitudes among BRPD officers.

2. EBRSO's History of Police Misconduct

268. Similar to BRPD, the East Baton Rouge Sheriff's Office has its own history of allegations of excessive force, unconstitutional arrest, retaliation, and intimidation that have been leveled against EBRSO and Defendant GAUTREAUX since GAUTREAUX's election as Sheriff in 2007, including multiple instances of excessive force involving the use of firearms, Tasers, pepper spray, and punching and kicking of arrestees. These allegations include: the 1992 shooting death of Chauncey Thomas, an unarmed Black 15-year-old, by a Sheriff's deputy; the 2005 shooting death of Gerry Stampley, a Black man, by EBRSO deputies and the retaliatory demotion, transfer, intimidation, and disparagement of a Black EBRSO homicide detective who questioned whether the shooting was justified; the 2007 illegal stop of Joseph Davis, a Black motorist, in which EBRSO deputies allegedly choked, handcuffed, Tased, pepper sprayed, and kicked Davis in the head and face without any legal justification, causing him to lose consciousness; and the allegedly unjustified Tasing and unlawful arrest of Aaron Martinez while an EBRSO deputy responded to a complaint of trash-burning involving Martinez's neighbor in 2010.

269. In addition to allegations of unconstitutional conduct by EBRSO deputies in EBRSO's policing capacity, EBRSO has also been the subject of allegations of unconstitutional

conditions, actions, and inactions at the East Baton Rouge Parish Prison (“EBRPP”), the detention and incarceration facility operated by EBRSO, most recently in a report released in July 2017 by The Promise of Justice Initiative.

3. LSP’s History of Police Misconduct

270. During Defendant EDMONSON’s tenure, the Louisiana State Police have also exhibited excessive force and unconstitutional arrests targeted at Black residents. While LSP does not typically patrol municipalities, a pattern of unconstitutional excessive force and illegal arrest has rapidly emerged in the time that Defendant EDMONSON has directed LSP in the provision of policing services in municipalities.

271. Lawsuits and public allegations against the LSP since early 2013 allege that members of LSP, under the direction of Defendant EDMONSON, have: (a) physically and verbally abused two Black teenagers without provocation or lawful justification, desisting only when a mother of one of the teens, who is also a New Orleans Police officer, arrived and intervened; (b) pulled over, shoved to the ground, kicked, and threatened with firearms internationally renowned musician Shamarr Allen while searching for a Black drug dealer — apparently based solely on Allen’s race; and (c) manhandled, Tased, and verbally and physically assaulted Michael Baugh, a Black barber, causing significant injury, apparently based on his being of the same race as four suspects (Baugh matched no other part of the suspects’ description).

272. Defendant EDMONSON chose not to order a thorough investigation into these practices when they came to light; his inaction condones the falsification of information and the intimidation of witnesses to LSP troopers’ unconstitutional conduct. The LSP internal investigation into the LSP attack on the teenagers concluded that all of the troopers involved in the incident had acted appropriately, a conclusion that both the Mayor of New Orleans and the

Superintendent of the New Orleans Police Department publicly criticized based on publicly available video of the incident. According to news reports, LSP went on to file a disciplinary complaint with the NOPD against the mother of one of the teens for intervening on behalf of her son and his friend. On information and belief, Defendant EDMONSON personally wrote a letter to the Superintendent of the NOPD requesting an investigation into the mother's actions.

273. As described in the preceding paragraphs, the City/Parish, BRPD, EBRSO, and Defendants HOLDEN, DABADIE, GAUTREAUX, and EDMONSON engaged in a continuing pattern, custom, and practice of the use of excessive force and illegal arrests targeting Black residents of Baton Rouge and supporters from other parts of the State. Similarly, these actors engaged in a pattern, custom, and practice of retaliatory intimidation, threats, and disciplinary and legal consequences against critics. These related patterns, customs, and practices were the moving force for the Defendants' unconstitutional treatment of Plaintiffs and other protesters in July of 2016.

B. Baton Rouge Area Residents and Supporters Protest Police Violence after the Killing of Alton Sterling by the BRPD.

274. The killing of Alton Sterling was documented on video, which showed Mr. Sterling being forcibly restrained on the ground and then shot. Mr. Sterling's death provoked local, national, and international outrage.

275. By the evening of July 6, 2016, Baton Rouge residents, a vast majority of whom were Black, gathered for what became daily and nightly vigils and peaceful protests at various locations throughout the city.

276. Between July 6 and 10, 2016, thousands of people protested throughout Baton Rouge. Some paid their respects in front of the Triple S Food Mart where Mr. Sterling was killed.

Some marched to and from the State Capitol. Many, including Plaintiffs NIKOLE SMITH AND SEAN BENJAMIN, protested on a sizeable grassy lot adjacent to the intersection of Airline Highway and Goodwood Boulevard in Baton Rouge, across the street from the BRPD headquarters.

277. Others, including Plaintiff SOPHIE KOSOFKY, protested as a part of a youth-led march, which resulted in many protesters marching on Government Street in downtown Baton Rouge. Still others, including Plaintiff, LUBIN GILBERT, without a desire to protest, made their way onto the streets to view what they believed to be an historic event. Throughout the city, protesters chanted and held signs. Some of the protesters' chants and signs were specific to Mr. Sterling; others decried the history and pattern of brutal and racialized policing in Baton Rouge, of which Mr. Sterling's killing was the latest, particularly egregious example.

278. The majority of these protesters were Black residents of Baton Rouge and the surrounding parishes. Many of them chose to protest because of their personal experiences or the experiences of their loved ones with law enforcement, and particularly members of the BRPD and EBRSO, which left them hurt or afraid. National television and internet audiences closely followed the protests and Defendants' response to the protests.

279. As the weekend progressed, a number of protesters, many of them residents of other parts of, Louisiana, arrived to their state capital to protest in solidarity with the Black residents of Baton Rouge. They, like the many Black residents of Baton Rouge who had been protesting for days, wanted to exercise their constitutional right to express dissent at the killing of Mr. Sterling and the history of racially discriminatory policing.

C. The Defendants' Planned and Coordinated Effort to Suppress Dissent Through Unconstitutional Law Enforcement in July 2016.

280. In response to the protests and the national spotlight on protesters' nonviolent, lawful resistance, Defendants, led by Defendants HOLDEN, DABADIE, EDMONSON, GAUTREAUX, CAZES and HURST, developed and implemented a strategy, motivated by racial animus, to silence this peaceful and lawful exercise of First Amendment rights.

281. In statements to the media, some of these Defendants painted the lawful and peaceful protests as violent actions of out-of-town agitators. For example, On July 10, 2016, the BRPD issued a "News Release" titled "A Tale of Two Protests," in which the BRPD asserted that protests on Airline Highway near the BRPD headquarters on the evening of July 9, 2016 – the night of the arrests of Plaintiffs SMITH and BENJAMIN – had been "organized by individuals from outside our Baton Rouge community" and that "It appears the protest at Baton Rouge Police Headquarters have (sic) become more violent as out of town protesters are arriving." Defendant DABADIE stated that he thought "that out-of-town agitators are coming in here for that reason to agitate us and to agitate the crowd," while he didn't "feel like our department is agitating anything

282. Defendants colluded to silence protesters through the use of intimidation, excessive force, illegal arrests, illegal detention, denigration, and criminalization. The Ascension Parish Sheriff's Office (a member of the Emergency Task Force of the Louisiana Sheriffs' Association), and other law enforcement agencies not currently known to Plaintiffs joined Defendants in this endeavor.

283. In multiple policy-making venues before and during the time in which they arrested and detained Plaintiffs, Defendants reached agreement on their coordinated response to peaceful protests. The entities that facilitated Defendants' collusion included but were not limited to: the

Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP"), the Mayor's Office of Homeland Security and Preparedness ("MOHSEP"), and the Louisiana Sheriffs' Association ("LSA").

284. Defendants HOLDEN, DABADIE, EDMONSON, GAUTREAUX, CAZES, HURST, ARD, DOES, MOES, ROES, or their agents, along with other high ranking members of other law enforcement entities, gathered at MOHSEP on several occasions between July 6 and 10, 2016, in order to formulate and implement their agreement to suppress the protests and portray the protests as the violent actions of out-of-town agitators to justify the suppression of protected First Amendment activity.

285. Defendant HOLDEN implemented the City/Parish's Emergency Operations Plan ("EOP") through MOHSEP. Under the terms of the EOP and BRPD's and EBRSO's internal policies, Defendants HOLDEN, GAUTREAUX, DABADIE, DOES, ROES, MOES, and their agents coordinated law enforcement response to emergencies, which are defined to include "civil disturbances."

286. Defendant GAUTREAUX was the president of the LSA during the protests. GAUTREAUX, in combination with Defendant CAZES, the Southern District Coordinator of LSA's Emergency Task Force, and Defendant HURST, Director of the LSA's Task Force and Homeland Security services, arranged for the presence of approximately 200 additional deputies from surrounding sheriffs' offices to supplement local law enforcement's response to the protests.

287. Pursuant to the Defendants' plan, numerous law enforcement agencies contributed personnel and resources to create a massive police presence to confront those engaging in peaceful protest and to suppress the rights of Black citizens and residents of Baton Rouge to petition the government for redress of grievances.

288. Defendants' coordinated plan sought to: (a) create an intimidating law enforcement response that was militarized, in furtherance of which police personnel wore and used riot gear and carried rifles, shields, and/or batons while confronting the protesters; (b) effectuate the maximum number of arrests of innocent protesters, so as to send a message to Black citizens and residents of Baton Rouge that dissent would not be tolerated; (c) target certain protesters for arrest, based on these protesters' supposed group affiliations (in particular, affiliation with Black political and social organizations) and/or Defendants' belief that they were "leaders" of the spontaneous protests; (d) target and scapegoat supporters of local protesters, primarily from other parts of Louisiana, to justify the heavy-handed, militarized police tactics by painting the peaceful protests as the violent actions of out-of-town agitators; (e) book protesters en masse on false criminal charges and to maximize the time those arrested spent in custody as punishment for protesting law enforcement; (f) ensure officers used excessive physical force to effectuate these illegal arrests; (g) insulate individual officers from accountability, criticism or consequence for their role in Defendants' scheme by encouraging and/or allowing officers to cover the names and badge numbers on their uniforms with opaque tape and to refuse to give their names or badge numbers when asked directly by civilians; and (h) discourage individuals from protesting in the future through a display of militarized police violence and intimidation; (i) send a clear message to property owners and/or lessees in the areas of protests that any aid provided to protesters by these property owners and/or lessees could subject property owners and/or lessees to unconstitutional treatment, including but not limited to the use of excessive force, intimidation, denigration, and the invasion of private property.

289. Between July 6 and 10, 2016, Baton Rouge area law enforcement officers and their agents, including BRPD, EBRSO, LSP, and sheriff's deputies of surrounding parishes, including

but not limited to the currently unknown Officer DOES, Deputy ROES and Trooper MOES, put this plan into action. In furtherance of the above objectives, Defendants unlawfully arrested approximately 200 protesters as they engaged in peaceful protest protected by the First Amendment. Plaintiffs were among those arrested.

D. The Unconstitutional Arrests and Confinement of the Plaintiffs

1. Nikole Smith

290. Plaintiff NIKOLE SMITH is a Black woman, a registered nurse, and a loving mother who lives in Denham Springs, Louisiana with her son. NIKOLE SMITH has worked in law enforcement in the child protection division of the Louisiana Department of Children and Family Services.

291. NIKOLE SMITH arrived at the protest at Airline Highway and Goodwood Boulevard at approximately 7:30 p.m. on July 9, 2016. She arrived with friends, including one who had attended the protest on Airline the previous day. Earlier that day, they participated in a march to the Louisiana State Capitol.

292. NIKOLE SMITH chose to participate in the protest because she and other Black people she knows have been treated poorly by Baton Rouge and surrounding area law enforcement officers and believed (and continues to believe) that lawful and peaceful protest can have a significant impact on the way law enforcement officers treat the Black community in and around Baton Rouge. It is important to her that law enforcement professionals be held as accountable as professionals of other professions. Ms. SMITH had never participated in a protest prior to July 9, 2016.

293. At the protest location, members of the BRPD, LSP, EBRSO, currently unknown Officer DOES, Deputy ROES, and Trooper MOES, and, on information and belief, members of

the Ascension Parish Sheriff's Office and Livingston Parish Sheriff's Office stood in the street, blocking traffic on Airline Highway. Some officers used and wore "riot gear," including body armor, shields, masks, and batons. Some officers carried rifles. Protesters stood in the neutral ground on Airline Highway and Goodwood Boulevard and some on the sidewalk along Airline Highway, chanting and holding signs.

294. When NIKOLE SMITH arrived, she immediately checked in with other protesters who had been there for a couple of hours and asked how to help. She was told to inform as many people as possible to stay on the grass or on the sidewalk and not to step into the street for any reason. She walked down the sidewalk, including the grassy area next to the sidewalk, telling protesters to be sure to stay out of the road. The protest group began to march down Airline, remaining off the street.

295. NIKOLE SMITH had just begun to inform protesters to stay on the sidewalk or grassy area and out of the street on Airline Highway when she was picked out of the protest crowd by police. Defendant officer DOES, ROES, and/or MOES disrupted the group and began grabbing people for arrest. These same Defendant arresting officer DOES, ROES, and/or MOES immediately brought her to a nearby area where there were tens of other arrestees, all being mass-processed.

296. Defendant Officer ZEITLER asked Defendant arresting officer DOE, ROE, or MOE what Ms. SMITH was charged with. The arresting officer answered, "Inciting a Riot."

297. Despite the fact that was no riot on Airline Highway, and that she was not inciting a riot but instead passing on to protesters the advice that they should stay out of the street, NIKOLE SMITH was charged with "Inciting to Riot" in violation of La. R.S. § 14:329.2

298. Despite her arrest occurring between 8 and 9 p.m., NIKOLE SMITH was

transported from the BRPD headquarters to the East Baton Rouge Parish Prison at approximately 2 or 3 a.m.

299. When NIKOLE SMITH first arrived at the prison facility, she observed a woman with serious physical injuries. She advocated for the woman to receive immediate medical attention but instead the injured woman and NIKOLE SMITH were ridiculed and belittled by law enforcement. She continued her advocacy by asking for information about the protesters' charges and when they could make phone calls.

300. When Ms. SMITH arrived, she was strip-searched and, in response to her advocacy for herself and others, she was informed by EBRSO personnel that "you don't have any rights in here."

301. In the women's holding cell, there was one phone available for use. For the first hour, the women were able to use it, but then it was turned off. No one was able to make phone calls again until the next morning.

302. Before Ms. SMITH was supposed to leave, the EBRSO personnel tried to get her to sign something, but when she tried to read it, she was thrown back in the cell. The guard communicated that she would not be able to read the document, but that she was expected to sign it. Although she was eventually released some hours later, she was not asked to sign something again.

303. When NIKOLE SMITH finally left East Baton Rouge Parish Prison, the other women in the cell cheered for her. Upon the cheering of the women, an EBRPP guard stated "time to do a drive-by" and sprayed the entire women's holding cell with pepper spray.

304. There was no basis to arrest, confine, or charge NIKOLE SMITH. She had not committed a crime.

305. The BRPD Incident Report authored by Defendant BRPD Officer MICHAEL ZEITLER contains no information to establish probable cause for an arrest. There is only one reference to the protests and only then in a context of explaining where the reporting officer was assigned. The report does not note the name of the arresting officer at all, though it is clear from the report that Defendant ZEITLER was stationed at a processing area at the time of Ms. SMITH's arrest and therefore could not have performed the arrest. Ms. SMITH's allegedly illegal activities are never described and she is referred to simply as "the listed arrestee."

306. This inadequate Incident Report was approved on July 27, 2016 by Defendant BRPD Officer GINA HEDRICK, with full knowledge that it lacked sourced information to support an arrest.

307. To support the baseless charges against NIKOLE SMITH, Defendant ZEITLER also drafted and signed a false Affidavit of Probable Cause containing blatantly false statements that purport to justify Ms. SMITH'S arrest—including that Ms. SMITH "intentionally caused a large crowd to become enraged and tumultuous." In light of Defendant ZEITLER's presence at the processing area – and therefore his absence at the site of Ms. SMITH's arrest – Defendant ZEITLER was not in a position to personally observe the conduct he purports to describe in his affidavit. However, he does not refer in the affidavit to any witness, named or unnamed, as the source for the information contained in the affidavit.

308. Defendant GLENN HUTTO, an Ex-officio notary for BRPD, notarized Defendant ZEITLER's false affidavit.

309. On information and belief, Defendants named in Paragraphs 30-32, 41-46, 67-129, 139-192 and 203-231 above were present and on duty at the corner of Airline and Goodwood on the night of July 9, 2016 and, as such, supported, assisted, and acted in concert with the other

Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force against Plaintiff NIKOLE SMITH.

310. All of the currently unidentified Officer DOES, Deputy ROES and Trooper MOES who were present during the protests on Airline Highway during the evening and night of July 9, 2016, supported, assisted, and acted in concert with the other Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force against Plaintiff SMITH.

311. Due to her unlawful arrest and detainment, Ms. SMITH now lives with the daily anguish, stress and anxiety of not only the illegal arrest on July 9, 2016, but also the uncertainty of whether she will face criminal prosecution for protesting.

2. Sean Benjamin

312. Plaintiff SEAN BENJAMIN is a 38-year-old White man and resident of New Orleans, Louisiana. He is the Public Services Librarian at the Louisiana Research Collection of the Howard-Tilton Memorial Library at Tulane University.

313. On the evening of July 9, 2016, Mr. BENJAMIN and a friend drove to Baton Rouge to protest racially discriminatory policing and police violence and to show their solidarity with protesting Black residents. They arrived at the corner of Airline Highway and Goodwood Boulevard sometime after 9 p.m.

314. By the time Mr. BENJAMIN and his friend arrived, scores of law enforcement officers, including Defendant DOES, ROES and MOES, stood in the street of Airline Highway in riot gear facing the protesters. Many of the DOES, ROES and MOES carried long guns and/or batons. There were well over a hundred protesters standing on the grass facing the law enforcement officers. The overwhelming majority of protesters were Black. Protesters warned Mr. BENJAMIN that police had been “charging” the protesters, so all protesters should stay out of the street. Mr.

BENJAMIN did not see any protesters in the street.

315. At no time did Mr. BENJAMIN hear any order or command by any law enforcement officer. At no time did Mr. BENJAMIN see any protester occupy a roadway or obstruct traffic. Instead, Mr. BENJAMIN heard multiple protesters repeatedly warn one another to stay out of the street.

316. Approximately twenty minutes after Mr. BENJAMIN arrived, the Defendants, including but not limited to Defendant DOES, ROES and MOES, lined up along Airline charged at the protesters. Mr. BENJAMIN ran in the opposite direction of Airline, into the parking lot of the gas station at the corner of Airline Highway and Goodwood Boulevard.

317. An Officer DOE, Deputy ROE, or Trooper MOE tackled Mr. BENJAMIN to the parking lot pavement. When Mr. BENJAMIN landed on the ground, he stopped moving and repeatedly stated "I'm not resisting."

318. When Mr. BENJAMIN fell to the pavement, his forehead and right knee hit the pavement hard enough to cause significant scrapes and bruising to his skin.

319. The Officer DOE, Deputy ROE, or Trooper MOE then bound Mr. BENJAMIN's hands behind his back and began escorting him toward the BRPD Headquarters. Almost immediately after he began escorting Mr. BENJAMIN, the Officer DOE, Deputy ROE, or Trooper MOE stated that he had lost his cell phone during the confrontation and then handed Mr. BENJAMIN to another Officer DOE, Deputy ROE, or Trooper MOE so that he could retrieve his cell phone.

320. This second Officer DOE, Deputy ROE, or Trooper MOE then escorted Mr. BENJAMIN to the BRPD Headquarters. While he was being processed at BRPD Headquarters, an officer recording the charges asked the escorting officer what Mr. BENJAMIN's charges were.

The escorting officer stated that Mr. BENJAMIN was charged with simple obstruction of a highway and resisting arrest. Mr. BENJAMIN stated that he was not resisting and that the officer who had escorted him had not been present for Mr. BENJAMIN's arrest.

321. Despite the fact that Mr. BENJAMIN was not on the roadway during the protest, he was charged with Simple Obstruction of a Highway in violation of La. R.S. §14:97.

322. After he was processed at the BRPD headquarters, Mr. BENJAMIN was placed in a van and driven first to a downtown location for approximately an hour or an hour and a half, and then to the East Baton Rouge Parish Prison. During the van ride to the downtown location, the vents in the van were blasting hot air the entire time. Arrestees in the van asked the officers driving the van to turn off the heat, but the officers refused.

323. Despite the fact that Mr. BENJAMIN was visibly bleeding from his forehead and his right knee, he was not offered any form of medical treatment at the BRPD headquarters or the downtown location.

324. When he arrived at East Baton Rouge Parish Prison, Mr. BENJAMIN and the other arrestees with whom he arrived were brought to a filthy, crowded holding cell. There were two holding cells for men, and for an unknown reason, at one point staff of the Parish Prison placed all of the men into one of the holding cells. There was not enough room for any of the arrestees to lie down, and some had to squat on the floor.

325. At one point while he was in the holding cell, Mr. BENJAMIN saw an EBRSO guard pepper spray women in their cells for no apparent reason. At another point, an EBRSO guard told the people in Mr. BENJAMIN's holding cell that if they did not "quiet down," they would be pepper sprayed.

326. On the following day, Mr. BENJAMIN was escorted to another portion of the

Parish Prison for a medical visit. Mr. BENJAMIN informed the person conducting the medical visit of his visible injuries, but was offered no wound care or antiseptic.

327. Mr. BENJAMIN was released from the Parish Prison on the evening of July 10, 2016. He spent approximately twenty-four hours in custody.

328. After his release, the scrapes on Mr. BENJAMIN's right knee failed to heal. His leg began to swell, and he had difficulty walking. He went to the Emergency Room of Touro Infirmary in New Orleans. At the hospital, he was diagnosed with bacterial infections. The hospital prescribed multiple antibiotics, and eventually Mr. BENJAMIN's infections cleared up.

329. Mr. BENJAMIN missed multiple days of work due to his injuries and the resulting infections.

330. There was no basis to arrest, confine, or charge SEAN BENJAMIN. He had not committed any crime.

331. The BRPD Incident Report for Mr. BENJAMIN's arrest, authored by Defendant BRPD Officer FREDERICK THORNTON, Jr., contains blatantly false assertions, including that "defendant was identified" as an "agitator" who had "begun to occupy the roadway obstructing the natural flow of vehicular traffic" and was "refusing to vacate despite being issued several clear verbal commands." Mr. BENJAMIN never "occupied" any roadway, was never commanded to exit any roadway, and never refused to vacate any roadway. This report was approved by Defendant BRPD Lt. ROBERT McGARNER, Jr. who, on information and belief, had full knowledge of its falsity.

332. To support the baseless charge against Mr. BENJAMIN, Defendant Officer THORNTON signed a boilerplate Affidavit of Probable Cause—the same boilerplate that was proffered as support for 87 of the arrests at the Airline and Goodwood location. The Affidavit is

entirely inconsistent with what actually took place during the protest as well as Mr. BENJAMIN's conduct during the protest.

333. Defendant Lt. McGARNER, acting as Ex-officio notary, notarized Defendant Officer THORNTON's false affidavit.

334. On information and belief, Defendants named in Paragraphs 30-32, 41-46, 67-129, 139-192 and 203-231 above were present and on duty at the corner of Airline and Goodwood on the night of July 9, 2016 and, as such, supported, assisted, and acted in concert with the other Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force against Plaintiff SEAN BENJAMIN.

335. All of the currently unidentified Officer DOES, Deputy ROES and Trooper MOES who were present during the protests on Airline Highway during the evening and night of July 9, 2016, supported, assisted, and acted in concert with the other Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force against Plaintiff BENJAMIN.

336. On July 15, 2016, the East Baton Rouge District Attorney announced that his office would refuse the charge against SEAN BENJAMIN.

3. Sophie Kosofsky

337. Plaintiff SOPHIE KOSOFKY is a 33-year-old White woman and resident of New Orleans, Louisiana. She is a self-employed artist and furniture upholsterer.

338. On the afternoon of Sunday, July 10, 2016, Ms. KOSOFKY drove to Baton Rouge with several of her friends to attend the youth march that was taking place that day from Government Street to the Louisiana State Capitol and back. She chose to protest to stand in solidarity with the Black community that for several days had been protesting the killing of Alton Sterling and the unjust and unconstitutional policing of the Black community in Baton Rouge.

339. At approximately 6 p.m., after the end of the youth march, she and many of the marchers gathered together and spontaneously decided to continue marching to the BRPD Headquarters. The marchers were positive and peaceful.

340. The peaceful crowd of protesters marched down Government Street. They were so numerous that they could not all fit on the sidewalk and began spilling into the roadway.

341. After marching several blocks, some of the Defendants, including but not limited to currently unknown Officer DOES, Deputy ROES and Trooper MOES, blocked off the street with their vehicles, corralling the crowd down East Boulevard to the intersection of East Boulevard and France Street. As the police presence grew, the protesters stood in the law enforcement-blocked intersection for a period of time figuring out where they could continue their march.

342. Some of the Defendants, including but not limited to currently unknown Officer DOES, Deputy ROES, and Trooper MOES lined up on France Street, wearing riot gear, some of them carrying long guns. These Defendants, without cause, and in furtherance of the conspiracy to silence the protest of Black citizens and residents, ordered the protesters to disperse. They began marching down France Street toward the crowd of protesters, led by an armored personnel carrier labeled with the words “Baton Rouge Police SWAT” and “Baton Rouge Police Special Response Team.”

343. Some of the Defendants, including currently unknown Officer DOES, Deputy ROES, and Trooper MOES, wore gas masks around their necks, on their heads, or over their faces, which made the protesters believe tear gas might be used against them. Officer DOES, Deputy ROES, or Trooper MOES emitted a piercing noise from a Long Range Acoustic Device (LRAD) for extended periods, temporarily deafening protesters.

344. Officer DOES, Deputy ROES, or Trooper MOES ordered protesters to disperse,

stating that the protest was an unlawful protest. These officers, deputies, or troopers never stated their basis for concluded that the protest was unlawful.

345. Many protesters could not hear the orders to disperse because the protesters had been temporarily deafened by the LRAD. Additionally, even protesters who wished to leave could not determine a safe point of egress where they did not face the real threat of being Tased, tackled, beaten, tear gassed, pepper sprayed, and/or arrested by law enforcement officers. When protesters and legal observers asked law enforcement officers to inform them of a safe point of egress for the corralled protesters, these officers refused to respond.

346. In solidarity with the Black community, White protesters, including Ms. KOSOFSKY, moved to the front of the protest line to stand between the Black people in the crowd and the police. As the protesters pleaded with the law enforcement officials by chanting “Put your guns down...We’re unarmed,” currently unknown Officer DOES, Deputy ROES and Trooper MOES began to charge the protesters, violently grabbing people out of the protest and arresting them.

347. In the face of militarized police violence, the protesters were unsure of where to go, but were attempting to comply with the dispersal orders. Unknown Officer DOES, Deputy ROES and Trooper MOES were simultaneously ordering dispersal, while blocking any apparent means to do so without risking arrest.

348. At this time, a woman named Lisa Batiste-Swilley invited the protesters onto the lawn of her home at the corner of France and East. Nearly all of the protesters were either on the lawn of her property or on the sidewalk directly adjacent to the lawn.

349. The protesters stayed either on the lawn or directly adjacent to the lawn on the tree lawn or sidewalk from approximately 6 pm until 7:30 pm, during which time the currently

unknown Officer DOES, Deputy ROES and Trooper MOES continued blocking all apparent methods of egress.

350. On information and belief, at some point in time between 6 and 7:30 pm on July 10, 2016, Defendants HOLDEN, DABADIE, GAUTREAUX, and/or EDMONSON gave directions to the individual Defendants, including the currently unknown Officer DOES, Deputy ROES and Trooper MOES to break up the protest by making mass arrests.

351. Suddenly and without providing instructions on how to avoid violent attack and arrest the unknown and unidentifiable Officer DOES, Deputy ROES and Trooper MOES began advancing toward the lawn. Ms. KOSOFSKY stood on Ms. Batiste-Swilley's lawn, with her back to the home and facing East Boulevard. Unknown law enforcement officers approached Ms. KOSOFSKY from across East Boulevard and from Government Street, which was to her left. Ms. KOSOFSKY attempted to identify the unknown Officer DOES, Deputy ROES and Trooper MOES by name and department, but they wore no visible identifying marks and rebuffed her requests to identify themselves.

352. As the law enforcement officers advanced toward the lawn, they ordered the protesters to disperse. Many protesters who attempted to do so were met with a separate contingent of unknown and unidentifiable Officer DOES, Deputy ROES and Trooper MOES approaching from the opposite direction on East Boulevard and from Government Street.

353. Feeling she had no means to disperse, Ms. KOSOFSKY positioned herself in front of two young Black girls from New Orleans and their father to shield them from the militarized police violence. Suddenly, she saw approximately a dozen Defendants, including Officer DOES, Deputy ROES and Trooper MOES enter the private lawn onto which she had been invited, when three unidentifiable officers threw her to the ground and arrested her.

354. Ms. KOSOFSKY was picked up and passed off to several other unknown Officer DOES, Deputy ROES and Trooper MOES, during which time she was placed in plastic zip-tie handcuffs.. She asked several officers why she was being detained, but no one provided her with any reason. While she was waiting to be processed, she observed an officer handing out pre-filled out affidavits of probable cause for arrest.

355. Despite the fact that she was standing on a lawn on private property when she was arrested and did not resist her unlawful arrest, Ms. KOSOFSKY was charged with “Simple Obstruction of a Highway of Commerce” in violation of La. R.S. § 14:97 and “Resisting Arrest” in violation of La. R.S. § 14:108.

356. Ms. KOSOFSKY was transported to EBRPP and was held there for approximately seventeen hours in uncomfortable, unsanitary conditions, and without proper bedding.

357. There was no basis to arrest, confine, or charge SOPHIE KOSOFSKY. She had not committed any crime.

358. To support the baseless charge against Ms. KOSOFSKY, Defendant BRPD Detective WILLIE WILLIAMS signed a boilerplate Affidavit of Probable Cause—a pre-printed form identical to many other affidavits filed against fellow protesters, with the exceptions of the arrestee’s name, the affiant, and the notary. The affidavit incorrectly states that Ms. KOSOFSKY’s arrest took place “in the vicinity of Baton Rouge Police Department’s Headquarters located at 9000 Airline Highway.” The BRPD Headquarters described in the Affidavit is in fact more than nine miles from the location of Ms. KOSOFSKY’s arrest, but was the site of scores of arrests in the preceding days. Many of those arrests were supported with boilerplate, pre-printed affidavits like the one used in Ms. KOSOFSKY’s case.

359. Defendant BRPD Officer and Ex-officio notary DERRICK WILLIAMS notarized

the boilerplate, pre-printed, and false Affidavit that Defendant WILLIE WILLIAMS signed. Although Defendant WILLIAMS signed the Affidavit, his name appears nowhere in the Incident Report of Ms. KOSOFSKY's arrest.

360. Instead, the report was completed by Defendant BRPD Officer ALAINA MANCUSO. Defendant MANCUSO'S states, among other things, "While assisting the mobile field force, I observed SOPHIE KOSOFSKY in the roadway refusing to leave. Upon contact with KOSOFSKY, she was advised that she was under arrest and to place her hands behind her back. While grabbing KOSOFSKY'S right hand she began to pull away from me. After a short struggle I was able to place KOSOFSKY'S hands behind her back without further incident."

361. In fact, Ms. KOSOFSKY did not obstruct a highway of commerce and was on a private lawn at the time of her arrest, where she had been for at least 90 minutes. Nor did Ms. KOSOFSKY resist arrest. The report completed by Defendant MANCUSO is false.

362. Defendant BRPD Officer JEFFREY PITTMAN approved the false report by Defendant MANCUSO; on information and belief, Defendant PITTMAN had full knowledge of the report's falsity.

363. On information and belief, Defendants named in Paragraphs 33-40, 43-46, 90-138, 143-188, 190, and 192-231 above were present and on duty at the corner of France and East during the evening and night of July 10, 2016 and, as such, supported, assisted, and acted in concert with the other Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force against Plaintiff KOSOFSKY.

364. All of the currently unidentified Officer DOES, Deputy ROES and Trooper MOES who were present during the protests on the corner of France and East during the evening and night of July 10, 2016, supported, assisted, and acted in concert with the other Defendants in the unlawful

detention, restraint, arrest, and/or use of excessive force against Plaintiff KOSOFSKY.

4. Lubin Gilbert

365. Plaintiff LUBIN GILBERT is a Black man and Baton Rouge resident. He works at a local recycling company. Mr. GILBERT has never participated in a protest. He had no intent to protest at the time of his arrest. After he left work on Sunday, July 10th, he decided to ride his bicycle downtown because he knew there were large protests happening downtown that day and he wanted to observe a historic moment. While on Government Street, he saw no protesters. He stopped at a nearby McDonald's on the same street, and then made the decision to head home.

366. When Mr. GILBERT turned his bicycle down South 10th Street, close to where that street turns into Louisiana Avenue, a group of BRPD Officer DOES blocking the intersection of Government and South 10th with their cars began waving their flashlights and moving towards him. It was about 8:30 p.m. and the street was empty except for Mr. GILBERT and the officers. There were no protesters. Once Mr. GILBERT saw the DOES, he stopped riding his bicycle and waited for the law enforcement officers to approach him.

367. The OFFICER DOES, including, but not limited to, Defendants TRAVIS DENICOLA and JONATHAN ABADIE immediately pulled Mr. GILBERT off of his bicycle and slammed him to the ground while handcuffing him. Mr. GILBERT never fled, punched, kicked, pushed, initiated physical contact at any time, or otherwise resisted the BRPD officers or his arrest.

368. Despite the fact that he was exercising his constitutional right to travel freely, LUBIN GILBERT was charged with Obstructing Public Passages in violation of La. R.S. § 14:100.1 and Resisting an Officer in violation of La. R.S. §14:108. After his arrest, Mr. GILBERT was taken to the BRPD substation on Government Street, then to East Baton Rouge Parish Prison about an hour later.

369. While Mr. GILBERT was waiting in a holding cell with more than twenty other arrestees, a female deputy threatened to pepper spray the arrestees because she said they were too loud.

370. LUBIN GILBERT missed an entire day of work because of his illegal arrest and confinement, resulting in significant lost wages.

371. There was no basis to arrest, confine or charge LUBIN GILBERT. He committed no crime.

372. The BRPD Incident Report authored by Defendant BRPD Officer TRAVIS DENICOLA and JONATHAN ABADIE is devoid of narrative information based on a witness's account to establish probable cause for an arrest. This inadequate report was approved by Defendant BRPD Officer MICHAEL RARICK with full knowledge that it lacked sourced information to support an arrest.

373. To support the baseless charges against LUBIN GILBERT, Defendant ABADIE signed a preprinted, boilerplate Affidavit of Probable Cause virtually identical to many other affidavits filed against actual protesters. The Affidavit contains patently false assertions that LUBIN GILBERT "intentionally placed themselves in the roadway" and "did actively attempt to prevent being taken into custody and completion of the arrest process." Defendant BRPD Officer and Ex-officio notary IRA ROBERTS notarized the false Affidavit. On information and belief, Defendant ROBERTS knew the Affidavit was false.

374. On information and belief, Defendants named in Paragraphs 33-40, 43-46, 90-138, 143-188, 190, and 192-231 above were present and on duty in the vicinity of Government Street during the evening and night of July 10, 2016 and, as such, supported, assisted, and acted in concert with the other Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force

against Plaintiff GILBERT.

375. All of the currently unidentified Officer DOES, Deputy ROES and Trooper MOES who were present during the protests in the vicinity of Government Street during the evening and night of July 10, 2016, supported, assisted, and acted in concert with the other Defendants in the unlawful detention, restraint, arrest, and/or use of excessive force against Plaintiff GILBERT.

E. The Municipal Policies and Practices of the City/Parish, the Baton Rouge Police Department and the East Baton Rouge Sheriff's Office Caused the Violations of Plaintiffs' Constitutional Rights.

376. The policies and practices of the CITY/PARISH, the BRPD, and the East Baton Rouge Sheriff's Office were a moving force behind the constitutional violations that Plaintiffs suffered.

377. The BRPD and the EBRSO employed the following well-settled, inter-related de facto and explicit policies and practices to violate Plaintiffs' First, Fourth, and Fourteenth rights:

A. racially discriminatory policing, including the targeting of Black citizens with excessive force and unconstitutional arrest and disparate treatment of citizens based on race in matters other than arrest;

B. the criminalizing and shaming of individuals who criticize law enforcement;

C. the control, frustration, and termination of organized protest and dissent through the targeting for arrest, detention, abuse, and denigration of perceived protest "leaders" and, in particular, individuals who criticize the police;

D. failing to create and implement clear, understandable policies for the benefit of sworn police personnel regarding how to respond constitutionally to mass

demonstrations and spontaneous protest;

E. failing to create and implement clear, understandable policies for the benefit of sworn police personnel regarding the importance of protecting and respecting the exercise of First Amendment rights through assembly and protest;

F. failing to train sworn personnel on the importance of protecting and respecting the exercise of First Amendment rights through assembly and protest;

G. failing to supervise personnel to ensure that personnel execute their duties in a constitutional manner and without violating the rights of protesting individuals under the U.S. Constitution, the Constitution of Louisiana, and codal, civil and statutory law;

H. failing to sufficiently distinguish in written policies regarding “Special Events,” “Civil Disorder,” and “Civil Disturbance” between unlawful “civil disorder,” “civil disturbance,” or “riot,” on the one hand, and the exercise of the constitutionally protected right of free speech, regardless of compliance with burdensome permitting processes, on the other hand;

I. forcing peaceful protesters into an area contained by law enforcement officers, offering them no apparent means of escape, and then violently attacking and arresting them;

J. the use of an LRAD and riot gear—i.e., military armaments—such as shields, helmets with facemasks, body armor, batons, rifles, gas masks, and military vehicles without just cause and in order to frighten and intimidate those who wish to peacefully assemble to voice their concerns on issues of public importance, thereby creating an atmosphere of tension;

K. invading private property without permission from the property owner or

lessee, without a warrant, and without probable cause, to send a message to protesters and private property owners and/or lessees that any aid provided to protesters by these property owners and/or lessees could subject property owners and/or lessees to unconstitutional treatment, including but not limited to the use of excessive force, intimidation, denigration, and the invasion of private property;

L. failing to discipline sworn personnel who use excessive force, engage in racist policing, prepare false reports, falsely arrest citizens, and/or violate First Amendment rights, thereby creating a culture of impunity in which officers who commit such misconduct learn that they will suffer no adverse consequences;

M. tacitly approving and supporting a police code of silence, whereby officers are expected to protect and shield other officers who are accused of misconduct, such as excessive force, racist policing, preparation of false reports, false arrest of citizens, and/or violations of First and Fourth Amendment rights and other constitutional, codal, civil and statutory rights;

N. allowing a widespread practice of excessive force, directed particularly at Black citizens and residents, to continue unabated, despite notice of the pattern and the full knowledge of policymakers;

O. failing to create and implement policies and failing to train sworn personnel regarding how to identify the crime of “Simple Obstruction of a Highway of Commerce”, the crime of “Obstruction of Public Passages”, the crime of “Resisting Arrest” and the crime of “Inciting to Riot” and apply those statutes in a manner that respects the First Amendment rights of Black citizens and residents of Baton Rouge;

P. failing to create and implement a “street closure” permitting process to

enable those who wish to engage in demonstrations on matters of immediate public importance to obtain a permit on an emergency basis (i.e., with waiver of the 45 day notice requirement);

Q. imposing onerous financial conditions on those who seek to engage in protest—e.g., requiring proof of \$1 million in liability insurance coverage and a receipt for rental of barricades;

378. The individual Defendants named in Paragraphs 30 to 232, including the currently unknown Officer DOES, Deputy ROES and Trooper MOES, acting on the instructions and with the approval of Defendants HOLDEN, DABADIE, GAUTREAUX, ARD, and EDMONSON arrested Plaintiffs pursuant to one or more of the policies listed in the preceding paragraph.

379. At all pertinent times herein, Defendants HOLDEN, DABADIE, and GAUTREAUX, knew or should have known that the policies, procedures, practices, customs, and usages they established for the City/Parish, BRPD, and EBRSO would result in violations of constitutional rights. These defendants ignored that risk and acted unreasonably, intentionally, and with knowing disregard for Plaintiffs' constitutional rights as described above.

380. The customs, usages, policies and practices of the CITY/PARISH, BRPD, and EBRSO listed in Paragraphs 247 to 273, 280 to 289, and 377 above were implemented and applied intentionally with knowing disregard for the rights of Plaintiffs.

381. The policies and practices of the City/Parish, BRPD, and EBRSO listed in Paragraphs 247 to 273, 280 to 289, and 377 were implemented by Defendants, working in concert and motivated by racial animus, to suppress the right of Black citizens and residents of Baton Rouge to petition the government for redress of grievances.

382. The policies and practices of the City/Parish, BRPD, and EBRSO listed in

Paragraphs 247 to 273, 280 to 289, and 377 above were ratified by Defendants CAZES, HURST, and ARD when these three Defendants committed themselves and their agencies and organizations to assisting Defendants CITY/PARISH, HOLDEN, DABADIE, and GAUTREAU in suppressing protest against racist policing practices in Baton Rouge.

F. Damages.

383. Each of the Plaintiffs has been damaged as a result of the Defendants' actions alleged herein. The Plaintiffs have all suffered physical pain and extreme emotional distress and anguish as a result of being brutally arrested, detained and imprisoned, not on suspicion of committing a crime, but solely for exercising his or her right to lawfully protest under the First Amendment, or, in the case of LUBIN GILBERT, to be free from unlawful arrest and to move freely and be left alone in public space as required by the Fourth Amendment and Article I of the Louisiana Constitution.

384. Each suffered shame, humiliation and embarrassment from being handcuffed, imprisoned, and treated as a criminal in front of community members, loved ones, employers, the media, and viewers of local and national television and Internet broadcasts of the protests.

385. Plaintiffs NIKOLE SMITH, LUBIN GILBERT and SOPHIE KOSOFSKY suffered financial damage as a result of missing work due to being incarcerated on the Defendants' trumped up criminal charges.

386. Plaintiff SEAN BENJAMIN suffered financial damage as a result of missing work due to the injuries he suffered when he was tackled to the ground during his arrest.

387. Each plaintiff continues to suffer deep psychological pain as a result of the Defendants' actions.

388. Each plaintiff remains fearful of law enforcement and of being subjected to random acts of unconstitutional state violence in the future, either during lawful protests or, in the case of Ms. SMITH and Mr. GILBERT, solely by virtue of being members of the Baton Rouge area's Black community, due to Defendants' on-going racist policing policies.

V. CLAIMS

DEFENDANTS' JOINT AND SEVERAL LIABILITY ON ALL CLAIMS

389. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

390. For Counts One through Nineteen alleged below, all Defendants in each count are liable jointly and severally, or in solido for Plaintiffs' injuries.

391. First, each of the individual Defendants, acting in concert with one another and other yet-known co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means; among other things, to unlawfully detain, arrest, and imprison Plaintiffs for the purpose of silencing dissent against police practices. Furthermore, Defendants sought to justify their unlawful activity by targeting residents from other parishes and painting the peaceful protests as the violent acts of out-of-town agitators. The co-conspirators were so zealous to fulfill their unlawful purpose that Black residents who were not engaged in any protesting activity whatsoever were punished, as well. In order to fully actualize this unlawful purpose, it was often enough for these joint tortfeasors that an individual be Black, in public space, and within blocks of a known protest. Each of the Defendants committed specific overt acts in support of this conspiracy. Each Defendant is therefore liable for all actions of any other Defendant taken in furtherance of the conspiracy.

392. Second, the actions of individual Defendants who are BRPD officers or EBRSO deputies were taken in the course and scope of their employment. For Counts Eleven through

Seventeen, which arise under Louisiana law, Defendants City/Parish and Sheriff GAUTREAUX are vicariously liable for actions of their employees, agents, and co-conspirators.

393. Third, Plaintiffs bring Counts One through Nineteen directly against Defendant insurers Nova, XYZ, UVW, and RST for the actions of their respective insureds in accordance with Louisiana's direct action statute.

COUNT ONE

42 U.S.C. § 1983 CLAIM FOR CIVIL CONSPIRACY TO VIOLATE CIVIL RIGHTS OF ALL PLAINTIFFS (ALL PLAINTIFFS; ALL DEFENDANTS)

394. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

395. Each of the individual Defendants, acting in concert with one another and other yet-unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

396. Each of the individual Defendants took concrete steps to enter into an agreement in July 2016 to unlawfully detain, arrest, and imprison Plaintiffs, knowing they lacked probable cause to do so, and for the purpose of impeding Plaintiffs from exercising their First Amendment rights to protest by engaging in non-disruptive speech in support of an issue of pressing public importance.

397. In furtherance of this conspiracy, each of the Defendants committed specific overt acts, misusing their police powers for the purpose of unlawfully silencing and attempting to silence Plaintiffs. They accomplished this goal by giving orders to arrest protesters (including Plaintiffs), using excessive force to unlawfully effect Plaintiffs' arrests, fabricating evidence against Plaintiffs, and approving trumped up charges against them, which resulted in their unlawful imprisonment.

398. Additionally, the individual Defendants, whether or not involved in any specific

arrest of the Plaintiffs, by their presence at the corner of Airline and Goodwood and in the area of the State Capitol and Government Street marches, or performing support to Defendants and co-conspirators on Airline and Goodwood and in the area of the State Capitol and Government Street marches, implemented the conspiracy by providing support, assistance, and encouragement to those Defendants who actually performed, processed or otherwise participated in the arrests of the Plaintiffs.

399. In the implementation of the conspiracy, the officers, deputies and troopers of each of the law enforcement agencies led by Defendants HOLDEN, DABADIE, GAUTREAUX and EDMONSON employed the customs, usages and policies of racially discriminatory policing set forth above in Paragraphs 247 to 273, 280 to 289, and 377.

400. As a direct and proximate result of Defendants' conspiracy, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

401. Each individual Defendant is therefore liable for the violation of Plaintiffs' rights by any other individual Defendant.

COUNT TWO

42 U.S.C. 1985(3) CLAIM FOR RACIALLY-MOTIVATED CIVIL CONSPIRACY TO DENY BLACK CITIZENS AND RESIDENTS THE EQUAL PROTECTION OF THE LAWS AND EQUAL PRIVILEGES AND IMMUNITIES UNDER THE LAW, INCLUDING THE RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES AND SUBSTANTIVE DUE PROCESS RIGHTS (PLAINTIFFS NIKOLE SMITH AND LUBIN GILBERT; DEFENDANTS HOLDEN, GAUTREAUX, DABADIE, CAZES, HURST, AND EDMONSON)

402. Plaintiffs NIKOLE SMITH and LUBIN GILBERT incorporate the factual allegations of the preceding paragraphs.

403. Each of the Defendants HOLDEN GAUTREAUX, DABADIE, CAZES, HURST

and EDMONSON, acting in concert with one another and other yet-unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means, as described in Count One, above.

404. The purpose of this conspiracy was to deprive of equal protection of the laws, as guaranteed to them by Fourteenth Amendment, those Black citizens who engaged in protest or were perceived to be engaged in protest and to deny them the privileges and immunities of liberty and the right to petition the government for the redress of grievances guaranteed by the First, Fourth and Fourteenth Amendments.

405. Defendants conspired with racial animus toward Black citizens and residents of the Baton Rouge area who were protesting the shooting death of Alton Sterling, a Black man, at the hands of Baton Rouge police. The conspiratorial agreement was effectuated as part of a long-standing pattern of racially discriminatory and racially targeted policing in the Baton Rouge area.

406. Moreover, Defendants' conspiracy violated LUBIN GILBERT'S due process right to exist freely in the streets without police harassment.

407. As a direct and proximate result of Defendants' racially motivated conspiracy, Plaintiffs SMITH and GILBERT suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

408. Defendants HOLDEN GAUTREAUX, DABADIE, CAZES, HURST and EDMONSON, are each liable for the violation of the rights of Plaintiffs SMITH and GILBERT by any other of them.

COUNT THREE

**42 U.S.C. § 1983 CLAIMS FOR FALSE DETENTION, ARREST, AND IMPRISONMENT
IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS (ALL
PLAINTIFFS; ALL DEFENDANTS)**

409. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

410. The actions by Defendants in falsely detaining, arresting, and imprisoning Plaintiffs without reasonable suspicion or probable cause violated Plaintiffs' Fourth Amendment rights to be free from unreasonable search and seizure, pursuant to 42 U.S.C. § 1983.

411. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiffs' Fourth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT FOUR

**42 U.S.C. § 1983 CLAIMS FOR MANUFACTURING EVIDENCE AND KNOWING USE
OF THAT EVIDENCE TO ATTEMPT TO OBTAIN THE INSTITUTION OF PROSECUTION
OF ALL PLAINTIFFS WITHOUT PROBABLE CAUSE IN VIOLATION OF THE FOURTH
AND FOURTEENTH AMENDMENTS (ALL PLAINTIFFS; ALL DEFENDANTS)**

412. Plaintiffs reallege the factual allegations of the preceding paragraphs.

413. Defendants falsely detained, arrested, and charged Plaintiffs with the crimes of Simple Obstruction of a Highway in violation of La. R.S. 14:97 (SOPHIE KOSOFSKY and SEAN BENJAMIN), Obstruction of Public Passages in violation of La. R.S. § 14:100.1 (LUBIN GILBERT), Resisting an Officer in violation of La. R.S. § 14:108 (SOPHIE KOSOFSKY and LUBIN GILBERT), and Inciting to Riot in violation of La. R.S. § 14:329.2 (NIKOLE SMITH). Defendants used the state criminal process to detain, arrest, and charge Plaintiffs based on manufactured evidence.

414. At all pertinent times, Plaintiffs had a constitutional right under the Fourth and Fourteenth Amendments to due process of law, to be free from unlawful charging and institution of criminal prosecution against them based on manufactured evidence, and to be free from the deprivation of liberty without due process of law.

415. None of the Defendants had probable cause to believe that Plaintiffs had committed any offense, and Defendants were therefore wholly unjustified in authoring incident reports and/or swearing and/or notarizing affidavits to support any charge against Plaintiffs.

416. Defendants, acting individually and together, knowingly manufactured evidence in the form of falsified police reports and affidavits in order to punish and intimidate Plaintiffs for the lawful exercise of their First Amendment rights to assemble and to free speech, and to stifle public criticism of the Baton Rouge Police Department.

417. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiffs' Fourth and Fourteenth Amendment rights, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT FIVE

42 U.S.C. § 1983 CLAIMS FOR EXCESSIVE USE OF FORCE (PLAINTIFFS GILBERT, KOSOFSKY, AND BENJAMIN; ALL DEFENDANTS)

418. Plaintiffs LUBIN GILBERT, SOPHIE KOSOFSKY and SEAN BENJAMIN reallege the factual allegations of the preceding paragraphs.

419. Defendants employed excessive and unreasonable force, or caused excessive and unreasonable force to be employed, in effectuating the arrests of Plaintiffs GILBERT, KOSOFSKY, and BENJAMIN, as specifically alleged above, in violation of Plaintiffs' rights under the Fourth Amendment.

420. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiffs GILBERT's, KOSOFSKY's, and BENJAMIN's Fourth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT SIX

42 U.S.C. § 1983 CLAIMS FOR RETALIATORY ARREST IN VIOLATION OF FIRST AMENDMENT RIGHTS (PLAINTIFFS SMITH, KOSOFSKY, AND BENJAMIN; ALL DEFENDANTS)

421. Plaintiffs reallege the factual allegations of the preceding paragraphs.

422. Plaintiffs SMITH, KOSOFSKY, and BENJAMIN were engaged in lawful First Amendment activity on the public streets and sidewalks of the City of Baton Rouge from July 9, 2016, to July 10, 2016. Plaintiffs SMITH, KOSOFSKY, and BENJAMIN were acting reasonably within time, manner, and place restrictions and were not provided any alternative channels for their expression.

423. Defendants lacked probable cause to arrest Plaintiffs.

424. The Defendants arrested Plaintiffs or caused Plaintiffs to be arrested in retaliation for their exercise of First Amendment rights, including in particular, their vocal criticism of racially discriminatory policing and police violence on the part of law enforcement.

425. Alternatively, the Defendants' arrests of Plaintiffs, even if not in retaliation, still constituted a violation of Plaintiffs' First Amendment rights to engage in spontaneous and non-disruptive speech in a public way, on a matter of pressing public importance.

426. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiffs' First, Fourth and Fourteenth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT SEVEN

**42 U.S.C. § 1983 CLAIM FOR FAILURE TO INTERVENE
(ALL PLAINTIFFS; ALL DEFENDANTS)**

427. Plaintiffs reallege the factual allegations of the preceding paragraphs.

428. During the events described above, Defendants stood by without intervening to prevent the violation of Plaintiffs' constitutional rights under the First, Fourth and Fourteenth Amendments, even though they had the opportunity and duty to do so.

429. As a direct and proximate result of the Defendants' failure to intervene, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT EIGHT

**42 U.S.C. § 1983 CLAIM FOR AS-APPLIED CHALLENGE TO LA. R.S. § 14:97
(PLAINTIFFS KOSOFSKY AND BENJAMIN)**

430. Plaintiffs KOSOFSKY and BENJAMIN reallege the factual allegations of the preceding paragraphs.

431. SOPHIE KOSOFSKY and SEAN BENJAMIN were arrested for alleged violations of La. R.S. § 14:97.

432. As applied in the arrests of Plaintiffs and others in Baton Rouge in July 2016, La. R.S. § 14:97, is both overbroad and vague, criminalizing all assembly in public streets. The statute is so broad as to criminalize "any act . . . in a road . . . which will render movement thereon more difficult." This criminalizes all marches, demonstrations, or picketing in the roadway.

433. The Defendants' application of La. R.S. § 14:97 to detain SOPHIE KOSOFSKY and SEAN BENJAMIN or to cause their detention was unconstitutional and violated Plaintiffs' First and Fourteenth Amendment rights.

COUNT NINE

**42 U.S.C. § 1983 CLAIM FOR AS-APPLIED CHALLENGE TO LA. R.S. §14:100.1
(PLAINTIFF GILBERT)**

434. Plaintiff LUBIN GILBERT incorporates the factual allegations of the preceding paragraphs.

435. Plaintiff GILBERT was arrested for alleged violation of La. R.S. § 14:100.1.

436. Plaintiff GILBERT had and has a right to travel freely through the streets of Baton Rouge under the Privileges or Immunities Clause and the Due Process Clause of the Fourteenth Amendment.

437. As applied in the arrest of LUBIN GILBERT, La. R.S. § 14:100.1 was used to arrest LUBIN GILBERT as he was riding his bicycle on a street where no other traffic was passing at the time.

438. The Defendants' application of the statute was so broad that it criminalizes entirely lawful use of a public street. Defendants construed the statutory language of "willfully obstructing the free, convenient, and normal use of any public sidewalk, street . . ." to include an individual traveling on a bicycle on an open street.

439. The Defendants' application of La. R.S. § 14:100.1 to detain LUBIN GILBERT or cause his detention was unconstitutional and violated his Fourth and Fourteenth Amendment rights.

COUNT TEN

**42 U.S.C. § 1983 CLAIM FOR AS-APPLIED CHALLENGE TO LA. R.S. §14:329.2
(PLAINTIFF SMITH)**

440. Plaintiff NIKOLE SMITH incorporates the factual allegations of the preceding paragraphs.

441. NIKOLE SMITH was arrested for alleged violation of La. R.S. § 14: 329.2.

442. La. R.S. § 14:329.2 provides that “Inciting to riot is the endeavor by any person to incite or procure any other person to create or participate in a riot.”

443. La. R.S. § 14:329.1 defines a riot as a public disturbance of “three or more persons acting together or in concert which by tumultuous and violent conduct, or the imminent threat of tumultuous and violent conduct, results in injury or damage to persons or property or creates a clear and present danger of injury or damage to persons or property.”

444. As applied to NIKOLE SMITH, Defendants interpreted La. R.S. § 14:329.2 to forbid a person from standing on the sidewalk of Airline Highway, advising other protesters not to walk in the street as they move down Airline. As alleged in above counts and will be further alleged in other counts, the statute was applied so as to suppress the voices of Black residents of the Baton Rouge area.

445. The Defendants’ application of La. R.S. § 14:329.2 to detain Plaintiff NIKOLE SMITH or cause her detention was unconstitutional and violated her First and Fourteenth Amendment rights.

COUNT ELEVEN

42 U.S.C. § 1983 CLAIM FOR AS-APPLIED CHALLENGE TO LA. R.S. §14:108 (PLAINTIFFS GILBERT AND KOSOFSKY)

446. Plaintiffs GILBERT and KOSOFSKY incorporate the factual allegations of the preceding paragraphs.

447. Plaintiffs GILBERT and KOSOFSKY were arrested for alleged violation of La. R.S. 14:108.

448. La. R.S. 14:108 defines “resisting an officer” as “the intentional interference with,

opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law to make a lawful arrest, lawful detention, or seizure of property[.]”

449. The Defendants’ application of the statute was so broad that it criminalized the activity of individuals including Plaintiffs GILBERT and KOSOFSKY who in no way resisted their arrests, despite the fact that their arrests were entirely unlawful.

450. The Defendants’ application of La. R.S. § 14:108 to detain Plaintiffs GILBERT and KOSOFSKY or cause their detention was unconstitutional and violated their First, Fourth, and Fourteenth Amendment rights.

COUNT TWELVE

MONELL CLAIM FOR MUNICIPAL LIABILITY FOR VIOLATION OF PLAINTIFFS’ CIVIL RIGHTS (ALL PLAINTIFFS; ALL DEFENDANTS SUED IN THEIR OFFICIAL CAPACITIES)

451. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

452. Defendants acted individually and together, under color of law, to violate Plaintiffs’ rights as set forth in the preceding claims.

453. The City/Parish BRPD, EBRSO, and Defendants HOLDEN, DABADIE, GAUTREAUX and ARD have developed, maintained and/or ratified policies, practices, procedures, customs, and usages exhibiting deliberate indifference to the constitutional rights of citizens, residents of the Baton Rouge area, and visitors to the City/Parish including but not limited to those policies, practices, procedures, customs, and usages described above, and in particular in Paragraphs 247 to 273, 280 to 289, and 377 which caused the violation of Plaintiffs’ rights as described herein and the resultant damages suffered.

454. The City/Parish BRPD, EBRSO, and Defendants HOLDEN, DABADIE, GAUTREAUX and ARD had the power to prevent or aid in the prevention of the wrongs done

and conspired to be done as described herein, yet failed or refused to do so, in violation of 42 U.S.C. § 1983.

455. The actions and omissions of Defendants as described herein were done with knowing disregard for the constitutional rights of the Plaintiffs. Defendants have acted maliciously, willfully, wantonly, and in reckless disregard of Plaintiffs' rights.

456. The actions of Defendants were the direct and proximate cause of the violations of Plaintiffs' First, Fourth and Fourteenth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

457. Moreover, the actions of all Defendants were directed, condoned, and/or ratified by HOLDEN, DABADIE, GAUTREAUX and ARD, final policymakers for the CITY/PARISH, the EBRSO and the LPSO respectively.

458. As a direct and proximate result of Defendants' actions, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT THIRTEEN

SUPPLEMENTAL STATE LAW CLAIMS FOR CIVIL CONSPIRACY TO VIOLATE PLAINTIFFS' RIGHTS (ALL PLAINTIFFS; ALL DEFENDANTS)

459. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

460. Defendants agreed amongst themselves to violate various rights, set forth more fully in Counts 13–18 below, as guaranteed to Plaintiffs by Louisiana's Constitution and codal, civil and statutory law.

461. Defendants, in accordance with their ultimate objective to suppress lawful forms of protest and dissent, entered this agreement with the intent to arrest and detain Plaintiffs in violation of Plaintiffs' rights and otherwise exploit the criminal process.

462. In furtherance of this conspiracy, each of the Defendants committed specific overt acts, misusing their police powers for the purpose of unlawfully silencing Plaintiffs. They accomplished this goal by giving orders to arrest protesters (including Plaintiffs), using excessive force to unlawfully effect Plaintiffs' arrests, fabricating evidence against Plaintiffs, and approving trumped up charges against them, which resulted in their unlawful imprisonment.

463. Additionally, the individual Defendants implemented the conspiracy, regardless of whether they were involved in the specific arrests of Plaintiffs, by providing support, assistance, training, supervision, and encouragement to those Defendants who actually performed, processed, or otherwise participated in the arrests of the Plaintiffs.

464. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

465. As a direct and proximate result of Defendants' conspiracy, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

466. Defendants are subject to solidary liability for the injuries caused to Plaintiffs by acts in furtherance of their conspiracy.

COUNT FOURTEEN

SUPPLEMENTAL STATE LAW CLAIMS FOR VIOLATIONS OF THE FREE EXPRESSION, ASSEMBLY, AND PETITION PROTECTIONS OF THE LOUISIANA CONSTITUTION (PLAINTIFFS SMITH, KOSOFSKY, AND BENJAMIN; ALL DEFENDANTS)

467. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

468. Article I, Section 7 protects freedom of expression. Article I, Section 9 protects the right of assembly and the right to petition government for a redress of grievances. Defendants'

actions in arresting and detaining Plaintiffs as described above interfered with their exercise of these fundamental rights, as guaranteed by Louisiana's Constitution.

469. The Defendants were acting in the course and scope of their employment at all times relevant to this claim.

470. As a direct and proximate result of the Defendants' misconduct, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT FIFTEEN

SUPPLEMENTAL STATE LAW CLAIMS FOR VIOLATIONS OF THE RIGHT TO PRIVACY AND THE RIGHT TO BE LEFT ALONE (ALL PLAINTIFFS; ALL DEFENDANTS)

471. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

472. Defendants' seizure of Plaintiffs was unreasonable and without probable cause, constituting a violation of the right to be left alone and the right to privacy secured by Article I, § 5 of the Louisiana Constitution.

473. The Defendants were acting in the course and scope of their employment at all times relevant to this claim.

474. As a direct and proximate result of the Defendants' misconduct, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT SIXTEEN

**SUPPLEMENTAL STATE LAW CLAIMS FOR INTENTIONAL TORTS, INCLUDING
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, ASSAULT, BATTERY, AND
FALSE IMPRISONMENT
(ALL PLAINTIFFS; ALL DEFENDANTS)**

475. Plaintiffs incorporate the factual allegations of the preceding paragraphs.

476. Defendants intended to inflict a harmful or offensive contact upon Plaintiffs in the process of arresting them. As the arrests and detention were unjustified by legal authority, Defendants have committed the intentional torts of assault, battery, false arrest and false imprisonment. Defendants' militarized response to peaceful and lawful protests, and their mass arrest of protesters and those perceived to be protesters, including Plaintiffs, amounts to extreme and outrageous conduct that caused Plaintiffs severe emotional distress.

477. Defendants knew or should have known that such distress would be the outcome of their actions and therefore are liable for intentional infliction of emotional distress. In the alternative, Defendants are liable for negligent infliction of emotional distress.

478. The Defendants were acting in the course and scope of their employment at all times relevant to this claim.

479. As a direct and proximate result of the Defendants' misconduct, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT SEVENTEEN

**SUPPLEMENTAL STATE LAW CLAIM FOR ABUSE OF PROCESS
(ALL PLAINTIFFS; ALL DEFENDANTS)**

480. Plaintiffs incorporate the factual allegations of all preceding paragraphs.

481. Defendants abused the legal process by detaining Plaintiffs pursuant to probable

cause affidavits and arrest reports that were false. Acting in the course and scope of their employment, Defendants printed boilerplate affidavits to manufacture probable cause before such probable cause could possibly exist. Defendants then swore and/or notarized affidavits in support of Plaintiffs' arrests despite knowing that the affidavits included false information such that they could not truthfully swear to the existence of probable cause to support the arrests. Defendants also authored and/or approved false, misleading, or otherwise deficient arrest reports related to Plaintiffs' arrests.

482. These actions by Defendants constitute willful acts in the use of a process not in the regular prosecution of the proceeding. Moreover, in swearing and notarizing these false affidavits, Defendants were motivated by an ulterior purpose, specifically the suppression of Plaintiffs' peaceful and lawful protest of police violence.

483. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

484. As a direct and proximate result of Defendants' misconduct, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT EIGHTEEN

SUPPLEMENTAL STATE LAW CLAIM FOR ABUSE OF RIGHTS (ALL PLAINTIFFS; ALL DEFENDANTS)

485. Plaintiffs incorporate the factual allegations of all preceding paragraphs.

486. Louisiana state law recognizes a cause of action for "abuse of rights" when the holder of a legal right or power exercises it predominantly for the purpose of harming another.

487. Defendants, acting in the course and scope of their employment, acted under color

of law to seize, search, arrest, and/or detain Plaintiffs in violation of rights guaranteed to Plaintiffs by the U.S. Constitution, the Louisiana Constitution, and Louisiana state law. Defendants exercised the power granted to them by state law—including the power to search, seize, arrest, and detain—exclusively for the purpose of harming Plaintiffs, or with the predominant motive to cause harm to Plaintiffs.

488. Plaintiffs were either protesting lawfully and peacefully or, in the case of Plaintiff GILBERT, were believed to be protesting while exercising the right to move freely on public roadways, and Defendants thus lacked a serious and legitimate motive to exercise their police powers against Plaintiffs.

489. Defendants further used the power granted to them as law enforcement officers in a manner that violates moral rules, good faith, and/or elementary fairness.

490. Defendants exercised their rights for a purpose other than that for which the rights are granted; specifically, Defendants unconstitutionally and unlawfully terminated Plaintiffs' exercise of their rights to, inter alia, assemble, participate in the exercise of free speech, to petition the government for redress of grievances, and to be free from unlawful arrest.

491. As a direct and proximate result of Defendants' misconduct, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

COUNT NINETEEN

SUPPLEMENTAL STATE LAW CLAIMS FOR NEGLIGENT INJURY (ALL PLAINTIFFS; ALL DEFENDANTS)

492. Plaintiffs incorporate the factual allegations of all preceding paragraphs.

493. Defendants owed a duty of care to Plaintiffs to conduct lawful arrests, supported by

probable cause, and free from the use of excessive force. Defendants' arrest and detention of Plaintiffs violated the duty of care owed to Plaintiffs and was a cause-in-fact of Plaintiffs' injuries.

494. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

495. As a direct and proximate result of Defendants' misconduct, Plaintiffs suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and loss of income, as set forth more fully above.

VI. JURY DEMAND

496. Plaintiffs demand trial by jury.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs NIKOLE SMITH, LUBIN GILBERT, SOPHIE KOSOFSKY, and SEAN BENJAMIN pray that this Court award them the following relief:

- A. A declaratory judgment that some or all of the customs, usages and/or policies alleged in Paragraphs 247 to 273, 280 to 289, and 377 above violated the rights of Plaintiffs under the First, Fourth, and Fourteenth Amendments to the United States Constitution.
- B. A declaratory judgment that some or all of the customs, usages and/or policies alleged in Paragraphs 247 to 273, 280 to 289, and 377 above violated the rights of Plaintiffs under Article I, § 2, 3, 5, 7, 9, and 12, of the Louisiana Constitution of 1974.
- C. A declaratory judgment that Defendants' application of La. R.S. § 14:97 to detain Plaintiffs KOSOFSKY and BENJAMIN or to cause their detention was unconstitutional and violated their First and Fourteenth Amendment rights.
- D. A declaratory judgment that Defendants' application of La. R.S. § 14:100.1 to detain

Plaintiff GILBERT or cause his detention was unconstitutional and violated Plaintiffs' Fourth and Fourteenth Amendment rights.

- E. A declaratory judgment that Defendants' application of La. R.S. § 14:329.2 to detain Plaintiff SMITH or cause her detention was unconstitutional and violated her First and Fourteenth Amendment rights.
- F. A declaratory judgment that Defendants' application of La. R.S. § 14:108 to detain Plaintiffs GILBERT and KOSOFSKY or cause their detention was unconstitutional and violated their First, Fourth, and Fourteenth Amendment rights.
- G. Compensatory damages in an amount sufficient to compensate Plaintiffs for the physical and emotional pain and suffering, lost wages, and/or lost income caused by Defendants' actions as alleged herein.
- H. Punitive damages against each of the individual defendants in amounts sufficient to deter and punish each of them for their willful, wanton, and race-based misconduct.
- I. The return of any and all personal items seized from Plaintiffs, as well as the complete destruction of any and all samples taken from Plaintiffs, analysis performed on Plaintiffs or samples collected from Plaintiffs, including but not limited to cheek swabs and finger prints, and any other documents, objects, and/or records generated as a result of Plaintiffs' illegal arrests and detention.
- J. Attorneys' fees, costs, and judicial interest under 42 U.S.C. § 1988, 28 U.S.C. § 1920, and other such lawful authority; and
- K. Such further and additional relief as this Court may deem proper and just.

Respectfully Submitted, this the 9th day of July, 2017.

NIKOLE SMITH, LUBIN GILBERT, SEAN BENJAMIN, and SOPHIE KOSOFSKY,
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