

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NORTH BATON ROUGE MATTERS	:	CIVIL ACTION
ET AL	:	
	:	
PLAINTIFFS	:	NO. 3:16-cv-00463-JWD-RLB
	:	
VERSUS	:	
	:	
CITY OF BATON ROUGE,	:	JUDGE JOHN W. DEGRAVELLES
ET AL	:	
	:	
DEFENDANTS	:	MAGISTRATE JUDGE
	:	RICHARD L. BOURGEOIS JR.

MOTION TO DISMISS

NOW INTO COURT come Plaintiffs, NORTH BATON ROUGE MATTERS, BLACK YOUTH PROJECT 100, NEW ORLEANS WORKERS’ CENTER FOR RACIAL JUSTICE, represented herein by Sima Atri, Esq, the AMERICAN CIVIL LIBERTIES UNION OF LOUISIANA, represented by Ronald L. Wilson, Esq., and Bruce Hamilton, Esq, and the LOUISIANA CHAPTER OF THE NATIONAL LAWYERS GUILD, represented by Sima Atri, Esq., and upon advising the Court that said Plaintiffs and the Defendants, LOUISIANA DEPARTMENT OF PUBLIC SAFETY, LOUISIANA STATE POLICE, COLONEL MICHAEL EDMONDSON, in his official capacity as Superintendent of Louisiana State Police, MELVIN “KIP” HOLDEN, in his official capacity as Mayor of the Parish of East Baton Rouge, EAST BATON ROUGE SHERIFF’S DEPARTMENT, SID J. GAUTREAUX, III, in his official capacity as Sheriff of the East Baton Rouge Parish Sheriff’s Department, and CARL DABADIE JR., in his official capacity as City of Baton Rouge Chief of Police (the “Defendants”)¹, have

¹ Hillar C. Moore, III, in his official capacity as District Attorney for East baton Rouge Parish, has already been dismissed from this suit. *See* Rec. Doc. 10.

entered into a MEMORANDUM OF UNDERSTANDING, resolving the issues comprising this lawsuit, move for an Order by this Court dismissing the claims against the Defendants and the lawsuit with prejudice, reserving to each party the right to institute proceedings in this Court for violations of the Memorandum of Understanding. A copy of the Memorandum of Understanding entered into by, between and among the parties has been attached to, and made a part of, this motion.

Baton Rouge, Louisiana, this 29th day of November, 2016.

Respectfully submitted:

RONALD L. WILSON (#13575)
ACLU of LOUISIANA COOPERATING
ATTORNEY
701 Poydras Street – Suite 4100
New Orleans, Louisiana 70139
PH: (504) 525-4361
FAX: (504) 525-4380
Email: cabral2@aol.com

BRUCE HAMILTON
Staff Attorney
ACLU Foundation of Louisiana
P. O. Box 56157
New Orleans, Louisiana 70156
PH: (504) 522-0628 ext. 122
Email: bhamilton@laaclu.org

COUNSEL FOR PLAINTIFF: AMERICAN
CIVIL LIBERTIES UNION OF
LOUISIANA

BY: /s/ Ronald L. Wilson

SIMA ATRI, ESQ.
Staff Attorney
New Orleans Workers' Center for Racial
Justice
217 N. Prieur Street
New Orleans, Louisiana 70112
PH: (504) 264-4209
Email: satri@nowcrj.org

COUNSEL FOR PLAINTIFFS, NORTH
BATON ROUGE MATTERS, BLACK
YOUTH PROJECT 100, NEW ORLEANS
WORKERS' CENTER FOR RACIAL
JUSTICE, AND LOUISIANA CHAPTER
OF THE NATIONAL LAWYERS GUILD

BY: /s/ Sima Atri

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record who have elected e-notification by operation of the court's electronic filing system. I further certify that, on the aforementioned date, I also served a copy of the foregoing pleading upon all counsel of record or parties who are non-CM/ECF participants via facsimile and/or via hand delivery and/or the United States mail, postage prepaid and properly addressed.

/s/ Ronald L. Wilson

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NORTH BATON ROUGE MATTERS,	* CIVIL ACTION
ET AL	*
PLAINTIFFS	* NO: 3:16-cv-00463-JWD-RLB
	*
VERSUS	*
	* JUDGE JOHN W. DEGRAVELLES
CITY OF BATON ROUGE,	*
ET AL	* MAG. JUDGE RICHARD L. BOURGEOIS,
DEFENDANTS	* JR.

**MEMORANDUM OF UNDERSTANDING REGARDING FREE SPEECH ACTIVITIES
IN THE CITY AND PARISH OF EAST BATON ROUGE**

To resolve the above-captioned lawsuit, the parties have conferred and agreed to the following Memorandum of Understanding. The parties recognize the rights of all persons to assemble and engage in the public for the purpose of peaceful public discourse and protest. Public streets, sidewalks, and parks are recognized as “traditional public forum.” Law enforcement parties are committed to ensuring use of traditional public forums for all persons in a manner safe for all.

Individuals and groups have the right to assemble and speak on City/Parish sidewalks. Should other persons be disturbed in their equal use of such sidewalks, the law enforcement parties will make every effort to ensure reasonable alternatives that attempts to respect the rights of all parties and ensures the safety of all parties. This may, depending on the size of the assembly, require law enforcement to publicly designate speaking zones for persons of opposing views and traffic zones for pedestrians. Law enforcement, in turn, expects compliance with all such designations.

A permit may be required for certain activities. (Please see www.brgov.com/dept/dpw/traffic/streetclosure.htm) For instance, a permit may be required for

assemblies that would involve obstruction of traffic such that law enforcement is notified in advance so that such thoroughfares can be closed and traffic redirected, to the extent possible.

If assemblies involving the obstruction of traffic are planned or desired, those plans should be communicated in advance to the law enforcement parties using existing permitting mechanisms so that such thoroughfares can be closed and traffic redirected, to the extent possible. Law enforcement will assist any person or group willing to employ permit processes just as they do throughout the year for major parades, festivals, and other large assemblies. In the event that persons are found attempting to obstruct traffic on a roadway that has not closed for the purpose of assembly, they will be asked to remove themselves from the roadway. Anyone refusing to move or anyone reentering the roadway after a directive has been issued to stay out of the roadway may face criminal consequences.

Additionally, law enforcement partners are available to work with persons and representatives of any group to designate a “free speech” venue where speakers can schedule their appearances for speaking on a first come first serve basis.

For the safety of demonstrators and the public, individuals are legally prohibited from walking on, along or across interstate highways (I-10, I-12, and I-110), and interstate highway ramps, including climbing fences bordering the interstate highways for the purpose of entering, walking on, along or across the interstate highway.

The law enforcement partners responsible for keeping the peace may issue command(s) to disperse if they reasonably believe that a riot or unlawful public disturbance is occurring or about to occur. The command to disperse will be given in a manner reasonably calculated to be

communicated to all persons present. The law enforcement parties, in turn, expect compliance with such commands. Parties in protest expect clear commands to disperse and reasonable exit avenues to disperse.

Law enforcement commits to use only that level of force that is objectively reasonable to bring an incident under control, while ensuring the safety of the officer and others. Law enforcement commit to limiting arrests to those who they reasonably believe have violated the law.

In commitment to all people's constitutionally protected rights, all parties are committed to de-escalation. To advance these goals, law enforcement will make every effort to self-identify who has the authority to make decisions on-site and what agency has jurisdiction in the area. Likewise, a demonstrating group will make every effort to identify a representative to law enforcement.

Before making any material change to the Agreement, counsel for the Baton Rouge Police Department, East Baton Rouge Sheriff and State Police will meet and confer with representatives of the parties to the original lawsuit that led to this agreement¹ in a good faith effort to reach agreement on such changes.

Nothing herein should be construed to limit law enforcement from fulfilling their sworn constitutional or statutory duties.

¹ Case 3:16-cv-004630JWD-RLB North Baton Rouge Matters et al v. City of Baton Rouge, et al.

PLAINTIFFS:

NORTH BATON ROUGE MATTERS

BLACK YOUTH PROJECT 100

BY: /s/ Crystal Williams
Printed Name: Crystal Williams
Title: Founder, North Baton Rouge Matters
Date: November 15, 2016

BY: _____
Printed Name: _____
Title: _____
Date: _____

**NEW ORLEANS WORKERS' CENTER
FOR RACIAL JUSTICE**

**AMERICAN CIVIL LIBERTIES UNION
OF LOUISIANA**

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**LOUISIANA CHAPTER OF THE
NATIONAL LAWYERS GUILD**

BY: _____
Printed Name: _____
Title: _____
Date: _____

PLAINTIFFS:

NORTH BATON ROUGE MATTERS

BLACK YOUTH PROJECT 100

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: LaToya L. Lewis
Printed Name: LaToya Lewis
Title: Co Chair
Date: November 16, 2016

**NEW ORLEANS WORKERS' CENTER
FOR RACIAL JUSTICE**

**AMERICAN CIVIL LIBERTIES UNION
OF LOUISIANA**

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**LOUISIANA CHAPTER OF THE
NATIONAL LAWYERS GUILD**

BY: _____
Printed Name: _____
Title: _____
Date: _____

PLAINTIFFS:

NORTH BATON ROUGE MATTERS


BLACK YOUTH PROJECT 100

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**NEW ORLEANS WORKERS' CENTER
FOR RACIAL JUSTICE**

**AMERICAN CIVIL LIBERTIES UNION
OF LOUISIANA**

BY: 
Printed Name: _____ Saket Soni _____
Title: _____ Executive Director _____
Date: _____ 11/11/2016 _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**LOUISIANA CHAPTER OF THE
NATIONAL LAWYERS GUILD**

BY: _____
Printed Name: _____
Title: _____
Date: _____

NORTH BATON ROUGE MATTERS

BLACK YOUTH PROJECT 100

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**NEW ORLEANS WORKERS' CENTER
FOR RACIAL JUSTICE**

**AMERICAN CIVIL LIBERTIES UNION
OF LOUISIANA**

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**LOUISIANA CHAPTER OF THE
NATIONAL LAWYERS GUILD**

BY: May Nguyen
Printed Name: May Nguyen
Title: Secretary, Board of Directors
Date: 11/15/2016

DEFENDANTS:

COLONEL MICHAEL EDMONSON,
In his official capacity as Superintendent of
Louisiana State Police

MELVIN "KIP" HOLDEN
In his official capacity as Mayor-President of
Parish of East Baton Rouge

Colonel Michael Edmonson
Superintendent, La. State Police
Date: _____

Melvin "Kip" Holden
Mayor-President of Parish of East Baton Rouge
Date: _____

SID J. GAUTREAUX, III
In his official capacity as Sheriff of East
Baton Rouge Parish Sheriff's Department

CARL DABADIE, JR.,
In his official capacity as City of Baton
Rouge Chief of Police

Sid J. Gautreaux, III
Sheriff, East Baton Rouge Parish
Date: _____

Carl Dabadie, Jr.
Baton Rouge Chief of Police
Date: _____

DEFENDANTS:

COLONEL MICHAEL EDMONSON,
In his official capacity as Superintendent of
Louisiana State Police

Colonel Michael Edmonson
Superintendent, La. State Police
Date: _____

SID J. GAUTREAUX, III
In his official capacity as Sheriff of East
Baton Rouge Parish Sheriff's Department

Sid J. Gautreaux, III
Sheriff, East Baton Rouge Parish
Date: _____

MELVIN "KIP" HOLDEN
In his official capacity as Mayor-President of
Parish of East Baton Rouge

Melvin "Kip" Holden
Mayor-President of Parish of East Baton Rouge
Date: 11-21-16

CARL DABADIE, JR.,
In his official capacity as City of Baton
Rouge Chief of Police

Carl Dabadie, Jr.
Baton Rouge Chief of Police
Date: _____

DEFENDANTS:


COLONEL MICHAEL EDMONSON,
In his official capacity as Superintendent of
Louisiana State Police

Colonel Michael Edmonson
Superintendent, La. State Police
Date: _____

MELVIN "KIP" HOLDEN
In his official capacity as Mayor-President of
Parish of East Baton Rouge

Melvin "Kip" Holden
Mayor-President of Parish of East Baton Rouge
Date: _____

SID J. GAUTREAUX, III
In his official capacity as Sheriff of East
Baton Rouge Parish Sheriff's Department



Sid J. Gautreaux, III
Sheriff, East Baton Rouge Parish
Date: 11-21-16

CARL DABADIE, JR.,
In his official capacity as City of Baton
Rouge Chief of Police

Carl Dabadie, Jr.
Baton Rouge Chief of Police
Date: _____

NORTH BATON ROUGE MATTERS

BLACK YOUTH PROJECT 100


BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: _____
Printed Name: _____
Title: _____
Date: _____

**NEW ORLEANS WORKERS' CENTER
FOR RACIAL JUSTICE**

**AMERICAN CIVIL LIBERTIES UNION
OF LOUISIANA**

BY: _____
Printed Name: _____
Title: _____
Date: _____

BY: 
Printed Name: Melvin Esman
Title: Executive Director
Date: 11/10/2016

**LOUISIANA CHAPTER OF THE
NATIONAL LAWYERS GUILD**

BY: _____
Printed Name: _____
Title: _____
Date: _____

DEFENDANTS:

COLONEL MICHAEL EDMONSON,
In his official capacity as Superintendent of
Louisiana State Police

MELVIN "KIP" HOLDEN
In his official capacity as Mayor-President of
Parish of East Baton Rouge

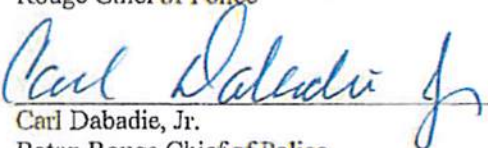
Colonel Michael Edmonson
Superintendent, La. State Police
Date: _____

Melvin "Kip" Holden
Mayor-President of Parish of East Baton Rouge
Date: _____

SID J. GAUTREAUX, III
In his official capacity as Sheriff of East
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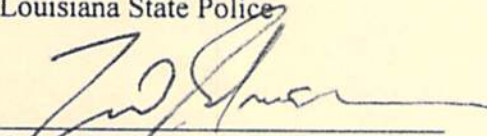
CARL DABADIE, JR.,
In his official capacity as City of Baton
Rouge Chief of Police

Sid J. Gautreaux, III
Sheriff, East Baton Rouge Parish
Date: _____



Carl Dabadie, Jr.
Baton Rouge Chief of Police
Date: 11/17/16

COLONEL MICHAEL EDMONSON,
In his official capacity as Superintendent of
Louisiana State Police



Colonel Michael Edmonson
Superintendent, La. State Police
Date: 10/17/2016

BATON ROUGE POLICE DEPT.

BY: _____
Printed Name: _____
Title: _____
Date: _____

**EAST BATON ROUGE
PARISH SHERIFF'S DEPARTMENT**

BY: _____
Printed Name: _____
Title: _____
Date: _____

CARL DABADIE, JR.,
In his official capacity as City of Baton
Rouge Chief of Police

Carl Dabadie, Jr.
Baton Rouge Chief of Police
Date: _____

SID J. GAUTREAUX, III
In his official capacity as Sheriff of East
Baton Rouge Parish Sheriff's Department

Sid J. Gautreaux, III
Sheriff, East Baton Rouge Parish
Date: _____

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

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ET AL	:	
	:	
DEFENDANTS	:	MAGISTRATE JUDGE
	:	RICHARD L. BOURGEOIS JR.

O R D E R

Considering the foregoing Motion

IT IS ORDERED that Plaintiffs’ Motion to Dismiss be and is hereby granted, dismissing all claims and the lawsuit against Defendants, LOUISIANA DEPARTMENT OF PUBLIC SAFETY, LOUISIANA STATE POLICE, COLONEL MICHAEL EDMONDSON, in his official capacity as Superintendent of Louisiana State Police, MELVIN “KIP” HOLDEN, in his official capacity as Mayor of the Parish of East Baton Rouge, EAST BATON ROUGE SHERIFF’S DEPARTMENT, SID J. GAUTREAUX, III, in his official capacity as Sheriff of the East Baton Rouge Parish Sheriff’s Department, and CARL DABADIE JR., in his official capacity as City of Baton Rouge Chief of Police (the “Defendants”) with prejudice and reserving to each party the right to institute proceedings in this court for violations of the Memorandum of Understanding, which is attached to, and made a part of, the Motion to Dismiss.

IT IS FURTHER ORDERED That each party is to bear HIS/ITS own costs.

Baton Rouge, Louisiana, this 5th day of December, 2016.

UNITED STATES DISTRICT COURT JUDGE