

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**INTESTATE SUCCESSION OF
DAVIRI OSEANUS ROBERTSON and
LESHONNA MONIQUE STEPTORE, individually and
in her capacity as the natural tutrix
of D.R., A minor child.**

CIVIL CASE #:

**DISTRICT JUDGE:
SECTION:
MAGISTRATE JUDGE:**

VERSUS

**SHERIFF JOSEPH P. LOPINTO, III, in his official
capacity as the duly elected Sheriff of Jefferson
Parish, JOHN DOE OFFICER 1, individually
and in his capacity as a duly sworn officer
employed by the Jefferson Parish Sheriff's Office,
JOHN DOE OFFICER 2, individually and in
his capacity as a duly sworn officer employed by
the Jefferson Parish Sheriff's Office, JOHN DOE
OFFICER 3, individually and in his capacity as
a duly sworn officer employed by the Jefferson
Parish Sheriff's Office, and JOHN DOE OFFICER
4, individually and in his capacity as a duly sworn
officer employed by the Jefferson Parish Sheriff's
Office**

ORIGINAL COMPLAINT

NOW INTO COURT, by and through undersigned counsel, come the INTESTATE SUCCESSION OF DAVIRI OSEANUS ROBERTSON, (hereinafter referred to as "Mr. Robertson"), LESHONNA STEPTORE, individually and in her capacity as the duly confirmed natural tutrix of D.R., minor child, , persons of the full age of majority and citizens of the State of Louisiana and the United States of America, who respectfully represent:

Jurisdiction and Venue

1. This action is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988. Jurisdiction is founded on 28 USC §1331 and §1343, and the Fourth and Fourteenth Amendments to the Constitution of the United States.
2. This Court's supplemental jurisdiction is also invoked, pursuant to 28 U.S.C. § 1367 as to all matters cognizable under the Louisiana Constitution of 1974 and dialectal laws of the State of Louisiana, including but not limited to Article 2315 of the Louisiana Civil Code.
3. Venue is proper in this Court as this is an action that took place in the Parish of Jefferson, State of Louisiana.

Parties

4. Plaintiff, INTESTATE SUCCESSION OF DAVIRI OSEANUS ROBERTSON, a legal entity for the purpose of suing for damages on behalf of the late Daviri Oseanus Robertson (hereinafter referred to as "Mr. Robertson"), represented herein by his heirs, minors;
5. Plaintiff, LESHONNA STEPTORE, individually and in her capacity as the duly confirmed natural tutrix of D.R., a person of the full age of majority who is residing and domiciled in the Parish of Orleans, State of Louisiana. D.R., is the surviving child of Mr. Robertson and thus have the right to recover all damages for injury to Mr. Robertson, his property or otherwise, caused by an offense or quasi offense resulting in his death pursuant to Louisiana Civil Code article 2315.1 as well as the right to recover damages which they sustained as a result of Mr. Robertsons' death pursuant to Louisiana Civil code article 2315.2. LESHONNA STEPTORE is the natural tutrix of the minor child.

6. Defendant, SHERIFF JOSEPH P. LOPINTO, III, in his official capacity as the duly elected Sheriff of Jefferson Parish, who, as the chief law enforcement officer of the Parish, has the capacity to sue and be sued;
7. Defendant, JOHN DOE OFFICER 1, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, a person of the full age of majority who is believed to be a resident of and domiciled in the Parish of Jefferson, State of Louisiana, who at all times pertinent herein was a deputy with the Jefferson Parish Sheriff's Office;
8. Defendant, JOHN DOE OFFICER 2, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, a person of the full age of majority who is believed to be a resident of and domiciled in the Parish of Jefferson, State of Louisiana, who at all times pertinent herein was a deputy with the Jefferson Parish Sheriff's Office;
9. Defendant, JOHN DOE OFFICER 3, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, a person of the full age of majority who is believed to be a resident of and domiciled in the Parish of Jefferson, State of Louisiana, who at all times pertinent herein was a deputy with the Jefferson Parish Sheriff's Office; and
10. Defendant, JOHN DOE OFFICER 4, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, a person of the full age of majority who is believed to be a resident of and domiciled in the Parish of Jefferson, State of Louisiana, who at all times pertinent herein was a deputy with the Jefferson Parish Sheriff's Office.

Factual Allegations

11. On the evening of Wednesday, March 27, 2019, Mr. Joseph left his home located at 8725 Colapissa Street, New Orleans, Louisiana 70118 at approximately 9:00 p.m.
12. Mr. Joseph was driving a silver Dodge Charger that had been rented by MICHELL

STRICKLAND (hereinafter referred to as “Ms. Strickland”).

13. Mr. Joseph picked up his friend, namely Daviri Robertson (hereinafter referred to as “Mr. Robertson”), and went to the IHOP located at 151 Westbank Expressway, Gretna, Louisiana 70053. Mr. Joseph and Mr. Robertson parked in parking space adjacent to the IHOP at approximately 10:20 p.m.
14. Upon parking, two (2) unmarked pickup trucks, more particularly described as a blue Dodge Ram 4x4 and a black Ford F-150, pulled up behind the vehicle occupied by Mr. Joseph and Mr. Robertson each at an angle, making it impossible for the vehicle to maneuver out of its spot.
15. At all times relevant, Mr. Joseph was seated in the driver’s seat of the Dodge Charger and Mr. Robertson was seated in the passenger seat of the Dodge Charger.
16. Based on information and belief, four (4) men in street clothes exited the aforementioned pickup trucks and surrounded the vehicle occupied by both Mr. Joseph and Mr. Robertson.
17. Based on information and belief, one of the unidentified men was standing next to the drivers’ side window of the vehicle occupied by Mr. Joseph and Mr. Robertson and a second unidentified man was standing outside the front seat passengers’ window of the vehicle occupied by both Mr. Joseph and Mr. Robertson.
18. Based on information and belief, the four (4) unidentified men, who were later identified as deputies with the Jefferson Parish Sheriff’s Office (“JPSO”) drew their guns and began firing at the vehicle occupied by Mr. Joseph and Mr. Robertson.
19. Based on information and belief, the four (4) unidentified JPSO officers broke the windows of the vehicle occupied by Mr. Joseph and Mr. Robertson to remove the individuals from the vehicle.

20. Mr. Robertson whom was still seated in the passenger seat, was removed from the vehicle, searched, and transported to the hospital via ambulance to treat his gunshot wounds. Mr. Robertson later succumbed to his injuries.
21. Based on information and belief, Mr. Joseph was struck at least five (5) times from the shots fired by the four (4) unidentified men.
22. Based on eyewitness testimony, Mr. Joseph was unceremoniously tossed on the ground outside of the vehicle and searched by responding officers from JPSO.
23. Despite Mr. Joseph's multiple gunshot wounds the defendants failed to provide any medical treatment nor did they allow any emergency medical personnel to assist him.
24. Mr. Joseph was not removed from the vehicle until approximately one (1) to two (2) hours after the shooting occurred.
25. No weapon was recovered from the person of Mr. Joseph or Mr. Robertson.
26. Mr. Joseph was pronounced dead at the scene.
27. Based on information and belief, the four (4) men never identified themselves as JPSO deputies prior to their convergence on the vehicle occupied by Mr. Joseph and Mr. Robertson.
28. The identities of the four (4) JPSO deputies involved in the shooting have not been released to the public.
29. Based on information and belief, over twenty (20) rounds were fired into the vehicle occupied by Mr. Joseph and Mr. Robertson.
30. The JPSO deputies fired so frequently and carelessly that one round hit another JPSO deputy.

Causes of Action

A. 42 U.S.C. § 1983

31. Plaintiffs re-allege all prior Paragraphs.

32. The named Officers' actions were done in their official capacities, and under color of state law.

33. The named Officers' actions were taken pursuant to customs, policies and practices of the Jefferson Parish Sheriff's Office or they were ratified, condoned, permitted or acquiesced in by those who make policy in the Jefferson Parish Sheriff's Department.

34. The named Officers' actions violated clearly established rights of Mr. Robertson, including, but not limited to, the duty to stop other officers who in their presence violate the following guaranteed right:

a. The right to be free from excessive force (Fourth and Fourteenth Amendments);

35. The individual Officers' actions were done pursuant to customs, policies and/or practices of the Jefferson Parish Sheriff's Department, which were deliberately indifferent in the training, discipline and supervision of its supervisors and officers.

36. As a direct and proximate result of the Defendants' actions, Mr. Robertson, suffered severe injuries and damages including those as set forth further below.

B. Municipal Liability under 42 U.S.C. § 1983

37. Plaintiffs incorporate by reference the allegations set forth in Paragraphs above, as if fully set forth herein.

38. At all times herein, the Jefferson Parish Sheriff's Office, acted with deliberate indifference to the constitutional rights of Mr. Joseph and other similarly situated individuals, established, promulgated, implemented, and maintained the following customs, policies, or practices that

were a proximate cause and a moving force in violations of Mr. Robertson's rights under the United States Constitution and Louisiana Constitution:

- a. Failing to adequately train, supervise, and/or discipline law enforcement officers and supervisors with regard to the appropriate and necessary use of force during investigations and/or arrests, who fail to provide proper medical treatment,
- b. Hiring and/or retaining as law enforcement officers and supervisors certain persons whom the Defendant knew or had actual notice using excessive force against suspects and others, who fail to provide proper medical treatment,
- c. Failing to intervene when it knew of improper use of force and failing to provide proper medical treatment; and,
- d. Condoning and actively encouraging the use of processes that failed to properly monitor, evaluate and determine the use of excessive force and the failure to provide proper medical treatment.
- e. Each of the aforementioned customs, policies, or practices was known to the Jefferson Parish Sheriff's Office as highly likely and probable to cause violations of the United States Constitutional Rights of Mr. Robertson and other individuals subject to improper and deadly use of force, and each was a moving force in the violations of Mr. Robertsons' United States Constitutional Rights, as set forth herein.

Damages

Mr. Robertson has suffered irreparable harm from the Defendants' policies, practices, procedures and customs as mentioned heretofore. The conduct of the Jefferson Parish Sheriff's Office and their employees deprived Mr. Robertson of equal protection under the law and constituted deliberate indifference toward his safety and welfare. As a direct and proximate result of the acts

and omissions of the Jefferson Parish Sheriff's Office and their employees, Mr. Robertson has been injured in his person and property, and is entitled to damages in the amount of **\$10,000,000.00 (Ten Million Dollars and 00/100)** for:

- 1) Physical pain and suffering;
- 2) Mental and emotional pain and suffering, including humiliation, aggravation, anxiety, inconvenience, fear, fright and intimidation;
- 3) Fear of impending death;
- 4) Deprivation of rights, privileges, and immunities secured to Mr. Robertson and all citizens;
- 5) Punitive and exemplary damages to be assessed in the nature of a fine to ensure that such conduct as was used to victimize the Plaintiff is not used in the future against other citizens;
- 6) Lost wages, earnings, diminished work capacity and other economic support;
- 7) Loss of consortium, society, and affection;

39. D.R., a minor, are now suffering and will continue to suffer irreparable harm from the defendants' policies, practices, procedures and customs as mentioned heretofore. The conduct of the Jefferson Parish Sheriff's Office and their employees deprived Mr. Robertson of equal protection under the law and constituted deliberate indifference toward his safety and welfare.

40. As a direct and proximate result of the acts and omissions of the Jefferson Parish Sheriff's Office and their employees, D.R., a minor, and his natural tutor Leshonna Steptore have been injured in person and property, and are entitled to damages in the amount of **\$5,000,000.00 (Five Million dollars and 00/100)** for:

- a. Mental and emotional pain and suffering, including humiliation, aggravation, anxiety, inconvenience, fear, fright and intimidation;
- b. Loss of Society;
- c. Loss of support;
- d. Loss of consortium and affection; and
- e. All other damages to be shown at trial.

Prayer for Relief

WHEREFORE, Plaintiffs, INTESTATE SUCCESSION OF DAVIRI OSEANUS ROBERTSON, LESHONNA STEPTORE, individually and in her capacity as the natural tutrix of D.R., a minor, pray that after due proceedings had, there be judgment rendered herein in their favour and against Defendants, SHERIFF JOSEPH P. LOPINTO, III, in his official capacity as the duly elected Sheriff of Jefferson Parish, JOHN DOE OFFICER 1, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, JOHN DOE OFFICER 2, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, JOHN DOE OFFICER 3, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office, and JOHN DOE OFFICER 4, individually and in his capacity as a duly sworn officer employed by the Jefferson Parish Sheriff's Office in the full sum of \$20,000,000.00 (**Twenty Million Dollars and 00/100**) in compensatory, punitive, general and special damages, and for such other relief as this Honorable Court may deem just and appropriate.

Furthermore, Plaintiffs pray for all costs and expenses incurred in this litigation, and reasonable attorney's fees pursuant to 42 U.S.C. 1988.

Jury Demand

Plaintiffs, INTESTATE SUCCESSION OF DAVIRI OSEANUS ROBERTSON, and LESHONNA STEPTORE, individually and in her capacity as the natural tutrix of D.R, a minor, respectfully request that a jury be convened to try the factual issues of this matter.

Respectfully submitted by:

ROBERT C. JENKINS & ASSOC.
A PROFESSIONAL LAW CORPORATION

/s/Robert C. Jenkins
ROBERT C. JENKINS, #19256 (T.A.)
631 St. Charles Ave.
New Orleans, Louisiana 70130
Phone: (504) 586-1616
Fax: (504) 569-0037
Email: rj1430@aol.com