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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

ARTHUR SAMPSON,

Plaintiff,

NUMBER: 6:11-cv-1780

JUDGE: Hon Richard T. Haik, Sr.

MAG. JUDGE: Hon. C. Michael Hill

vs.

CITY OF VILLE PLATTE, et al.

Defendants.

CONSENT DECREE

This Consent Decree is entered into this 28th day of December, 2012, by and between Plaintiff Arthur Sampson and Defendants City of Ville Platte, Jennifer Vidrine, and Neal Lartigue.

WHEREAS, on February 11, 2011, Defendants amended Section 3-49 of the Ville Platte City Code of Ordinances to impose a citywide curfew, worded as follows:

PROCLAMATION

Be it resolved that Mayor Jennifer Vidrine issued an Executive Order declaring a Walking Curfew in the city of Ville Platte for all ages, effective February 11 2011.

Whereas the City has the duty to provide protection for its citizens and visitors, the Walking Curfew has been imposed for sixty (60) days and will be reinstated after every expiration, if found necessary by the Mayor, Police Chief Lartigue and City Council.

Whereas, the effective date given provides ample time for citizens to be aware and to prepare for the Walking Curfew;

Whereas, it shall be unlawful for any Individual to travel by foot, loiter, wander scroll. Of play in or upon or traverse any public streets, highways, roads, alleys, parks, places of amusement and entertainment, places and buildings vacant lots or other unsupervised places in the City of Vile Platte, Louisiana; between the hours of 10:00 p.m. and 5:00 a.m. nightly.

Whereas, this order does not prevent customers from standing in the parking lot of a supervised and open business, this order applies to foot traffic;

Whereas, the curfew will remain in effect for 60 days; it shall begin February 11, 2011 and end April 11, 2011;

Whereas, violators of this 'Walking Curfew will face up to a \$200 fine and/or 30 days in jail. Now, therefore, Jennifer Vidrine, Mayor of the City of Ville Platte, do hereby declare a Walking Curfew in the City of Ville Platte for all ages effective February 11, 2011.

_____/s/_____
Jennifer Vidrine, Mayor

WHEREAS Defendants renewed said curfew as provided in the Code approximately every sixty days, through at least October 2011;

WHEREAS Plaintiff filed a Complaint on October 5, 2011, alleging that the Ville Platte curfew violated his rights under the First and Fourteenth Amendments to the United States Constitution;

WHEREAS Defendants terminated the curfew on or about October 13, 2011, shortly after Plaintiff filed his Complaint;

WHEREAS on November 8, 2011, Defendants amended Section 3-49 of the Ville Platte City Code of Ordinances to include the following language:

Sec. 3-49 • Foot traffic restrictions during certain hours.

(a) When walking on a public street the sidewalk must be used. At no time is foot traffic allowed on streets in order to allow for the safe flow of traffic, where sidewalks are available.

(b) If sidewalks are not available, it is required that you walk on the left side of the road facing oncoming traffic. This will enable citizens to watch for vehicles and to get out of the way should they not see the walking Ville Platte pedestrian.

(c) If a person is out walking after dark, it is required that he or she wear something reflective as an outer garment such as an armband, or parka. The reflective material is to be visible from all directions. This will enable drivers to see the pedestrian more clearly,

(d) If it is deemed in the best interest of the general population and it is reasonably believed that a curfew would assist in the reducing of violence, drug abuse and crime and would further secure the safety of the general population, authorization is granted to the Mayor to call for a temporary curfew up to 30 days with an extension of 30 days with a vote of the council. The Mayor may call for a vote of the council for additional temporary extensions as needed.

(e) If the provisions of part (d) are so enacted, it shall be unlawful for any individual to travel by foot, loiter, wander, stroll, or play in or upon or traverse any public streets, highways, roads, alleys, parks, places of amusement and entertainment, places and buildings, vacant lots or other unsupervised places in the City of Ville Platte, Louisiana, between the hours of 10:00 p.m. and 5:00 a.m. of the following day, at official time of the City of Ville Platte,

(f) The provisions of Sec. 3-49(e) shall not apply to those individuals acting in an emergency situation, standing in the parking lot of a supervised and open business, exercising their constitutional

right to commute to or from work, or exercising their First Amendment rights, such as commuting to or from religious gatherings, public speeches and legally permitted public assembly.

(9) Anyone who violates any provisions of this ordinance shall be punished as provided in section 1-8 of this Code.

(h) Violators of any provision of this ordinance shall be issued a citation and subject to the penalties.

WHEREAS Plaintiff alleges that the Ville Platte curfew, as amended on November 8, 2011, still poses a serious and immediate threat to his First and Fourteenth Amendment rights;

WHEREAS Defendants deny Plaintiffs allegations and admit no liability;

WHEREAS the Parties wish to amicably resolve and settle the controversies between them, including this matter, on the terms and conditions set forth herein, and in consideration of the mutual promises and release contained below, the Parties agree as follows:

1. Plaintiff consents to the dismissal with prejudice of this action and releases Defendants from any and all claims arising on his own behalf from the curfew in Ville Platte from the date of imposition of the curfew through the date of this Consent Decree, including claims for reimbursement of expenses, costs, and reasonable attorneys' fees under 42 U.S.C. § 1988 and any other applicable provision of law. This dismissal and release does not apply to (i) any claims that may arise from any curfew re-imposed after the date of this Consent Decree; or (ii) any claims arising out of the breach of any provision in this Consent Decree. This Court shall retain jurisdiction for the duration of this Consent Decree for the purposes of effectuating and/or enforcing its terms.

2. In consideration of Plaintiffs dismissal, Defendants agree:

(a) that any curfew imposed in the future shall be the least restrictive measure necessary to achieve a compelling need of the City of Ville Platte;


(c) to pay to Plaintiff attorneys' fees and costs in the amount of \$16,893.48.

3. This Consent Decree is not to be construed as an admission of liability on the part of the Defendants.
4. The terms of this Consent Decree shall be a matter of public record.
5. The Parties declare and understand that no promises, inducements, or agreements not contained in this Consent Decree have been made to them, that this Consent Decree contains the entire agreement between the Parties, and that the terms of this Consent Decree are contractual and not merely a recital.
6. This Consent Decree contains the entire agreement between the Parties with respect to the subject matter hereof, and there are no agreements, understandings, representations or warranties between the Parties other than those set forth or referred to in this Consent Decree.
7. This Consent Decree shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.
8. If any provision of this Consent Decree shall be determined to be invalid, illegal, or unenforceable for any reason, the remaining provisions and portions of this Consent Decree shall be unaffected and unimpaired, and shall remain in full force and effect, to the fullest extent permitted by applicable law.

Pursuant to LR 5.7.08W, counsel for each party has consented to the terms of this Consent Decree, and has authorized inscription of their respective electronic signatures below to signify their consent.

Dated: December 28, 2012

Respectfully submitted by:



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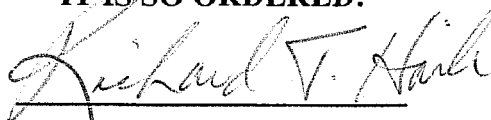
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Signed Jan 16, 2013.

IT IS SO ORDERED.



Hon. Richard T. Haik, Sr.