

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

OFFICER JOHN DOE SMITH	*	CIVIL ACTION NO:
through his curator	*	
JOHN DOE JONES	*	
v.	*	JUDGE
	*	
DERAY MCKESSON;	*	
JOHNETTA ELZIE;		
BLACK LIVES MATTER;	*	
BLACK LIVES MATTER NETWORK, INC.;	*	MAGISTRATE JUDGE
#BLACKLIVESMATTER;	*	
ALICIA GARZA,; PATRISSE CULLORS, and		
OPAL TOMETI		

**COMPLAINT FOR DAMAGES
POLICE OFFICER SHOT MULTIPLE TIMES**

Now into court, through undersigned counsel, comes **OFFICER JOHN DOE SMITH**, through his duly court appointed curator, JOHN DOE JONES, for all injuries incurred as a result of the actions of Defendants' use of force, causing or contributing whether in whole or in part to injury and other causes as follows:

1.

JURISDICTION

The jurisdiction of this Honorable Court is invoked Pursuant to 28 USC § 1332 "Diversity Jurisdiction" and accordingly plaintiff specifically avers that his injuries and compensable damages are greater than \$75,000.00, exclusive of interest and costs.

2.

VENUE

Venue is proper pursuant to 28 USC § 1391 (b)(D(2), because the Plaintiff resides in this district and was injured in Baton Rouge, and the Defendants are foreign persons who reside in other states. A substantial part of the events giving rise to the claim occurred in this district.

3.

Parties

PLAINTIFF:

OFFICER JOHN DOE SMITH, is a major, appears before this Court through his duly court appointed curator, **MR. JOHN DOE JONES**. During material times herein **OFFICER JOHN DOE SMITH** was a duly commissioned officer acting in the line of duty in East Baton Rouge Parish and who is domiciled in Louisiana. On July 17, 2016, **OFFICER JOHN DOE SMITH** was in the course and scope of his duties as a duly commissioned policed officer. when he was shot by a person violently protesting against police, and which violence was caused or contributed to by the leaders of and by “BLACK LIVES MATTER” a militant anti-police national organization.

DEFENDANTS:

DERAY MCKESSON, is a major, who is domiciled in and a citizen of the State of Maryland . During material times **DERAY MCKESSON** was a leader of the national unincorporated organization that is known as “BLACK LIVES MATTER” and other derivative and/or related organizations. **DERAY MCKESSON** was during all material times was acting on behalf of BLACK LIVES MATTER. In 2016, as a leader of BLACK LIVES MATTER, **DERAY MCKESSON** and the other Defendants planned the Summer of Chaos, Weekend of Rage, and used the internet and social media to organize, stage and orchestrate protests and to attend and/or lead multiple protests and violence that accompanied the protests including, among many others, those in Ferguson, Missouri; Baltimore, Maryland; McKinney, Texas; Dallas, Texas; and Baton Rouge, Louisiana. The Baton Rouge protests, in large part, took place outside the Baton Rouge Police Department located in front of the former Woman’s Hospital on Airline Highway. This place is the same area where this shooting took place. **DERAY MCKESSON** is amenable to service through the Louisiana Long Arm Statute.

JOHNETTA “Netta” ELZIE, is a major, who is domiciled in and a citizen of the State of Missouri and who during material times was a leader of the national unincorporated organization that is known as “BLACK LIVES MATTER” and other derivative and/or related organizations. During all material times in July 2016 while she was in Baton Rouge, Louisiana, **JOHNETTA ELZIE** was acting on behalf of BLACK LIVES MATTER. In 2016, as a leader of BLACK LIVES MATTER, **JOHNETTA ELZIE** along with the other Defendants, planned the Summer of Chaos, Weekend of Rage, and used the internet and social media to organize, stage and orchestrate protests and to attend and/or lead multiple protest and violence that accompanied the protests including, among many others, those in Ferguson, Missouri; Baltimore, Maryland; McKinney, Texas; and Baton Rouge, Louisiana. The Baton Rouge protests that took place, in large part, outside the Baton Rouge Police Department located in front of the former Woman’s Hospital on Airline Highway. This place is the same area where this shooting took place. **JOHNETTA ELZIE**, is amenable to service through the Louisiana Long Arm Statute.

BLACK LIVES MATTER, is a chapter-based national unincorporated association, which pursuant to 42 USC § 1332(d)(10) is deemed to be a citizen of the State where it has its principal place of business, which is California, and which, as a partnership, is deemed to be a citizen of the state of each of its partners, which is California and Delaware. The partners in BLACK LIVES MATTER are Black Lives Matter Network, Inc., and #BLACKLIVESMATTER. BLACK LIVES MATTER has chapters throughout the country. In July 2016, BLACK LIVES MATTER, through its leadership, staged the Summer of Chaos, Weekend of Rage and multiple protests including, among many others, those in Ferguson, Missouri; Baltimore, Maryland; McKinney, Texas; and Baton Rouge, Louisiana. BLACK LIVES MATTER is an unincorporated association, which is amenable to service of process on any member of the association through FRCP 4 and La. C.C.P. art 1264 and the Louisiana Long Arm Statute. DeRay McKesson is a managing member of BLACK

LIVES MATTER. As a partnership, BLACK LIVES MATTER is amendable to service of process through a partner. BLACK LIVES MATTER NETWORK, INC., is a partner in BLACK LIVES MATTER.

BLACK LIVES MATTER NETWORK, INC., a Delaware Corporation, whose registered agent for service of process is the Corporation Trust Company located at Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801, is amenable to service of process through the Louisiana Long Arm Statute on its registered agent for service of process d/b/a as **BLACK LIVES MATTER NETWORK**, d/b/a “Black Lives Matter,” described on the Black Lives Matter Website donation payment receipt as one of two entities that accepts donations made to Black Lives Matter and in the name of “Black Lives Matter” and which describes itself as, “working for the validity of Black life. Patrisse Cullors, Opal Tometi, and Alicia Garza created the infrastructure for this movement project—moving the hashtag from social media to the streets, working to organize communities and (re)build the Black liberation movement.”

#BLACKLIVESMATTER, d/b/a “Black Lives Matter,” a national unincorporated association, which is domiciled in California, and described on the Black Lives Matter Website donation payment receipt as one of two entities that accepts donations made to Black Lives Matter and in the name of “Black Lives Matter” and which describes itself as, “created in 2012 after Trayvon Martin’s murderer, George Zimmerman, was acquitted for his crime, and dead 17-year old Trayvon was posthumously placed on trial for his own murder. Rooted in the experiences of Black people in the U.S. who actively resist our dehumanization, #BlackLivesMatter is a call to action and a response to the virulent anti-Black racism that permeates our society. It is an affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression,” is amenable to service of process through La. C.C.P. art 1264 on any one of its members and through a managing member through the Louisiana Long Arm Statute on

any one of its founders Alicia Garza, who is domiciled in California, Patrisse Cullors, who is domiciled in California, and Opal Tometi, who is domiciled in New York.

ALICIA GARZA, who is domiciled in California, is a founder and leader of Black Lives Matter and other derivative and/or related associations or organizations, who used social media to organize, stage and orchestrate protests and who participated and led protests with the intent and purpose to incite disdain and/or violence against police officers and who had a duty as a leader to tell the followers that violence against persons and properties was not acceptable, but who instead embraced the violence and used it and the threat of it as power to promote political agendas.

PATRISSE CULLORS, who is domiciled in California, is a founder and leader of Black Lives Matter and other derivative and/or related organizations or associations, who used social media to organize, stage and orchestrate protests and who participated and led protests with the intent and purpose to incite disdain and/or violence against police officers and who had a duty as a leader to tell the followers that violence against persons and properties was not acceptable, but who instead embraced the violence and used it and the threat of it as power to promote political agendas.

OPAL TOMETI, who is domiciled in New York, is a founder and leader of Black Lives Matter and other derivative and/or related associations or organizations, who used social media to organize, stage and orchestrate protests and who participated and led protests with the intent and purpose to incite disdain and/or violence against police officers and who had a duty as a leader to tell the followers that violence against persons and properties was not acceptable, but who instead embraced the violence and used it and the threat of it as power to promote political agendas.

4.

BLACK LIVES MATTER and its related associations/organizations were created by Alicia Garza, Patrisse Cullors, and Opal Tometi, as well as, DeRay McKesson and

Jhonna Elsie, all of whom are leaders. Leaders of BLACK LIVES MATTER present in Baton Rouge during the protests here were JOHNETTA “Netta” ELZIE and DeRAY McKesson.

5.

GENERAL ALLEGATIONS

At least eleven (11) police have been shot dead and at least nine (9) more wounded by BLM protesters, activists, and/or supporters. The leaders of BLM and Defendants, not only, incited the violence against police in retaliation for the death of black men shot by police, but also did nothing to dissuade the ongoing violence and injury to police. In fact, they justified the violence as necessary to the movement and war.

6.

Michael Brown, a black teenager, was shot by a Ferguson police officer on August 9, 2014. Even though Michael Brown did not have his hands in the air at the time he was shot, BLM started a mantra of holding their hands in the air and yelling “Hands up, Don’t shoot.” Riots began the next day.

7.

In November 2014, no charges were filed against Officer Wilson in the shooting of Michael Brown. The violence, looting, property destruction and injury to bystanders in Ferguson, Missouri, began almost immediately with police responding in riot gear. The rioting went on for days until the governor of Missouri declared a state of emergency and imposed a curfew. The National Guard was called.

8.

One hundred days after Brown’s death, BLM and the Defendant leaders staged a “die in” protest in St. Louis blocking a busy intersection. A state of emergency was again declared in advance of the grand jury decision. Again, BLM and their leaders responded with violent protests plundering local stores, flipping cars and setting buildings and police

cars on fire.

9.

Over the December 14, 2014, weekend two BLM protests were held in Kansas City, Missouri, to stand in solidarity with its sister city, Ferguson, Missouri.

10.

On Saturday, December 21, 2014, a protest event staged as part of the national Black Lives Matter movement shut down Interstate 670 in Kansas City, Missouri. They held large colorful posters cut outs to look like guns and chanted. Seven (7) protesters were arrested.

11.

On December 20, 2014, seven protesters with the #BlackLivesMatter activist group when marching protesters tried to Block I-70 in Kansas City, Missouri. Protesters held signs with Michael Brown, Tamir Rice and Eric Garner's names on them and chanted, "I Can't Breathe!" and "Black Lives Matter."

12.

In March 2015, the United States Department of Justice released a report finding that Darren Wilson was not at fault and finding that Michael Brown did not have his hands in the air.

13.

On March 12, 2015, a BLM protester shot two police officers seriously injuring each. The shooting was near the Ferguson, Missouri, police headquarters in an ambush style attack during the protests staged and attended by the Defendants herein.

14.

JOHNETTA "Netta" ELZIE and DeRAY McKesson published an online protest newsletter entitled "This is the Movement."

15.

Through the newsletter, online social media and internet, Defendants leaders defended the violent actions of the followers as justified retaliation.

16.

BLM took credit for the civil unrest in Ferguson. The shooting took place during heated protests outside the police department. One officer was shot in the face, and the other in the shoulder.

17.

The Baltimore unrest and rioting, in the wake of the death of Freddie Gray, on April 18-24, 2015, outside the Western District police station, resulted in the injury of twenty police officers, 250 arrests, 285-300 business damages, 150 vehicle fires, 60 structure fires, 27 drugstores looted. The BLM protesters chanted the mantra "Black Lives Matter." Black Lives Matter took credit for organizing and orchestrating the protest.

18.

Although around 130 police officer were injured in the BLM staged protests, when called upon to disavow the violence and property destruction, the leaders of BLM refused to do so. Instead, they turned to social media and to the press and expressed that the violence was necessary akin to the "Boston Tea Party" or "American Revolution." The actions of these leaders incited additional violence.

19.

By embracing and supporting violence in protest that could have been conducted peacefully, BLM declared a virtual war on police.

20.

The McKinney, Texas, unrest on June 12, 2015 was led by persons waving "Black Lives Matter" signs while burning American flags. Black Lives Matter took credit for organizing that protest in McKinney, Texas.

21.

On the anniversary of the Michael Brown shooting, BLM used the internet and social media to organize, stage and orchestrate protests and held a protest during which a protester open fired on a police car, and the protester was shot.

22.

The Ferguson unrest, on August 10-13, 2015, resulted in looting of businesses, vandalization of vehicles and businesses, flag burning, burning of a gas station, broken windows, assault, and burglary. Protesters threw rocks at police. Projectiles were thrown at police including Molotov cocktails. When protests continued through August 18, 2015, the National Guard was called. Black Lives Matter took credit for organizing the protest.

23.

In 2015, DeRay McKesson and two other activists created Mapping Police Violence which is listed as one of the biggest moments in Black Lives Matter's for the year 2015. DeRay McKesson participated in the Ferguson protests/riots.

24.

On April 28, 2015, DeRay McKesson was interviewed by Wolf Blitzer on Live CNN about the violence in Baltimore, Maryland, as a Black Lives Matter leader. When confronted with the inexcusable violence, DeRay McKesson justified the violence with a comparison to the deaths of African Americans. DeRay McKesson justified the violence as looking for justice. He was prompted several times to say that he did not condone the violence, but he would not.

25.

DeRay McKesson gave an interview on FOX news with Sean Hannity as a leader of Black Lives Matter protests. During the interview, DeRay McKesson admitted to being a participant in multiple Black Lives Matter protests including those in Ferguson, Baltimore, and McKinney Texas. He tweeted and admitted on the Fox News program that he did not

work and intended to have Black Lives Matter registered as a tax exempt status. DeRay McKesson tweeted that he wanted to convert the movement, Black Lives Matter, into a non-profit entity.

26.

DeRay McKesson went on CNN and represented himself as a Ferguson Protest organizer of and activist with the Black Lives Matter movement.

27.

July 2015, a 16 year old black male was left paralyzed after a police shooting in St. Louis, Missouri.

28.

On Sunday, August 9, 2015, one hundred activist (100) gathered outside the Ward Parkway Center in Kansas City, Missouri, for the one-year anniversary of the fatal police shooting of Michael Brown in Ferguson, Missouri, and to draw attention to black citizens who had been killed in the Kansas City metro. Protesters pretended to shoot each other with water guns and then die. The roadways were blocked by protesters who taped them off. Four (4) protesters were arrested.

29.

On August 10, 2015, Black Lives Matter held a protest, over the year-old fatal police shooting of Michael Brown, on Interstate 70 in Earth City, Missouri, blocking rush-hour traffic. DeRay McKesson participated in the St. Louis/Earth City protest/riots.

30.

In September 2015, BLM activist Joseph Ponder shot a police officer in Kentucky. The activist had attended Mike Brown's funeral in Ferguson, Missouri, and he was a BLM activist.

31.

BLM Defendant leaders failed to disavow the violence and urged its followers that

violence was part of revolution.

32.

On January 19, 2016, DeRay McKesson was on Stephen Colbert 's T.V. show "The Late Show with Stephen Colbert" during which he admitted to being a leader of Black Lives Matter and to participating in the Ferguson and Baltimore riots.

33.

On March 12-13, 2016, BLM held a protest against Donald Trump in Kansas City, Missouri.

34.

On June 29, 2016, DeRay McKesson gave an interview with USA Today and was introduced as a founder and leader of BLACK LIVES MATTER.

35.

On July 5, 2016, Alton Sterling was shot and killed by a Baton Rouge Police Officer, which DEFENDANTS seized upon to further incite its followers to take action against police.

36.

Later Thursday night through early Friday morning, July 7-8, 2016, more than 1,000 Black Lives Matter activists marched miles upon miles through midtown Manhattan and up into Harlem blocking public highways over three police killings of black men in three different American cities. Forty-two (42) protesters were arrested. One police officer was injured.

37.

On July 7, 2016, Lakeem Keon Scott shot at passing cars along a Tennessee highway, killing one woman and wounding three others, including a police officer while yelling, "Police suck! Black lives matter!"

38.

On July 7, 2016, during a Black Lives Matter protest, twelve (12) police officers in Dallas Texas were shot ambush style point blank by an activist. Five officers were killed. Activities of BLACK LIVES MATTER was associated with the shooting.

39.

The July 7, 2016, ambush style shooting of police officers in Dallas was near the end or perhaps what ended protest against police killings of Alton Sterling in Baton Rouge, Louisiana, and Philando Castile in Falcon Heights, Minnesota.

40.

The shooting in Dallas occurred around 9:00 p.m., on July 7, 2016, at a "Black Lives Matter" protest/riot during which at least one sniper shot twelve (12) police officers that were on duty to keep the peace at the rally. Five officers were killed and seven officers were seriously injured during the protest.

41.

On August 8, 2016, a large rally was held in Kansas City to protest black men's deadly encounters with police and Dallas police murders. Protesters walked with their hands up, chanting, "Hands Up, Don't Shoot" or "No Justice, No Peace, No Racist Police" or "Black Lives Matter. Following a two mile march, protesters lingered in the streets chanting.

42.

The shooter who shot JOHN DOE POLICE OFFICER was from Kansas City. The shooter left Kansas City and went to Dallas following the BLACK LIVES MATTER PROTEST and police shooting there. From Dallas, he went to Baton Rouge to extract revenge for killing and acting out in violence, as BLM leaders had directed its followers as to how to react to killing of black men by police, and that retaliation against police was proper behavior in warfare and revolution.

43.

On July 8, 2016, DeRay McKesson's Twitter and email accounts were hacked. His conversations specifically showed an intent to use protests to have "Martial law" declared nationwide through protests. The tweets were between Johnetta Elzie and DeRay McKesson, both of whom are leaders of Black Lives Matter.

44.

On Friday, July 8, 2016, Black Lives Matter held a protest in Nashville, Memphis, Knoxville and Chattanooga, Tennessee, blocking traffic on a public highway. There were six arrests. The violence caused massive transit shutdown. The fatally shooting of Philando Castile in Minnesota was the reason given for the protests against police.

45.

On July 8, 2016, wide spread chanting appeared on social media of protesters chanting, "What do we want? Dead Cops." "When do we want it? Now." These chants were attributed to BLM.

46.

On Friday, July 9, 2016, in a "week-end of Rage" Black Lives Matter protesters in Phoenix turned violent throwing rocks and other objects at police during a rally and shouted "We should shoot you!" to officers.

47.

On Saturday, July 9, 2016, Black Lives Matter protesters took to I-94 freeway in St. Paul, Minnesota, protesting the police shooting of Philando Castile, attacking police officers who tried to clear the road, by throwing chunks of concrete, rebar, rocks, bottles, fireworks and Molotov Cocktails. One officer was injured by the fireworks, and two were injured by the thrown objects. A total of twenty-one officers from various Minnesota law enforcement agencies were injured and more than one hundred and two (102) protestors were arrested.

48.

On Saturday, July 9, 2016, multiple Baton Rouge police were ordered to respond to a large protest and march, which blocking a public street. The protests was organized by the Leaders by use of the internet and social media.

49.

By July 9, 2016, Defendants were in Baton Rouge for the purpose of staging a protest. Defendants conspired to violate the law by planning to block a public highway in front of the headquarters of the Baton Rouge Police Department.

50.

Protests in other cites staged by Defendants resulted in violence and property losses. The leadership of Black Lives Matter did nothing to dissuade its membership from past or future violence. Rocks and other items had been thrown during previous Black Lives Matter protests.

51.

BLACK LIVES MATTER leg by DeRay McKesson and Johnetta Elzie were in Baton Rouge for the purpose of demonstrating, protesting and rioting, as well as, to incite others to violence against police and other law enforcement officers. The two were live streaming their protests activities and continually representing that police were acting unreasonably in response to their continual violation of the law.

52.

The Defendants announced that they would stage a protest/demonstration at the intersections of Airline Highway and Goodwood Boulevard, which is the location of the Baton Rouge Police Department and which is a known public highway.

53.

At all times material herein, DEFENDANTS knew police would be called to clear the public highway of protestors, and the protest was staged in front of the headquarters.

54.

Anticipating violence and property loss, Baton Rouge Police Department arranged for a front line of officers in riot gear to form a shield around officers who were to effectuate arrests and remove the Defendants from the public highway.

55.

At the beginning, the protest was peaceful until the activists' leaders began pumping up the crowd. DeRay McKesson was in charge of the protests, and he was seen and heard giving orders throughout the day and night of the protests. Protesters in the crowd told the police that DeRay McKesson was the leader.

56.

Shortly after the protest begin, protestors, in the presence of DeRay McKesson, began throwing objects at police officers. DeRay McKesson did nothing to stop, quell, or dissuade these actions.

57.

The protest turned into a riot. DEFENDANTS and their membership began to loot a Circle K, and one of the items taken were bottles of water, which Defendants began to hurl at the police and over the line of police to strike the police officers who were behind the protective shield formed by the officers in riot gear. Officers were struck by the full water bottles.

58.

Defendant DeRay McKesson was present during the protests and he did nothing to calm the crowd and, instead, he incited the violence on behalf of the Defendant BLACK LIVES MATTER.

59.

Defendant DeRay McKesson led protesters down Airline Hwy, in an attempt to reach I-12 in order to block the interstate. The protesters were following DeRay McKesson down

Airline Hwy further blocking Airline Hwy, but attempting to reach I-12. Police were able to block the effort of DeRay McKesson to lead the protesters to I-12. DeRay McKesson knew he was in violation of law and actually live streamed his arrest.

60.

When the Defendants ran out of the water bottles that the protesters were throwing at the Baton Rouge City Police, a follower of Defendant BLACK LIVES MATTER, under the control and custody of the DEFENDANTS, then picked up a piece of concrete or similar rock like substance and hurled into the police that were making arrests.

61.

A Baton Rouge police officer was struck fully in the face and immediately knocked down and incapacitated.

62.

These DEFENDANTS have similarly attacked other businesses and other persons, including police, while protesting/rioting. Black Lives Matter leadership ratified the action taken during the protest. DeRay McKesson ratified the action taken during the Baton Rouge protest. And in fact, DeRay McKesson was a lead Plaintiff in a law suit filed in Baton Rouge Federal Court claiming civil rights violations and alleging that the Baton Rouge Police were wrong in enforcing the law and arrest the protesters, who were themselves violating the law.

63.

Following the protests in Baton Rouge, on Sunday, DeRay McKesson, ignoring the shootings in Dallas, told the New York Times, "The police want protesters to be too afraid to protest." This statement suggests that DeRay McKesson intends to have more protests and that he ratified the conduct at the prior protests, including violating the law, looting, and throwing objects at police from Baton Rouge. The "in your face" statement may also be taken as in total disregard for the loss of life at the BLM protest in Dallas or as a threat to

other police.

64.

OFFICER JOHN DOE SMITH, is 42 years old, with two (2) children. OFFICER JOHN DOE SMITH worked in law enforcement for over 18 years. He was shot in an ambush of Law Enforcement Officers on July 17, 2016, by an activist whose actions followed and mimicked those of another BLM activist who killed several officers in Dallas just days earlier.

65.

Alton Sterling was buried on Friday evening and less than 48 hours later the activist, who had just traveled from Dallas ambushed police and killed three officers and wounded others including OFFICER JOHN DOE SMITH.

66.

OFFICER JOHN DOE SMITH was shot through his abdomen, through his left shoulder, and into the left side of his head and is permanently disabled.

67.

The shot through his abdomen tore up his intestines. Since the surgeries to his abdomen, which number greater than sixteen (16), he must now wear a colostomy bag.

68.

The exit wound on his left side flank still has not healed due to recurring infections. Tissue has had to be removed more than once leaving a hole the size of a fist.

69.

OFFICER JOHN DOE SMITH lost a portion of his small intestine, and the small intestines are tied to his large intestine in more than one place. OFFICER JOHN DOE SMITH has a hole (fistula) in his large intestine that leaks into the exit wound, which is, in part, a cause for continuing infections.

70.

There is a blockage just recently found in his large intestine, which is thought to be just downstream of the fistula. Surgery is planned for early July 2017 to try and remove the blockage and close the fistula. The attending medical staff continue daily to "repack" the exit wound trying to aid the healing process.

71.

OFFICER JOHN DOE SMITH has suffered and continues to suffer intense pain.

72.

The shot through his shoulder went in the front and out the back. Bullet fragments remain lodged in OFFICER JOHN DOE SMITH's shoulder.

73.

The shot to JOHN DOE POLICE OFFICER's head entered on the left side almost tearing his left ear off. The ear had to be sewn back on.

74.

JOHN DOE POLICE OFFICER's skull was shattered on that left side with bone fragments and bullet fragments spewed throughout his brain and brain stem. His skull remains fractured across most of the back of his head. JOHN DOE POLICE OFFICER did lose brain matter on that left side.

75.

JOHN DOE POLICE OFFICER has undergone at least three (3) surgeries to his head with a section of skull removed to access an inflamed area. Additional surgeries are planned to repair/replace skull sections. The damaged section of his brain controls or impacts communication.

76.

JOHN DOE POLICE OFFICER's left eye stays mostly closed with the eyeball turned outward.

77.

The physicians at a Our Lady of the Lake explained that JOHN DOE POLICE OFFICER'S left optic nerve is "blown" and damaged beyond repair. The family has confirmed that JOHN DOE POLICE OFFICER is able to hear with right ear. It is unclear at this time whether JOHN DOE POLICE OFFICER has any ability to hear with his left ear; since that's where the bullet entered.

78.

During the emergency surgeries, JOHN DOE POLICE OFFICER "coded" four (4) times.

79.

Initially, the surgeons warned that JOHN DOE POLICE OFFICER was not expected to survive another 24 hrs, then 48 hrs, then not long past 5 days, and then, that he would deteriorate pretty quickly after 21 days and die. The family has been told multiple times that they would lose their son and father. JOHN DOE POLICE OFFICER was strong and vibrant and he has been struggling everyday, fighting to live, and fighting to get better.

80.

Initially, the family was advised that JOHN DOE POLICE OFFICER was in a vegetative state. Later the attending physicians determined that JOHN DOE POLICE OFFICER is now in fact awake. The family has been working with JOHN DOE POLICE OFFICER ever since.

81.

Presently, JOHN DOE POLICE OFFICER has recurring infections roughly every three (3) weeks during which he becomes extremely sick. During these periods, he has fever, high heart rate, high blood press, high white cell count.

82.

Muscle spasticity has become a problem with both arms and legs. The doctors are

giving JOHN DOE POLICE OFFICER multiple treatments including botox injections and phenol injections trying to relieve the muscle tightness.

83.

While there is no way to know how far JOHN DOE POLICE OFFICER will progress back to a normal life, he is definitely permanently disabled.

84.

Following the shooting of the Baton Rouge Police, the DEFENDANTS, all but too late, then began to denounce the shooting of police officer. Obviously, at this point talk show hosts were holding them responsible, and they were having to defend the blame and responsibility for what they had caused whether in whole or in part.

85.

During the riot, DeRay McKesson was arrested along with numerous other protestors for violating the law.

86.

DeRay McKesson, as a leader of Black Lives Matter, incited criminal conduct that caused injury. Black Lives Matter promoted and ratified this conduct.

87.

On July 11, 2016, DeRay McKesson, who represented himself as a leader of the Black Lives Matter movement, gave a statement to CNN about the rioting/protesting in Baton Rouge clearly indicating that he was a leader and organizer.

88.

On July 11, 2016, another Black Lives Matter activist in Portland, Oregon, advocated for violence against police with no objection from Black Lives Matter.

89.

On July 13, 2016, DeRay McKesson meet with President Obama at the Black Lives Matter meeting at the White House. McKesson tweeted that "we are at the @WhiteHouse

right now for a 3-hour convening w/ President Obama re: the recent events in #BatonRouge & across the country.”

90.

On August 14, 2016, it was reported that DeRay McKesson, the prominent leader of Black Lives Matter, was asked about his justification for the violent riots that he referred to as protests and made a statement to the UPROXX that the violent actions of the movement’s rioters are justified, since “people take to the streets as a last resort.” “So when I think about anything that happens when people are in the street, I always start by saying, ‘People should not have had to have been there in the first place,’” stated McKesson. These statements were a ratification and justification of the violence.

91.

Late Sunday night, July 10, 2016, Black Lives Matter held a demonstration in Carbondale, Illinois, and marched on the 200 block of East Main Street. A demonstrator jumped on the hood of a vehicle attempting to use the roadway, but the vehicle drove off before stopping a block away. The demonstrators followed the vehicle, surrounded, it and then punched the driver in the face when he exited his vehicle.

92.

Late Saturday night, July 10, 2016, in the wake of the death of Phlando Castile, a black man killed by police during a traffic stop, Black Lives Matter protesters shut down of east - west Interstate 94 in St. Paul, Minnesota. The protest turned violent and resulted in the arrests of 50 protesters for rioting. The protesters threw rocks and fireworks at police injuring 21 police officers, including one who had a brick dropped on him from an overpass. Black Lives Matter requested donations to cover legal fees.

93.

On Monday, July 11, 2016, DeRay McKesson gave an interview to CNN and represented himself as an activist and organizer of Black Lives Matter, and was speaking

on behalf of the protesters.

94.

On August 5, 2016, Black Lives Matter protesters chained themselves together at a key route leading to London's Heathrow airport during the busy summer period. They were arrested for blocking a public highway and convicted.

95.

On Tuesday, September 20, 2016, Black Lives Matter protested in Charlotte, North Carolina, following a police officer shooting of a black man by shutting down eight-lane Interstate 85 and burning the contents of a tractor-trailer. Black Lives Matter protesters threw fireworks, bottles and clods of dirt at police in riot gear. A man was shot to death during the protest, two other people and six police officers suffered injuries. The rock throwing by protesters damaged squad cars. Protesters looted and set fire to a truck.

96.

On September 28 and 29, 2016, for two nights in a row, in El Cajon, near San Diego, Black Lives Matter demonstrators attacked cars and at least one motorcycle while protesting the death of 38-year-old Ugandan refugee Alfred Olango. The Black Lives Matter protesters took over the intersection of Broadway and Mollison Avenue, stopped passing vehicles and broke several windows. Protesters were throwing glass bottles.

97.

On September 30, 2016, DeRay McKesson gave a speech as a Key Note Speaker for the Voice of San Diego, at San Diego State University Politifest sponsored by the School of Journalism, where he was introduced as activist leader of BLACK LIVES MATTER and co-founder of Campaign Zero.

98.

On Monday, October 10, 2016, Black Lives Matter staged a protest at Indiana University over the death of Joseph Smedly, a former IU student, who went missing in

October 2015, but whose body was later found. The protesters created a human blockage in front of the East Third Street Bloomington Police Station blocking cars and yelling at motorists and banging on the hoods of cars shattering a windshield and assaulting at least one vehicle. The protest turned violent resulting in property damages while blocking traffic.

99.

On Wednesday, October 12, 2016, Black Lives Matter protesters repeatedly blocked Southwest 5th Avenue in Portland, Oregon, in the wake of the approval of a controversial police contract. A melee erupted when police attempted to remove the protesters who had set up tents outside City Hall.

100.

On October 18, 2016, an article was published in Forges Magazine entitled “Black Lives Matter Activist DeRay McKesson Talks Colin Kaepernick OFFICER JOHN DOE SMITH, Progress and the Future,” where in DeRay McKesson gave an interview as a leader of Black Lives Matter and where he was described as the “public face of Black Lives Matter movement.”

101.

The following claims for relief are pled collectively and in the alternative.

FIRST CLAIM FOR RELIEF

NEGLIGENCE

The DEFENDANTS knew or should have known that the physical contact and rioting was likely to result when they used the internet and social media to organize, stage and orchestrate multiple protests in numerous cities on the same weekend. DEFENDANTS knew that BLACK LIVES MATTER protests had in the past become violent and that other police officers had been injured by objects thrown at them by protesters. In numerous past protests, protesters led by BLACK LIVES MATTER had thrown objects at police and that police had been injured; yet, nothing was said or done to dissuade future conduct.

102.

The DEFENDANTS purposely used the internet and social media to organize, stage and orchestrate protests to violate the laws regarding blocking public highways and ratified the violent conduct of past protests.

103.

Past violence at protests was ratified by DeRay McKesson and BLACK LIVES MATTER.

104.

That injury would result to a police officer during a protest that the DEFENDANTS used the internet and social media to organize, stage and orchestrate was reasonably foreseeable. In the face of this foreseeable risk of injury, DEFENDANTS did nothing to dissuade, stop, or disapprove of protesters throwing objects at police in past protests/riots, injuring persons, injuring police, damaging property of others during the Baton Rouge protest/riot, or riots occurring after the Baton Rouge protest/riot and protests and riots occurring elsewhere and prior to the weekend of rage.

105.

Plaintiff seeks relief under La. C.C. arts. 2315 and 2317 of the Louisiana Civil Code, for injuries which were occasioned by the intentional and/or negligent acts and/or omissions of the Defendant(s) herein.

106.

As a leader of BLACK LIVES MATTER and of the protest in Baton Rouge, DeRay McKesson is liable for the unlawful conduct of the protestors. BLACK LIVES MATTER is liable for the conduct of DeRay McKesson.

107.

DeRay McKesson, the leader of Black Lives Matter, authorized, directed, and ratified specific tortious activity, which would justify holding him responsible for the

consequences of that activity.

108.

DeRay McKesson was directing the activity of the protestors and inciting lawless actions, including blocking of a public highway and allowing protestors to throw objects at the police, which justifies holding him liable for the unlawful conduct that caused injuries.

109.

Black Lives Matter is responsible for the actions of its agent and leaders that are undertaken within the scope of their actual or apparent authority. Black Lives Matter is liable for injuries caused by the throwing of objects during their protests which they ratified and condoned.

110.

Black Lives Matter, through its agents, knew the protestors were throwing rocks and breaking the law and did nothing to stop the criminal conduct, which is the same conduct that occurred at their prior protests.

111.

The actions of Defendants include, but are not limited to the following actions:

- a. Using social media and the internet to incite its followers to disrespect, hate and take retaliatory action against police;
- b. Using social media and the internet to incite its followers to blame police for the death of black men killed by police;
- c. Using social media and the internet to incite its followers to gather and violate the law with the intention to engage police in altercations or use of force;
- d. Using social media and the internet to incite its followers to damage property and persons in retaliation for the death of black men killed by police;
- e. Using social media, the internet and the media to fan the flames of violence by failing to disavow violence when called upon to do so; by encouraging its followers the

loss of property and violence against others were justified;

f. Taking credit for the violence at protest/riots and using the threat of future violence and additional protests to promote a political agenda;

g. Engaging in a pattern of protesting outside police departments or near them to engage police in verbal or physical altercation;

h. Engaging in a pattern of violating the law while protesting outside or near police departments or near them;

i. Blocking public roadways and highways in violation of the law to engage police;

j. Pattern of non-law-abiding activities planned and calculated to engage police;

k. Knowingly leading its followers and as a leader encouraging violence by the organization followers against police officers;

l. Knowingly leading others to engage in a pattern of retaliation against police by use of force and violence;'

m. Inciting others to harm police in retaliation for the death of black men killed by police;

n. Engaging in a plan of violence calculated to lead to the imposition of martial law; and

o. Knew or should have known that violently mentally disturbed persons would be aroused by their call to violence and retribution to police for the death of black men.

112.

RESPONDEAT SUPERIOR

Pursuant to La. C.C. art. 2317, Defendants BLACK LIVES MATTER organizations are liable for the actions of DeRay McKesson, Johnette Elzie, Alicia Garza, Patrisse Cullors, and Opal Tometi and persons acting with BLACK LIVES MATTER in furtherance of its goals and purpose espoused by the leaders and founder, which actions caused, in

whole or in part, the injuries herein.

113.

SOLIDARY OBLIGORS

Pursuant to La. C.C. art. 2324, the Defendants are liable in solido for the actions of DeRay McKesson, Johnette Elzie, Alicia Garza, Patrisse Cullors, and Opal Tometi, each of whom acted in concert as an involved and engaged leader of Black Lives Matter for each or any their actions that resulted, whether in whole or in part, by inciting disdain, hatred, and violence against police that resulted whether in whole or in part in injuries caused to OFFICER JOHN DOES SMITH and for their intentional actions, including criminal conduct, and for conspiring to incite a riot/protest, hatred, violent retaliation against police and other damages.

114.

INJURIES

The Plaintiff suffered acute injury and multiple serious and prolonged injury which include, but are not limited to, his head, shoulder, abdomen, and all parts of his body, discomfort, humiliation, pain and suffering, mental and emotional injury, medical and pharmaceutical expenses, and future lost wages.

115.

REQUEST FOR JURY TRIAL

Plaintiff prays for a jury trial on all issues.

Wherefore, Plaintiff pray that the Defendants be cited to appear and answer and that after resolution of this matter that this Honorable Court enter Judgment in favor of the Plaintiffs against the defendants with legal interest from the date of demand as follows:

- a. Physical pain and suffering;
- b. Physical injuries;
- c. For emotional and mental distress, pain and suffering, humiliation,

- embarrassment and loss of employment opportunities and future earning capacity;
- d. Medical, hospital and pharmaceutical bills and services past, present, and future;
 - e. inconvenience;
 - f. Past, present and future lost wages;
 - g. Loss of enjoyment of life;
 - h. Disability;
 - i. All litigation expenses; and
 - j. For such other relief that the Court may deem just, equitable, or proper.

Respectfully submitted:

s/ Donna U. Grodner
Donna U. Grodner (20840)
GRODNER & ASSOCIATES
2223 Quail Run, B-1
Baton Rouge, Louisiana 70808
(225) 769-1919 FAX (225) 769-1997
Dgrodner@grodnerlaw.com

Denise A. Vinet (17185)
VINET & DAY, LLC
11817 Bricksome Ave., Ste A
Baton Rouge, Louisiana 70816
(225) 292-7410 FAX (225) 292-4149