

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

MARCUS JUDE COMEAUX
Plaintiff

v.

MICHAEL W. NEUSTROM, IN HIS CAPACITY AS
SHERIFF OF LAFAYETTE PARISH, ROBERT J.
REARDON IN HIS CAPACITY AS DIRECTOR OF
CORRECTIONS FOR THE LAFAYETTE PARISH
CORRECTIONAL CENTER, DEPUTY WILLIS
GUIDRY, JR., DEPUTY M. HIATT, CORPORAL
B. REVIERE, DEPUTY GARY, ACE AMERICAN
INSURANCE COMPANY, AND CORRINE CADDY
Defendants

CIVIL ACTION No.:

JUDGE:

MAGISTRATE:

COMPLAINT

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, and under the laws of the State of Louisiana, La. C.C. Arts. 2315, 2316, and 2317, against **Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish, Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center, Deputy Willis Guidry, Jr., Deputy M. Hiatt, Corporal B. Reviere, Deputy Gary, Ace American Insurance Company, and Corrine Caddy.**

2. This action specifically asserts claims, *inter alia*, for assault, battery, intentional and/or negligent infliction of emotional distress, negligence, negligent supervision, gross negligence, sexual battery, false arrest, malicious prosecution, and the intentional use of excessive force.

SYNOPSIS

3. On or about April 11, 2012, Plaintiff Marcus Jude Comeaux was an inmate at the

Lafayette Parish Correctional Center.

4. Mr. Comeaux was a pretrial detainee who had been arrested upon the basis of a false charge of having violated La. R.S. 14:67 (theft).

5. Mr. Comeaux had been falsely accused by Defendant Corrine Caddy and falsely arrested by, under, and through the actions of Defendants Deputy M. Hiatt and Corporal B. Reviere, both officers with the Lafayette Parish Sheriff's Office.

6. Mr. Comeaux remained incarcerated for many months before his charges were completely dismissed.

7. Starting on April 11, 2012, and continuing thereafter during Mr. Comeaux's extended detention, Defendant Willis Guidry, Jr. committed vile and despicable acts of sexual assault and sexual battery upon Mr. Comeaux.

8. At various intervals, including April 17, 2012, Defendant Guidry caused unsafe dosages of known and unknown medications to be administered unto Mr. Comeaux in an attempt to impair Mr. Comeaux's long-term memory of the assaults and generally lower Mr. Comeaux's inhibitions to Guidry's sexual exploitations.

9. At all material times Defendant Guidry was an employee of the Lafayette Parish Sheriff's Office, and he was working in the capacity of a jailer / guard in the Lafayette Parish Correctional Center.

10. Defendant Guidry's depraved misconduct coalesced with the Lafayette Parish Correctional Center's generally inhospitable confines to cause Mr. Comeaux severe emotional distress, mental anguish, physical pain, and a host of other attendant losses.

11. Mr. Comeaux reported the persistent sexual assaults to the facility's other guards, including Defendant Gary (last name unknown); however, despite reports by Mr. Comeaux and

multiple other inmates who alleged similar sexual misdeeds by Defendant Guidry, the Lafayette Parish Correctional Center's staff refused to acknowledge or address Guidry's troubling behavior.

12. Mr. Comeaux also reported Defendant Guidry's misdeeds in a multiplicity of timely inmate grievances (ARP) filed against his captors.

13. Before Mr. Comeaux's pending ARPs could be brought to conclusion, Defendant Guidry was terminated or otherwise separated from his employment with the Lafayette Parish Sheriff's Office and the pending theft charges against Mr. Comeaux were fully dismissed.

JURISDICTION

14. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Thirteen (13), in their entirety, as if fully copied *in extenso* herein.

15. Jurisdiction is based upon 28 U.S.C. §§ 1331, 1343, and 1367, and upon the pendent jurisdiction of this Court to entertain claims arising under state law.

16. Plaintiff shows that the primary events giving rise to this action occurred within the Parish of Lafayette, State of Louisiana, a geographical region which is wholly ensconced within the jurisdictional boundaries of the United States District Court in and for the Western District of Louisiana. <<http://www.lawd.uscourts.gov/content/lafayette> >

17. Plaintiff further alleges, upon information and belief, that each and every named party Defendant resides, lives, and is domiciled within the Parish of Lafayette, State of Louisiana, an area which is within this Honorable Court's jurisdictional boundaries.

PARTIES

18. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Seventeen (17), in their entirety, as if fully copied *in extenso* herein.

19. Plaintiff Marcus Jude Comeaux was at all times relevant to this Complaint a legal citizen of the United States of America and a competent adult of the full age of majority and consent, domiciled, living, and residing in the Parish of Iberia, State of Louisiana.

20. Deputy Willis Guidry, Jr., Deputy M. Hiatt, Corporal B. Reviere, and Deputy Gary were, at all times relevant to this Complaint, each duly appointed and acting officers of the Lafayette Parish Sheriff's Office, in and for the Parish of Lafayette, State of Louisiana, and they were acting under color of law, to wit, under color and authority of the statutes, ordinances, regulations, policies, customs and usages of the State of Louisiana and/or the Parish of Lafayette.

21. The actions of Defendants Guidry, Hiatt, Reviere, and Gary were supported, authorized, approved, and/or otherwise generally ratified by their respective superior officers, including Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish and/or Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center.

22. Michael W. Neustrom, in his capacity as Sheriff of Lafayette, is a municipal corporation and the public employer of the said defendant officers.

23. Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish, is deemed the "employer" of members of the Lafayette Parish Sheriff's Office, and, as such, the Sheriff should be the party held vicariously liable for torts committed by the Sheriff's officers / deputies, including those officers made party Defendant herein. See, *e.g.*, Nall v. Parish of Iberville, 542 So.2d 145, 149 (La.App. 1 Cir. 1989), citing La. R.S. 42:1441.3, *et seq.*

24. Alternatively / conjunctively, Plaintiff alleges Defendant Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center, is deemed the "employer" of members of the Lafayette Parish Sheriff's Office who are assigned or otherwise employed to provide services for and to the Lafayette Parish Correctional Center, and, as such,

Defendant Reardon should be the party held vicariously liable for torts committed by the Director's officers / deputies, including those officers made party Defendants herein (Guidry, Hiatt, Reviere, and Gary).

25. At all times herein relevant, the Defendants Guidry, Hiatt, Reviere, and Gary were acting within the course and scope of their employment with and for the Lafayette Parish Sheriff's Office and/or Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish and/or Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center.

26. Defendant Ace American Insurance Company is a foreign insurance company licensed to do and doing business in the State of Louisiana and further providing a policy of liability insurance unto Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish and/or Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center, by and under the terms of which the said insurer affords liability coverage for the acts, delicts, and claims made and asserted herein by Mr. Comeaux against Guidry, Hiatt, Reviere, and Gary.

27. Defendant Corrine Caddy is a resident of the Parish of Lafayette, State of Louisiana, and Mr. Comeaux asserts claims against Ms. Caddy in her personal capacity relative to false allegations and charges of theft which Ms. Caddy levied, either independently and/or with the aide and assistance of Guidry, Hiatt, Reviere, Gary, or certain other unknown individuals, against Mr. Comeaux.

F A C T S

28. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Twenty-Seven (27), in their entirety, as if fully copied *in extenso* herein.

29. The following statement of facts is made upon the Plaintiff's own knowledge, information, recollection, and belief.

30. Plaintiff was falsely arrested on or about April 11, 2012, and he was thereafter detained in the Lafayette Parish Correctional Center for many months before obtaining a complete dismissal of his charges and an unconditional release from prison.

31. While Plaintiff was incarcerated, he suffered physical, emotional, and sexual abuse at the hands of his captors, particularly including Defendant Guidry.

32. Plaintiff's claims thus arise from two (2) different emanations of the same underlying (false) charges: First, Plaintiff was falsely arrested and maliciously prosecuted on charges which were wholly fabricated, and, second, during that false imprisonment, Plaintiff was subjected to severe and debilitating sexual assault at the hands of Defendant Guidry, a uniformed member of the Lafayette Parish Sheriff's Office.

33. As to the "first" aspect of Mr. Comeaux's claim, on or about April 11, 2012, he was arrested and imprisoned by and through the actions and efforts of several defendants for the alleged crime of theft (La. R.S. 14:67).

34. The subject arrest arose by and through materially false arrest warrant affidavits confected and signed by Defendants Deputy M. Hiatt and Corporal B. Reviere.

35. The false statements contained within the Hiatt and Reviere affidavits were obtained from Defendant Corrine Caddy—Mr. Comeaux's disgruntled landlord.

36. Upon information and belief Mr. Comeaux alleges Caddy conspired with Hiatt and/or Reviere to create false and materially misleading arrest warrant affidavits as the necessary predicate to securing a formal warrant for Mr. Comeaux's arrest.

37. The arrest took place at the Lafayette Parish Sheriff's Office, and the arrest was

effectuated with Defendant Caddy's full knowledge, consent, and approval, and it was further effected based in whole or in part upon the material misrepresentations, errors, omissions, and other inaccuracies contained within or sponsored by any and all investigatory work performed by Defendants Hiatt and/or Reviere.

38. At no time did Defendants Caddy, Hiatt, and/or Reviere possess reasonable or probable cause to detain Mr. Comeaux.

39. At no time did Defendants Caddy, Hiatt, and/or Reviere possess reasonable or probable cause to imprison Mr. Comeaux.

40. At no time did Mr. Comeaux consent to the actions of Defendants Caddy, Hiatt, and/or Reviere.

41. The Affidavits which precipitated Mr. Comeaux's arrest (which Affidavits were confected by Hiatt and/or Reviere based upon information obtained from Caddy) were materially false and incorrect where they alleged Mr. Comeaux violated La. R.S. 14:67.

42. Any information upon which Defendants Hiatt and/or Reviere relied was inherently untrustworthy, particularly where it was delivered by Caddy—a disgruntled landlord with a documented history of criminal convictions.

43. It is alleged that neither Hiatt nor Reviere possessed *any* information which would be sufficient to give probable cause for the Affidavits of Probable Cause and the subsequent arrest of Mr. Comeaux.

44. At no time prior to Plaintiff's arrest did Defendants Hiatt and/or Reviere provide Mr. Comeaux an opportunity to explain his complete lack of involvement in any criminal activity.

45. In this case, there was an absolute dearth of *any* information which would implicate Mr. Comeaux, and the actions of Defendants Caddy, Hiatt, and/or Reviere constitute a stunning

abuse of power and a gross violation of Mr. Comeaux's Constitutional rights.

46. Upon information and belief, Defendants Caddy, Hiatt, and/or Reviere conspired to illegally arrest, incarcerate, and cause the prosecution of Mr. Comeaux.

47. Upon information and belief, Mr. Comeaux's \$50,000.00 bond was grossly excessive, and the said unreasonable bond arose from the statements made by Defendants Caddy, Hiatt, and/or Reviere.

48. As a direct and proximate cause of the actions of Defendants Caddy, Hiatt, and/or Reviere, Mr. Comeaux was falsely arrested, detained, publicly humiliated without just or probable cause, deprived of his right to fundamental due process of law, and maliciously prosecuted.

49. Defendants Caddy, Hiatt, and/or Reviere acted without a legitimate cause or justification and were intentional, malicious, reckless and in bad faith in detaining, arresting, charging, and effecting the prosecution of Mr. Comeaux on claims which were wholly manufactured, false, and fabricated.

50. As to the "second" aspect of Mr. Comeaux's claim, Defendant Guidry committed a series of severe and debilitating sexual assaults upon Mr. Comeaux during the term of his unlawful imprisonment.

51. Defendant Guidry's actions were intentional and utterly outrageous—ultimately subjecting Mr. Comeaux to severe and debilitating physical pain and mental anguish.

52. In lieu of recounting the gruesome details of Defendant Guidry's conduct, Mr. Comeaux simply alleges the referenced sexual assaults commenced on or about April 11, 2012, and they were persistent, long-term, and part of an orchestrated plan by Defendant Guidry to satisfy his own deviant interests.

53. Defendant Guidry used his power and position to keep Mr. Comeaux from being given meals when the other inmates were fed; however, Guidry would later “visit” Mr. Comeaux and deliver cookies and other sweet treats as a sort of gruesome “reward” for Mr. Comeaux’s “compliance.”

54. Shortly following Guidry’s first attack, Mr. Comeaux’s prescribed medications were dramatically increased by the facility’s medical staff at Guidry’s behest.

55. Further, and again shortly following Guidry’s first attack, the facility’s medical staff gave Mr. Comeaux painful injections of known and unknown medications—treatment which was, upon information and belief, ordered and/or directed by Guidry.

56. As a result of this medication, Mr. Comeaux reached a point of mental imbalance which prevented him from resting, thinking clearly, or even speaking more than a few words at a time.

57. Upon information and belief Mr. Comeaux’s medication regimen was ordered / directed by Guidry in an attempt to impair Mr. Comeaux’s long-term memory of the ongoing sexual assaults and/or to generally lower Mr. Comeaux’s instinctive inhibitions rejecting Guidry’s sexual advances.

58. Despite the medication’s debilitating effect on Mr. Comeaux’s ability to function or even think clearly, he nevertheless managed to report Guidry’s ongoing misconduct to various staff members within the Lafayette Parish Correctional Center.

59. Unfortunately, even though Guidry’s predilections were made known to multiple staff members, his fellow co-workers with the Lafayette Parish Sheriff’s Office turned blind eyes and deaf ears to the reports and actively / intentionally failed to even investigate such things as facility video footage which confirmed Mr. Comeaux’s reports.

60. Defendant Gary, a gentleman whose last name is unknown but who is generally identified

as a Caucasian male with black hair and approximately 5'8" in height and an employee of the Lafayette Parish Correctional Center and the Lafayette Parish Sheriff's Office, specifically witnessed Guidry leading Mr. Comeaux away to an unoccupied shower on a separate floor of the facility.

61. Defendant Gary also separately witnessed Guidry locking himself and Mr. Comeaux into a shower stall together, and Gary even witnessed Guidry leading Mr. Comeaux out of the shower after yet another sexual assault.

62. Unfortunately, despite having conclusive knowledge of Mr. Comeaux's misdeeds, Defendant Gary (and the entirety of the facility's staff) refused to aide or assist Mr. Comeaux in fending off these vicious attacks.

63. At a certain point in or near July 2012, and upon information and belief, Defendant Guidry was relieved of his duties and removed from his employment with the Lafayette Parish Sheriff's Office.

64. Mr. Comeaux does not have knowledge of the basis for Guidry's removal, departure, and/or termination; however, and continuing upon information and belief, it is alleged that the pervasiveness of Guidry's misdeeds became too significant to be ignored and Guidry's employer(s) chose to effect Guidry's departure in lieu of addressing the widespread pain and suffering caused during his tenure at the facility.

65. Defendants Neustrom, Reardon, Guidry, Hiatt, Reviere, and/or Gary had no legitimate basis upon which to commence an enforcement action upon Plaintiff Comeaux, and there was no legal or factual authorization upon which either the initial arrest nor the later extraordinarily vile and vicious attacks could be deemed materially justified in the premises.

66. At all times during the events described above, Defendants Guidry, Hiatt, Reviere, and/or

Gary were engaged in a joint venture with other as-of-yet unknown officers with the Lafayette Parish Sheriff's Office, and the individual officers assisted each other in performing the various actions described and lent their physical presence, support, tacit approval, and the authority of their office to each other during the said events.

67. Plaintiff alleges upon information and belief that Defendants Guidry, Hiatt, Reviere, and/or Gary participated in the manner set forth in this Complaint in their professional capacities as law enforcement officers with the Lafayette Parish Sheriff's Office.

68. Alternatively, and only to the extent Defendants Guidry, Hiatt, Reviere, and/or Gary are hereafter shown to have been "off the clock" or otherwise engaging in mission(s) not directly authorized by and through the usual and customary procedural channels of the Lafayette Parish Sheriff's Office, Plaintiff alleges and avers the said Defendant Officers were nevertheless operating "under color of state law," where they were wearing uniforms, carrying weapons, and otherwise acting in a manner consistent with a display of their own official duties. See, *e.g.*, U.S. v. Walsh, 194 F.3d 37, 51 (2d Cir. 1999).

69. Plaintiff specifically alleges that each, every, and all of the named party Defendants were engaged in a civil rights conspiracy as that term is expressed and elucidated by Hampton v. Hanrahan, 600 F.2d 600, 620-24 (7th Cir. 1979), *cert. granted in part, judgment rev'd in part on other grounds*, 446 U.S. 754, 100 S. Ct. 1987, 64 L. Ed. 2d 670 (1980).

70. To wit, and in accordance with the foregoing allegation, Plaintiff shows that he states a cause of action for civil conspiracy where the named private person party Defendant (primarily Caddy) acted in conjunction with certain police officers or officials, including but not limited to Defendants Hiatt and/or Reviere, thereby making the named private person party Defendant(s) liable under 42 U.S.C. 1983 even if Defendants Neustrom, Reardon, Guidry, Hiatt, Reviere,

and/or Gary are hereafter deemed immune from suit. See, *e.g.*, Adickes v. S. H. Kress & Co., 398 U.S. 144, 90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970); Smith v Brookshire Bros., Inc., 519 F.2d 93 (5th Cir. 1975); Dennis v. Sparks, 449 U.S. 24, 101 S. Ct. 183, 66 L. Ed. 2d 185 (1980).

71. Notwithstanding the aforesaid possible eventuality of such immunity being afforded to these Defendant Officers, Plaintiff expressly disclaims such immunity and asserts claims for the full panoply of his substantial losses from each, every, and all named or to-be-named party Defendants.

72. To the extent not heretofore alleged, at all times herein relevant, Defendants Guidry, Hiatt, Reviere, and/or Gary were acting for and at the behest of Defendants Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish and/or Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center.

73. It is specifically alleged the actions of Defendants Guidry, Hiatt, Reviere, and/or Gary — individually and as expressly and/or tacitly approved by Defendants Michael W. Neustrom, in his capacity as Sheriff of Lafayette Parish and/or Robert J. Reardon, in his capacity as Director of Corrections for the Lafayette Parish Correctional Center—were made and done in direct contravention and violation of the fundamental and core protections afforded to Mr. Comeaux by the Fourth, Fifth, and Eighth Amendments as extended to the States through the Fourteenth Amendment.

D A M A G E S

74. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Seventy-Three (73), in their entirety, as if fully copied *in extenso* herein.

75. As a direct and proximate result of the said acts of Defendants Neustrom, Reardon, Guidry, Hiatt, Reviere, Gary, and/or Caddy, Plaintiff Marcus Jude Comeaux suffered the

following injuries and damages:

- a. Violation of his constitutional rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution;
- b. Violation of Plaintiff's constitutional right to be free from excessive force;
- c. Violation of Plaintiff's constitutional right to be free from cruel and unusual punishment;
- d. Loss of his physical liberty;
- e. Past, present and future medical, hospital, doctor, and related expenses;
- f. Past, present and future physical pain and suffering;
- g. Past, present and future mental anguish and anxiety;
- h. Past, present and future lost wages and diminished earning capacity;
- i. Past, present, and future emotional distress;
- j. Past, present, and future loss of enjoyment of life;
- k. Residual physical disability; and,
- l. Such other damages which were caused by the aforesaid incident and which were sustained by the Plaintiff.

C O U N T I
(42 U.S.C. § 1983 Against Individual Defendants)

76. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Seventy-Five (75), in their entirety, as if fully copied *in extenso* herein.

77. Plaintiff claims damages for the injuries set forth above under 42 U.S.C. § 1983 against Neustrom, Reardon, Guidry, Hiatt, Reviere, Gary, and Caddy.

78. Plaintiff claims these Defendant Officers and private co-conspirator Caddy caused the damages aforesaid under the color of law by acting in violation of Plaintiff's Constitutional rights.

79. The conduct and actions of the Defendants named herein were done under color of state law and in their individual and official capacities and squarely within the scope of their employment.

80. Said acts by said Defendants were beyond the scope of their jurisdiction, without authority of law, and were an abuse of their powers, and said Defendants acted willfully, knowingly, and with the specific intent to deprive the Plaintiff of his constitutional rights secured by 42 U.S.C. Section 1983, and by the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

81. Said acts by said Defendants were also willful, malicious, oppressive and/or reckless, such that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

C O U N T I I
(Assault and Battery Against Individual Defendants)

82. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Eighty-One (81), in their entirety, as if fully copied *in extenso* herein.

83. Defendants Neustrom, Reardon, Guidry, Hiatt, Reviere, Gary, and Caddy caused and/or materially contributed to an egregious sexual assault and battery upon Plaintiff Marcus Jude Comeaux.

84. Plaintiff avers that the said Defendants knowingly, wantonly, intentionally, and with gross disregard for the rights of the Plaintiff permitted a prosecution to commence wherein Plaintiff was locked away inside a facility being operated by a sexual predator in Defendant Guidry.

85. As a result of this arrest (and the emanating sexual assault / battery), Plaintiff Marcus Jude Comeaux suffered damages as aforesaid.

C O U N T I I I

(42 U.S.C. § 1983 Against Sheriff Neustrom / Lafayette Parish Sheriff's Office)

86. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Eighty-Five (85), in their entirety, as if fully copied *in extenso* herein.

87. Prior to April 11, 2012, the Lafayette Parish Sheriff's Office developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in the Parish of Lafayette, which policies or customs caused the violation of the Plaintiff's rights.

88. It was the policy and/or custom of the Lafayette Parish Sheriff's Office to inadequately and improperly investigate citizen complaints of police misconduct, and acts of misconduct were instead acquiesced to by the Sheriff's Office.

89. It was the policy and/or custom of the Lafayette Parish Sheriff's Office to tolerate known misconduct by Defendants Officers

90. Both prior and subsequent to April 11, 2012, the Lafayette Parish Sheriff's Office had actual or constructive knowledge of prior incidents of police misconduct and failed to take adequate remedial action.

91. It was the policy and/or custom of the Lafayette Parish Sheriff's Office to inadequately supervise and train its police officers, including Officers Guidry, Hiatt, Reviere, and/or Gary, thereby failing to adequately discourage further constitutional violations on the part of its police officers.

92. It was the policy and/or custom of the Lafayette Parish Sheriff's Office to not require appropriate in-service training or re-training of officers who were known to have engaged in police misconduct.

93. As a result of the above described policies and customs, police officers of the Lafayette Parish Sheriff's Office, including Defendants Guidry, Hiatt, Reviere, and/or Gary, believed that

their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

94. The Lafayette Parish Sheriff's Office, by and through Sheriff Neustrom, instituted and supported unconstitutional acts, customs, and policies whereby officers with the Lafayette Parish Sheriff's Office were permitted and encouraged to engage in the abuse of their status as law enforcement officers, acting in the aide of private citizens, such as Defendant Caddy, in pursuit of private vendettas and grievances.

95. The acts, customs, and policies of the Lafayette Parish Sheriff's Office amounted to deliberate indifference to the Plaintiff's constitutional rights and proximately caused him injuries as alleged herein.

96. Under the doctrine of *respondeat superior*, the defendant Lafayette Parish Sheriff's Office (by and through Sheriff Neustrom) is fully responsible for the tortious acts of the individual law enforcement employees named herein.

97. The above described policies and customs demonstrated a deliberate indifference on the part of policymakers of the Parish of Lafayette, including Defendant Sheriff Neustrom, to the constitutional rights of persons within the Parish of Lafayette, and were the cause of the violations of Plaintiff's rights alleged herein.

C O U N T I V
(State Law Action Against All Defendants)

98. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through Ninety-Seven (97), in their entirety, as if fully copied *in extenso* herein.

99. Defendant Officers Hiatt and Reviere failed to exercise due care and failed to properly analyze the facts clearly known to them and, by doing so, they violated Plaintiff's rights under Louisiana law by falsely arresting Plaintiff and illegally detaining Plaintiff for a crime he did not

commit.

100. Defendant Officers Guidry and Gary, together with other unknown officers, caused Plaintiff to suffer a sexual assault and battery.

C O U N T V
(Intentional Infliction of Emotional Distress Against All Defendants)

101. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through One Hundred (100), in their entirety, as if fully copied *in extenso* herein.

102. As a direct and proximate consequence of the unconscionable acts and omissions on the part of the Defendants as described above, the Defendant Officers intentionally inflicted emotional distress upon the Plaintiff.

103. Thus, the Plaintiff is entitled to a monetary judgment against the Defendants, both jointly and severally.

C O U N T V I
(Attorney Fees Against All Defendants)

104. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through One Hundred Three (103), in their entirety, as if fully copied *in extenso* herein.

105. The Plaintiff contends that he is also entitled to the awarding of reasonable attorney fees as a part of the costs of prosecuting the present cause of action pursuant to 42 U.S.C. 1988.

P A R T I C U L A R I Z E D A L L E G A T I O N S

106. Plaintiff adopts and restates those allegations contained in Paragraphs One (1) through One Hundred Five (105), in their entirety, as if fully copied *in extenso* herein.

107. Plaintiff avers and states he was deprived of rights secured by the Constitution or laws of the United States by and through the actions, conduct, policies, and practices of the named defendants, and the said deprivation of rights was committed by Defendants under the color of

state law. See, *e.g.*, Lugar v. Edmondson Oil Co., 457 U.S. 922, 931, 102 S.Ct. 2744, 73 L.Ed.2d 482 (1982).

108. Plaintiff avers and states the Defendants deprived him of constitutional and/or statutory rights which were clearly established at the time of the deprivation such that a reasonable official would understand his conduct was unlawful in the situation he confronted. See, *e.g.*, Saucier v. Katz, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001).

109. Plaintiff avers and states the Defendant Officers are not entitled to qualified immunity where the severity of the atrocities visited upon the Plaintiff were of sufficient magnitude that the Defendants knew or should have known their conduct was patently unconstitutional. Accord, Guite v. Wright, 147 F.3d 747, 750 (8th Cir.1998).

110. Plaintiff avers, on information and belief, that Sheriff Neustrom and/or the Lafayette Parish Sheriff's Office had actual or constructive knowledge of prior incidents of police misconduct and deliberately failed to take remedial action, which failure caused or significantly contributed to the violence and abuse visited upon Plaintiff and for which the Defendants are liable in accordance with Harris v. City of Pagedale, 821 F.2d 499, 504 (8th Cir.), *cert. denied*, 484 U.S. 986, 108 S.Ct. 504, 98 L.Ed.2d 502 (1987).

WHEREFORE, in consideration of the above and foregoing facts and circumstances as alleged, the Plaintiff now respectfully prays and requests that this Honorable Court:

- a. Order that process issue to the Defendants and that they be required to answer in the time allowed by law;
- b. Render judgment in favor of the Plaintiff and against the Defendants on all causes of action asserted herein;
- c. Award those damages to which it may appear Plaintiff is entitled by the proof submitted in this cause for his physical and mental pain and suffering, both past and future; permanent injury and disability; loss of enjoyment of life; loss of his personalty; and medical and psychological

- expenses, both past and future;
- d. Award compensatory damages to the Plaintiff and against the Defendants, jointly and severally;
 - e. Award punitive damages to the Plaintiff and against the Defendants, jointly and severally
 - f. Issue a court order, pursuant to 42 U.S.C. §1988, that the Plaintiff is entitled to the costs involved in maintaining this action and reasonable attorney's fees;
 - g. Award such other and further relief as this Court may deem appropriate; and,
 - h. Issue a court order directing and convening and empaneling a jury to consider the merits of the claims herein.

Dated: April 11, 2013
Baton Rouge, Louisiana

Respectfully Submitted,

J. CHRISTOPHER ALEXANDER, SR., ESQ., LLC
Attorney and Counselor at Law

SPRING & SPRING, LLC
Attorneys at Law

/s/ J. Christopher Alexander, Sr., Esq.
J. Christopher Alexander, Sr., Esq.
Louisiana Bar Roll No.: 26,591
3751 Government Street, Suite "A"
Baton Rouge, Louisiana 70806
225-761-9456 (telephone)
225-761-7899 (facsimile)
chris@jcalaw.us
Co-Counsel for Plaintiff

/s/ S. Stephen Spring, II, Esq.
S. Stephen Spring, II, Esq.
Louisiana Bar Roll Number: 12347
733 East Airport Avenue, Suite 104
Baton Rouge, Louisiana 70806
225.932.9671 (telephone)
413.451.8923 (facsimile)
springlaw@gmail.com
Co-Counsel for Plaintiff