

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

North Baton Rouge Matters; Black Youth Project 100; New Orleans Workers' Center for Racial Justice; American Civil Liberties Union of Louisiana; Louisiana Chapter of the National Lawyers Guild,

Plaintiffs,

-vs-

City of Baton Rouge; Baton Rouge Police Department; Carl Dabadie, Jr., in his official capacity as Chief of the Baton Rouge Police Department; Louisiana Department of Public Safety; Louisiana State Police; Col. Michael Edmonson, in his official capacity as Superintendent of the Louisiana State Police; East Baton Rouge Sheriff's Department; Sid J. Gautreaux III, in his official capacity as Sheriff of the East Baton Rouge Sheriff's Department; Kip Holden in his official capacity as the Mayor-President of East Baton Rouge Parish; Hillar C. Moore, III, in his official capacity as District Attorney for East Baton Rouge Parish,

Defendants.

CIVIL ACTION
NO.:

**Motion for
Temporary
Restraining Order
and Preliminary
Injunction**

*Oral Argument
Requested*

**MOTION FOR ENTRY OF A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs, by and through counsel, respectfully request this court to grant an emergency hearing, order to show cause, and a temporary restraining order and preliminary injunction directing specific action by Defendants to ensure that Plaintiffs and other protestors are able to exercise their right to free speech and association to show solidarity for victims of police

violence. Plaintiffs move this Court to enter a temporary restraining order pursuant to Fed. R. Civ. P. 65(b) and Local Rule 7, and thereafter, a preliminary injunction pursuant to Fed. R. Civ. P. 65(a), against the Defendants listed in the above caption.

Grounds for this Motion, as set forth in the Memorandum below, are that Plaintiffs are likely to succeed on their claims that Defendants' actions violate the First Amendment, the Fifth Amendment, and the Fourteenth Amendment of the U.S. Constitution; and Sections Two, Seven, Nine, Thirteen, and Sixteen of Article I of the Louisiana Constitution. Plaintiffs, their members, and their intended audiences will be irreparably harmed without an order of this Court; and the public interest favors the issuance of an injunction. This Motion is based on the pleadings, the Memorandum, the accompanying Declarations by Plaintiffs, oral argument if granted by the Court, and such other evidence that may come before the Court in this case.

PRAYER FOR RELIEF

Upon the respective exhibits provided therewith, and the accompanying Memorandum of Law, Plaintiffs respectfully move this Court to enter a temporary restraining order and preliminary injunction (and thereafter Preliminary and Permanent Injunctive Relief) against Defendants and their officers, employees, or agents, and those acting on their behalf or in concert with them, as follows:

- a. Prohibiting Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from ordering individuals who are violating no law to refrain from gathering on public sidewalks and other public fora, or threatening or effecting arrest for non-compliance.
- b. Enjoining Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from stopping, citing, and dispersing individuals for allegedly "obstructing vehicular traffic" when in a public place and not actually obstructing vehicular traffic or when not creating a risk of danger to pedestrians or vehicular traffic.

- c. Prohibiting Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from engaging with gatherings, organized protests, or individuals engaged in protected First Amendment activity unless each carries on their person clearly visible personal identification, including accurate name, law enforcement agency, and identifying number.
- d. Prohibiting Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from declaring any assembly “unlawful” except as a last resort to prevent an immediate threat to public safety, and any use is preceded by clear and unambiguous warnings, and an adequate opportunity for all protestors to disperse without risk of arrest or entrapment.
- e. Prohibiting Defendant Moore, his officers, employees, or agents, and those acting on his behalf or in concert with him from initiating or continuing criminal prosecutions against protestors for obstruction or failure to appear in the absence of documented evidence that they actually impeded traffic and/or that they had adequate notice and opportunity to disperse without threat of arrest. Additionally prohibiting Defendant Moore and his officers, employees, or agents and those acting on his behalf or in concert with him from initiating or continuing criminal prosecutions against protestors for inciting a riot for the simple act of engaging in a protest.
- f. Prohibiting Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from utilizing chemical agents on such gatherings unless as a last resort to prevent an immediate threat to public safety, and unless any use is preceded by clear and unambiguous warnings, the approval of the Governor of the State of Louisiana, and an adequate opportunity for all protestors to disperse without risk of arrest or entrapment.

WHEREFORE, it is respectfully requested that this Court grant this application for a temporary restraining order and preliminary injunction.

Dated: July 13, 2016

Respectfully submitted,

/s/ Ronald L. Wilson

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Counsel for Plaintiffs

**CERTIFICATION OF NOTICE TO OPPOSING COUNSEL PURSUANT TO FED. R.
CIV. P. 65(b)1(B)**

Pursuant to Fed. R. Civ. P. 65(b)(1)(B), I certify that I have sent a copy of this pleading and associated documents to the captioned defendants, via either fax or email and I have additionally notified them by telephone.

DATED: July 13, 2016

Signed,

/s/ Candice C. Sirmon

Candice C. Sirmon, La No. 30728