

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

ERNEST TAYLOR,

Case No. _____

Plaintiff;

v.

**THE CITY OF BATON ROUGE; and
D. DEWAYNE WHITE, Chief of Police;
CARL DABADIE, JR., Chief of Police;
MARY E. ROPER, Parish Attorney;
LISA FREEMAN, City Prosecutor;
PATRICK WENNEMANN, Police Officer;
JAMES THOMAS, Police Officer;
JANE DOE, Police Officer;
ALL IN THEIR INDIVIDUAL AND
OFFICIAL CAPACITIES**

Defendants.

VERIFIED COMPLAINT AND REQUEST FOR JURY TRIAL

1. Plaintiff, Ernest Taylor, through undersigned counsel, submits this complaint against Defendants The City of Baton Rouge; former Baton Rouge Chief of Police Donald Dewayne White; current Baton Rouge Chief of Police Carl Dabadie, Jr.; East Baton Rouge Parish Attorney Mary Roper; Baton Rouge City Prosecutor Lisa Freeman; Baton Rouge Police Officer Patrick Wennemann; Baton Rouge Police Officer James Thomas, and a female Baton Rouge Police Officer, referred to as Jane Doe. Through this action Plaintiff seeks equitable, declaratory, and injunctive relief, along with monetary damages from The City of Baton Rouge, its policymakers, and its police officers for abrogating Plaintiff's Constitutional rights through the enforcement of Section 13:95.3 of the Baton Rouge Code of Ordinances. Plaintiff asserts that the enforcement of §13:95.3 constitutes an unlawful exercise of unfettered discretion in contravention of Plaintiff's rights under the United States Constitution and Louisiana law.

JURISDICTION AND VENUE

2. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, 2201, and 2202. This action is also brought pursuant to 42 U.S.C. §§ 1983 and 1988 alleging violations of Plaintiff's Second, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Venue is proper in the Middle District of Louisiana pursuant to 28 U.S.C. §1391

3. This Court also has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. §1367, including, but not limited to, claims asserted pursuant to Louisiana Civil Code Articles 2315 and 2320, and for violations of Article 1, Sections 2, 3, 4, 5, and 11 of the Louisiana Constitution.

PARTIES

Plaintiff

4. Plaintiff Ernest Taylor ("Taylor") is a resident and domiciliary of The City of Baton Rouge, East Baton Rouge Parish, Louisiana, and is a citizen of the United States of America and the State of Louisiana.

Defendants

5. Defendant The City of Baton Rouge ("City") is a municipality and political subdivision of the State of Louisiana. For purposes of this complaint, references to the City include both the City of Baton Rouge and the Parish of East Baton Rouge, as appropriate. Reference to departments or subdivisions within the City such as "Baton Rouge City Police" include the City, and the individuals acting within the department or subdivision. The City may be served through its agent, Mayor-President Melvin "Kip" Holden, 222 St. Louis Street, 3rd Floor, City Hall.

6. Defendant Donald Dewayne White (“White”) is the former Baton Rouge Chief of Police and is being sued both in his individual capacity, and in his official capacity as a former policymaker for the City. White is a resident of Baton Rouge and may be served at his home address.

7. Defendant Carl Dabadie, Jr. (“Dabadie”) is the current Baton Rouge Chief of Police, and is sued both in his individual capacity, and in his official capacity as a policymaker for the City. Dabadie may be served through his agent, Mayor-President Melvin “Kip” Holden, 222 St. Louis Street, 3rd Floor, City Hall.

8. Defendant Mary E. Roper (“Roper”) is the East Baton Rouge Parish Attorney, and is sued in both her individual capacity, and in her official capacity as a policymaker for the City. Roper may be served through her agent, Mayor-President Melvin “Kip” Holden, 222 St. Louis Street, 3rd Floor, City Hall.

9. Defendant Lisa Freeman (“Freeman”) is the Baton Rouge City Prosecutor, and is sued both in her individual capacity, and in her official capacity as a policymaker for the City. Freeman may be served through her agent, Mayor-President Melvin “Kip” Holden, 222 St. Louis Street, 3rd Floor, City Hall.

10. Defendant Patrick Wennemann (“Wennemann”) is a corporal in the Baton Rouge Police Department, and is sued both in his individual capacity, and in his official capacity as a police officer for the City. Wennemann may be served at the Baton Rouge Police Department, 704 Mayflower Street, Baton Rouge, LA 70802.

11. Defendant James Thomas (“Thomas”) is an officer with the Baton Rouge Police Department, and is sued both in his individual capacity, and in his official capacity as a police officer for the City. Thomas may be served at the Baton Rouge Police Department, 704

Mayflower Street, Baton Rouge, LA 70802.

12. Officer Jane Doe is an officer of the Baton Rouge Police Department who was accompanying either officer Thomas or Wennemann in his police cruiser during the early morning hours of October 13, 2013. Officer Doe is being sued both in her individual capacity and in her official capacity as a Baton Rouge Police Officer.

FACTS

13. Each of the foregoing paragraphs is incorporated as if fully set forth herein.

The Events of October 13, 2012

14. On October 13, 2012, at approximately 1:35 A.M., Officers Thomas, Wennemann and Doe were traveling in marked Baton Rouge Police Department patrol vehicles near the 4000 Block of Plank Road in Baton Rouge. Officer Doe, as an officer in training, was accompanying Officer Wennemann in his vehicle.

15. At or around the same time, Plaintiff Ernest Taylor was in his vehicle, a gray Cadillac Brougham, leaving the parking lot of a Dollar General located across the street from Romeo's Lounge on Plank Road in Baton Rouge. Taylor had parked his vehicle in that location prior to entering Romeo's earlier that evening.

16. After purportedly observing Taylor's vehicle in motion without its headlights engaged, Officer Thomas activated his patrol vehicles' lights and sirens for the purpose of initiating a traffic stop.

17. Plaintiff complied with Officer Thomas' request by pulling his vehicle onto the shoulder of the road. The marked police vehicle pulled up behind Taylor's Cadillac, and Officer Thomas exited.

18. Both the Cadillac operated by Taylor and the patrol vehicle operated by Officer

Thomas were pulled onto the shoulder of the road near the intersection of Plank Road and Sherwood Street.

19. Taylor opened the door to his vehicle, exited, and waited at the rear of his vehicle to converse with Officer Thomas.

20. After exiting their vehicles, Officer Thomas engaged in conversation with Taylor near the rear of Taylor's Cadillac, and Officers Wennemann and Doe arrived on the scene and began investigating Taylor's vehicle.

21. Officer Thomas told Taylor that while they had observed him engage his headlights before being pulled over, they were going to proceed with a routine check of his vehicle. After placing Taylor in Handcuffs, Officer Thomas asked Taylor to walk to the back of his police cruiser, representing that it was for Taylor's safety as well as his own, and that Taylor was not being placed under arrest.

22. Taylor informed Officer Thomas at this time that he had two rifles located inside of his car., and that the paperwork showing that he possessed the guns legally was located in the glove compartment of his vehicle. See Documentation, attached as Exhibit C.

23. At approximately the same time, Officer Wenneman, having identified two long-barrel guns – a HiPoint 9mm and a Squires Bingham .22 caliber - resting in plain view on the inside of Taylor's vehicle, shouted "Gun!"

24. At this point – without having first placed Taylor under arrest – Officer Thomas grabbed Taylor's arm to force him onto the hood of his police cruiser. Taylor resisted, backing away and indicating that was cooperating and that force was unnecessary. Officers Thomas and Wennemann then overpowered Taylor using physical force, and forcibly restrained him in the back seat of Thomas' police cruiser.

25. While Taylor was subdued and handcuffed on the hood of Thomas' police cruiser, Wenneman said to Taylor, "When a motherf---ing officer tells you to move, you better f---ing move." Taylor responded that he had been walking and cooperating, and that there was no need to use force.

26. Taylor had been stopped by other police officers on previous occasions while operating his vehicle with his guns on the inside in plain view. On these occasions the police officers had indicated that they would take pictures of the guns, and perform a check to ensure that Taylor was in legal possession. Taylor's guns had never previously been seized.

27. Prior to being placed in the backseat of Thomas' vehicle, Taylor explained to Officers Thomas, Wennemann, and Doe his understanding that he was allowed to carry the guns inside of his vehicle.

28. Officers Thomas, Wennemann, and/or Doe responded that there was a "new law" that made it illegal for anyone to possess a firearm in the parking lot of an establishment that sold alcohol, and that he was therefore being arrested, and his guns were being seized and taken into police custody.

29. Only after restraining Taylor in Officer Thomas' police cruiser, and after Officers Thomas and Wennemann seized and performed an inspection of the guns that had been located in plain sight inside Taylor's vehicle, did the officers place Taylor under arrest.

30. Taylor was arrested for Possession of a Firearm Where Alcohol Is Being Sold (in violation of Baton Rouge Code §13:95.3); Resisting An Officer (in violation of Baton Rouge Code §13:108), and for violation of Baton Rouge Code §11:283 (requiring a motor vehicle operator to "dim the lights to the lowermost distribution of light when approaching an oncoming vehicle within five hundred (500) feet, or when following another vehicle within two hundred

(200) feet to the rear”). *See* Baton Rouge Police Department Incident Report, attached hereto as Exhibit A.

31. After arresting Taylor, Officers Thomas, Wennemann, and Doe purportedly performed a warrants check identifying that Taylor had an outstanding misdemeanor warrant. Upon this basis, Taylor was then also charged with violating La. C. Cr. P. 575 (which does not criminalize any conduct, only provides procedural exceptions to the time limitations appearing in La. C. Cr. P. 572). *Id.*

32. Taylor did not violate any of the legal provisions cited on the incident report filed by Officers Thomas and Wennemann. The presence of Officer Doe is mentioned nowhere in the report, and its author is unknown. A copy of the text of all legal provisions cited in the report are attached hereto as Exhibit B.

33. Taylor was brought to East Baton Rouge Parish Prison, where he remained until bail was posted on his behalf.

34. Upon searching the trunk of Taylor’s vehicle – without receiving Taylor’s permission - Officers Thomas, Wennemann, and Doe also located a third gun – A Yugo 59/66 SKS-type rifle – which they also seized. All three of Taylor’s guns were confiscated by Thomas, Wennemann and Doe, and retained by the Baton Rouge Police Department as evidence of Taylor’s violation of §13:95.3.

35. Despite repeated amicable requests by counsel on behalf of Taylor for their return, Taylor’s guns remain in the custody of the City and/or the Baton Rouge Police Department.

36. At the time of the incidents described above, Taylor owned and was in lawful possession of the three guns seized by Officers Thomas, Wennemann, and Doe.

37. Taylor has never been convicted of a felony.

38. The guns confiscated by Thomas, Wennemann, and Doe had not been brought into any establishment serving or selling alcohol, and Taylor never entered any establishment that served or sold alcohol with guns in his possession.

39. After his arrest and release from prison, Taylor filed a complaint with the Baton Rouge City Police Department of Internal Affairs. Taylor has not received any notice regarding the status of his complaint.

Organization and Policymaking of The City of Baton Rouge

40. At all times pertinent hereto, defendants acted under color of law pursuant to statutes, ordinances, regulations, policies, customs, practices, and usage of the State of Louisiana and/or the City of Baton Rouge.

41. The Chief of the Baton Rouge Police Department possesses the authority to direct and control the powers exercised by the officers of the Baton Rouge Police Department pursuant to Baton Rouge City Ordinance Sec. 4:51. With respect to the discharge of their duties, officers of the Baton Rouge Police Department are required to “obey absolutely” the orders and directions of the Chief of Police pursuant to Baton Rouge City Ordinance Sec. 4:55.

42. Section 6.02 of the City’s Plan of Government provides that the Chief of Police shall be in direct command of the Police Department, and shall have the power to appoint and remove officers and employees of the department, assign members of the department to their respective posts, and to make rules and regulations concerning the operation of the department, the conduct of its officers and employees, along with matters relating to equipment, training, and discipline.

43. Baton Rouge Code of Ordinances Sec. 4:50 also vests responsibility with the

Baton Rouge Police Department to preserve the rights of Baton Rouge citizens with respect to their persons and property, and to uphold the laws of the State of Louisiana.

44. Donald Dewayne White served as Baton Rouge Chief of Police from May 27, 2011 until on or about February 16, 2013 when he was replaced by Carl Dabadie, Jr. Dabadie currently still holds the position.

45. Section 11.01 of the City's Plan of Government provides for the appointment of a Parish Attorney who is to serve as the legal advisor for the City and all of its departments, offices and agencies, and is charged with furnishing opinions regarding questions of law involving the powers and duties of City officials. The Parish Attorney is authorized to appoint Assistant Parish Attorneys, at least one of whom is to be dedicated to the prosecution of ordinance violations. The Parish Attorney may delegate her duty to prosecute all ordinance violations in the City Court to an Assistant Parish Attorney, or City Prosecutor.

46. At all times relevant to the present action up to and including the present, defendant Mary Roper served as the Parish Attorney for the City of Baton Rouge and Lisa Freeman served as Chief City Prosecutor with the primary responsibility for prosecuting ordinance violations in Baton Rouge City Court.

Development and Status of the Contours of Federal and State Law

47. On December 15, 1791 the Second Amendment to the United States Constitution came into effect after having been ratified by three-fourths of the States. The Second Amendment provides, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The amendment did not create a right that was dependent upon the Constitution for its existence, but rather only gave Constitutional protection to a fundamental individual right that preexisted the Constitution's

enactment. *See District of Columbia v. Heller*, 554 U.S. 591 (2008).

48. On July 23, 1879, the Louisiana Constitutional Convention adopted the Louisiana Constitution of 1879. Article 3 of the Constitution largely adopted the language of the federal government's Second Amendment: "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed." Earlier versions of the Louisiana Constitution had provided that "free white men of the state shall be armed and disciplined for its defense." *See e.g.*, Louisiana Constitution of 1812, Article III, §22.

49. In 1951, the City enacted the 1951 Baton Rouge City Code which criminalized certain conduct. In particular, Title 13, §83, with certain limited exceptions, made it illegal for individuals to possess firearms or any other "instrumentality customarily used or intended for probable use as a dangerous weapon, in any premises where alcoholic beverages are sold and/or consumed on the premises." Subsection (b) of the ordinance provided that police officers "shall confiscate" any firearm or other weapon found on any person "in any place where alcoholic beverages are sold or consumed on the premises." Subsection (c) of the ordinance also provided that "[t]he phrase, '...premises where alcoholic beverages are sold and/or consumed on the premises' shall include all of the licensed premises, including the parking lot." By its clear and unambiguous language, the ordinance forbid possession of any weapon (not just a firearm), on the premises of any establishment that either sold or permitted consumption of alcoholic beverages – even where the weapon was located inside a parked vehicle outside the establishment.

50. In 1962 the City enacted the 1962 East Baton Rouge Parish Code, which reenacted Title 13, §83 of the 1951 Baton Rouge City Code, redesignating it as Title 13, §205.

51. The ordinance first appearing as Title 13, §83 in the 1951 Baton Rouge City Code still exists and has not been amended. It appears in the current version of the Code of Ordinances of the City of Baton Rouge as Title 13, Section 95.3 (“the ordinance”).

52. On April 20, 1974, Louisiana Voters ratified the 1974 Louisiana Constitution, which became effective January 1, 1975. Article I, Section 11 of the 1974 Constitution made clear that the right to keep and bear arms was one granted to individual citizens: “The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.”

53. On January 12, 1979, the Louisiana Supreme Court stated unequivocally that the 1974 Constitution guaranteed to each citizen the right to keep and bear arms. Confronted with a situation in which an individual was arrested for possessing firearms in the parking lot of a drug store, the Court stated: “The carrying of an unconcealed weapon is not a special privilege or advantage enjoyed by a police officer. Each citizen is guaranteed the right to keep and bear arms not concealed on his person.” *State v. Nelson*, 367 So. 2d 317, 318 (La. 1979).

54. On October 9, 1984, the Louisiana First Circuit Court of Appeal struck down Louisiana Revised Statute §56:330 (forbidding possession of firearms while frog hunting) as being in direct conflict with Louisiana Constitution Article I, §11. The court determined that a prohibition against possessing a firearm while engaged in certain acts bore no rational relationship to any legitimate state interest. The court also stated that the statute presented a “clear illustration” of the reason for recognizing a broad right of citizens to keep and bear arms – an individual capturing game at night “could be attacked” and “needs to protect himself.” *State v. Chaisson*, 457 So.2d 1257 (La.App. 1 Cir. 1984)

55. On December 28, 1984, the Louisiana First Circuit Court of Appeal determined

that reliance upon subsection (b) of the Baton Rouge Code Sec. 13:95.3 (the ordinance), when applied to individuals who were located on the “premises”, but not actually inside the establishment that served or sold alcoholic beverages, violated the individual’s rights under the Fourth and Fourteenth Amendments to the United States Constitution. *State v. Garrett*, 461 So.2d 651 (La.App. 1 Cir. 1984).

56. Shortly thereafter, in 1985, the Louisiana Legislature passed Act. No. 765, enacting Louisiana Revised Statute 14:95.5, which applied similar restrictions to the possession of firearms as §13:95.3, but in a much narrower set of circumstances. Specifically, La. R.S. §14:95.5 limited its application to “firearms” in the possession of persons on the premises of “commercial establishments in which alcoholic beverages ... are sold in individual servings for consumption on the premises” and contained no provision that would include areas outside the establishment, such as the parking lot, in the definition of “premises.” Thus §14:95.5 applied only to possession of firearms (not all “instrumentalities customarily used or intended to be used as a weapon”) and only where alcohol was sold for consumption on the premises (not where alcohol was “sold and/or consumed”), and the statute did not include parking lots in the definition of “premises.”

57. On March 12, 1986, the City enacted Ordinance No. 8118, containing Title 13, §95.4, which reproduced verbatim the more narrowly tailored provisions appearing in La. R.S. §14:95.5, and which currently still appears in the City’s Code of Ordinances, under the same title and section.

58. On June 26, 2008, the United States Supreme Court issued its decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008), wherein it confirmed that, like Article I, Section 11 of Louisiana’s Constitution, the Second Amendment to the United States Constitution protects an

individual's right to possess firearms.

59. On April 4, 2008, the United States District Court for the Western District of Louisiana determined that an officer's search for and seizure of firearms from an individual who was in lawful possession constituted a violation of the U.S. Constitution's Fourth and Fourteenth Amendment's protection against unwarranted searches and seizures sufficient to sustain a cause of action under 42 U.S.C. §1983. *Club Retro, L.L.C. v. Hilton*, 2008 U.S. Dist. LEXIS 35231, 39 (W.D. La. 2008).

60. On July 2, 2008, Louisiana Governor Bobby Jindal signed into law Act 684, codified at La. R.S. 32:292.1, titled "Transportation and Storage of Firearms in Privately Owned Motor Vehicles." §32:292.1 explicitly provides that "a person who lawfully possesses a firearm may transport or store such firearm in a locked, privately-owned motor vehicle in any parking lot, parking garage, or other designated parking area."

61. On May 6, 2009 the United States Court of Appeals for the Fifth Circuit upheld the district court's decision in the *Club Retro LLC* case identified in ¶36. The Fifth Circuit stated that the defendant police actors had "wisely conceded" at oral argument that the searches, seizures, and arrests made pursuant to gun possession charges "violated clearly established constitutional rights of which a reasonable person would have known." *Club Retro LLC v. Hilton*, 568 F.3d 181, 203, n.17 (5th Cir. 2009).

62. On March 2, 2010, the United States Supreme Court reaffirmed its earlier decision in *Heller*, and determined that "it is clear" that the provisions of the Second Amendment to the United States Constitution are fully applicable to the States by virtue of the Fourteenth Amendment. *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010).

63. On November 6, 2012 the citizens of the State of Louisiana voted to further

buttress the protections provided by the State's Constitution with respect to the right of its citizens to keep and bear arms. In its current form, Art. 1, §11 provides: "The right of each citizen to keep and bear arms is fundamental and shall not be infringed. Any restriction on this right shall be subject to strict scrutiny." The provision became effective December 10, 2012.

64. As shown above, the particular contours of a Louisiana citizen's right to keep and bear arms were sufficiently defined at least as of 1985, after it had been determined restrictions on an individual's right to keep and bear arms, such as those present in Baton Rouge Code of Ordinances §13:95.3, violated both the Louisiana and United States Constitutions. Subsequent developments repeatedly reinforced the fundamental nature and high level of protection afforded by both state and federal law to a citizen's right to keep and bear arms, making any infringement upon this right by a government actor cloaked in the color of law patently unreasonable.

Defendants' Wrongful Conduct

65. Defendants were charged at all relevant times with the knowledge of the law as it existed with respect to Taylor's rights under the Constitutions of the United States and Louisiana.

66. Through the enforcement of §13:95.3 and the prosecution of individuals alleged to have violated its provisions, defendants created and/or maintained a policy whereby they would enjoy virtually unfettered discretion to deprive individuals of their constitutionally protected right to keep and bear arms through unwarranted seizures of their personal property.

67. Defendants White and Dabadie have/had a policy of directing and/or permitting the police officers under their command to utilize §13:95.3 as a means to confiscate weapons that were being lawfully possessed, and for which they lacked any authority to seize.

68. Through training programs controlled, instituted and/or maintained by White and

Dabadie, Baton Rouge City Police officers are/were instructed to enforce §13:95.3 in situations where it would violate an individual's rights under the United States and Louisiana Constitutions.

69. Defendants White and Dabadie had a policy of refusing to return firearms that had been seized by them under color of law, but with no legal authority, despite requests for their return.

70. Defendants White and Dabadie knew or should have known that §13:95.3 violates the U.S. Constitution and the Louisiana Constitution both on its face, and as it is being applied.

71. The East Baton Rouge Parish Sheriff's Department and Louisiana State Police have jurisdiction to exercise the same authority as the Baton Rouge City Police with respect to the enforcement of provisions of Louisiana law. Neither the Sheriff's Department nor the Louisiana State Police have ever had a policy of enforcing Baton Rouge Code §13:95.3, as they are not charged with the enforcement of municipal ordinances. Thus, only those individuals encountering a Baton Rouge City Police officer were subject to losing firearms located inside their vehicle solely because they were in the parking lot of an establishment that sold alcohol.

72. In October of 2011, Police Chief Dewayne White candidly stated that at least 10 percent of the Baton Rouge City Police force had a problem with "racial profiling."

73. On information and belief, the decision of the City and its policymakers to actively enforce and prosecute violations of §13:95.3 in conjunction with the admitted practice of profiling individuals on the basis of their race has resulted in use of the ordinance primarily against minorities such as Plaintiff.

74. On the evening of October 13, 2012 Officers Thomas and Wennemann were training Officer Doe regarding the procedures utilized by the Baton Rouge City Police in high

crime areas populated primarily by African-Americans.

75. Defendants Thomas, Wennemann, and Doe used §13:95.3 as a means of harassing and intimidating individuals, including Plaintiff, by depriving them of their firearms in situations where they were exercising lawful possession, and where there existed no legal authority under which the firearm could be seized.

76. Defendants Thomas, Wennemann, and Doe knew or should have known that §13:95.3 violated the U.S. Constitution and the Louisiana Constitution both on its face, and as it was being applied by them in the field.

77. Defendants Roper and Freeman have a policy of prosecuting individuals, like plaintiff, cited with violating §13:95.3 despite the fact that the individuals were exercising lawful and peaceful possession of their firearms in compliance with State and Federal law.

78. Defendants Roper and Freeman have a policy of refusing requests for the return of firearms that had been seized from individuals lawfully exercising their rights under the United States and Louisiana Constitutions, notwithstanding the lack of any legal authority to do so.

79. Defendants Roper and Freeman prosecute individuals under the color of law through §13:95.3 with the knowledge that the ordinance violates the United States Constitution and the Louisiana Constitution both on its face, and as they are applying it.

80. Through the continued existence, enforcement, and prosecution of §13:95.3, the City of Baton Rouge and its individual actors repeatedly and systematically deprived citizens of the State of Louisiana and the United States of America of their constitutional rights under the color of law. The city and its actors created and implemented a plan or policy which gave them virtually unfettered discretion to detain individuals, seize their firearms, and place them under

arrest for conduct which was protected by the Louisiana and U.S. Constitutions. The City and its actors knew that they lacked any legal authority to enforce or prosecute violations of §13:95.3 in such a manner, and that doing so would deprive citizens of their constitutionally protected rights. Despite this fact, Defendants' unwarranted, unconstitutional, and illegal acts continue to this day.

Only This Court Can Provide Adequate Relief

81. Neither the criminal proceedings currently pending against Taylor in Baton Rouge City Court, nor the laws of Louisiana in general, provide Taylor with adequate means of recourse for the deprivation of his constitutionally protected rights.

82. The criminal proceedings currently pending in Baton Rouge City Court against Taylor are clearly an inadequate means to adjudicate Taylor's rights under the United States and Louisiana Constitutions, as the court lacks jurisdiction over any "case in which the plaintiff asserts civil or political rights under the federal or state constitutions." La. C.C.P. Art. 4847(3).

83. In addition, Baton Rouge City Court lacks jurisdiction over any "case in which the state, or a parish, municipal, or other political corporation is a defendant..." La. C.C.P. Art. 4847(3).

84. Furthermore, Baton Rouge City Court's jurisdiction extends only to controversies where the amount in dispute does not exceed thirty-five thousand dollars (\$35,000). La. C.C.P. Art. 4843(G). Plaintiff's damages exceed this amount.

85. In addition to the ongoing proceedings in Baton Rouge City Court, Louisiana law in general does not provide Plaintiff with sufficient recourse for the deprivation of his rights. For example, Louisiana law has no provision for an award of punitive damages when an individual has been deprived of his constitutional rights by someone acting under color of state law, whereas federal law provides for such damages.

86. In addition, while Federal Law provides for an award for reasonable attorney's fees where a party successfully vindicates his rights under 42 U.S.C. §1983 or related statutes, Louisiana law has no equivalent provision.

CLAIMS FOR INJUNCTIVE/DECLARATORY RELIEF AND DAMAGES

87. Each of the foregoing paragraphs is incorporated as if set forth fully herein.

COUNT 1

42 U.S.C. §1983 (2nd and 14th Amendments)

88. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right to keep and bear arms pursuant to the Second Amendment to the United States Constitution, made applicable to the State of Louisiana and its political subdivisions through the Fourteenth Amendment. The remaining defendants violated the Second Amendment through their enforcement and prosecution of the ordinance.

89. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under the Second Amendment to the United States Constitution.

90. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to a permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

91. As Plaintiff Ernest Taylor has been deprived of his right to keep and bear arms, guaranteed to him under the Second Amendment to the U.S. Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City and its actors to relinquish control

over the firearms taken from Plaintiff in October of 2012.

92. As Taylor has been deprived of his rights under the Second Amendment to the United States Constitution since October, 2012, and as he continues to suffer damages as a result of Defendants' unconstitutional acts, he is entitled to money damages pursuant to 42 U.S.C. §1983.

COUNT 2

42 U.S.C. §1983 (4th and 14th Amendments)

93. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right to be free from unreasonable searches and seizures pursuant to the Fourth Amendment to the United States Constitution, made applicable to the State of Louisiana and its political subdivisions through the Fourteenth Amendment. The remaining defendants violated the Fourth Amendment through their enforcement and prosecution of the ordinance.

94. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under the Fourth Amendment to the United States Constitution.

95. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to a permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

96. As Defendants have infringed upon Plaintiff Ernest Taylor's right to be free from unwarranted searches and seizures, guaranteed to him under the Fourth Amendment to the U.S. Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City

and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

97. As Defendants unconstitutionally seized property that Plaintiff lawfully possessed, which to date remains in their possession, and as Plaintiff continues to suffer damages as a result of Defendants' unconstitutional acts, he is entitled to money damages pursuant to 42 U.S.C. §1983.

COUNT 3

42 U.S.C. §1983 (5th and 14th Amendments)

98. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right against deprivation of liberty or property without due process of law pursuant to the Fifth Amendment to the United States Constitution, made applicable to the State of Louisiana and its political subdivisions through the Fourteenth Amendment. The remaining defendants violated the Fifth Amendment through their enforcement and prosecution of the ordinance.

99. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under the Fifth Amendment to the United States Constitution.

100. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

101. As Defendants have violated Taylor's right against deprivation of liberty or property without due process of law, guaranteed to him under the Fifth Amendment to the U.S. Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City

and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

102. As Taylor has been deprived of his rights under the Fifth Amendment to the United States Constitution since October, 2012, and as he continues to be deprived of his property without any legal basis, Plaintiff is entitled to money damages pursuant to 42 U.S.C. §1983.

COUNT 4

42 U.S.C. §1983 (14th Amendment – Equal Protection)

103. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right to equal protection of the laws, guaranteed by the Fourteenth Amendment to the United States Constitution. The remaining defendants violated the Fourteenth Amendment through their enforcement and prosecution of the ordinance.

104. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under the Fourteenth Amendment to the United States Constitution.

105. As §13:95.3 violates provisions of the Constitution of the United States, and as federal law is the supreme law of the land, Plaintiff is entitled to a permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

106. As Defendants have violated Taylor's guarantee of equal protection provided to him under the Fourteenth Amendment to the United States Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

107. As Taylor has been deprived of his rights under the Fourteenth Amendment to the United States Constitution since October, 2012, and as he continues to be deprived of his rights without any legal basis, Plaintiff is entitled to money damages pursuant to 42 U.S.C. §1983.

COUNT 5

Louisiana Constitution, Article I, § 2

108. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right against deprivation of liberty or property without due process of law pursuant to Article I, Section 2 of the Louisiana Constitution of 1974. The remaining defendants violated §2 through their enforcement and prosecution of the ordinance.

109. As §13:95.3 violates provisions of the Louisiana Constitution of the United States Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under Louisiana law.

110. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

111. As Defendants have violated Taylor's right against deprivation of liberty or property without due process of law, guaranteed to him under Article 1, §2 of the Louisiana Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

112. The deprivation of Taylor's rights under the Louisiana Constitution also entitles him to money damages

COUNT 6

Louisiana Constitution Article I, § 3

113. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right to equal protection of the laws, guaranteed by Article I, Section 3 of the Louisiana Constitution of 1974. The remaining defendants violated §3 through their enforcement and prosecution of the ordinance.

114. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under Article I, Section 3 of the Louisiana Constitution.

115. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

116. As Defendants have violated Taylor's guarantee of equal protection provided to him under the Louisiana Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

117. The deprivation of Taylor's rights under the Louisiana Constitution also entitle him to money damages.

COUNT 7

Louisiana Constitution Article I, §§ 4,5

118. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right to be free from unreasonable searches and seizures pursuant to Article I, §§4 and 5 of the Louisiana Constitution of 1974. The

remaining defendants violated the same provisions through their enforcement and prosecution of the ordinance.

119. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in violation of the citizens' of Baton Rouge rights under the Louisiana Constitution.

120. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

121. As Defendants have infringed upon Plaintiff Ernest Taylor's right to be free from unwarranted searches and seizures, guaranteed to him under Article I, Sections 4 and 5 of the Louisiana Constitution of 1974, Plaintiff is entitled to injunctive relief in the form of an Order directing the City and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

122. The deprivation of Taylor's rights under the Louisiana Constitution also entitle him to money damages.

COUNT 8

Louisiana Constitution, Article I, §11

123. The City of Baton Rouge, through its enactment of Baton Rouge City Code §13:95.3 has infringed upon Taylor's and other citizens' right to keep and bear arms pursuant to Article I, Section 11 of the Louisiana Constitution of 1974. The remaining defendants violated §11 through their enforcement and prosecution of the ordinance.

124. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to declaratory relief in the form of an Order declaring the ordinance to be unconstitutional and in

violation of the citizens' of Baton Rouge rights under Article I, Section 11 of the Louisiana Constitution.

125. As §13:95.3 violates provisions of the Louisiana Constitution, Plaintiff is entitled to permanent injunctive relief prohibiting the City or its actors from enforcing the ordinance's provisions.

126. As Plaintiff Ernest Taylor has been deprived of his right to keep and bear arms, guaranteed to him under Article I, Section 11 of the Louisiana Constitution, Plaintiff is entitled to injunctive relief in the form of an Order directing the City and its actors to relinquish control over the firearms taken from Plaintiff in October of 2012.

127. The deprivation of Taylor's rights under the Louisiana Constitution also entitles him to money damages. .

COUNT 9

La. C.C. Art. 2315 and 2320

128. Louisiana Civil Code Article 2315 requires that every act of man that causes damage to another obliges him by whose fault it happened to repair it.

129. Defendants are obligated to make good the injuries they caused Plaintiff to suffer as a result of their illegal deprivation of Taylor's constitutional rights, liberty, and property.

130. Defendants White, Dabadie, and Roper may also be held liable by virtue of La. C.C. Art. 2320 for the actions of their subordinates where they might have prevented the acts that caused Plaintiff's injuries, but failed to do so.

DAMAGES

131. Each of the foregoing paragraphs is incorporated as if fully set forth herein.

132. Plaintiff continues to suffer damages as a result of being deprived of substantial

fundamental rights guaranteed to him under the Constitutions of the United States and Louisiana. His property is currently being withheld by the City of Baton Rouge without legal justification.

133. As a result of the events of October 13, 2012, Plaintiff Ernest Taylor has suffered and continues to suffer from damages including, but not limited to the following:

- (a) Conscious physical pain and suffering in the past;
- (b) Conscious physical pain and suffering likely to be experienced in the future;
- (c) Mental anguish in the past;
- (d) Mental anguish likely to be experienced in the future;
- (e) Loss of earnings;

134. Plaintiff also seeks punitive damages against all defendants for the knowing and willful deprivation of Plaintiff's constitutional rights.

135. Plaintiff further seeks an award of reasonable attorney's fees pursuant to 42 U.S.C. §1988, and any other applicable statute which provides for the award of reasonable attorney's fees in actions vindicating an individual's constitutional rights.

PRAYER

WHEREFORE Plaintiff Ernest Taylor prays that upon final determination of these causes of action Plaintiff receives a judgment against Defendants The City of Baton Rouge; former Baton Rouge Chief of Police Donald Dewayne White; current Baton Rouge Chief of Police Carl Dabadie, Jr.; East Baton Rouge Parish Attorney Mary Roper; Baton Rouge City Prosecutor Lisa Freeman; Baton Rouge Police Officer Patrick Wennemann; and Baton Rouge Police Officer James Thomas as follows:

- (a) Declaring Baton Rouge Code of Ordinances Section 13:95.3 to be in violation of the United States and/or Louisiana Constitutions;

- (b) Enjoining Defendants from further enforcement or prosecution of §13:.95.3;
- (c) Enjoining Defendants from continuing to withhold plaintiffs lawfully-held property, the three guns seized on October 13, 2012, and ordering them to be restored to Plaintiff's possession;
- (d) Awarding actual damages as proven at trial, jointly and/or severally, against all defendants;
- (e) Awarding Punitive Damages as proven at trial, jointly and/or severally against all defendants;
- (f) Awarding costs of court and reasonable attorney fees necessary for preparing the case for trial;
- (g) Awarding prejudgment interest at the highest rate permitted by law;
- (h) Awarding interest on the judgment at the highest rate of legal interest from the date of judgment until collected; and
- (i) Awarding all such other and further relief at law or in equity to which Plaintiff may show himself to be justly entitled.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully Submitted,

s/ Ernest Taylor
Ernest Taylor, Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME on the 3rd day of September, 2013, to certify which witness my hand and official seal

s/ Terrence J. Donahue, Jr.
Terrence J. Donahue, Jr., Notary Public, LA Bar Roll # 32126
My commission expires at death.

s/ Terrence J. Donahue, Jr.
CHRISTOPHER D. GLISSON
Louisiana State Bar No. 20200
TERRENCE J. DONAHUE, JR.
Louisiana State Bar No. 32126
MCGLYNN, GLISSON & MOUTON
340 Florida Street
Baton Rouge, LA 70801
Telephone (225) 344-3555
Facsimile (225) 344-3666
Email: chris@mcglynnglisson.com
Email: joe@mcglynnglisson.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A

Baton Rouge Police Department

Printed by: PC10023 - SMITH, ABLENELL

Incident Report

Administration Information

Report Number: Report Type:

Report Date: / / Time: : District/Zone:

Address: Apt:

Report Officer 1 - WENNEMANN, PATRICK ✓ Assign Date: / /

Report Officer 2 - THOMAS, JAMES ✓ Assign Date: / /

Investigator 1 - DANIELS, JEFFERY ✓ Assign Date: / /

Investigator 2 - Assign Date: / /

Assigned By: Review Date: / /

UCR Status: CLEARED BY ARREST Status Date: / /

Case Status: Status Date: / /

Primary Offense

Offense Type: POSS WPN WHERE ALCOHOL SOLD/CC Attempted Completed

Address:

City: State: Zip: -

District/Zone: Location Type:

Begin Date: / / Time: :

End Date: / / Time: :

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

- B-Buying Receiving
- C-Cultivation/Manufacturing/Publishing
- D-Distributing/Selling
- E-Exploiting Children
- O-Operating/Promoting/Assisting
- P-Possessing/Concealing
- T-Transporting/Transmitting/Importing
- U-Using/Consuming
- I-Pos With Intent To Sell
- X-Other

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

Comments:

Report approved by Michael Cody on 10/18/2012

Baton Rouge Police Department

Printed by: PC10023 - SMITH, ABLENELL

12 - 00106939

Offense

Offense Type: C.C.R.P. ART 575 FUGITIVE Attempted Completed

Address:

City: State: Zip:

District/Zone: Location Type:

Begin Date: / / Time: :

End Date: / / Time: :

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

Comments:

- B-Buying Receiving
- C-Cultivation/Manufacturing/Publishing
- D-Distributing/Selling
- E-Exploiting Children
- O-Operating/Promoting/Assisting
- P-Possessing/Concealing
- T-Transporting/Transmitting/Importing
- U-Using/Consuming
- I-Pos With Intent To Sell
- X-Other

Offense

Offense Type: 13:108 RESISTING AN OFFICER/CC Attempted Completed

Address:

City: State: Zip:

District/Zone: Location Type:

Begin Date: / / Time: :

End Date: / / Time: :

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

Comments:

- B-Buying Receiving
- C-Cultivation/Manufacturing/Publishing
- D-Distributing/Selling
- E-Exploiting Children
- O-Operating/Promoting/Assisting
- P-Possessing/Concealing
- T-Transporting/Transmitting/Importing
- U-Using/Consuming
- I-Pos With Intent To Sell
- X-Other

Baton Rouge Police Department

Printed by: PC10023 - SMITH,ABLENELL

12 - 00106939

Offense

Offense Type: HEADLIGHTS REQUIRED/CC Attempted Completed

Address: PLANK RD

City: State: Zip: -

District/Zone: Location Type:

Begin Date: / / Time:

End Date: / / Time:

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

B-Buying Receiving
 C-Cultivation/Manufacturing/Publishing
 D-Distributing/Selling
 E-Exploiting Children
 O-Operating/Promoting/Assisting
 P-Possessing/Concealing
 T-Transporting/Transmitting/Importing
 U-Using/Consuming
 I-Pos With Intent To Sell
 X-Other

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

Comments:

Offense

Offense Type: Attempted Completed

Address:

City: State: Zip: -

District/Zone: Location Type:

Begin Date: / / Time:

End Date: / / Time:

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

B-Buying Receiving
 C-Cultivation/Manufacturing/Publishing
 D-Distributing/Selling
 E-Exploiting Children
 O-Operating/Promoting/Assisting
 P-Possessing/Concealing
 T-Transporting/Transmitting/Importing
 U-Using/Consuming
 I-Pos With Intent To Sell
 X-Other

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

Comments:

Baton Rouge Police Department

Printed by: PC10023 - SMITH, ABLENELL

12 - 00106939

Vehicle(s) Information

VEH #: Stolen Recovered Victimized Suspect Towed Other

Vehicle Make: Style:

Vehicle Model: Engine Type: Year:

Color 1: Color 2: Value:

License Number: State: Year:

VIN Number: Sticker#:

Characteristics:

Release Info:

Keys in car Doors locked Property in car Value

Recovery Information

Address: Apt:

City: State: Zip Code: -

Recovered By:

Date: / / Time:

Condition: Recovery Value:

Tow Company Information

Name:

Address: Apt:

City: State: Zip Code: -

Phone Number: () -

Insurance Information

Insurance Co. Name:

Policy Number: Expiration Date: / /

Agent's Name: Phone Number: () -

Address: Apt:

City: State: Zip Code: -

Baton Rouge Police Department

Printed by: PC10023 - SMITH, ABLENELL 12 - 00106939

Property Information

- Found Burned Counterfeit Damaged Recovered
 Seized Stolen Othr/Unk Evidence Personal Property

Property Type: Brand: Color:
 Model: Size: Tag No:
 Value: Serial Number:
 Date Reported: / / Caliber:
 Identifying Characters:
 Drug Quantity: Unit Meas.: Drug Type: Quantity:

Recovery Information

Address: Apt:
 City: State: Zip Code: -
 Recovered By:
 Recovery Value: Condition:

Property Information

- Found Burned Counterfeit Damaged Recovered
 Stolen Othr/Unk Evidence Personal Property

Property Type: Brand: Color:
 Model: Size: Tag No:
 Value: Serial Number:
 Date Reported: / / Caliber:
 Identifying Characters:
 Drug Quantity: Unit Meas.: Drug Type: Quantity:

Recovery Information

Address: Apt:
 City: State: Zip Code: -
 Recovered By:
 Recovery Value: Condition:

Baton Rouge Police Department

Printed by: PC10023 - SMITH, ABLENELL

12 - 00106939

Property Information

- Found Burned Counterfeit Damaged Recovered
 Seized Stolen Othr/Unk Evidence Personal Property

Property Type: Brand: Color:
 Model: Size: Tag No:
 Value: Serial Number:
 Date Reported: / / Caliber:
 Identifying Characters
 Drug Quantity: Unit Meas.: Drug Type: Quantity:

Recovery Information

Address: Apt:
 City: State: Zip Code: -
 Recovered By:
 Recovery Value: Condition

Property Information

- Found Burned Counterfeit Damaged Recovered
 Stolen Othr/Unk Evidence Personal Property

Property Type: Brand: Color:
 Model: Size: Tag No:
 Value: Serial Number:
 Date Reported: / / Caliber:
 Identifying Characters
 Drug Quantity: Unit Meas.: Drug Type: Quantity:

Recovery Information

Address: Apt:
 City: State: Zip Code: -
 Recovered By:
 Recovery Value: Condition

Baton Rouge Police Department

Printed by: PC10023 - SMITH, ABLENELL

12 - 00106939

Narrative

On 10/13/12 at approximately 0135 hours Ofcs. J. Thomas and P. Wennemann were patrolling the 4000 block of Plank Rd. when they observed a gray Cadillac Brougham (La. tag WHT127) leave the parking lot of Romeo's Old School Lounge (formally The Boss Lady) (3827 Plank Rd.) without any lights on.

The officers initiated a traffic stop on the vehicle in the 4400 block of Plank Rd. (Plank at Sherwood St.). Ofc. Thomas personally contacted the driver, identified as Ernest Taylor, at his unit. As they spoke Cpl. Wennemann approached Ernest's vehicle from the open driver's side door. In plain view Cpl. Wennemann noticed the stock of what he believed to be a shotgun on the floor resting against the driver's seat. Cpl. Wennemann approached the open vehicle and as he got closer he noticed a black rifle positioned in between the front seats.

Ofc. Thomas at this time proceeded to escort Ernest to the back of his police car where he could be secured in the back seat. When Ofc. Thomas grabbed Ernest's arm Ernest pulled his arm away and backed away refusing to be escorted. Ofcs. Thomas and Wennemann were then able to handcuff Ernest and place him in the back seat of Ofc. Thomas' police car.

Furhter investigation of the guns the officers found them to be a HiPoint 9mm and a Squires Bingham .22 caliber.

Cpl. Wennemann informed Ernest of his Miranda Rights and that he was under arrest for Possession of a Firearm Where Alcohol is Sold, Resisting an Officer and Headlights Required. A warrants check on Ernest produced a misdemeanor warrant through the East Baton Rouge Parish Sheriff's Office for Aggravated Assault. Cpl. Wennemann informed Ernest of this warrant. He stated he had already been to court for the warrant and he was no longer wanted.

The officer's asked Ernest if he had someone who could come get his car, if he wanted it towed, or parked at 1st District. Ernest elected to have his car parked at 1st District. Ernest was informed that his car had to be inventoried before it was parked. He was asked if there were any other guns or anything of value in the car that the officers needed to know about. He stated NO. When the officers opened the trunk they found an SKS 7.62 cal. assault rifle.

Ernest was placed under arrest for Possession of a Weapon Where Alcoholic Beverages are Sold and/or Consumed, Resisting an Officer, Headlights Required, and Fugitive from EBRSO. He was booked into Parish Prison and his car was parked at 1st District by Ofc. J. Daniels.

Cpl. Wennemann placed the rifles into Evidence at the Evidence window.

EXHIBIT B

Sec. 13:95.3. Possession of weapons where alcoholic beverages are sold and/or consumed.

(a)

It shall be unlawful for any person to have in his possession a firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, in any premises where alcoholic beverages are sold and/or consumed on the premises except the owner or lessee of the premises, or their employees, sheriffs, deputy sheriffs, state police, city police, constables, town marshals, or persons vested with police power when in the actual discharge of their duties.

(b)

Any sheriff, deputy sheriff, state police, city police, constables, town marshals, or persons vested with police power, may search any person found in any place where alcoholic beverages are sold and/or consumed on the premises, and shall confiscate any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon which such peace officer may find; this search shall be limited to only weapons, unless there is probable cause for a wider search. Any person who enters a place where alcoholic beverages are sold and/or consumed on the premises does, by the mere fact of entering, consent to a search of his person for any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon while on said premises, by any sheriff, deputy sheriff, state police, constable, town marshal or persons vested with police power, without a warrant.

(c)

The phrase, "...premises where alcoholic beverages are sold and/or consumed on the premises" shall include all of the licensed premises, including the parking lot.

(d)

Any gun or other instrumentality customarily used or intended for probable use as a dangerous weapon found on any person while on the premises of a place where alcoholic beverages are sold and consumed may be used as evidence in court.

(e)

Whoever commits the crime of possession of a weapon where alcoholic beverages are sold and/or consumed shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Additionally, the court may order the forfeiture of the weapon in accordance with law.

(City Code 1951, Title 13 § 83 Parish Code 1952, Title 13, § 205)

Sec. 13:108. Resisting an officer.

(a)

Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity and authorized by law to make a lawful arrest, lawful detention or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, detaining, seizing property, or serving process is acting in his official capacity.

(b)

The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean the following:

(1)

Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

(2)

Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail;

(3)

Refusal by the arrested or detained party to give his name and make his identity known to the arresting or detaining officer or providing false information regarding the identity of such party to the officer;

(4)

Congregates with other on a public street and refuses to move on when ordered by the officer.

(c)

The word "officer" as used herein means any peace officer, as defined in R.S. 40:2402, and includes deputy sheriffs, municipal police officers, probation and parole officers, firefighters, and wildlife enforcement agents.

(d)

Whoever commits the crime of resisting an officer shall be fined not more than five hundred dollars (\$500.00) or be imprisoned for not more than six (6) months, or both.

(City Code 1951, Title 13, § 70 Ord. No. 9232, § 1, 10-27-93 Ord. No. 14682, § 5, 3-8-04 Ord. No. 15012, § 3, 10-27-10)

Cross reference— Police department title 1

State law reference— Similar provisions, R.S. 14:102

Sec. 11:283. Headlamps; when low beam required. (City)

Whenever a motor vehicle is being operated on a street of this city between sunset and sunrise, or at such times as atmospheric conditions require the use of headlamps on the vehicle, the operator of such vehicle must dim the lights to the lowermost distribution of light when approaching an oncoming vehicle within five hundred (500) feet, or when following another vehicle within two hundred (200) feet to the rear.

(City Code 1951, Title 11, § 263; Ord. No. 1504, § 15, 4-25-94)

State law reference-- Vehicle provisions, P.S. § 12-122

La. C.Cr.P. Art. 575

This document is current through Act 97 of the 2013 Regular Session. Annotations are current through July 8, 2013.

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA CODE OF CRIMINAL PROCEDURE > TITLE 17. > CHAPTER 1.

Art. 575. Interruption of time limitations

The periods of limitation established by this Chapter shall be interrupted when the defendant:

- (1) For the purpose of avoiding detection, apprehension or prosecution, flees from the state, is outside the state, or is absent from his usual place of abode within the state; or
- (2) Lacks mental capacity to proceed at trial and is committed in accordance with Article 648 of this Code.

History

Amended by Acts 1979, No. 318, § 1.

LOUISIANA STATUTES ANNOTATED

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EXHIBIT C

bpc #10-5307 - 12/17/1997 - BLANK FORM - BURRELL PRINTING CO., INC. - 1-800-531-5234

CITY PAWN #4
(225) 355-8090

5208 PLANK RD.
BATON ROUGE, LA 70805-
PAGE: 1 of 1 # : 72480
EMP: RHJ DATE: 03/10/07

LAYAWAY RECEIPT.
BUYER'S NAME: ERNEST LEE TAYLOR
ADDRESS: 4424 MCCLELLAND
CITY: BATON ROUGE
Has this day purchased from CITY PAWN #4, the following described property:

STATE: LA ZIP: 70806-

1) ITEM	DESCRIPTION	QTY	AMOUNT
RIFLE	INV #: G-84952-1	1	249.99
	HI-POINT		
	SERIAL # B86117	995	
	9MM RIFLE		
	CALIBER: 9MM		
2) ITEM#:	TERMS	ACTION: SEMI-AUTO	OK
	90 DAYS PAYMENT DUE EACH MONTH	QTY: 1.00	0.00

PAID IN FULL. NO REFUNDS.
ALL SALES FINAL AND "AS IS".

TOTAL: \$ 249.99
 LESS DEPOSIT: \$ 272.49
 SALES TAX: \$ 22.50
 TOTAL AMOUNT PAID: \$ 0.00

bpc #10-5307 - 12/17/1997 - BLANK FORM - BURRELL PRINTING CO., INC. - 1-800-531-5234

CITY PGM #4
(225) 355-8090

5208 PLANK RD. 70805-
BAYON ROUGE, LA 70805-
PAGE: 1 of 1 # : 72070
EMP: 318 DATE: 02/07/07

SALES RECEIPT.

BUYER'S NAME: ERNEST LEE TAYLOR
ADDRESS: 4424 MCCLELLAND
CITY: BAYON ROUGE
STATE: LA
ZIP: 70806-

Has this day purchased from CITY PGM #4, the following described property:

ITEM	DESCRIPTION	QTY:	AMOUNT
1) RIFLE	INV #: G-I-13733	1	399.99
	SKS	59/66	
	SERIAL # V-696561		
	YUGO S/A RIFLE		
	CALIBER: 7.62X39		
	ACTION: SEMI-AUTO		

PAID IN FULL. NO REFUNDS.
ALL SALES FINAL AND "AS IS".

TOTAL: \$ 399.99
SALES TAX: \$ 36.00
TOTAL AMOUNT PAID: \$ 435.99

CITY PAWN #4
(225) 355-8090

5208 PLANK RD.
BATON ROUGE, LA 70805-
PAGE: 1 of 1 # : 80960
EMP: 429 DATE: 07/06/09

SALES RECEIPT

BUYER'S NAME: ERNEST LEE TAYLOR
ADDRESS: 4424 MCCLELLAND
CITY: BATON ROUGE

STATE: LA

ZIP: 70806-

Has this day purchased from CITY PAWN #4, the following described property:

AMOUNT
199.99

ITEM

1) HANDGUN

INV #: G-97360-1
JIMENEZ ARMS
SERIAL # 009786
CALIBER: 9MM
ACTION: SEMI-AUTO

QTY: 1
J.A. NINE-CA

OK

79.99

2) RIFLE

INV #: G-97555-1
KASSNAR
SERIAL # A151444
CALIBER: .22/S/A RIFLE W/
CLIP
ACTION: SEMI-AUTO

QTY: 1
16

OK

PAID IN FULL. NO REFUNDS.
ALL SALES FINAL AND "AS IS".

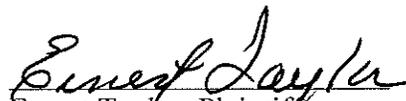
TOTAL: \$ 279.98
SALES TAX: \$ 25.20
TOTAL AMOUNT PAID: \$ 305.18

- (b) Enjoining Defendants from further enforcement or prosecution of §13:.95.3;
- (c) Enjoining Defendants from continuing to withhold plaintiffs lawfully-held property, the three guns seized on October 13, 2012, and ordering them to be restored to Plaintiff's possession;
- (d) Awarding actual damages as proven at trial, jointly and/or severally, against all defendants;
- (e) Awarding Punitive Damages as proven at trial, jointly and/or severally against all defendants;
- (f) Awarding costs of court and reasonable attorney fees necessary for preparing the case for trial;
- (g) Awarding prejudgment interest at the highest rate permitted by law;
- (h) Awarding interest on the judgment at the highest rate of legal interest from the date of judgment until collected; and
- (i) Awardin g all such other and further relief at law or in equity to which Plaintiff may show himself to be justly entitled.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully Submitted,


Ernest Taylor, Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME on the 3rd day of September, 2013, to certify which witness my hand and official seal.


Terrence J. Donahue, Jr., Notary Public, LA Bar Roll # 32126
My commission expires at death.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ernest Taylor

(b) County of Residence of First Listed Plaintiff East Baton Rouge (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

McGlynn Glisson & Mouton
340 Florida Street
Baton Rouge, LA 70801

DEFENDANTS

The City of Baton Rouge, et al.

County of Residence of First Listed Defendant East Baton Rouge (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. Sec. 1983 & 1988

Brief description of cause:

Action for injunctive/declaratory relief and monetary damages for deprivation of Plaintiff's Constitutional rights

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/03/2013

SIGNATURE OF ATTORNEY OF RECORD

s/ Terrence J. Donahue, Jr.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The City of Baton Rouge Through its agent for service of process Mayor Kip Holden 222 St. Louis Street 3rd Floor, City Hall Baton Rouge, LA 70801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson Terrence J. Donahue, Jr. McGlynn Glisson & Mouton 340 Florida Street Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) D. Dewayne White
Former Chief of Baton Rouge City Police
Through its agent for service of process
Mayor Kip Holden
222 St. Louis Street
3rd Floor, City Hall
Baton Rouge, LA 70801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson
Terrence J. Donahue, Jr.
McGlynn Glisson & Mouton
340 Florida Street
Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Carl Dabadie, Jr. Current Chief of Baton Rouge City Police Through his agent for service of process Mayor Kip Holden 222 St. Louis Street 3rd Floor, City Hall Baton Rouge, LA 70801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson Terrence J. Donahue, Jr. McGlynn Glisson & Mouton 340 Florida Street Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mary E. Roper
East Baton Rouge Parish Attorney
Through her agent for service of process
Mayor Kip Holden
222 St. Louis Street
3rd Floor, City Hall
Baton Rouge, LA 70801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson
Terrence J. Donahue, Jr.
McGlynn Glisson & Mouton
340 Florida Street
Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Lisa Freeman
Baton Rouge City Prosecutor
Through her agent for service of process
Mayor Kip Holden
222 St. Louis Street
3rd Floor, City Hall
Baton Rouge, LA 70801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson
Terrence J. Donahue, Jr.
McGlynn Glisson & Mouton
340 Florida Street
Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Officer Patrick Wennemann Through Baton Rouge City Police Department 704 Mayflower Street Baton Rouge, LA 70802

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson Terrence J. Donahue, Jr. McGlynn Glisson & Mouton 340 Florida Street Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor)

Plaintiff(s)

v.)

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities)

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Officer James Thomas
Through Baton Rouge City Police Department
704 Mayflower Street
Baton Rouge, LA 70802

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson
Terrence J. Donahue, Jr.
McGlynn Glisson & Mouton
340 Florida Street
Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Louisiana

Ernest Taylor

Plaintiff(s)

v.

The City of Baton Rouge; D. Dewayne White; Carl Dabadie, Jr.; Mary E. Roper; Lisa Freeman; Patrick Wennemann; James Thomas, and Jane Doe; all in their individual and official capacities

Defendant(s)

Civil Action No. 3:13-CV-5793

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Officer Jane Doe Through Baton Rouge City Police Department 704 Mayflower Street Baton Rouge, LA 70802

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Glisson Terrence J. Donahue, Jr. McGlynn Glisson & Mouton 340 Florida Street Baton Rouge, LA 70801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/03/2013

Signature of Clerk or Deputy Clerk

Civil Action No. 3:13-CV-5793

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: