

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

YOHANN JACKSON,

Plaintiff,

v.

**SHAWN SNOW, SIMON BRAUD, DEVIN
LEBOEUF, JORY GUIDRY, and CITY OF
THIBODAUX**

Defendants.

Civil Action No. 2:21-cv-1534

Judge:

Mag. Judge:

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff Yohann Jackson (“Mr. Jackson”) brings this civil action under federal and state laws. He contends that his rights were violated by individual officers of the Thibodaux Police Department (“TPD”)—specifically, Officers Shawn Snow, Simon Braud, Devin Leboeuf,¹ and Jory Guidry (collectively, the “Defendant Officers”)—and the City of Thibodaux (the “City”). Mr. Jackson alleges as follows:

NATURE OF THE CASE

1. This is an action for damages and declaratory relief against Defendants Shawn Snow, Simon Braud, Devin Leboeuf, Jory Guidry, and the City. The Defendant Officers subjected Mr. Jackson—a 35-year-old Black man with palsy (a form of paralysis)—to unreasonable and excessive force on August 15, 2020. This conduct violated the United States Constitution, the Americans with Disabilities Act (“ADA”), and Louisiana state law.

¹ In the Complaint filed on August 13, 2021, this Officer was spelled as “Devon Lebouef.” The spelling of “Devon Lebouef” has been corrected to “Devin Leboeuf” in this First Amended Complaint.

2. On August 15, 2020, the Defendant Officers, acting under color of state law and as agents of the City, showed up at Mr. Jackson's home in order to detain him. In effectuating his arrest and even thereafter, they used unreasonable, excessive, and unwarranted force. Despite being made aware of Mr. Jackson's disability, the Defendant Officers still brutalized Mr. Jackson. Among other things, they twisted his injured arm beyond its natural range of motion; they jerked his head; they applied tight handcuffs that cut and bruised his arms; and they smashed his legs and head against hard surfaces of a police car.

3. Mr. Jackson continues to experience physical, emotional, and psychological harm as a result of the incident, including injured right and left arms, anxiety, depression, fear, nightmares, and distrust of law enforcement.

4. Unfortunately, Mr. Jackson's story reflects a plight suffered by too many Black and disabled individuals in the United States.²

5. The statistics are jarring. As an initial matter, 50 percent of people killed by law enforcement are disabled.³ Black people with disabilities fare even worse, as they are killed at rates twice as high as White people.⁴ Moreover, Black people who are disabled often become entangled in the criminal legal system from a very young age—at a proportion far greater than their White peers with disabilities.⁵ At bottom, when racism, ableism, and policing intersect, they

² See Vilissa Thompson, *Understanding the Policing of Black, Disabled Bodies*, CTR. FOR AM. PROGRESS (Feb. 10, 2021, 10:27 AM), <https://www.americanprogress.org/issues/disability/news/2021/02/10/495668/understanding-policing-black-disabled-bodies/>; Abigail Abrams, *Black, Disabled and at Risk: The Overlooked Problem of Police Violence Against Americans with Disabilities*, TIME (June 25, 2020, 8:56 AM), <https://time.com/5857438/police-violence-black-disabled/>.

³ *Id.*

⁴ Fatal Force, Police Shootings Database, WP COMPANY (Jan. 1, 2015 to Aug. 5, 2021), <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>.

⁵ See *supra* note 2.

too often result in unnecessary violence, similar to that which the Defendant Officers exacted upon Mr. Jackson.

6. The Defendant Officers and the City are duty-bound to protect and serve Louisianans like Mr. Jackson.⁶ They failed to do so here. Accordingly, Mr. Jackson seeks redress for his harms and to hold those responsible accountable under federal and state laws.

PARTIES

7. Plaintiff Yohann Jackson is a resident of the Eastern District of Louisiana and a citizen of the United States of America.

8. Defendant Shawn Snow was, at all relevant times herein, a citizen of the United States, a resident of the Eastern District of Louisiana, and acting under color of state law in his capacity as a law enforcement officer employed by TPD, a law enforcement agency of the City. Defendant Snow is sued in his individual capacity.

9. Defendant Simon Braud was, at all relevant times herein, a citizen of the United States, a resident of the Eastern District of Louisiana, and acting under color of state law in his capacity as a law enforcement officer employed by TPD, a law enforcement agency of the City. Defendant Braud is sued in his individual capacity.

10. Defendant Devin Leboeuf was, at all relevant times herein, a citizen of the United States, a resident of the Eastern District of Louisiana, and acting under color of state law in his capacity as a law enforcement officer employed by TPD, a law enforcement agency of the City. Defendant Leboeuf is sued in his individual capacity.

⁶ The Thibodaux Police Department Law Enforcement Code of Ethics states that a law enforcement officer's "fundamental duty" is "to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice."

11. Defendant Jory Guidry was, at all relevant times herein, a citizen of the United States, a resident of the Eastern District of Louisiana, and acting under color of state law in his capacity as a law enforcement officer employed by TPD, a law enforcement agency of the City. Defendant Guidry is sued in his individual capacity.

12. Defendant City of Thibodaux is a municipal corporation organized and existing under the laws of the State of Louisiana with the ability to sue and be sued within the State of Louisiana. Defendant City provides and is responsible for public services, including the law enforcement services of TPD. At all relevant times herein, Defendant City employed the Defendant Officers. Defendant City is responsible for the hiring, training, supervision, discipline, administration, policies, customs, practices, operations, management, and control of TPD and its officers, including the Defendant Officers.

JURISDICTION AND VENUE

13. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1343. This case and controversy arises under the United States Constitution and laws of the United States, including 42 U.S.C. §§ 1983 and 1988. This Court has supplemental jurisdiction over all other claims asserted under the laws of the State of Louisiana pursuant 28 U.S.C. § 1367.

14. Venue in the Eastern District of Louisiana is proper pursuant to 28 U.S.C. § 1391(b)(1)–(2). Defendants Snow, Braud, Leboeuf, and Guidry are residents of the Eastern District of Louisiana, and the City is a municipality within the Eastern District of Louisiana. Moreover, a substantial part of the events and omissions giving rise to Mr. Jackson’s complaint occurred in Lafourche Parish, Louisiana, which is located within the Eastern District of Louisiana.

15. Declaratory relief is authorized by 28 U.S.C. § 2201. A declaration of law is necessary to determine the respective rights and duties of the parties.

STATEMENT OF FACTS

Mr. Jackson's Disability

16. Mr. Jackson is a disabled individual. He was born with a debilitating condition called palsy.

17. Palsy results in partial paralysis and other neurological and physical conditions.

18. Mr. Jackson has lived his entire life with permanent physical limitations caused by palsy—including a chronically weak and visibly shortened right arm with limited range of motion, as well as a shortened right leg. Although Mr. Jackson has trained himself to use his right arm and leg for less strenuous activities, Mr. Jackson relies primarily on his left arm and leg to perform everyday tasks.

19. Despite his physical limitations, Mr. Jackson was able to find work as a delivery driver and customer service representative at Pizza Hut and Papa John's Pizza. Mr. Jackson also frequently worked one-off jobs, including assisting a local towing and wrecker service business with vehicle towing and delivering repair and maintenance automobile parts to customers.

The Encounter with the Defendant Thibodaux Police Officers

20. On August 15, 2020, Mr. Jackson was cleaning his home. At or around 3:00 P.M., TPD Officer Snow beat loudly on Mr. Jackson's front door. Mr. Jackson, feeling threatened and intimidated by the loud pounding, answered the door and stepped outside onto his porch.

21. Outside Mr. Jackson's home, Officer Snow and Mr. Jackson spoke. Officer Snow told Mr. Jackson that he was responding to a reported disturbance. The disturbance related to a complaint about Mr. Jackson allegedly holding a debit card belonging to a woman by the name of Charon Bougere.

22. Mr. Jackson explained that he did not have Ms. Bougere's debit card and that Ms. Bougere had broken Mr. Jackson's belongings in the house, including an air conditioner. Mr. Jackson then locked the door and offered to bring Officer Snow around to the side of the house so that he could see the damage Ms. Bougere had done. Officer Snow stated that another officer was coming, and he would wait for the other officer.

23. Shortly thereafter, two other TPD Officers, Officers Braud and Leboeuf, arrived at Mr. Jackson's house. After a discussion between Officers Snow and Braud, Officer Snow explained that he was reading Mr. Jackson his rights because he smelled the odor of marijuana when Mr. Jackson opened the door.

24. At this time, Mr. Jackson noticed that the debit card that Ms. Bougere was accusing him of stealing was lying on the ground a short distance from his house. Mr. Jackson pointed out the presence of the debit card to the three Officers present, and explained that Ms. Bougere had lied about Mr. Jackson keeping her debit card. The Officers ignored his pleas, and were uninterested in the debit card they were there to collect.

25. Mr. Jackson was fearful of being injured by Officers Snow, Braud, and Leboeuf due to previous encounters with other TPD officers who had harassed and stalked him.⁷ In one such encounter, TPD officers stopped Mr. Jackson while he was on his way to the store, told him "we know what you did," and threatened him with violations and citations for crimes he did not commit. In another instance, TPD officers followed Mr. Jackson in an unmarked vehicle late at

⁷ Mr. Jackson's fear of the Defendant Officers is not unique and is a common fear shared by Black Americans throughout the United States. See Jocelyn R. Smith Lee & Michael A. Robinson, *"That's My Number One Fear in Life. It's the Police": Examining Young Black Men's Exposures to Trauma and Loss Resulting from Police Violence and Police Killings*, 45 J. BLACK PSYCH. 143 (July 30, 2019).

night while he was returning home from a pizza delivery shift, pulled him over, and again threatened and intimidated him.

26. On August 15, 2020, Mr. Jackson attempted to cooperate peacefully with Officers Snow, Braud, and Leboeuf. Officer Snow asked if there was anything illegal in the house and if he could go in and get it. Mr. Jackson attempted to unlock the door for the Officers, but was stopped by Officer Snow, who told him not to go back into the house. Mr. Jackson explained that the door would have to be unlocked.

27. As Mr. Jackson moved his left hand, which held the keys to the front door, towards the front doorknob, and without any provocation from Mr. Jackson, Officer Snow told Mr. Jackson that he was detaining him.

28. Officer Snow then quickly reached for, grabbed, and jerked Mr. Jackson by his left arm. Officer Braud then reached for, grabbed, and pulled Mr. Jackson by his weakened right arm. Mr. Jackson, fearing injury, warned them “My arm don’t go behind my back. My arm don’t go behind my back. Somebody help me my arm don’t go behind my back. I have cerebral palsy. My arm don’t go behind my back.” Officer Braud replied, “Yeah it does, stop.”

29. Officer Braud nevertheless pulled Mr. Jackson’s right arm with extreme, unreasonable, and excessive force, attempting to extend it beyond its normal range of motion in an apparent effort to spin Mr. Jackson’s entire body around. This caused Mr. Jackson to suffer sharp, tearing pains in his right bicep. Mr. Jackson screamed in pain.

30. Mr. Jackson repeatedly protested that he has cerebral palsy during the encounter, and that his arm does not go behind his back. Officer Snow responded, “Yeah, it will.” Officer Braud ignored Mr. Jackson’s protests, saying “it [Mr. Jackson’s arm] definitely goes behind your back.”

31. Because Officers Snow and Braud were unable to fully rotate Mr. Jackson's right arm due to its limited range of motion, they yelled at Mr. Jackson to stop resisting.

32. Mr. Jackson protested that he was not resisting, that his arm could not go behind his back due to his cerebral palsy, and implored the Officers to remove his shirt so that they could see his injured shoulder.

33. Because Mr. Jackson's shortened and inflexible right arm made it difficult for the Officers to bring his right and left wrists together, Mr. Jackson attempted to move his left arm towards his right arm in order to avoid injury, and to make it easier for the Officers to place the handcuffs on his wrists, despite the fact that his arms were trembling from the pain of his effort to move them together beyond their normal range of motion.

34. Despite Mr. Jackson's cooperation, the Officers continued to state that Mr. Jackson was resisting and jerked Mr. Jackson's arms into a strained and painful position to restrain him with two pairs of interlocking handcuffs. Furthermore, the interlocking handcuffs encircled his wrists and arms too tightly and caused Mr. Jackson additional harm, including bruising and cuts on his wrists and arms.

35. Despite the great pain he felt, which was directly and proximately caused by Officer Snow's maneuvers, Mr. Jackson still attempted to comply—providing Officer Snow the keys to the front-door lock with his left hand. Mr. Jackson did not threaten or attempt to strike any Officer.

36. The two Officers did this despite the fact that Mr. Jackson posed no real or apparent threat to anyone's safety. The fact is, the police were responding to a complaint about a missing debit card, not a potentially dangerous situation; in fact, before the Officers forcibly manipulated Mr. Jackson's weakened arm, Mr. Jackson had already pointed out that the debit card was on the ground a short distance from them. Mr. Jackson was unarmed and there was no reason to suspect

him of being armed; he made no sudden movements; and he did not verbally threaten to harm the three Officers.

37. Accordingly, the force used by the two Officers to immobilize Mr. Jackson was objectively unreasonable, particularly because Mr. Jackson was a disabled individual who suffered from palsy and posed no threat.

38. Officer Leboeuf watched this sequence of events unfold and did nothing to stop Officers Snow and Braud.

39. Officer Snow then ordered the now-handcuffed Mr. Jackson to sit on the front porch. Mr. Jackson, continuing to fear for his safety and well-being, complied and prayed for his life.

40. Officer Snow then asked Mr. Jackson if he consented to a search of his house. Mr. Jackson attempted to explain that his shoulder was in pain. Officer Snow cut him off, stating, “That’s a no. I’m going to take that as a no.”

41. Johnny Lirette, the owner of a local wrecker service business located across the street from Mr. Jackson’s home, was working at his shop while Mr. Jackson was struggling with the two Officers. After hearing loud noises and screams of pain coming from the direction of Mr. Jackson’s home, Mr. Lirette stepped out of his shop and walked over to Mr. Jackson and the three Officers.

42. When Mr. Lirette arrived at Mr. Jackson’s home and saw Officers Snow and Braud twisting Mr. Jackson’s arms, Mr. Lirette told the Officers that Mr. Jackson was injured and that Mr. Jackson’s right arm “can’t go behind.” Officer Snow told Mr. Lirette “that’s fine,” so Mr. Lirette returned to his shop across the street.

43. At or around 4:00 P.M., Officer Guidry arrived with a warrant to search Mr. Jackson's house. At or around this time, Officer Leboeuf left Mr. Jackson's house.

44. Officer Snow presented the search warrant to Mr. Jackson, and, after unlocking the front door using Mr. Jackson's key, Officers Snow and Braud began to search the house.

45. While Officers Snow and Braud searched Mr. Jackson's home, Officer Guidry stood outside and watched over Mr. Jackson.

46. Mr. Jackson attempted to explain to the Officers that he had not done anything, but the Officers ignored his pleas.

47. In particular, in response to Mr. Jackson's pleas, Officer Braud told Mr. Jackson that he was getting aggravated with him, and said "If you open your mouth one more time, you're going in the back of a unit. I'm tired of hearing it."

48. When Mr. Jackson continued to try to explain himself, Officer Guidry grabbed Mr. Jackson by his right arm and pulled him up by his right arm, even as Mr. Jackson objected that he was not resisting.

49. Officer Guidry, holding Mr. Jackson by his right arm, pushed him towards a police car. Mr. Jackson tried to keep pace with Officer Guidry, but he was unable to move quickly due to his disability. Mr. Jackson also protested that Officer Guidry was pulling him by his right arm—the same arm Officers Snow and Braud had injured while handcuffing Mr. Jackson.

50. Officer Braud opened the door to the police car, and Officer Guidry ordered Mr. Jackson to get in the car.

51. Mr. Jackson then informed the Officers that he was bleeding and requested an ambulance. Officer Guidry then violently, and without warning, grabbed and shoved the handcuffed Mr. Jackson into the police car. Mr. Jackson screamed out in pain. The force of the

shove caused Mr. Jackson's right leg to hit the side of the car and his head to slam against a metal plate inside the car.

52. Fearing for his life, Mr. Jackson said he would get in on his own.

53. Mr. Jackson then attempted to get into the police car. But he was not able to get in because his arm was in a bad position. He told the surrounding officers that he could not use the right side of his body to move himself into the vehicle because he has cerebral palsy. Unassisted by any of the officers, and over a span of approximately 20 painful seconds and considerable effort, Mr. Jackson managed to place himself inside the police car.

54. Officers Guidry and Braud then left to rejoin Officer Snow inside Mr. Jackson's house, where they completed the search of the premises.

55. Mr. Jackson remained in the police car until Officers Braud and Snow returned.

56. Each act of force used by the Defendant Officers against Mr. Jackson from the time Officers Snow and Braud first grabbed Mr. Jackson to when Officer Guidry pushed and confined Mr. Jackson in the police car was unreasonable, excessive, and violated TPD policy on use of force and restraints. Specifically, each of the following acts, alone and/or in combination, constitutes excessive and unreasonable use of force by one or more of the Defendant Officers:

- Officer Snow's violent grabbing of Mr. Jackson's right arm;
- Officer Braud's violent grabbing of Mr. Jackson's weakened right arm;
- Officer Snow's violent twisting and pulling of Mr. Jackson's left arm;
- Officer Braud's violent twisting and pulling of Mr. Jackson's weakened right arm;
- Officer Snow's violent attempts to extend Mr. Jackson's left arm beyond its normal range of motion in an attempt to handcuff him;

- Officer Braud's violent attempts to extend Mr. Jackson's weakened right arm beyond its normal range of motion in an attempt to handcuff him;
- Officers Snow and Braud's application of overly-tightened handcuffs on Mr. Jackson's wrists and forearms;
- Officer Guidry's violent grabbing of Mr. Jackson's weakened right arm;
- Officer Guidry's violent dragging of Mr. Jackson to the patrol vehicle by his weakened right arm;
- Officer Guidry's violent shoving of Mr. Jackson into the police car, which caused Mr. Jackson's right leg to hit the side of the car and his face to slam against a metal plate inside the car.

Prior to and during each act of force used by the Defendant Officers against Mr. Jackson, Mr. Jackson complied with the Defendant Officers and did not attempt to resist.

57. In detaining and restraining Mr. Jackson, the Defendant Officers deliberately ignored, among other factors: Mr. Jackson's health and stated disability; Mr. Jackson's statements that the Officers were injuring him; the lack of any attempt to evade detention or otherwise flee; the lack of any nearby weapons or dangerous devices; and the non-violent nature of Mr. Jackson's suspected offense.

58. The unreasonable and brutal mistreatment of Mr. Jackson by Officers Snow, Braud, Leboeuf, and Guidry caused Mr. Jackson to suffer numerous injuries, including:

- A severely strained right arm and shoulder—both of which were already chronically weakened due to Mr. Jackson's palsy;
- Numbness, sharp pains, and significant losses in flexibility, structural integrity, and load-carrying capacity in his right arm and shoulder;

- A strained and disfigured left arm with numbness and sharp pains;
- A strained neck with sharp pains, stiffness, and loss of flexibility;
- Bruises and cuts on both wrists, including a loss of structural integrity in the left wrist;
- Injuries in his left and right legs, including a loss of strength and load-carrying capacity in the left knee;
- Bruises on the right side of his face; and
- A concussion that caused headaches and blackouts.

59. Mr. Jackson has not fully recovered from his encounter with the Defendant Officers. His persisting injuries—including headaches, pain, and loss of functionality in his right arm, left wrist, neck, and left leg—have prevented him from being able to enjoy life.

60. Mr. Jackson's persisting injuries have also prevented him from finding gainful employment. Due to his deteriorated physical condition resulting from his encounter with the Defendant Officers, Mr. Jackson has been unable to resume work as a delivery driver and customer service representative at Pizza Hut, his employer at the time of the incident. Mr. Jackson's physical impairments have also prevented him from finding other employment opportunities. His inability to work has caused him severe financial hardship, as he is a low-income individual who must support both himself and his mother with whom he lives.

61. As a result of his encounter with the Defendant Officers, Mr. Jackson has also continued to suffer ongoing mental and emotional distress, including chronic anxiety, frustration, depression, despair, fear, nightmares, and distrust of law enforcement.

The Thibodaux Police Department's Refusal to Timely Provide Mr. Jackson Information Regarding Body Camera Footage

62. After Mr. Jackson's encounter with the Defendant Officers, Mr. Jackson sought to obtain evidence of the August 15, 2020 incident. His attorneys submitted public records requests to TPD on April 9, 2021, pursuant to the Public Records Act of Louisiana, R.S. 44:1 *et seq.* Ex. 1, Ltr. to Zeringue re Public Records Request, dated April 9, 2021. Those requests sought the following information:

- Any records relating to TPD Case # H-03629-20TPD, the case concerning the encounter with the Defendant Officers;
- Any police officer body-worn cameras and/or dash camera recordings relating to the TPD Case # H-03629-20TPD;
- Any records regarding disciplinary proceedings instituted and/or complaints filed against TPD Officer Shawn Snow;
- Any records regarding disciplinary proceedings instituted and/or complaints filed against TPD Officer Simon Braud;
- Any records regarding disciplinary proceedings instituted and/or complaints filed against TPD Officer Devin Leboeuf;
- Any records regarding disciplinary proceedings instituted and/or complaints filed against TPD Officer Jory Guidry; and
- The TPD Policy and Procedures Manual.

63. On April 21, 2021, TPD responded. It provided an apparently incomplete case file for TPD Case # H-03629-20TPD;⁸ records of complaints and Internal Affairs investigations involving Officer Snow; and the TPD Policy and Procedures Manual.

64. As to the requested records regarding disciplinary proceedings instituted and/or complaints filed against Officers Braud, Leboeuf, and Guidry, TPD stated that it “does not have anything to provide in regards to this request.” Ex. 2, TPD Response to April 9, 2021 Public Records Request.

65. As to requested police officer body-worn camera and/or dash camera recordings, TPD stated that “[u]nder the provisions of R.S. 44:3A(1), your request for this is being denied due to pending criminal litigation.” *Id.* TPD did not provide any additional details justifying its denial of Mr. Jackson’s request as to the camera recordings, nor did it confirm or deny the existence of such recordings.

66. On May 13, 2021, Mr. Jackson, through his attorneys, wrote a letter to TPD regarding its deficient responses to the April 9, 2021 public records request and failure to provide police officer body-worn camera and/or dash camera recordings concerning the August 15, 2020 encounter with the Defendant Officers. Ex. 3, Ltr. to Zeringue re Public Records Request, dated May 13, 2021. In particular, TPD’s prior response to Mr. Jackson’s public records request was deficient under R.S. 44:32(D) of the Public Records Act because it did not provide an identification of the records that it had determined were exempt from inspection, copying, or reproduction, or an adequate justification for its denial of Mr. Jackson’s request. Accordingly, Mr. Jackson requested that TPD provide additional details regarding: (1) the “identity of the records that the Thibodaux

⁸ For example, the case file for TPD Case # H-03629-20TPD received in connection with Mr. Jackson’s April 8, 2021 public records request omitted the “Supporting Narrative by Jory Guidry” dated 08/16/20, 16:51.

Police Department has determined are exempt from inspection, copying, or reproduction,” and (2) “[f]or each record that the Thibodaux Police Department has determined is exempt from inspection, copying, or reproduction, the reasons and legal bases for such determination.” *Id.*

67. On May 25, 2021, TPD responded, again failing to provide additional details regarding the requested camera recordings or an adequate justification for its decision to withhold the recordings. Ex. 4, Email to Chen, dated May 25, 2021 (“I am not quite exactly sure what you are looking for here. The first two bullet points in your second letter have already been answered with regards to our body camera video footage in our first response.”).

68. Having failed to receive any information, including a confirmation of the identity or existence of any of the recordings requested in his April 9, 2021 public records request, Mr. Jackson, through his attorneys, again wrote to TPD on June 16, 2021. Ex. 5, Ltr. to Zeringue, dated June 16, 2021. In his letter, Mr. Jackson sought a certification, pursuant to R.S. 44:34 of the Public Records Act, as to whether or not “the requested police officer body-worn camera and camera recordings exist and are in your custody or control.” *Id.*

69. It was not until June 21, 2021—more than two months after Mr. Jackson’s initial public records request—that TPD finally confirmed that police body camera recordings were created in connection with Mr. Jackson’s August 15, 2020 encounter with the Defendant Officers.

70. Litigation counsel understands that TPD provided the body camera recordings of the incident involving Mr. Jackson on or around August 10, 2021, which was less than one week before the end of the limitations period for Mr. Jackson’s claims. Despite its best efforts, litigation counsel did not have an opportunity to review the body camera recordings by the time of the filing of the original Complaint.

COUNT I

**42 U.S.C. § 1983, Excessive Force in Violation of the Fourth and Fourteenth Amendments
(Against all Defendant Officers)**

71. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

72. Mr. Jackson is a citizen of the United States, and each of the individual Defendant Officers are persons for purposes of 42 U.S.C. § 1983.

73. At all relevant times, the Defendant Officers were acting under the color of state law in their capacity as officers of TPD, and Defendants' acts or omissions were conducted within the scope of their official duties or employment with TPD.

74. At the time of the complained-of events, Mr. Jackson had a clearly established constitutional right to be secure in his person from unreasonable seizure through excessive force under the Fourth Amendment and to bodily integrity and to be free from excessive force under the Fourteenth Amendment. Any reasonable police officer would have or should have known that Mr. Jackson had such rights at the time of the complained-of conduct as they were clearly established at that time.

75. The Defendant Officers' actions and use of force, as described herein, were also malicious and involved reckless, callous, and deliberate indifference to Mr. Jackson's federally protected rights. The force used by the Defendant Officers shocks the conscience and accordingly violated Mr. Jackson's Fourteenth Amendment rights.

76. The Defendant Officers unlawfully seized Mr. Jackson by means of objectively unreasonable, excessive physical force, thereby unreasonably depriving Mr. Jackson of his freedom.

77. At the time of the Defendant Officers' use of unreasonable and excessive force on Mr. Jackson, there were no factual circumstances that would have led a reasonable person to believe that Mr. Jackson posed a threat to the Defendant Officers. There was no indication prior to the use of force that Mr. Jackson was armed, attempting to flee, or posed a threat to himself, the Defendant Officers, or others. Mr. Jackson also stated to the Defendant Officers that he suffered from "cerebral palsy" and that his weakened right arm had limited flexibility. He informed them of his palsy multiple times as he was being injured. Mr. Jackson also informed the Defendant Officers during the use of force that he was being injured.

78. The Defendant Officers did not employ measured action. Instead, they immediately resorted to force, without any attempt to de-escalate the situation or negotiate with Mr. Jackson. The Defendant Officers made no attempt at the outset to take Mr. Jackson's impairment into account. Nor did they warn him they would use force. The Defendant Officers failed to attempt less forceful alternatives and continued to inflict unreasonable and excessive force despite the fact that Mr. Jackson was committing no crime, posed no threat, and did not actively resist.

79. The Defendant Officers are not entitled to qualified immunity for the complained-of conduct because their conduct violated Mr. Jackson's constitutional rights and was objectively unreasonable.

80. As a direct and proximate consequence of the Defendant Officers' acts and omissions, including the use of force, Mr. Jackson has suffered and continues to suffer damages, including physical and emotional injury.

COUNT II
42 U.S.C. § 1983, Excessive Force – Failure to Intervene in Violation of the Fourth and Fourteenth Amendments
(Against all Defendant Officers)

81. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

82. At all relevant times, the Defendant Officers were acting under the color of state law in their capacity as officers of TPD, and Defendants' acts or omissions were conducted within the scope of their official duties or employment with TPD.

83. At the time of the complained-of events, Mr. Jackson had a clearly established constitutional right to be secure in his person from unreasonable seizure through excessive force under the Fourth Amendment and to bodily integrity and to be free from excessive force under the Fourteenth Amendment. Any reasonable police officer would have or should have known that Mr. Jackson had such rights at the time of the complained-of conduct as they were clearly established at that time.

84. At the time of each Defendant Officers' use of unreasonable and excessive force on Mr. Jackson, there were no factual circumstances that would have led a reasonable person to believe that Mr. Jackson posed a threat to the other Defendant Officers. There was no indication prior to the use of force that Mr. Jackson was armed, attempting to flee, or posed a threat to himself, the Defendant Officers, or others. Mr. Jackson also stated to the Defendant Officers that he suffered from "cerebral palsy" and that his weakened right arm had limited flexibility. He informed them of his palsy prior to the use of force and multiple times afterward as he was being injured. Mr. Jackson also informed the Defendant Officers during the use of force that he was being injured.

85. Each Defendant Officer knew that the other Defendant Officers were violating Mr. Jackson's constitutional right to be secure in his person from unreasonable seizure through

excessive force under the Fourth Amendment and to bodily integrity and to be free from excessive force under the Fourteenth Amendment.

86. Each of Defendant Officers Snow, Braud, and Leboeuf were present at the scene, positioned near Mr. Jackson, could perceive the actions of the others, and assisted the others when they were violating Mr. Jackson's constitutional rights through their use of unreasonable and excessive force on Mr. Jackson.

87. Each of Defendant Officers Snow and Guidry were present at the scene, positioned near Mr. Jackson, and could perceive the actions of the other when he was violating Mr. Jackson's constitutional rights through his use of unreasonable and excessive force on Mr. Jackson.

88. Each Defendant Officer had a reasonable opportunity to realize the excessive nature of the force used by the other Defendant Officers, as well as a realistic opportunity to prevent the harm to Mr. Jackson caused by the other Defendant Officers.

89. Each Defendant Officer chose not to act to prevent the harm to Mr. Jackson caused by the other Defendant Officers and acquiesced in the violation of Mr. Jackson's constitutional rights.

90. The Defendant Officers are not entitled to qualified immunity for the complained-of conduct because their conduct violated Mr. Jackson's constitutional rights and was objectively unreasonable.

91. As a direct and proximate consequence of the Defendant Officers' acts and omissions, including the use of force, Mr. Jackson has suffered and continues to suffer damages, including physical and emotional injury.

COUNT III
Title II of the Americans with Disabilities Act, Failure to Accommodate
(Against City of Thibodaux)

92. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

93. Mr. Jackson suffers from a form of palsy and therefore is a qualified individual with a disability within the meaning of the ADA, 42 U.S.C. § 12132. *See* 28 C.F.R. §§ 35.108(a)(1)(i) (defining “disability” to mean a “physical or mental impairment that substantially limits one or more of the major life activities of such individual”), (b)(1)(i) (defining “physical or mental impairment” to mean “[a]ny physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal”), (b)(2) (stating that physical or mental impairment “includes, but is not limited to, contagious and noncontagious diseases and conditions such as . . . cerebral palsy . . . muscular dystrophy”).

94. Title II of the ADA prohibits discrimination against people with disabilities through services or programs offered by State or local governments.

95. The City is a public entity that provides and is responsible for public services, including the law enforcement services that Defendant Officers, each of whom are agents acting on behalf of the City, provide through TPD.

96. On information and belief, as is evident by the treatment of Mr. Jackson at the hands of the Defendant Officers, the City does not provide adequate training or supervision to ensure that individuals with physical disabilities, like Mr. Jackson, are afforded fair and equal treatment in the provision of law enforcement services.

97. While and after being detained, Mr. Jackson verbally and specifically informed the City, through the Defendant Officers, that he suffered from “cerebral palsy,” which, among other things, caused Mr. Jackson to have a weakened right arm with limited flexibility. Mr. Jackson’s

disability was also open, obvious, and apparent to the Defendant Officers, as his right arm was noticeably shorter than his left arm, and Mr. Jackson walked with a distinct gait.

98. Prior to the use of force on Mr. Jackson, the City, through the Defendant Officers, had already secured the scene. Furthermore, at the time, there was no apparent threat to the safety of Mr. Jackson or others. The Defendant Officers failed in their duty to take control of the situation through less intrusive means. In doing so, they failed to reasonably accommodate Mr. Jackson's disability.

99. The City, through the actions of its agents, the Defendant Officers, intentionally denied Mr. Jackson the benefits of TPD law enforcement services, or otherwise discriminated against Mr. Jackson by reason of his disability. The Defendant Officers used excessive force in detaining Mr. Jackson, including by escalating their use of force after Mr. Jackson's weakened and inflexible right arm could not bend behind his back. In doing so, the City failed to make reasonable accommodations for Mr. Jackson's known limitations, which resulted from his disability.

100. As a direct and proximate result of Defendant's failure to accommodate Mr. Jackson's disability and limitations, Mr. Jackson suffered and continues to suffer physical and emotional injury.

COUNT IV
Assault
(Against Defendant Braud)

101. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

102. Defendant Braud committed various acts immediately preceding his physical battery of Mr. Jackson. Those actions constituted imminent threats to batter and cause physical

injury to Mr. Jackson. Specifically, Defendant Braud threatened to bend Mr. Jackson's weakened and inflexible right arm beyond its natural range of motion.

103. Defendant Braud intended to threaten to batter and cause physical injury to Mr. Jackson.

104. Defendant Braud's threat of physical injury to Mr. Jackson was unreasonable, without cause or justification under the circumstances, and excessive.

105. As a direct and proximate result of the intentional conduct of Defendant Braud, Mr. Jackson suffered and continues to suffer physical and emotional injury. Mr. Jackson's injuries were caused wholly by the intentional acts of Defendant Braud.

COUNT V

Battery

(Against all Defendant Officers)

106. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

107. The Defendant Officers intended to use force to cause harmful or offensive contact with Mr. Jackson, and did in fact use force to cause Mr. Jackson to suffer harmful or offensive contact.

108. The Defendant Officers' use of force caused physical injury to Mr. Jackson, was without cause or justification under the circumstances, and was excessive.

109. As a direct and proximate result of the Defendant Officers' intentional conduct, Mr. Jackson suffered and continues to suffer physical and emotional injury. Mr. Jackson's injuries were caused wholly by the intentional acts of Defendants.

COUNT VI
Intentional Infliction of Emotional Distress
(Against all Defendant Officers)

110. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

111. The Defendant Officers violated Louisiana law by committing intentional torts while acting within the course and scope of their employment with TPD.

112. At all relevant times, the Defendant Officers were acting under the color of state law.

113. The acts or omissions of the Defendant Officers, as described herein, deprived Mr. Jackson of his constitutional rights and caused him other damages.

114. The Defendant Officers' acts or omissions constituted extreme and outrageous conduct.

115. As a direct and proximate cause of the intentional torts that the Defendant Officers committed as complained of herein, Mr. Jackson continues to suffer severe emotional injury and psychiatric distress. Mr. Jackson further continues to suffer from severe and disabling distress, shock, anguish, humiliation, depression, and loss of enjoyment of life.

116. The Defendant Officers' intentional acts or omissions are the sole cause of the aforementioned injuries that Mr. Jackson has suffered.

117. The Defendant Officers desired to inflict severe emotional distress on Mr. Jackson or knew that severe emotional distress would be certain or substantially certain to result from their acts or omissions.

COUNT VII
Negligence

(Against all Defendant Officers)

118. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

119. Each Defendant Officer owed a duty of care to Mr. Jackson to act reasonably under the circumstances.

120. Each Defendant Officer also owed a duty of care to Mr. Jackson to intercede to prevent the use of unreasonable and excessive force by the other Defendant Officers on Mr. Jackson, and each of the Defendant Officers was in a position to intercede to prevent the use of such unreasonable and excessive force.

121. Each Defendant Officer breached his duty of care to Mr. Jackson by failing to act reasonably under the circumstances. The Defendant Officers used unreasonable and excessive force against Mr. Jackson, an individual whom the Defendant Officers knew or should have known was disabled. The Defendant Officers' use of force was also unreasonable and excessive in view of, among other factors, the non-violent nature of the alleged offense, the minimal chance of and lack of any attempt by Mr. Jackson to escape by flight, and the lack of any actual or potential weaponry on or near Mr. Jackson.

122. Each Defendant Officer was in a position to intercede to prevent the use of unreasonable and excessive force by the other Defendant Officers on Mr. Jackson. By failing to intercede when the other Defendant Officers used such unreasonable and excessive force, each Defendant Officer breached his duty of care to Mr. Jackson.

123. The risk of harm from unreasonable and excessive force to Mr. Jackson was within the scope of protection afforded by the duty of care breached by the Defendant Officers.

124. As a direct and proximate result of the Defendant Officers' breach of their duty of care, Mr. Jackson suffered and continues to suffer physical and emotional injuries. Mr. Jackson's injuries were caused wholly by the acts of the Defendant Officers.

COUNT VIII
Negligent Infliction of Emotional Distress
(Against all Defendant Officers)

125. Mr. Jackson re-alleges and incorporates all of the preceding paragraphs, as if fully set forth herein.

126. Each Defendant Officer owed a duty of care to Mr. Jackson to act reasonably under the circumstances.

127. Each Defendant Officer also owed a duty of care to Mr. Jackson to intercede to prevent the use of unreasonable and excessive force by the other Defendant Officers on Mr. Jackson, and each of the Defendant Officers was in a position to intercede to prevent the use of such unreasonable and excessive force.

128. Each Defendant Officer breached his duty of care to Mr. Jackson by failing to act reasonably under the circumstances. The Defendant Officers used unreasonable and excessive force against Mr. Jackson, an individual whom the Defendant Officers knew or should have known was disabled. The Defendant Officers' use of force was also unreasonable and excessive in view of, among other factors, the non-violent nature of the alleged offense, the minimal chance of and lack of any attempt by Mr. Jackson to escape by flight, and the lack of any actual or potential weaponry near Mr. Jackson.

129. Each Defendant Officer was in a position to intercede to prevent the use of unreasonable and excessive force by the other Defendant Officers on Mr. Jackson. By failing to

intercede when the other Defendant Officers used such unreasonable and excessive force, each Defendant Officer breached his duty of care to Mr. Jackson.

130. The risk of harm from unreasonable and excessive force to Mr. Jackson was within the scope of protection afforded by the duty of care breached by the Defendant Officers.

131. The Defendant Officers' use of unreasonable and excessive force on Mr. Jackson had a strong likelihood of causing, and was a direct and proximate cause of, Mr. Jackson's genuine and serious emotional injury and psychiatric distress. Mr. Jackson further continues to suffer from severe and disabling distress, shock, anguish, humiliation, depression, and loss of enjoyment of life.

DEMAND FOR JURY TRIAL

132. Mr. Jackson hereby demands a trial by jury on all claims and issues so triable.

PRAYER FOR RELIEF

Wherefore, Mr. Jackson respectfully requests that this Court enter judgment against Defendants Snow, Braud, Leboeuf, Guidry, and the City, as follows:

- A. A declaration that the Defendants' conduct violates the Fourth and Fourteenth Amendments of the United States Constitution;
- B. Compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- C. Compensation for economic losses on all claims allowed by law;
- D. Special damages in an amount to be determined at trial;
- E. Punitive damages on all claims allowed by law against Defendants and in an amount to be determined at trial;

- F. Attorneys' fees and the costs associated with this action under 42 U.S.C. § 1988, including expert witness fees, on all claims allowed by law;
- G. Pre- and post-judgment interest at the lawful rate; and
- H. Such other relief, including other monetary and equitable relief, as this Court deems just and proper.

Dated: October 29, 2021

Respectfully submitted,

By: /s/ Philip K. Chen

Megan E. Snider
LA Bar No. 33382
Nora Ahmed (*Pro Hac Vice*)
N.Y. Bar. No. 5092374
ACLU Foundation of Louisiana
1340 Poydras St., Suite 2160
New Orleans, LA 70112
(504) 522-0628
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nahmed@laaclu.org

David B. Conrad (*Pro Hac Vice*)
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Dallas, Texas 75201
(214) 747-5070
conrad@fr.com

Philip K. Chen (*Pro Hac Vice*)
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
(617) 542-5070
pchen@fr.com

Counsel for Plaintiff Yohann Jackson

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2021, I electronically filed a copy of the above and foregoing pleading with the Clerk of Court through use of the CM/ECF system which will send a notice of electronic filing to those who are on the list to receive e-mail notices for this case. I further certify that I will cause a copy of the foregoing document to be served by Federal Express to any non-CM/ECF participants.

/s/ Philip K. Chen

Philip K. Chen

EXHIBIT 1



VIA USPS PRIORITY MAIL

April 9, 2021

Chief of Police Bryan P. Zeringue
P.O. Box 5418
1309 Canal Blvd.
Thibodaux LA, 70302

Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210-1878
617 542 5070 main
617 542 8906 fax

Philip K. Chen
Associate
pchen@fr.com
+1 617 521 7812 direct

Re: Public Records Request

Dear Sir,

Pursuant to the Public Records Act of Louisiana, R.S. 44:1 et seq., we request copies of the public records described below. For purposes of this request, the term “documents” includes, but is not limited to, any memoranda, letters, electronic mail or “e-mail,” handwritten, typed, or electronic notes, recordings of any kind and in any form (video, audio, digital, etc.)

1. Any records relating to Thibodaux Police Department Case # H-03629-20TPD
2. Any police officer body-worn cameras and/or dash camera recordings relating to Thibodaux Police Department Case # H-03629-20TPD
3. Any records regarding disciplinary proceedings instituted and/or complaints filed against Thibodaux Police Officer Shawn Snow
4. Any records regarding disciplinary proceedings instituted and/or complaints filed against Thibodaux Police Officer Simon Braud
5. Any records regarding disciplinary proceedings instituted and/or complaints filed against Thibodaux Police Officer Devin LeBoeuf
6. Any records regarding disciplinary proceedings instituted and/or complaints filed against Thibodaux Police Officer Jory Guidry
7. Thibodaux Police Policy and Procedures Manual

Under the provisions of R.S. 44:32, if you raise a question as to whether any of the records requested is a public record, you are required to notify in writing the person making the request of your determination and the reasons, including the legal basis therefor. Notice shall be made within three days of the receipt of the request, exclusive of Saturdays, Sundays and legal public holidays. If you claim exemption for a record or records under the Public Records Act, or any other statute, include for each record the section of law under which exemption is claimed and your reasons for believing the statute is applicable to the record.

Under the provisions of R.S. 44:33, if the public record is not immediately available, you are required to certify this in writing promptly, and in your certificate fix a day and hour within three days, exclusive of Saturdays, Sundays and legal public holidays, for the exercise of the right granted in the Public Records Act.



Page 2

Under R.S. 44:34, “If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody and control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter.”

If you are invoking R.S. 44:34 to deny this request, please answer the following questions in detail.

1. Is a copy of the requested public record usually located in your office?
2. Why is your copy of the requested public record absent from your office?
3. Where is your copy of the requested public record?
4. Who has received a copy of the requested public record?
5. How and from whom did the present custodian gain control of your copy of the requested public record?
6. What was the exact time your copy of the public record was taken from your custody and control?
7. When will your copy of the requested public record be returned to your office?
8. Is there any other public official who has a copy of the requested record?
9. What is/are the name(s) of anyone who has a copy of the requested public record?
10. What is/are the location(s) where the public record can be viewed?
11. What are the hours and dates when the requested public record can be viewed?

Please contact us at the number above when the requested materials are ready to be mailed. We request that any and all documents that are available be made available in electronic form. This request includes any documents that are in paper form but that can be scanned to electronic form, as well as digital copies of any recordings. For those documents that cannot be produced in electronic form, if the cost of copies does not exceed \$50.00, proceed without further approval and send us an invoice with the records; otherwise, call to advise and gain approval to proceed. As you are aware, failure to abide by the Public Records Law may result in certain penalties and the award of attorney’s fees. We trust that you will comply without the necessity of any further action on our part.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip K. Chen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Philip K. Chen

EXHIBIT 2

- 1) Attached you will find what you have requested and what you are entitled to pursuant to the Public Records Act of Louisiana.
- 2) Under the provisions of R.S. 44:3A(1), your request for this is being denied due to pending criminal litigation.
- 3) Attached you will find what you have requested.
- 4) Our agency does not have anything to provide in regards to this request.
- 5) Our agency does not have anything to provide in regards to this request.
- 6) Our agency does not have anything to provide in regards to this request.
- 7) Attached you will find what you have requested.

EXHIBIT 3



VIA PRIORITY MAIL

May 13, 2021

Chief of Police Bryan P. Zeringue
Thibodaux Police Department
P.O. Box 5418
1309 Canal Blvd.
Thibodaux, LA 70302

Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210-1878

617 542 5070 main
617 542 8906 fax

Philip K. Chen
Associate
pchen@fr.com
+1 617 521 7812 direct

Re: Public Records Request

Dear Sir,

We represent Mr. Yohann Jackson as his attorneys. We write regarding outstanding deficiencies in the Thibodaux Police Department's responses to a Public Records Request dated April 9, 2021 that we submitted on Mr. Jackson's behalf.

The Public Records Request requested, pursuant to the Public Records Act of Louisiana, R.S. 44:1 et seq., copies of "[a]ny police officer body-worn cameras and/or dash camera recordings relating to Thibodaux Police Department Case # H-03629-20TPD." In its April 21, 2021 response, the Thibodaux Police Department stated: "Under the provisions of R.S. 44:3A(1), your request for this is being denied due to pending criminal litigation." The Thibodaux Police Department's responses are insufficient.

Under R.S. 44:32(D) of the Public Records Act, the Thibodaux Police Department is required, "[i]n any case in which a record is requested and a question is raised . . . as to whether it is a public record" to "notify in writing the person making such request of his determination and the reasons therefor." R.S. 44:32(D) further requires the Thibodaux Police Department to include in its written notification "a reference to the basis under law which the custodian has determined exempts a record, or any part thereof, from inspection, copying or reproduction." Please provide additional details regarding the following:

- The identity of the records that the Thibodaux Police Department has determined are exempt from inspection, copying, or reproduction.
- For each record that the Thibodaux Police Department has determined is exempt from inspection, copying, or reproduction, the reasons and legal bases for such determination.
- If the represented by counsel in connection with your April 21, 2021 response to the Public Records Request, the identity and contact information of counsel for the Thibodaux Police Department.

Please provide the requested information by no later than **May 20, 2021**.



Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Philip K. Chen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Philip K. Chen

cc: Lindsey Douglas
American Civil Liberties Union of Louisiana
P.O. Box 56157
New Orleans, LA 70156

FISH.
FISH & RICHARDSON

Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210-1878



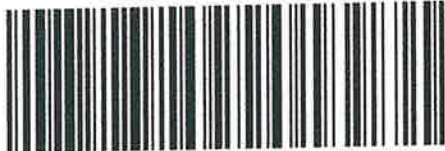
For Domestic and International Use

Label 107, May 2014

Chief of Police Bryan P. Zeringue
Thibodaux Police Department
P.O. Box 5418
1309 Canal Blvd.
Thibodaux, LA 70302



USPS TRACKING #



9114 9014 9645 1696 4366 24

Label 400 Jan. 2013
7680-16-000-7948

NEOPOST PRIORITY MAIL
05/13/2021
US POSTAGE \$008.80⁰



ZIP 02210
041M11280230

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FISH & RICHARDSON

Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210-1878

Lindsey Douglas
American Civil Liberties Union of Louisiana
P.O. Box 56157
New Orleans, LA 70156

NEOPOST FIRST-CLASS MAIL
05/13/2021
US POSTAGE \$000.51⁰



ZIP 02210
041M11280230

EXHIBIT 4

Philip Chen

From: Jacob Hoffpauir <jacobh@ci.thibodaux.la.us>
Sent: Tuesday, May 25, 2021 12:30 PM
To: Philip Chen
Cc: Bryan P. Zeringue; Beau Brooks; Annie Gros
Subject: Response to 2nd Request
Attachments: Mr. Chen's 2nd Request.pdf

[This email originated outside of F&R.]

Mr. Chen,

I am not quite exactly sure what you are looking for here. The first two bullet points in your second letter have already been answered in regards to our body camera video footage in our first response. Today, I reached out to our District Attorney's Office (17th Judicial District) in regards to the criminal case regarding your client, Yohann Jackson, and once again have verified that this case has not been fully adjudicated, which provides the exemption for us not releasing the body camera footage under Louisiana R.S. 44:3A(1).

In regards to your last bullet point, our staff attorney for the City of Thibodaux is Mr. Beau Brooks. Below you will find his contact information:

e-mail: bbrooks@ci.thibodaux.la.us

phone: 985-446-7218

address: 310 West 2nd Street, Thibodaux, Louisiana, 70301

Lieutenant Jacob Hoffpauir #1133

Administrative Lieutenant

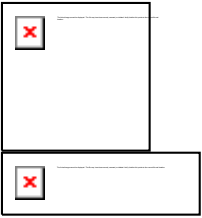
Thibodaux Police Department

(985) 446-5021

e-mail: jacobh@ci.thibodaux.la.us

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City of Thibodaux
310 West 2nd Street
Thibodaux, LA 70302



www.ci.thibodaux.la.us

EXHIBIT 5



VIA USPS

June 16, 2021

Chief of Police Bryan P. Zeringue
P.O. Box 5418
1309 Canal Blvd.
Thibodaux LA, 70302

Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210-1878
617 542 5070 main
617 542 8906 fax

Philip K. Chen
Associate
pchen@fr.com
+1 617 521 7812 direct

Re: Certification of Absence of Records Requested in April 9, 2021 Public Records Request

Dear Sir,

I write in response to your email dated May 25, 2021 regarding your denial of Mr. Yohann Jackson's request for copies of police officer body-worn cameras and/or dash camera recordings relating to Thibodaux Police Department Case # H-03629-20TPD.

Under R.S. 44:34 of the Public Records Act, "[i]f any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody and control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter."

Please provide a certification as to whether or not the requested police officer body-worn camera and/or dash camera recordings exist and are in your custody or control by no later than **June 25, 2021**.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip K. Chen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Philip K. Chen

cc: City Attorney Beau Brooks
310 West 2nd Street
Thibodaux, LA 70301

Lindsey Douglas
American Civil Liberties Union of Louisiana
P.O. Box 56157
New Orleans, LA 70156