

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

NATHASIA M. PAUL,

Plaintiff,

v.

JOHN S. WALSDORF, MICHAEL C. WIBLE,
GARY L. BORDELON, JR., JASON E. SPADONI,
JOSEPH P. HEBERT, JOSEPH P. LOPINTO, III,
CURTIS P. MATTHEWS, and DOES 1-10,

Defendants.

Case No. 21-2144

Judge: _____

Magistrate Judge: _____

Jury Trial Demanded

COMPLAINT

This action arises from an encounter between five plain-clothed officers from the Jefferson Parish Sheriff’s Office (“JPSO”) and Plaintiff Nathasia M. Paul (“Ms. Paul” or “Plaintiff”), a 42-year-old Black woman who lived alone in an apartment in Metairie, LA.

Like countless other Black residents of Jefferson Parish, Louisiana, on November 20, 2020, Ms. Paul became the victim of JPSO’s racialized police misconduct, which has gone unchecked for decades. On that day, five officers went to Ms. Paul’s home to investigate a purported anonymous complaint about her personal use of marijuana. Over the course of an hour, the officers interrogated Ms. Paul, intimidated her, confiscated her cell phone, handcuffed her, and searched her apartment—all without a warrant, without her consent, and without any valid basis.

After the search, the officers demanded that Ms. Paul sign a consent form. In handcuffs, surrounded by armed officers who repeatedly demanded that she sign the consent, and fearing for her life, she relented and signed the form. The encounter left Ms. Paul traumatized,

afraid to sleep in her own home, and fearful of the officers' return. By searching Ms. Paul's home and arresting her without a warrant, the five officers violated her right to be free from unreasonable searches and seizures under the Fourth Amendment to the United States Constitution. And by failing to properly train and supervise the officers, the Sheriff of Jefferson Parish, Joseph P. Lopinto, III ("Lopinto"), and the head of the Specialized Investigations Bureau and Narcotics Division, Curtis P. Matthews ("Matthews"), also violated Ms. Paul's rights.

I. NATURE OF THE ACTION

1. Nathasia Paul, a 42-year-old black woman, was sleeping in her bedroom after having finished an early morning shift at work when five armed but non-uniformed JPSO officers—Defendants John S. Walsdorf, Michael C. Wible, Gary L. Bordelon, Jr., Jason E. Spadoni, and Joseph P. Hebert (collectively, the "Officers" or "Officer Defendants")—banged on her front door, waking her. As soon as Ms. Paul answered the door, the Officers started interrogating her about whether she used drugs.

2. The Officers, purporting to act on an anonymous tip, barged into Ms. Paul's home and searched her apartment without a warrant and without her consent. In the process, they grabbed and handcuffed Ms. Paul and kept her handcuffed for nearly an hour.

3. The Officers searched Ms. Paul's apartment as she sat handcuffed in her living room.

4. After they completed the search, the Officers then coerced Ms. Paul into signing a "consent to search" form before they would leave her house. Fearing for her life—handcuffed and surrounded by the Officers—Ms. Paul relented and signed the form.

5. This encounter took place against a backdrop of racially motivated policing and police misconduct across the United States and specifically in Jefferson Parish—which is notorious for its racial bias and police misconduct, ranking worse than 95% of other police

departments in the United States in racial disparity in deadly force.¹ The encounter with the Officers traumatized Ms. Paul so much that she could no longer sleep in her own home, leading her to make the difficult choice to move.

6. The encounter continues to traumatize her to this day.

7. The sanctity of a person's home is at the very core of a person's right under the United States Constitution to be free from unreasonable government intrusion. Before officers of the government may invade this sanctity, they must have a warrant or demonstrate exigent circumstances that overcome the unreasonableness that attaches to a warrantless home entry to conduct any search or arrest. The Officers in this case did not obtain a warrant, and there were no exigent circumstances.

8. Ms. Paul brings this lawsuit to redress the Officers' violations of her constitutional rights under the Fourth Amendment of the United States Constitution and her civil rights pursuant to 42 U.S.C. § 1983, as well as violations of state law.

II. PARTIES

9. Plaintiff Nathasia Paul was at all relevant times a resident of Metairie, Louisiana.

The Officer Defendants

10. The individual Officer Defendants in this case are members of JPSO's Narcotics Division Group III, which is part of the JPSO's Specialized Investigations Bureau.

11. Defendant John S. Walsdorf was at all relevant times an Officer employed by JPSO. Defendant Walsdorf is sued in his individual capacity and is directly liable for the actions

¹ Police Scorecard, *Jefferson Parish Sheriff's Department* (2021), <https://policescorecard.org/la/sheriff/jefferson-parish>. (The Police Scorecard, built by Samuel Sinyangwe and a team of data scientists, designers, developers, organizers, and students, is a nationwide public evaluation of policing in the United States. The Scorecard calculates levels of police violence, accountability, racial bias, and other policing outcomes for over 16,000 municipal and county law enforcement agencies).

complained of herein. On information and belief, at all times described herein, Defendant Walsdorf was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

12. Defendant Michael C. Wible was at all relevant times an Officer employed by JPSO. He is sued in his individual capacity and is directly liable for the actions complained of herein. On information and belief, at all times described herein, Defendant Wible was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

13. Defendant Gary L. Bordelon Jr. was at all relevant times an Officer employed by JPSO. He is sued in his individual capacity and is directly liable for the actions complained of herein. On information and belief, at all times described herein, Defendant Bordelon was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

14. Defendant Jason E. Spadoni was at all relevant times an Officer employed by JPSO. He is sued in his individual capacity and is directly liable for the actions complained of herein. On information and belief, at all times described herein, Defendant Spadoni was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

15. Defendant Joseph P. Hebert was at all relevant times an Officer employed by JPSO. He is sued in his individual capacity and is directly liable for the actions complained of herein. On information and belief, at all times described herein, Defendant Hebert was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

16. On information and belief, each Officer Defendant was acting as an agent of the other, and each and every Officer Defendant is jointly, severally, and vicariously liable to Ms. Paul for the damages alleged in this Complaint.

Defendant Lopinto

17. Defendant Joseph P. Lopinto, III is the Captain and Commander of JPSO, and is sued in his official capacity. On information and belief, at all times described herein, Defendant Lopinto was in charge of the hiring, training, supervision, discipline, and control of the employees of the JPSO, including the Officer Defendants. He was also responsible for the supervision, administration, policies, practices, customs, and operations of the JPSO. He was and is a final policymaker. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Lopinto was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

Defendant Matthews

18. Defendant Curtis P. Matthews is the Deputy Chief of the JPSO's Specialized Investigations Bureau, which includes the Narcotics Division, and is sued in his official capacity (together with the "Officer Defendants" and Defendant Lopinto, the "JPSO Defendants"). On information and belief, at all times described herein, Defendant Matthews, alongside Defendant Lopinto, was in charge of the hiring, training, supervision, discipline, and control of the employees of the Specialized Investigations Bureau of the JPSO, including the Narcotics Division of which the Officer Defendants were agents. Defendant Matthews, alongside Defendant Lopinto, was also responsible for the supervision, administration, policies, practices, customs, and operations of the Specialized Investigations Bureau, including the Narcotics Division. Defendant Matthews, alongside Defendant Lopinto, was and is a final policymaker. He is liable both directly and vicariously for the actions complained of herein. At all times

described herein, Defendant Matthews was a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

Doe Defendants

19. Doe Defendants 1-10 (“Does”) are yet unknown Defendants, and at all relevant times, were employed as officers by JPSO. Because Ms. Paul does not know the true names and capacities of all the deputies and officers who unlawfully searched Ms. Paul’s home and arrested her, or those who supervised, authorized, or were otherwise involved in the illegal search of Ms. Paul’s home and her arrest, those individuals are sued as Doe Defendants. Ms. Paul will amend this Complaint to name additional defendants who participated in or are otherwise responsible for the incidents described herein if and when they are discovered.

20. All JPSO Defendants are jointly and severally liable for the tortious conduct described herein.

III. JURISDICTION AND VENUE

21. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) because Ms. Paul’s claims of federal civil rights violations arise under the Constitution and laws of the United States, including 42 U.S.C. § 1983. This Court has supplemental jurisdiction over Ms. Paul’s Louisiana state law claims pursuant to 28 U.S.C. § 1367.

22. Venue in the Eastern District of Louisiana is proper pursuant to 28 U.S.C. § 1391(b)(2) because the wrongful conduct giving rise to Ms. Paul’s claims occurred in Jefferson Parish, Louisiana, which is located within the Eastern District of Louisiana.

23. 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.

IV. FACTS

A. Ms. Paul Awakens to Five Armed Men at Her Door

24. On November 20, 2020, at around 11 am, Ms. Paul returned home from an early morning shift at her ride-sharing job. Ms. Paul proceeded to lay down to rest in the bedroom of

her two-story townhouse apartment, where she lived alone.

25. At approximately 12:08 pm, Ms. Paul was awakened by loud banging on her front door. Ms. Paul logged on to the Ring application² on her cell phone to see who was knocking. On her screen, she saw several large men in street clothing standing outside her door.

26. Apprehensive, Ms. Paul walked downstairs and answered her front door.

27. When she answered the door, she saw several men with guns. She presumed they were police officers, but did not know for sure, as they were in street clothing.

28. Defendant Wible³ asked Ms. Paul if she was Nathasia Paul. Defendant Wible explained that they had received “some complaints from this area” about her.

29. One of the Officers asked Ms. Paul if she had any visitors or kids in the house with her. Ms. Paul responded that she did not, and that her kids were grown and did not live at home with her.

30. The Officers then questioned Ms. Paul about whether she used marijuana. Ms. Paul denied any marijuana use, but the Officers continued to aggressively question her. One of the Officers began to get agitated, stating, “How long ago did you smoke? We’re not stupid,” and claiming that the Officers could all smell marijuana.

B. The Officers Force Their Way Into Ms. Paul’s Home

31. A few minutes into the Officers’ questioning, Ms. Paul realized the Officers’ objective, asking, “Wait a minute, you want to search my apartment?” One of the Officers responded, “We are, we are.” But Ms. Paul knew the Officers needed a warrant to search her

² “Ring” is a home security system that incorporates outdoor motion-detecting cameras, including doorbell cameras, and provides a live feed of video footage captured from those cameras to devices like a cellphone.

³ All Officer identifications are on information and belief, based on a review of Ms. Paul’s Ring footage and publicly available images of the Officers who are identified by name in a police report obtained from JPSO.

home, reminding the Officers that without a warrant she would “have to invite [them] in...”

32. The Officers, however, were undeterred. Indeed, they continued to interrogate Ms. Paul about whether she used marijuana. Ms. Paul noted that “I am being questioned like I’m a drug dealer or something.”

33. The Officers’ agitation intensified as Ms. Paul continued to refuse to allow them into her home without a warrant. Ms. Paul became increasingly nervous, responding to one of the Officers, “I’m nervous, I’m surrounded by five guys.” The Officers disregarded Ms. Paul’s concerns.

34. One of the Officers told Ms. Paul: “I’m not going to play this fricken rigamarole game with you . . . when I smell it, and you’re saying you don’t smoke weed inside your apartment when I smell it.” Ms. Paul replied that she did not smell any weed and that she was not a drug dealer. The Officers acknowledged that they did not think she was a drug dealer, but nonetheless continued to interrogate her and demanded to search her apartment.

35. Ms. Paul repeatedly asked the Officers for the required paperwork that would allow them to search her apartment. Defendant Walsdorf showed her a piece of paper, but it did not appear to be a warrant or any official document issued by a court or other authority. Instead, it appeared to be a consent form. Ms. Paul declined to sign this piece of paper and returned it to Defendant Walsdorf unsigned.

36. At approximately 12:15 pm, Defendant Spadoni informed Ms. Paul, “We have probable cause right now to type a search warrant on your apartment.” But rather than applying to a judge for a search warrant, Defendant Spadoni, growing increasingly impatient and hostile, instead presented Ms. Paul with two options. First, he said, she could give the Officers consent to search her entire apartment, or second, she could give the Officers consent to go inside and “show [them] where the weed [was].”

37. Ms. Paul was alarmed and frightened by the rising hostility from the Officers, but she

did not agree to either option. She knew that a warrant was required to search her apartment, and therefore she refused to give the Officers the consent they were insisting on. Instead, she continued talking to the Officers, explaining to them that she was “trying to understand the purpose” for the search and asking the Officers what she “did.” At that point, Defendant Spadoni told Ms. Paul, “Right now you’re detained. Even though you’re not physically detained, right now you are detained.”

38. Ms. Paul, having been informed that she was “detained,” began to fear for her personal safety and stated: “Before I give you permission to do that [search the house], I need to call somebody to let somebody know that I have 5 cops at my door.” Defendant Spadoni responded, “We don’t want you calling anybody right now.” In fear, Ms. Paul attempted to call her brother on her cell phone. Defendant Spadoni then forcibly grabbed Ms. Paul’s right arm and yanked her phone out of her hand.

C. Ms. Paul is Arrested and Officers Search Her Apartment

39. Immediately after Defendant Spadoni confiscated Ms. Paul’s phone, Defendant Wible grabbed Ms. Paul’s left arm and handcuffed her, while Defendant Walsdorf stormed into her house and headed straight up her stairs to the second floor.⁴

40. Ms. Paul still had not given any of the Officers consent to enter her home.

41. After Ms. Paul was handcuffed, Defendant Wible led her into the living room and told her to sit on her sofa.

42. As Ms. Paul sat handcuffed in her living room, Defendant Walsdorf searched the upstairs of her apartment, which included two bedrooms and a bathroom; the other Officers searched the downstairs of her apartment.

43. Defendant Walsdorf then walked back downstairs, shaking his head and tossing his

⁴ Despite the raging global COVID-19 pandemic, none of the Officers put on masks at any point in time, including when they entered Ms. Paul’s home.

arms in the air. Defendant Spadoni commented that they should just get a judge to let them “tear it up.” Ms. Paul understood “it” to be a reference to her apartment. Yet even though the Officers acknowledged the need for a warrant to conduct a search, they did not get one and persisted in their illegal search.

44. Defendants Walsdorf and Spadoni then directed Ms. Paul, who was still handcuffed, to proceed upstairs and into her bedroom. On top of Ms. Paul’s dresser sat a small box with a lid. The Officers ordered her to remove a small plastic bag from the box and hand it to them.

D. The Officers Force Ms. Paul to Consent to a Search They Already Conducted

45. Defendants Walsdorf and Spadoni then brought Ms. Paul back downstairs, walked her to her kitchen table, and told her to sit down. Defendant Hebert was also in the room, standing in front of her. Ms. Paul remained handcuffed.

46. Defendants Walsdorf and Spadoni then presented Ms. Paul with what appeared to be the same consent form they had shown her earlier and demanded that she sign it. Ms. Paul asked what the document was and said she was not going to sign it. Defendant Walsdorf did not explain what the document was and instead told her to “just sign it and we will leave.” Ms. Paul again declined to do so, but the Officers continued to demand that she sign it. Defendant Spadoni told Ms. Paul “we’re not leaving until you sign this.”

47. Ms. Paul, with her hands still handcuffed, looked around the room and saw three armed Officers surrounding her.⁵ The Officers continued pressuring her to sign the document. At least one Officer, Defendant Spadoni, kept his hand resting on his gun, which Ms. Paul believed was intended to intimidate her.

48. As she sat there, Ms. Paul thought of the countless stories of Black men and women killed or beaten by police officers without justification or provocation. Ms. Paul feared she

⁵ Two of the remaining officers were not in direct view of Ms. Paul, but, on information and belief, were pacing back and forth in the living room and near the entrance of the apartment at this point in time.

would become yet another victim of racially-motivated police brutality if she continued resisting the Officers' demands that she sign the document. With her hands still handcuffed and fearing for her life, Ms. Paul signed the document.

49. After she signed the document, the Officers removed the handcuffs and asked her to sign a summons for misdemeanor drug possession. Ms. Paul did so. She had been in handcuffs for approximately 40 minutes, inside her own home, before the Officers left at approximately 1:01pm.

50. After the last Officer left her house, Ms. Paul followed him outside because the Officers were still in possession of her cell phone, which they had not returned to her. Ms. Paul asked the remaining Officer for her phone back. The Officer replied, "We don't have your fucking phone." Ms. Paul continued to insist that the Officers still had her phone. Eventually, another Officer returned to the scene and gave Ms. Paul her phone.

E. JPSO Officers Falsely Claim in Their Police Report That Ms. Paul Provided Consent *Prior* to Their Entry

51. Following the incident, Defendant Walsdorf prepared a police report that falsely described the incident. Included in the report was the claim that Ms. Paul had given consent to the Officers' search on two occasions. This was false. Defendant Walsdorf's report misrepresented what had transpired to conceal the fact that the Officers had conducted an illegal search and arrest.

52. Defendant Walsdorf's fabrications in the police report include, but are not limited to, the following false statements, which Defendant Walsdorf knew were false:

a. Defendant Walsdorf wrote in his report that "Ms. Paul elected to sign a consent to search form, which allowed agents to search the apartment," after which "Walsdorf and Wible relocated upstairs with Ms. Paul." In fact, Ms. Paul did not give consent for the Officers to enter her home at all, whether oral or in the form of a signed consent form. Rather, she was handcuffed while Defendant Walsdorf entered and searched her apartment without her consent.

b. Defendant Walsdorf stated in his report that, after Defendants Walsdorf and Wible relocated upstairs with Ms. Paul, “she pointed out exhibit #1, a clear plastic bag containing green vegetable matter on top of her dresser in plain view.”⁶ In fact, Defendant Walsdorf searched the upstairs on his own, without Ms. Paul and without her consent. The clear plastic bag was also not “in plain view,” but rather was inside a small box. On information and belief, Defendant Walsdorf first opened the box and found the bag when he searched the upstairs of Ms. Paul’s apartment. The Defendants later forced Ms. Paul to open the box again when they brought her upstairs.

c. Defendant Walsdorf stated in his report that he advised Ms. Paul of her rights under *Miranda*.⁷ In fact, no Officer ever advised Ms. Paul of her *Miranda* rights.

d. Defendant Walsdorf stated in his report that he presented Ms. Paul “with a [*second*] consent to search the remaining rooms inside the apartment, which she elected to sign allowing agents to search. Upon searching the apartment, agents did not locate any further paraphernalia inside.”⁸ In fact, Ms. Paul was not presented with any such form until after the Officers had *completed* their search and Ms. Paul—handcuffed and fearing for her life—was coerced into signing a single consent form (not two distinct consent forms).⁹

53. Defendant Walsdorf also omitted multiple important facts from his report, including key details that would reveal the illegal nature of the search and arrest. For example, the report did not disclose that:

⁶ Ex 1 Police Report. Ms. Paul has attempted, on multiple occasions, to obtain from JPSO through a public records request a copy of the alleged two consent forms referenced in the police report. To date, JPSO has not produced these documents.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

- a. Ms. Paul asked for a search warrant from the Officers before she would let them in.
- b. Ms. Paul refused to allow the Officers into her home without a search warrant.
- c. Ms. Paul said she needed to let someone know she had five Officers at her door, indicating that she felt unsafe.
- d. Ms. Paul was handcuffed for approximately 40 minutes while the Officers rummaged through her home.
- e. Ms. Paul was seated in her living room on her couch, handcuffed, with Defendant Wible next to her while Defendant Walsdorf searched upstairs alone.
- f. Ms. Paul was presented with the consent form *only after the search concluded* and while in handcuffs, with three armed Officers surrounding her.
- g. Ms. Paul signed the consent form under duress while still in handcuffs and with three armed Officers surrounding her.

F. Ms. Paul Suffers Significant Anxiety and Harm From the Officers' Conduct

54. The intimidation, harassment, and invasion of her privacy by the Officer Defendants left Ms. Paul with significant anxiety and fear. As a Black woman living during a time when police officers—and in particular, JPSO officers—have been committing unprovoked and illegal acts of violence against Black individuals, Ms. Paul fears repeat offenses by those very individuals sworn to serve and protect her rights and her life.

55. After the encounter on November 20, Ms. Paul could not sleep in her home. As a result, she started sleeping at her daughter's house, as she worried the Officers would come back for her at night. Only ten days later, reckoning with the fact that she would never feel safe in the home the Officers had invaded, Ms. Paul moved to another apartment.

G. General Allegations on Policy and Practice at the JPSO

56. On information and belief, JPSO has an unwritten policy and practice of violating individuals' constitutional rights through the use of excessive and deadly force and unreasonable

searches and seizures.¹⁰ These constitutional violations go investigated uncritically or uninvestigated altogether, and as a result, they are allowed to continue unpunished.¹¹

57. The treatment that Ms. Paul endured at the hands of the Officer Defendants is consistent with a long history and pattern of intentional discriminatory treatment that she and many people from the Black community are forced to live with in Jefferson Parish.¹²

58. In fact, the authority wielded by the Sheriff of Jefferson Parish has been compared to that of a monarch.¹³ Former Sheriff Harry Lee has commented that “[t]he Sheriff of [Jefferson Parish] is the closest thing there is to being king in the U.S.”¹⁴ This has enabled JPSO to unapologetically effectuate policing tactics that are anti-Black and that disproportionately affect the Black community.

59. For the last 42 years, the JPSO has been ruled by Sheriffs who held or supported

¹⁰ See, e.g., <https://www.wwno.org/news/2021-09-24/they-saw-me-and-thought-the-worst>.

¹¹ Sheriff Lopinto’s refusal to hold his officers accountable is illustrated by his prolonged refusal to obtain body cameras for his officers, even though JPSO “is the largest state law enforcement agency not to use body-worn cameras.” See, e.g., https://www.nola.com/news/crime_police/article_cb8b82da-b8a1-11ea-bfec-6bflae8b2595.html. Only last month, and after significant pressure from the public and lawmakers, did Sheriff Lopinto finally agree to start equipping his officers with body cameras. See, e.g., <https://www.wdsu.com/article/jpso-to-start-using-body-cameras/37966963#>.

¹² Lisa Riordan Sevilly and Hannah Rappleye, *A sheriff’s deputy shot a 14-year-old boy. It went unreported for months*, NBC News, Jul. 16, 2020, <https://www.nbcnews.com/news/us-news/sheriff-s-deputy-shot-14-year-old-boy-it-went-n1234057>.

¹³ See Christopher Tidmore, *From beating Lee to becoming Sheriff, Newell Normand retires*, The Louisiana Weekly, Jul. 31, 2017, <http://www.louisianaweekly.com/from-beating-lee-to-becoming-sheriff-newell-normand-retires/> (“The Sheriff of Jefferson Parish is the closest thing to an elected medieval king that exists in the United States. He not only is the tax collector for all other parochial offices, but he has exclusive control of his own budget, as well as the hiring and firing of his own Agents.”).

¹⁴ John Burnett, *Larger-Than-Life Sheriff Rules Louisiana Parish*, NPR, Nov. 28, 2006, <https://www.npr.org/templates/story/story.php?storyId=6549329>.

overtly racist views. For example, Sheriff Lopinto's predecessor, whom he has identified as a "great role model[] [of his] over his career,"¹⁵ "vowed to stop and question blacks driving 'rinky-dink cars' in white neighborhoods."¹⁶ In 2006, the same predecessor stated in regard to a new plan on crime in the Parish: "We're only stopping black people."¹⁷ Those views continue to drive Defendant Lopinto's leadership and JPSO's behavior.

60. The incidents of violence perpetuated by JPSO have a quantifiable discriminatory impact on the Black community. JPSO's well-settled policies, practices, and customs disproportionately subject Black people to excessive violence and in some cases death. "The Black community . . . fear[s] the Jefferson Parish Sheriff's Office,"¹⁸ and this fear is justified.

61. JPSO currently has an overall police scorecard of 44%, a data point developed by data scientists and others to evaluate policing in the United States.¹⁹ This rating measures levels of police violence, accountability, racial bias, and other policing outcomes.²⁰ Counties with higher scores "spend less on policing, use less force, are more likely to hold officers accountable and make fewer arrests for low-level offenses."²¹ JPSO has a rating of 23% for police violence,

¹⁵ Christopher Tidmore, *From Beating Lee to Becoming Sheriff, Newell Normand Retires*, The Louisiana Weekly, Jul. 31, 2017, <http://www.louisianaweekly.com/from-beating-lee-to-becoming-sheriff-newell-normand-retires/>.

¹⁶ Burnett, *supra* note 14.

¹⁷ Adam Nossiter, *Harry Lee, Outspoken Louisiana Sheriff, Dies at 75*, The New York Times, Oct. 2, 2007, <https://www.nytimes.com/2007/10/02/us/02lee.html>.

¹⁸ *Id.*

¹⁹ Police Scorecard, *Jefferson Parish Sheriff's Department (2021)*, <https://policescorecard.org/la/sheriff/jefferson-parish>.

²⁰ *Id.*

²¹ *Id.*

with more killings by police per arrest than 85% of police departments in the United States.²² JPSO also has a score of 29% for police accountability.²³ Based on data collected from 2013 to 2020, a Black person was 11.3 times more likely to be killed by police than a White person in Jefferson Parish.²⁴ Further, though Black people comprised only 26% of the population, they made up 73% of the people killed by the police.²⁵ This racial disparity in deadly force by JPSO was worse than 95% of other police departments in the United States.²⁶

H. Prior Lawsuits Against the Officers for Misconduct

62. JPSO is known for and is frequently sued for alleged violations of the Fourth Amendment for unreasonable searches and seizures, and excessive force.²⁷ For example, a recent article featured a Jefferson Parish deputy who was seen on video violently dragging a

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*; see also Richard A. Webster, “They Saw Me and Thought the Worst,” PROPUBLICA (Sept. 24, 2021), <https://www.propublica.org/article/across-the-parish-line>.

²⁷ See, e.g., the following twelve filings: *Carisa Cook v. Kurt Zeagler, et. al.*, No. 2:11-cv-00786 (E.D. La. Apr. 11, 2011); *Antonio Randle v. City of Gretna et. al.*, No. 2:12-cv-01567 (E.D. La. Jun. 19, 2012); *Phillip Digiovanni and Connie Digiovanni v. Arthuer Lawson, et. al.*, No. 2:13-cv-00334 (E.D. La. Feb. 22, 2013); *Paul H. Hankins v. Newell D. Normand, et. al.*, No. 2:15-cv-00375 (E.D. La. Feb. 5, 2015); *Yimlah S. Sankofa v. Newell Normand, et. al.*, No. 2:15-cv-01679 (E.D. La. May 18, 2015); *Raymond Foley v. Newell Normand, et. al.*, No. 2:18-cv-00614 (E.D. La. Jan. 19, 2018); *Zamkea Fosselman v. Jefferson Parish Sheriff Office et. al.*, No. 2:18-cv-02637 (E.D. La. Mar. 13, 2018); *Demone Carto v. Paul Carmouche, et. al.*, No. 2:18-cv-10335 (E.D. La. Nov. 13, 2018); *Wachelle Boutte v. Joseph Peter Lopinto, III, et. al.*, No. 2:19-cv-09613 (E.D. La., Apr. 23, 2019); *Leo Lewis v. The Parish of Jefferson, et. al.*, No. 2:20-cv-02032 (E.D. La. Jul. 16, 2020); *Nathan Durapau v. Justin Mc.Lin et. al.*, No. 2:21-cv-01157 (E.D. La. Jun. 15, 2021); *Gayl Therese Payton v. Newell Normand, et. al.*, No. 2:21-cv-01325 (E.D. La. Jul. 9, 2021).

woman by the hair and slamming her head repeatedly on the pavement.²⁸ This deputy, a 16-year veteran of the JPSO, has been named in nine federal civil rights lawsuits, the most of any deputy currently employed.²⁹ Since 2010, 30 federal civil lawsuits have been filed against JPSO, many of which allege excessive force against people of color.³⁰ This includes lawsuits filed against some of the Officer Defendants, including Officers Bordelon, Wible, Hebert, and Spadoni.

63. Defendants Spadoni and Bordelon are currently facing civil claims for violating another individual's Fourth Amendment rights relating to an improper body cavity search of a suspect.³¹

64. Defendants Spadoni and Bordelon are also defendants in a wrongful death case alleging that they improperly beat a suspect until he died.³²

65. Defendant Bordelon was a defendant in at least two other civil rights lawsuits, one of which was settled, involving unreasonable searches and use of excessive force.³³

66. Defendant Wible is a defendant in a civil case alleging that he failed to prevent

²⁸ Richard A. Webster, *Louisiana Deputy Who Slammed a Black Woman on the Pavement Was Named in Multiple Suits, Records Show*, PROPUBLICA (Oct. 21, 2021), <https://www.propublica.org/article/louisiana-deputy-who-slammed-a-black-woman-on-the-pavement-was-named-in-multiple-suits-records-show>

²⁹ *Id.*

³⁰ Kathryn Casteel, *Demanding Accountability: SPLC Sues La. Sheriff's Office for Public Records Regarding Officer Brutality*, Southern Poverty Law Center, (Apr. 16, 2021), <https://www.splcenter.org/news/2021/04/16/demanding-accountability-splc-sues-la-sheriffs-office-public-records-regarding-officer>.

³¹ *Juda Ben DeRoey v. Jefferson Parish Sheriff's Office, et al.*, No. 2:18-cv-07809 (E.D. La., Aug. 15, 2018).

³² *Wachelle Boutte v. Joseph Peter Lopinto, III, et al.*, No. 2:19-cv-09613 (E.D. La., Apr. 23, 2019).

³³ *Zemkea Fosselman v. Jefferson Parish Sheriff Office, et al.*, No. 2:18-cv-02637 (E.D. La. Mar. 13, 2018); *Joseph Little v. Joseph P. Lopinto III, et al.*, No. 2:18-cv-08944 (E.D. La. Sep. 26, 2018).

another officer from violating an individual's Fourth Amendment rights by stopping her in a shopping mall, hitting her, and unlawfully arresting her.³⁴

67. Defendant Hebert has been a defendant in at least two civil actions, including one where he and others were accused of falsifying a police report regarding a rape, leading to the false arrest and imprisonment of an individual for twenty years, and a case alleging excessive force through the use of a police dog.³⁵ These are only some of the examples of misconduct claims that have been brought against JPSO in recent years.³⁶

FEDERAL CLAIMS

COUNT I

Violation of 42 U.S.C. § 1983: Unreasonable Search in Violation of the Fourth Amendment

(Against Officer Defendants)

68. Ms. Paul repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

69. The Fourth Amendment of the U.S. Constitution protects citizens against unreasonable searches and seizures by law enforcement officers.

70. Without a search warrant or probable cause, or any reasonable belief that any exception to the warrant requirement applied, the Officer Defendants conducted an illegal and unreasonable search of Ms. Paul's home on November 20, 2020. Ms. Paul did not consent to allow the Officer Defendants to enter or search her home. Indeed, Ms. Paul expressly refused to

³⁴ *Gytonnea Degree v. Justin Mclin, et al.*, No. 2:19-cv-10103 (E.D. La. May 6, 2019).

³⁵ *Darrin Hill v. City of New Orleans, et al.*, No. 2:13-cv-02463 (E.D. La. Apr. 25, 2013); *Tredell Smith v. City of New Orleans, et al.*, No. 2:14-cv-01559 (E.D. La. Jul. 6, 2014).

³⁶ The allegations as to the prior lawsuits against Defendants Bordelon, Wible, Hebert, and Spadoni are drawn from publicly available records. Before filing this lawsuit, Ms. Paul made a public records request to the JPSO for the Officer Defendants' employment files to determine whether there have been other allegations of misconduct or violations of law by any of them. The JPSO refused to provide the requested files.

permit the Officer Defendants to enter or search her home. Nevertheless, the Officer Defendants confiscated her phone, placed her in handcuffs, and proceeded to enter into Ms. Paul's home without her consent and without a warrant. The Officer Defendants also lacked exigent circumstances to enter because they knew she was the only one at home and they had no reason to believe that any evidence of wrongdoing was in danger of imminent destruction. After searching her home without consent, the Officer Defendants coerced Ms. Paul into signing a consent form under duress. Ms. Paul did not voluntarily consent to the entry of her home by the Officer Defendants at any time, and the retroactive signing of the consent form was not an independent act of free will. The Officer Defendants acted intentionally at all times.

71. In committing the acts herein alleged, the Officer Defendants deprived Ms. Paul of her rights under the Fourth Amendment to the United States Constitution.

72. In committing the acts herein alleged, the Officer Defendants acted under color of state law in their capacity as Officers of the JPSO. Their actions were taken within the course and scope of their employment with JPSO.

73. As a direct and proximate result of Officer Defendants' acts, Ms. Paul suffered damages, including deprivation of her constitutional rights, and physical, emotional, and economic harm. If prompt relief is not obtained, Ms. Paul will continue to suffer injury through denial of her Fourth Amendment right to be free from unlawful searches and to feel secure in her home. Accordingly, Ms. Paul seeks and is entitled to compensatory damages, costs, and attorney's fees as provided for under 42 U.S.C. §§ 1983 and 1988 for the Officer Defendants' violation of Ms. Paul's clearly established rights to be free of unreasonable search and seizure.

74. On information and belief, the Officer Defendants' acts alleged above were intentional and done with malice, fraud, oppression, and in reckless disregard of Ms. Paul's constitutional rights, justifying an award of punitive damages.

COUNT II

Violation of 42 U.S.C. § 1983: Unlawful Arrest

(Against Officer Defendants)

75. Ms. Paul repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

76. The Fourth Amendment of the U.S. Constitution protects citizens against unreasonable searches and seizures by law enforcement officers.

77. The Fourth Amendment prohibits warrantless arrests in the home unless there are exigent circumstances.

78. The Officer Defendants arrested Ms. Paul in her home without a warrant and without exigent circumstances. The lack of probable cause and exigent circumstances to arrest Ms. Paul would have been evident to any reasonable person based on the facts and circumstances within the Officer Defendants' knowledge at the time.

79. By arresting Ms. Paul without probable cause and without an arrest warrant, the Officer Defendants violated Ms. Paul's Fourth Amendment rights.

80. The Officer Defendants knew there were no exigent circumstances, as Ms. Paul was alone at home and fully cooperating with the Officer Defendants. Yet, despite having no arrest warrant, no exigent circumstances, and no consent from Ms. Paul, the Officer Defendants confiscated Ms. Paul's phone, placed her under arrest by forcibly restraining her in handcuffs for approximately an hour, and searched her home without permission. They further extended the restriction of Ms. Paul's liberty by refusing to leave until they forced Ms. Paul to sign a consent form.

81. As a direct and proximate result of this false arrest, Ms. Paul suffered damages, including deprivation of her constitutional rights, and physical, emotional, and economic harm. If prompt relief is not obtained, Ms. Paul will continue to suffer injury through denial of her Fourth Amendment right to be free from unlawful arrest and to feel secure in her home.

Accordingly, Ms. Paul seeks and is entitled to compensatory damages, costs, and attorney's fees as provided for under 42 U.S.C. §§ 1983 and 1988 for the Officer Defendants' violation of Ms. Paul's clearly established rights to be free of unreasonable search and seizure.

82. On information and belief, the Officer Defendants' acts alleged above were intentional and done with malice, fraud, oppression, and in reckless disregard of Ms. Paul's constitutional rights, justifying an award of punitive damages.

COUNT III

42 U.S.C. § 1983: Failure to Intervene

(Against Officer Defendants)

83. Ms. Paul repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

84. The Officer Defendants witnessed the violation of Ms. Paul's Constitutional rights by each other and had ample time to intervene in order to prevent or mitigate a violation of her rights.

85. Any reasonable law enforcement officer in the position of the Officer Defendants would have recognized that the arrest and search undertaken were each without a warrant, or any exception to the warrant requirement, and therefore presumptively unreasonable, and would have known that they had a duty to take reasonable measures to prevent harm to Ms. Paul.

86. Officer Defendants failed to take any action to prevent harm to Ms. Paul and thereby proximately caused a violation of Ms. Paul's constitutional right to be free from unreasonable searches and seizures.

87. In depriving Ms. Paul of her rights under the Constitution, the Officer Defendants acted under color of law in their respective capacities as JPSO Officers, and their acts and omissions were conducted within the scope of their respective official duties or employment. This deprivation under color of law is actionable under, and may be redressed by, 42 U.S.C.

§ 1983.

STATE CLAIMS

COUNT IV

Negligent Supervision and Retention

(Against Defendant Lopinto and Defendant Matthews)

88. Ms. Paul repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

89. Defendants Lopinto and Matthews violated Louisiana law because of their negligence in failing to supervise and terminate the Officer Defendants.

90. Defendants Lopinto and Matthews were directly responsible for supervising employees of the JPSO, including the Officer Defendants, as well as making employment decisions such as whether to retain or terminate the employees.

91. Defendants Lopinto and Matthews failed to exercise reasonable care in the supervision and retention of the Officer Defendants as employees. As also alleged herein, Defendants Bordelon³⁷, Wible³⁸, Hebert,³⁹ and Spadoni⁴⁰ have been and are the subject of other lawsuits alleging their violation of citizens' constitutional rights, which predate the Officer Defendants' interaction with Ms. Paul. This includes multiple lawsuits involving the Officer Defendants' violation of individuals' constitutional rights and unreasonable use of force. Yet, upon information and belief, after each such incident, Defendants Lopinto and Matthews failed to take any steps to supervise the Officer Defendants more closely, provide additional training, or take disciplinary or employment actions against them.

³⁷ *Supra* at ¶ 57.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

92. Defendants Lopinto and Matthews' failure to exercise reasonable care in the supervision and retention of the Officer Defendants, and regarding the use of unreasonable searches and seizures, racially-motivated policing, or any other policing matters has caused Ms. Paul to suffer a violation of her constitutional rights.

93. Defendants Lopinto and Matthews knew or reasonably should have known these failures would result in harm to Ms. Paul.

94. As a direct proximate cause of Defendant Lopinto and Defendant Matthews' conduct, Ms. Paul has suffered damages.

95. Therefore, Ms. Paul is entitled to damages in an amount to be proven at trial.

V. JURY DEMAND

Ms. Paul requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VI. DEMAND FOR RELIEF

WHEREFORE, Ms. Paul requests the following relief:

- 1.** Compensatory damages;
- 2.** Declaratory relief under 28 U.S.C. § 2201 that Defendants' conduct violated Ms. Paul's Fourth Amendment rights;
- 3.** Punitive damages on all claims allowed by law against individual Defendants and in an amount to be determined at trial;
- 4.** Special damages in an amount to be determined at trial;
- 5.** Reasonable attorneys' fees and costs;
- 6.** Pre- and post-judgment interest; and
- 7.** Such other relief as this Court may deem just and proper.

Respectfully submitted,

Dated: November 18, 2021

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