

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

**SERELLA ROWLAND**

\*

**VS.**

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**CASE NO. 2:21-cv-1003**

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**JOSEPH P. LOPINTO, III IN HIS  
OFFICIAL CAPACITY AS SHERIFF  
OF JEFFERSON PARISH,  
JOHN DOE #1, JOHN DOE #2,  
ABC INSURANCE COMPANY**

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**COMPLAINT WITH JURY DEMAND**

NOW INTO COURT, through undersigned counsel, comes the Plaintiff, Serella Rowland, who resides and is domiciled in Jefferson Parish, and respectfully represents the following:

**PARTIES**

1.

Serella Rowland is the mother of the deceased, Modesto Reyes, (hereinafter “Mr. Reyes”), and is a person of full age of majority.

Made Defendants herein are the following:

- a) SHERIFF JOSEPH LOPINTO, is and was at all relevant times the Sheriff of the Jefferson Parish Sheriff’s Office (“JPSO”), a person of full age and majority domiciled in Jefferson Parish. He is sued in his official capacity;
- b) JOHN DOE #1, was at all relevant times to this complaint a deputy in the Jefferson Parish Sheriff’s Office, is a person of full age and of majority, domiciled in Jefferson Parish. He is sued in his individual capacity;
- c) JOHN DOE #2, was at all relevant times to this complaint a deputy in the Jefferson Parish Sheriff’s Office, is a person of full age and of majority, domiciled in Jefferson Parish. He is sued in his individual capacity;
- d) JOHN DOE #3 was at all relevant times to this complaint a deputy in the Jefferson Parish Sheriff’s Office and the supervisor of John Doe #1, is a person of full age and

of majority, domiciled in Jefferson Parish. He is sued in his individual and official capacities;

- e) JOHN DOE #4 was at all relevant times to this complaint a deputy in the Jefferson Parish Sheriff's Office and the supervisor of John Doe #2, is a person of full age and of majority, domiciled in Jefferson Parish. He is sued in his individual and official capacities
- f) ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for Sheriff Lopinto, JPSO, or any of its deputies, for any and all acts and damages occurring from this incident;
- g) At all times relevant to this Complaint, all defendants acted under the color of state law.
- h) THIS PETITION PUTS ON NOTICE ANY EXCESS POLICY COVERING SHERIFF LOPINTO OR ANY OF THE NAMED DEPUTY DEFENDANTS.

### **JURISDICTION AND VENUE**

2.

The United States District Court has jurisdiction over the subject matter of this complaint under 42 U.S.C. 1983 and 28 U.S.C. 1331, 1343(a)(3), and 1367(a).

3.

The Eastern District of Louisiana is the appropriate venue to bring this complaint, because the facts that give rise to Plaintiff's claims all took place within the Eastern District of Louisiana.

### **FACTUAL ALLEGATIONS SURROUNDING MAY 27, 2020**

4.

At all times relevant to this complaint, all defendants acted in concert and conspiracy and were jointly and severally responsible for the harms caused to Plaintiff. Defendants John Doe #1 and John Doe #2 were law enforcement agents participating in the traffic stop that led to the fatal shooting of Mr. Reyes. John Doe #3 and John Doe #4 were the supervisor(s) of John Doe #1 & #2 respectively.

5.

Modesto Reyes was a hard-working, successful, ambitious young man. He was a popular local musician. He also worked construction. On October 12, 2019, he was welding at the Hard Rock Hotel in New Orleans when it collapsed, killing three and injuring more than a dozen individuals. Mr. Reyes miraculously survived that tragedy only to be later killed by JPSO.

6.

On May 25, 2020, George Floyd was killed by officer Derrick Chauvin in Minneapolis, Minnesota. The murder was caught on video, which went viral and sparked widespread media attention and protests nationwide.

7.

Just two days later, on the evening of May 27, 2020, Jefferson Parish Sheriff's deputies John Doe #1 and John Doe #2 initiated a traffic stop of Mr. Reyes near the intersection of Ames Boulevard and West Bank Expressway. A short chase ensued, and Mr. Reyes stopped the vehicle around the intersection of Ames Boulevard and Salome Street.

8.

Mr. Reyes—having just witnessed the execution of a Black man by police on video, reasonably in fear for his life, and unaware of why he was being stopped and chased—began to run away on foot. Shortly thereafter, he tripped and fell to the ground, face first.

9.

Mr. Reyes made no threatening or aggressive movements towards law enforcement.

10.

As Mr. Reyes still lay on the ground, deputy John Doe #1 without adequate justification drew his firearm. John Doe #2 instead drew his taser, which was equipped with a recording device that is activated upon its release from the holster.

11.

John Doe #1 fired multiple shots into Mr. Reyes' body as he lay on the ground, killing him. John Doe #2 did not intervene. John Doe #2 clearly saw lethal force was unnecessary since he chose to unholster his taser rather than his firearm.

12.

Sheriff Lopinto has continuously asserted that Mr. Reyes had rolled over on the ground and was pointing a weapon at the deputies. However, an independent autopsy revealed the cause of death as two gunshots to the back, demonstrating that he could not have been facing the deputies at the time he was shot, but rather was still facing the ground.

13.

Three eyewitnesses to the shooting all reported that Mr. Reyes was holding a cell phone, not a firearm. Witnesses further stated that one of the deputies involved in Mr. Reyes' killing was harassing residents in the neighborhood earlier in the day.

14.

Despite numerous, repeated requests by Mr. Reyes' family to view the taser camera footage, Sheriff Lopinto has refused. Interestingly, he instead chose to show only a shortened 8 second clip of the footage to reporters from selected media outlets. One article explained that because the deputy with the taser was behind Mr. Reyes—and likely because the clip was so short—the camera angle did not capture what was in his hand.

15.

Rather than being transparent with Mr. Reyes' family and the community, Sheriff Lopinto instead met those peacefully protesting his killing with military-grade equipment, including armored tanks.

16.

On June 23, 2020, Mr. Reyes' family lawyers gave a press conference exposing the egregious acts committed by JPSO deputies against Mr. Reyes and two minor children within just weeks of each other. One of the children was shot, the other was beaten, and JPSO hid everything from the media and the community. These families were forced to take action because JPSO and Sheriff Lopinto had continually refused to do so.

17.

At all times relevant to this Complaint, the conduct of Defendant deputies John Doe #1 and John Doe #2 were in willful, reckless, and callous disregard of Mr. Reyes' rights under federal and state law. John Doe #2 failed to intervene and protect Mr. Reyes' rights. John Doe #3 and #4 failed to properly supervise, train, and discipline John Doe #1 and John Doe #2.

18.

As a direct result and proximate result of the conduct of all Defendants, the Plaintiff suffered and continue to suffer extraordinary damages, including loss of service, society, support, love and affection, emotional distress, and trauma, loss of the enjoyment of life, psychological harm, and pain and suffering, some of which may be permanent, as well as financial losses.

**FACTUAL ALLEGATIONS SURROUNDING EMPLOYMENT, TRAINING,  
SUPERVISION, AND DISCIPLINE OF JPSO OFFICERS**

19.

The Sheriff of Jefferson Parish at all relevant times before, during, and after this incident was Joseph Lopinto, making him the responsible decisionmaker and policymaker for the JPSO.

20.

In Sheriff Lopinto's official capacity, he was and is responsible for adopting, implementing, promulgating, and enforcing policies, customs, and practices pertaining to making arrests and preserving peace in Jefferson Parish.

21.

Additionally, Sheriff Lopinto is responsible for the screening, hiring, disciplining, training, supervising, and the retraining of JPSO deputies to ensure each officer was and is qualified and properly trained to perform the duties and functions of a peace officer including making arrests, preserving the peace, and the constitutional use of force. Sheriff Lopinto has a responsibility in supervising and enforcing and implementing these training, discipline, and enforcement of these policies, customs, practices.

22.

Based on the extreme misconduct of Defendant deputies John Doe #1 and John Doe #2, and upon information and belief, Defendant Lopinto did not properly examine and scrutinize the background of the Defendant deputies John Doe #1 and John Doe #2.

23.

Based on the extreme misconduct of Defendant deputies John Doe #1 and John Doe #2, and upon information and belief, Defendant Lopinto, Defendant John Doe #3, and Defendant John

Doe #4 did not properly train, supervise, and/or discipline Defendant deputies John Doe #1 and John Doe #2 with regard to proper police practices.

24.

Upon information and belief, in willful, reckless, and callous disregard to Mr. Reyes' life and rights under federal and state law, Defendant Lopinto did not have an adequately trained upon, promulgated, and enforced use of force policy in place for the JPSO at all relevant times upon which officers were sufficiently or adequately trained so as to know what extent of force is appropriate in situations.

25.

Despite Jefferson Parish being a majority white parish, there is an overt policy and practice whereby people of color are disproportionately stopped, detained, harassed, and subjected to use of force, and shooting by JPSO deputies. Defendant Lopinto, Defendant John Doe #3, and Defendant John Doe #4 have endorsed this policy by failing to correct it or taking any disciplinary or corrective actions.

26.

Numerous state and federal lawsuits against Sheriff Lopinto and his deputies demonstrate a pattern, custom, and practice of excessive use of force, especially against people of color. These suits include, but are not limited to, the following:

- A. In 2021, the Sheriff and his deputies were sued after shooting an unarmed minor child in the back, and brutally beating another unarmed minor child, as they attempted to surrender. Sheriff Lopinto hid this incident from the media and the community, and nothing about the shooting was mentioned anywhere in the initial police report. Despite pleas from the children's families, Sheriff Lopinto continuously denied and covered up what happened. In fact, the head of the shooting squad asserted to one of the minor children's family members that there had been no-officer involved shootings in the month that her son was shot by deputies and subsequently hospitalized as a result of that injury. It was not until a press conference held by the victims' families that the Sheriff was forced to admit what

occurred, but he continued to lie to the media and stated that the children had not given statements, which they had weeks earlier.

B. In 2020, the Sheriff and his deputies were sued:

- a. After two deputies sat on a handcuffed autistic child for nine minutes and six seconds, suffocating and killing him. His parents were there and had to witness the violent death of their child at the hands of police. There had been at least three previous federal lawsuits against the Sheriff and his deputies alerting them to the dangers of death by positional asphyxiation and training on the same, demonstrating the Sheriff's prior knowledge but failure to properly retrain, supervise, and discipline his deputies;
- b. After plain clothes officers in unmarked vehicles surrounded unarmed men in a parking lot and fired over 20 rounds into their car, killing one and severely wounding the other. It is further alleged that deputies withheld medical care from both men, and the passenger, who was critically wounded, was forced to remain in the car for 1-2 hours after the shooting occurred. The deputies fired with such careless and reckless disregard that one of their bullets struck a fellow deputy;
- c. For striking a man in the face with a service weapon while he knelt on the pavement with his arms handcuffed behind his back, and then repeatedly kicking him in the head;
- d. For excessive force and violation of First Amendment rights after brutally arresting a college-aged pedestrian who was quietly documenting police violence on his cell phone. One of the deputies involved had previously been terminated from at least one other law enforcement position because of instances of misconduct, and another had been a defendant in a prior civil rights case involving excessive force and wrongful arrest;
- e. After an officer working in the prison repeatedly verbally and sexually assaulted an inmate, forced him to perform oral sex on him, and threatened retaliation if his actions were reported.

C. In 2019, the Sheriff and his deputies were sued:

- a. After shoving a woman who was eight-months pregnant stomach-first into a desk, and then slapping and punching her in the face as her 2-year-old child watched. The force of the push was so violent that it caused the vulnerable woman to expel vaginal fluid. Despite the fact that this fluid could have been a sign of detriment to her unborn child, the officers attempted to book her into jail rather than bringing her to the hospital;
- b. After fatally choking a man in their custody in a case eerily similar to that of George Floyd. This was the second time in mere months that one of the deputies involved

was accused in a federal lawsuit of using excessive force. In fact, it has been reported that the officers involved have all had civil rights suits brought against them prior to this incident;

- c. For verbally and physically accosting female children in a mall parking lot as they attempted to leave. When the mother of one of the children asked why her 11-year-old was being arrested, she, too was forcibly thrown against the wall and arrested. The degree of force with which she was handled caused her pants to fall down in front of hundreds of onlookers.

D. In 2018, the Sheriff and his deputies were sued:

- a. For firing AR-15s and handguns into a vehicle moving out of a parking space, striking the driver and causing the vehicle to continue forward, eventually landing in a drainage canal. The plaintiff was in a coma for one week and in the hospital for four weeks. He has undergone numerous surgeries and now lives with bullet fragments in his face;
- b. For violently beating a man as he lay face-down on the ground with his arms handcuffed behind his back. The plaintiff lost consciousness during the encounter due to severe blows to his head. The blood pouring from his head wound was so voluminous that it puddled on the ground, soaked his clothes, and splattered onto a nearby vehicle;
- c. For the use of deadly force against a man when, without identifying themselves as police or any prior warning, they shot him in the back as he fled on foot. The victim suffered temporary paralysis, was restricted to a wheelchair for a long period of time, and is permanently disabled;
- d. For ramming a man with their police vehicle and then viciously beating, kicking, and stomping him as he lay on the ground already suffering catastrophic injury. In this suit, the plaintiff listed five other previous federal complaints against the deputies involved, but no disciplinary action or termination had resulted against them, despite the Sheriff's knowledge of their misconduct;
- e. For confiscating plaintiff's monetary property during a traffic stop and refusing to return the entire amount. When the plaintiff objected, a deputy choked and struck him repeatedly. They then arrested him and inexplicably brought him to his daughter's school so that she could see him in handcuffs;
- f. After deputies—including Defendant Deputy Parker— handled a citizen so aggressively that he suffered broken bones and torn ligaments in his ankle and hand.

E. In 2017, the Sheriff and his deputies were sued for the excessive force and detention of a 74-year-old tourist and doctor from Switzerland. The elderly man's head was forcefully pushed against the wall during his arrest. He was then caged and required to stand with his

arms handcuffed behind his back for hours, despite his age. He was later brought to jail where deputies refused him the right to call his embassy or consulate for assistance.

- F. This disturbing and upsetting list of lawsuits is sadly not exhaustive. There are numerous other lawsuits against Sheriff Lopinto and his deputies not listed herein.

27.

Alarming, at least 12 men and boys have died during an arrest or pursuit by the Jefferson Parish Sheriff's Office since 2015, according to an NBC News review of news articles and documents. All were Black or Latino. Three were under the age of 18.

28.

The above lawsuits show the killing of Mr. Reyes is not an outlier, but rather part of a continuing pattern, custom, and practice of JPSO under the direction and supervision of Sheriff Lopinto. Rather than address these issues, Sheriff Lopinto continues ignore them and attempt to cover up the truth.

29.

Despite JPSO being one of the state's largest and best resourced offices with its own crime lab, helicopter and a raft of military-grade equipment, including BearCat armored tanks, Sheriff Lopinto refuses to implement the use of body-worn cameras as a mechanism of transparency to the public and accountability for the actions of his deputies. In fact, Sheriff Lopinto's office is the largest state law enforcement agency not to utilize body-worn cameras. Sheriff Lopinto is on camera stating he has chosen not to wear body-cameras.

30.

Further, although many police departments and sheriff's offices across the state have memorandums of understanding with Louisiana State Police to investigate officer-involved

shootings, Sheriff Lopinto does not. He instead only allows himself to review officer-involved-shootings.

31.

Upon information and belief, Sheriff Lopinto has not changed his hiring, training, or supervision policies and their enforcement despite the numerous use of force complaints and lawsuits, including those listed in paragraph 26.

32.

Further, Sheriff Lopinto has a history of not properly disciplining or firing officers when they engage in illegal or improper conduct, including excessive use of force and improper deadly use of force.

33.

Defendant deputies' John Doe #1 and John Doe #2 extreme misconduct was a product of this environment and undertaken pursuant to de facto policies, practices, and/or customs—both written and unwritten—of the JPSO. Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 are guilty of the following wrongful acts, including but not limited to:

1. Failing to properly hire, supervise, and train JPSO deputies;
2. Failing to promulgate, train, and enforce an adequate and constitutional use of force policy;
3. Failing to promulgate, train, and enforce an adequate and constitutional lethal use of force policy;
4. Failing to promulgate, train, and enforce an adequate and constitutional de-escalation tactics;
5. Failing to promulgate, train, and enforce an adequate and constitutional non-discriminatory law enforcement practices to protect African-American citizens of Jefferson Parish;
6. Failing to reprimand and discipline JPSO deputies who engage in misconduct;

7. Failing to retrain and/or otherwise control JPSO deputies who engage in excessive force and/or unjustified shooting against civilians;
8. Failing to follow appropriate policies and procedures to address and correct repeated use of excessive force;
9. Failing and inadequately investigating complaints and allegations of excessive force and other misconduct by JPSO deputies;
10. Failing to retrain and otherwise control JPSO deputies who engage in excessive force and unjustified use of deadly force;
11. Tacitly approving of JPSO deputies using their power and position to interfere with other citizens' rights;
12. As a matter of both policy and practice Sheriff Lopinto facilitating this type of misconduct by failing to protect civilians from reckless indifference of Sheriff Lopinto's agents, servants, and employees in his sheriff's department; and
13. Failure to train, supervise, and discipline JPSO deputies regarding providing honest and accurate accounts of officer involved shootings to investigating authorities.

34.

As a direct result and proximate result of the conduct of Defendant deputies John Doe #1 and John Doe #2, Plaintiff has suffered and continue to suffer extraordinary damages, including loss of service, society, support, love and affection, emotional distress, and trauma, loss of the enjoyment of life, psychological harm, and pain and suffering, some of which may be permanent, as well as financial losses.

## CAUSES OF ACTION

### Count I Federal Constitutional Claims

**Plaintiff v. Defendant Lopinto in His Official Capacity, Defendant John Doe #3, and Defendant John Doe #4 in their Official and Individual Capacities, and John Doe #1 and John Doe #2 in Their Individual Capacities**

35.

The actions or in actions of Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4, John Doe #1, and John Doe #2 violated Mr. Reyes' rights under the Fourth and Fourteenth Amendments to be free from the unlawful use of force.

**Count II**  
**Federal Constitutional Claims**

**Plaintiff v. Defendant Lopinto, Defendant John Doe #3, and Defendant John Doe #4 in  
Their Official Capacity**

36.

The actions or inactions of Defendant Lopinto violated Mr. Reyes' Fourth and Fourteenth Amendments Rights to the U.S. Constitution, directly or proximately causing Plaintiff's injury and suffering due to Defendant Lopinto, Defendant John Doe #3, and Defendant John Doe #4's failure to train, supervise, and discipline Defendant deputies John Doe #1 and John Doe #2.

37.

The actions or inactions of Defendant Lopinto, Defendant John Doe #3, and Defendant John Doe #4 violated Mr. Reyes' Fourth and Fourteenth Amendments Rights to the U.S. Constitution, directly or proximately causing Plaintiffs' injury and suffering by creations of or failure to correct unconstitutional policies, practices, patterns, and/or customs.

38.

Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 permitted, encouraged, tolerated, and knowingly acquiesced in an official pattern, practice or custom of JPSO Deputies, including JPSO Defendant Deputies, of violating the constitutional rights of the public at large, including Mr. Reyes and the Plaintiffs.

39.

Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 had been put on notice of the need for policy and training in the use of excessive force and race-based policing due to the numerous past injuries and deaths of persons in JPSO custody.

40.

The actions of the JPSO Defendant deputies as described herein, were unjustified, unreasonable, unconstitutional, excessive and grossly disproportionate to the actions of Mr. Reyes, if any, and constituted an unreasonable seizure effectuated through the use of excessive force and a deprivation of Plaintiffs' constitutional rights secured to them by the Fourth and Fourteenth Amendments of the United States Constitution.

41.

The actions of the JPSO Defendant deputies as described herein were in direct violation of the constitution, law and regulations of the United States and the State of Louisiana.

42.

Sheriff Lopinto condoned, approved, ratified, facilitated and knowingly acquiesced in the actions of the Defendant deputies described herein by failing to properly investigate, discipline and hold accountable the Defendant deputies for their actions.

43.

The violations of Plaintiff's constitutional rights under the Fourth and Fourteenth Amendments to the U.S. Constitution, Plaintiffs' damages, and/or the conduct of the individual Defendants were directly and proximately caused by the actions and/or inactions of Defendant Lopinto, Defendant John Doe #3, and Defendant John Doe #4 who have encouraged, tolerated, ratified, and has been deliberately indifferent to the following policies, patterns, practices, and

customs, and to the need for more or different training, supervision, investigation, or discipline in the areas of (wherein the terms “officers” and “deputies” may be used interchangeably):

- a. Use of force by police officers;
- b. Police officers’ duties and responsibilities to engage in proper de-escalation techniques;
- c. The proper exercise of police powers, including not limited to the making of an arrest and the use of deadly force;
- d. Officers’ duties not to un-necessarily draw their firearms against citizens;
- e. Officers’ duties not to un-necessarily use deadly force;
- f. Non-race-based policing and use of force;
- g. The monitoring of officers whom it knew or should have known were suffering from emotional and/or psychological problems that impaired their ability to function as officers;
- h. The failure to identify and take remedial or disciplinary action against officers who were the subject of prior civilian or internal complaints of misconduct;
- i. Failing to retrain and/or otherwise control officers who engage in excessive force and/or unjustified shooting against civilians;
- j. Failing to follow appropriate policies and procedures to address and correct repeated use of excessive force;
- k. The hiring and retention of officers who are unqualified for their employment positions;
- l. Failure to require, discipline, and supervise their deputies/officers for not reporting illegal, impermissible, improper, or any other conduct of other deputies/officers that is unbecoming of an officer or violates department policies and protocols;
- m. Officers’ use of their status as officers to employ the use of force or to achieve ends not reasonably related to their law enforcement duties;
- n. The failure of officers to follow established policies, procedures, directive, and instructions regarding arrests, use of force, and institution of criminal charges under such circumstances as presented by this case;
- o. The failure to properly sanction or discipline deputies who are aware of and conceal and/or aid and abet violations of constitutional rights of citizens by other deputies/officers;

- p. As a matter of both policy and practice, Defendants Lopinto facilitating this type of misconduct by failing to protect civilians from reckless indifference or their departments' agents, servants, and employees.

44.

Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 were on actual or constructive notice of the deficiencies with the policies, practices and customs of their departments that make deputy/officer misconduct a foreseeable consequence.

45.

Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 knew, must have known, or should have known that the above- referenced policies, practices, and/or customs, would likely lead to serious injury or death to citizens and that such injuries were foreseeable; yet, disregarded that risk.

46.

The aforementioned policies, practices and customs were inadequate in relation to the specific tasks their deputies/officers must routinely perform and with respect to activities where there is an obvious need for proper policies, practices and customs and therefore, illustrated its deliberate indifference and/or reckless disregard to the consequences of officer misconduct.

47.

Sheriff Lopinto's above referenced policies, practices and/or customs violated the Plaintiff's constitutional rights; and said policies, practices and/or customs were the moving force behind and proximate cause of said violations.

48.

Sheriff Lopinto's above referenced policies, practices and/or customs demonstrated a deliberate indifference to the constitutional rights of the public, including the Plaintiff's, and was

the proximate cause of the injuries and damages sustained by the Plaintiff, and evidenced a reckless or callous indifference to the federally protected rights of the Plaintiff.

49.

By failing to recognize or correct the deficiencies with their policies, practices and customs, Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 consciously disregarded the known and foreseeable consequences thereof.

50.

Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4's deliberately indifferent policies, practices and customs were the moving force behind Mr. Reyes' injuries and the deprivation of his constitutional rights, and those of the Plaintiff.

51.

There is a direct causal link between the policies, practices and customs and the injuries to Mr. Reyes' and the deprivation of his constitutional rights, and those of the Plaintiff.

52.

As a direct and proximate result of the foregoing policies, practices and customs of Sheriff Lopinto, Defendant John Doe #3, and Defendant John Doe #4 the violation of the constitutional rights of the public by JPSO deputies and WPD officers was substantially certain to occur.

**Count III**  
**State Law: Wrongful Death Claim**

**Plaintiff v. All Defendants**

53.

Plaintiff, Serella Rowland, is the surviving parent of the deceased, Modesto Reyes, who seeks to recover for the damages she sustained as a result of the death his due to the fault of Defendants.

54.

The deceased, Modesto Reyes, left no surviving wife or children.

55.

Plaintiff alleges that Defendant deputies John Doe #1 and John Doe #2 are responsible and liable for the damages and injuries Plaintiff has suffered as a result of said Defendants' actions and/or inactions pursuant to Louisiana Code of Civil Procedure Article 2315, which provides that "[e]very act whatever of man that causes damage to another obliges him by whose fault it happened to repair it"; Article 2316, which provides that "[e]very person is responsible for the damage he occasions not merely by his act, but by his negligence, his imprudence, or his want of skill"; and Article 2317, which provides that "[w]e are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, or of the things which we have in our custody."

56.

Plaintiff alleges that Defendant Lopinto is responsible and liable for the damages and injuries Plaintiffs have suffered as a result of Defendants deputies John Doe #1 and John Doe #2's actions and/or inactions pursuant to Louisiana Code of Civil Procedure Article 2315, which provides that "[e]very act whatever of man that causes damage to another obliges him by whose fault it happened to repair it"; Article 2316, which provides that "[e]very person is responsible for the damage he occasions not merely by his act, but by his negligence, his imprudence, or his want of skill"; Article 2317, which provides that "[w]e are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, or of the things which we have in our custody"; and Article 2320, which provides that "[m]asters and employers are answerable for the damage occasioned by their servants and

overseers, in the exercise of the functions in which they are employed...responsibility only attaches, when the masters or employers...might have prevented the act which caused the damage, and have not done it.”

**Count IV**  
**State Law: Loss of Consortium**

**Plaintiff v. All Defendants**

57.

According to Mr. Reyes’ family, “He was always smiling, joking and being a helper. He wanted everybody to be happy all of the time.”

58.

Defendants are liable to Plaintiff, Serella Rowland, pursuant to La. C.C. art. 2315(B) and 42 U.S.C. § 1983 for loss of service, society, support, love and affection arising out of the injuries occasioned by the acts and/or omissions of the Defendants herein.

**Count V: State Claim of Direct Action Against an Insurer,  
Pursuant to LA R.S. § 22:1269**

59.

At all applicable times, Defendant ABC Insurance Company, afforded liability insurance coverage to defendants Gautreaux and/or other defendants. Accordingly, ABC Insurance Company is liable to the plaintiffs for the intentional and/or negligent acts of the other defendants.

**JURY TRIAL DEMAND**

60.

The Plaintiff requests a trial by jury.

**PRAYER FOR RELIEF**

61.

The Plaintiff respectfully requests:

- a. Compensatory damages as to all Defendants;
- b. Special Damages as to all Defendants;
- c. Punitive damages as to all defendants sued in their individual capacity;
- d. Reasonable attorneys' fees and costs as to all Defendants; and
- e. Such other and further relief as may appear just and appropriate.

**WHEREFORE**, Plaintiff, Serella Rowland, prays that a copy of this Complaint with Jury Demand is served upon all of the Defendants named herein; that after all due proceedings, this Court render a judgment in favor of Plaintiff and against all Defendants named herein jointly and severally liable to Plaintiff for the aforementioned causes of action; that this Court award to Plaintiff all permissible damages recoverable from the Defendants, including general, special, compensatory, punitive, and any other damages deemed appropriate, in an amount to be determined at trial; that this Court permit recovery of reasonable attorney's fees and costs in an amount to be determined by this honorable Court; and that this Court grant any additional relief that this honorable Court deems appropriate under the circumstances.

Respectfully submitted,

*/s/ Christopher J. Murell*  
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