

Introduction

2. This action arises out of (1) unconstitutional restrictions on the religious liberty of Lloyd Plumbar and Holy Fight Ministries; and (2) unconstitutional criminal punishments of Lloyd Plumbar for exercising his GOD-given and constitutionally protected rights.
3. In 2008 the Louisiana Legislature outlawed cockfighting. This legislation was codified in *La. R. S. 14:102.23*.
4. Said legislation is so vague, overly broad, and sweeping in scope that it intrudes upon the Federal and State guarantees of freedom of religion.

Parties

5. Plaintiff Lloyd Plumbar, (“Reverend Plumbar”), is a citizen of Louisiana who resides in Livingston Parish, Louisiana. He is an ordained minister in the Christian religion and lead pastor of Holy Fight Ministries.
6. Plaintiff Holy Fight Ministries is located in Livingston, Louisiana.
7. Defendant Jeff Landry is sued in his official capacity as Attorney General of the State of Louisiana. Jeff Landry is a person within the meaning of *42 U.S.C. § 1983*, who, *inter alia*, exercises supervision over all district attorneys in the state and has authority to institute a prosecution as he may deem necessary for the assertion or protection of the rights and interests of the State of Louisiana, pursuant to *La. R. S. 14:102.23*. As such Jeff Landry wields authority over criminal justice policy in Louisiana including the enforcement of *La. R. S. 14:102.23* prohibiting cockfighting. At all times relevant to this Complaint, Jeff Landry was acting and continues to act under color of state law.

8. Defendant Scott M. Perrilloux is sued in his official capacity as the District Attorney of the 21st Judicial District, State of Louisiana, where Reverend Plumbar was arrested and charged with violating *La. R. S. 14:102.23*. Scott M. Perrilloux is a person within the meaning of *42 U.S.C. § 1983*, who has “charge of every criminal prosecution by the state in his district,” pursuant to *La. Const. art. V, § 26*. At all times relevant to this Complaint, Scott M. Perrilloux was acting and continues to act under color of state law.
9. Defendant Jason Ard is sued in his official capacity as Sheriff of Livingston Parish, where Reverend Plumbar was arrested and charged with violating *La. R. S. 14:102.23*. Jason Ard is a person within the meaning of *42 U.S.C. § 1983*, who serves as “chief law enforcement officer in the parish,” pursuant to *La. Const. art. V, § 27*, with authority to enforce *La. R. S. 14:102.23*. At all times relevant to this Complaint, Jason Ard was acting and continues to act under color of state law.

Factual History

10. Reverend Plumbar is an ordained minister of the Christian Faith who leads Holy Fight Ministries, which is located in Livingston Parish, Louisiana.
11. Reverend Plumbar and Holy Fight Ministries believe the Holy Bible is the Word of GOD and that they much conduct church in accordance therewith.
12. Holy Fight Ministries holds the sincerely held religious belief that man has dominion over animals. *See* Genesis 1:26 - “And GOD said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.” (All Bible verses quoted herein are from the King James Version unless otherwise noted.)

13. Reverend Plumber, Holy Fight Ministries and its congregation hold the sincere religious belief that cockfighting represents that while they strive for CHRIST, they have a necessary symbolic physical manifestation, an epiphany through the fighting cock, a religious mandate of the struggle between good and evil, a struggle for life or death for the Salvation of the soul, and thus cockfighting is an integral and essential part of their religious faith.
14. On April 29, 2020 Holy Fight Ministries was holding its weekly Sunday religious service.
15. Reverend Plumber was driving towards Holy Fight Ministries to lead said service when he was arrested by deputies from the Livingston Parish Sheriff's Office on several counts of the **misdemeanor** criminal charge of cockfighting, in violation of *La. R. S. 14:102.23*.
16. Reverend Plumber's bond was initially \$375,000.00, which is higher than the bond some persons charged with the **felonies** of Attempted Murder and/or Pornography with a Juvenile have been given in Livingston Parish.

Federal Claims

Count I: Free Exercise of Religion—Federal Constitution

17. The First Amendment's Free Exercise Clause, incorporated and made applicable to state and local governments by *U.S. Const. amend. XIV*, prohibits Defendants from abridging the free exercise of religion.
18. James Madison, the principal architect of the Free Exercise Clause, defined "religion" as "the duty which we owe to our Creator and the manner of discharging it." James Madison, *Memorial and Remonstrance* (June 20, 1785) (quoting Article XVI, Virginia Declaration of Rights (1776)). The Supreme Court of the United States has held that Madison's argument was that "religion," under that definition, "was not within the cognizance of civil government." *Reynolds v. United States*, 98 U.S. 145, 163 (1879).

19. The United States Supreme Court attached Madison's *Memorial and Remonstrance* to its opinion in *Everson v. Bd. of Educ. of the Twp. of Ewing*, 330 U.S. 1 (1947).
20. Madison viewed religious liberty as a *jurisdictional* matter. Neither civil society nor the government could make a person revoke his duty to "the Universal Sovereign," which is why, in Madison's view, "in matters of Religion, no man[']s right is abridged by the institution of Civil Society" and "Religion is wholly exempt from its cognizance."
21. Cockfighting is essential for the practice of the Christian faith as practiced by Reverend Plumbar, Holy Fight Ministries and its congregation.
22. *La. R. S. 14:102.23* effectively forbids Reverend Plumbar, Holy Fight Ministries and its congregation from practicing their religion.
23. Because "religion" is "the duty which we owe to our Creator and the manner of discharging it," and because Plaintiffs believe that they have a duty to engage in cockfighting as part of their religious practices, the Defendants violated Plaintiffs' religious liberties by forbidding them from doing so.
24. It is axiomatic that "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." *42 U.S.C. § 2000bb-1(a)*. If a rule substantially burdens a person's exercise of religion, that person is entitled to an exemption from the rule unless the government "demonstrates that application of the burden to the person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." *Id.* § 2000bb-1(b). Thus Louisiana's complete prohibition against cockfighting, even for religious purposes, violates the requirement of *42 U. S. C. §2000bb, et seq.*

25. Furthermore, said prohibition against cockfighting, pursuant to *La. R. S. 14:102.23*, without allowing a religious exception, does not serve a legitimate governmental interest and violates the law on religious exceptions as follows:

The well-established peyote exception also fatally undermines the Government's broader contention that the Controlled Substances Act establishes a closed regulatory system that admits of no exceptions under [the Religious Freedom Restoration Act].

* * *

The peyote exception, however, has been in place since the outset of the Controlled Substances Act, and there is no evidence that it has "undercut" the Government's ability to enforce the ban on peyote use by non-Indians.

Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U.S. 418, 421 (2006).

26. The Plaintiffs do not seek to perform any act that might affect any legitimate governmental interest, such as concerns with hygiene, animal cruelty, noise, or nuisance.
27. Plaintiffs seek now only to perform the cockfighting ceremony their religion requires in the privacy of their church by completely sanitary methods.
28. Plaintiffs' principles have not caused a "break out into overt acts against peace and good order." *Reynolds*, 98 U.S. at 163. Consequently, the decision of whether a cockfighting ceremony should be a part of their church services belongs to the church, not the state.
29. It is axiomatic that if Congress can make no "law" prohibiting the free exercise of religion, then surely the State of Louisiana is prohibited from the same.
30. The Defendants' words and actions, individually and cumulatively, impose, at a minimum, a substantial burden on the free exercise of Plaintiffs' sincerely-held religious convictions.
31. The Defendants have therefore violated Plaintiffs' right to free exercise of religion.

32. Defendants' actions have caused and will continue to cause irreparable harm, because they violate Plaintiffs' constitutionally protected rights as herein stated, and because they critically disrupt the operations of Holy Fight Ministries.

Count II: Establishment Clause, Federal Constitution

33. *U.S. Const. amend. I* provides in part, "Congress shall make no law respecting an establishment of religion. . ." One of the primary objectives of the Establishment Clause was to forbid the government from telling churches how to worship, how to preach, how to assemble, or how to do other essential church functions. But that is exactly what the Defendants have done here. The Defendants have therefore violated the Establishment Clause of *U.S. Const. amend. I*.

State Claims

Count V: Free Exercise of Religion - Louisiana Constitution

34. *La. Const. art. I, § 8* states that "No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof."
35. Because the language of the Louisiana Constitution mirrors that of the Federal Constitution, it requires at least as much protection for free exercise of religion as the Federal Constitution.
36. Moreover, *La. Const. art. I*, states that, "The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state." The right to free exercise of religion is one of the rights in the Louisiana Declaration of Rights that the state constitution says must remain "inviolate." Thus the people of Louisiana never gave to their state government the power to infringe on religious liberty.

37. Thus the Defendants have violated Plaintiffs' right to free exercise of religion under the Louisiana Constitution.

Prayer for Relief

Wherefore, Plaintiffs pray for judgment against the Defendants, jointly and severally:

- a) A temporary restraining order prohibiting Defendants from the enforcement of *La. R. S. 14:102.23* against Plaintiffs;
- b) After due proceedings are held, permanent injunctions are issued prohibiting the Defendants from the enforcement of *La. R. S. 14:102.23* against Plaintiffs;
- c) Awarding the Plaintiffs compensatory, nominal, punitive, and other damages authorized by law;
- d) Awarding the Plaintiffs reasonable attorney fees and expert witness fees pursuant to *42 U.S.C. § 1988*, and as otherwise provided by law; and
- e) Award such other and further relief as the Court deems proper and just.

RESPECTFULLY SUBMITTED:

s/ Jim Holt

Jim Holt, Attorney at Law
Louisiana Bar Roll No. 08416
4720 North Boulevard
Baton Rouge, Louisiana 70806
Telephone: (225) 272-1400
Facsimile: (225) 272-0366
Attorney for Plaintiffs