

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

**TERRY DIETZ, EDWARD PERKINS,
REGGIE RAE, JIMMY FRANCIS, JR. and
THEODORE TRUMPS (Complainants)**

versus

CIVIL ACTION NO.: CV 04-1029

**KENNETH GOSS, Sheriff of the Parish of
Acadia, individually and in his official
capacity; and the PARISH OF ACADIA
sued in its corporate capacity.
(Defendants)**

COMPLAINT

JURISDICTION

1. This action is brought pursuant to 42 U.S.C.A. 1981, 1983, 1985, 1987 (d) and the Eighth and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C.A. 1331 and 1343 (1) (2) (3) (4). Complainants further invoke the pendent jurisdiction of this Court to hear and decide claims arising under the laws of the State of Louisiana.
2. Complainants, **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR.** and **THEODORE TRUMPS** are and remain residents of the State of Louisiana.
3. Defendant, **KENNETH GOSS**, sheriff, in and for the **PARISH OF ACADIA**, and resident of same, sued in his individual and official capacities.

4. Defendant, the **PARISH OF ACADIA**, sued in its corporate capacity.
5. At all times relevant, and in all of the actions described hereunder, defendants were acting under color of state law and in their official capacities.

FIRST CAUSE OF ACTION

6. Upon information and belief in August 2003, **TERRY DIETZ** was detained at the Acadia Parish Jail, 500 North East Court Circle in Crowley Louisiana.
7. Upon information and belief in August 2003, **REGGIE RAE** was detained at the Acadia Parish Jail, 500 North East Court Circle in Crowley Louisiana. Upon information and belief in August 2003, **JIMMY FRANCIS, JR.** was detained at the Acadia Parish Jail, 500 North East Court Circle in Crowley Louisiana.
8. Upon information and belief in August 2003, **EDWARD PERKINS** was detained at the Acadia Parish Jail, 500 North East Court Circle in Crowley Louisiana.
9. Upon information and belief in May 2003, **THEODORE TRUMPS** was detained at the Acadia Parish Jail, 500 North East Court Circle in Crowley Louisiana.
10. The facility had clogged and broken toilets, leaky pipes and water on the cell floors.
11. The cells were over crowded with some detainees sleeping next to broken toilets.
12. The food service was pushed through filthy trap holes, as to raise the specter of contamination.
13. The living conditions were filthy and squalid.
14. **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS** were not allowed to exercise for weeks at a time.

15. Neither **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS**, nor any other detainee, was subject to intake screening such that all were exposed to all manner of vermin and disease.
16. **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS** allege that the acts and omissions complained of are in violation of their civil rights under 42 U.S.C.A. 1983, 1985, 1988 along with Amendments Eight and Fourteen of the United States Constitution and that the Acts were committed by the **PARISH OF ACADIA** through the Acadia Parish sheriff's office and Sheriff **KENNETH GOSS** who was acting under color of State law.
17. **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS** further allege that the acts or omissions demonstrate a deliberate indifference and reckless and callous disregard for their constitutional rights. The acts constituted an abuse of power brought by base motive.
18. **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS** further allege that they did nothing to provoke this intentional and unjustifiable behavior on the part of the Acadia Parish sheriff's office and there is absolutely no reason why any human being should be forced to live in squalor and decrepitude.
19. **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS** further allege that the **PARISH OF ACADIA**, through the office of Sheriff **KENNETH GOSS**, was aware of the abusive and callous propensities of sheriff's department personnel in not allowing detainees the opportunity to exercise, yet did nothing to rectify the situation.

20. As a result of the action and omissions complained of above **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS** suffered grievous humiliation, embarrassment and assault to their dignity along with other damages at the hands of the Acadia Parish sheriff's department.
21. In the alternative, **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS**, assert and allege that defendants are liable unto them under the laws and jurisprudence of the State of Louisiana.

SECOND CAUSE OF ACTION

22. The allegations of paragraphs 1 through 21 are incorporated by reference.
23. The acts, omissions, conduct and behavior of the Acadia Parish Jail through the office of the sheriff for the **PARISH OF ACADIA**, constitute a violation of the constitutional and statutory duties imposed upon them under the laws of the State of Louisiana and under the Louisiana Constitution 1974.
24. The violations include, but are not limited to, intentional infliction of emotional distress and negligent supervision.
25. This Court has pendent jurisdiction to hear and adjudicate the above described state claims as they arise out of a common nucleus of operative facts.

THIRD CAUSE OF ACTION

26. Paragraphs 1 through 25 are incorporated by reference as though fully set forth.
27. Prior to 2003, the **PARISH OF ACADIA** developed and maintained policies or customs exhibiting deliberate and callous indifference to the constitutional rights of persons detained at the Acadia Parish Jail which include the violation of **TERRY DIETZ,**

EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS' rights.

28. It was the policy and/or custom of the **PARISH OF ACADIA** to inadequately and improperly investigate complaints of police misconduct, in fact, acts of misconduct or of deliberate indifference were condoned by the **PARISH OF ACADIA**.
29. It was the policy and/or custom of the **PARISH OF ACADIA** to inadequately supervise and train its jailers, thereby failing to adequately discourage constitutional violations on their part. The Parish did not require appropriate in-service training or re-training of jailers who were known to have engaged in abusive and/or deliberately indifferent conduct.
30. As a result the above described policies and customs, jailers for the **PARISH OF ACADIA**, believe that their actions would not be properly monitored by supervisory personnel and that their conduct would neither be investigated nor sanctioned, but condoned.
31. The above described policies and customs demonstrated a deliberate indifference on the part of the policy makers of the **PARISH OF ACADIA** to the constitutional rights of persons detained or held in custody within the Parish and were the cause of the violation of **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS'** rights.

WHEREFORE, **TERRY DIETZ, EDWARD PERKINS, REGGIE RAE, JIMMY FRANCIS, JR. and THEODORE TRUMPS**, request the following relief, jointly, severally, and *in solido* against defendants:

- A) Compensatory damages in an amount reasonable in the premises;
- B) Punitive damages in an amount to conform with the latest dictates of the United States Supreme Court;

- C) Attorney's fees and costs;
- D) Interest from date of judicial demand until paid; and
- E) Other such general and equitable relief as appears reasonable in the premises.

Respectfully submitted,

DAVID BENOIT

Bar Roll Number: 18788

**COOPERATING ATTORNEY,
A.C.L.U. FOUNDATION OF
LOUISIANA**