

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

**PEOPLE FOR THE ETHICAL TREATMENT  
OF ANIMALS, INC., KRISTIE PHELPS,  
CYNTHIA LIEBERMAN,  
and SUSAN GROSS**

**plaintiffs,**

**NUMBER: 5:02CV1092**

## VERSUS

**JUDGE:**

**CITY OF SHREVEPORT,  
L. BONNETTE, L. D. TRANT, J. N. RAY,  
D. STRICKLAND, P. N. OWEN,  
and S.L. LOWERY,  
defendants**

## COMPLAINT

1.

This is an action for declaratory, injunctive and monetary relief brought pursuant to 42 U.S.C. §1983, and the First, Fourth and Fourteenth Amendments to the United States Constitution, together with Article 1., §§ 2., 3., 5., 7. & 9. of the Louisiana Constitution, and LSA-C.C. 2315, seeking redress for plaintiffs herein in being falsely arrested, imprisoned and prosecuted in the City of Shreveport, Louisiana pursuant to their legally engaging in a public demonstration on behalf of People for the Ethical Treatment of Animals (hereinafter “PETA”).

2.

Jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343(a), 2201 and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law pursuant to 28 U.S.C. §1367.

3.

Plaintiffs herein, all citizens of the United States, are:

- a. People for the Ethical Treatment of Animals, Inc. (hereinafter “PETA”), a Virginia nonprofit corporation, headquartered at 501 Front Street, Norfolk, Virginia 23510;
- b. Kristie Phelps ( hereinafter “Phelps”), an adult resident of Norfolk, Virginia;
- c. Cynthia Lieberman (hereinafter “Lieberman”), an adult resident of Brookeville, Maryland, and
- d. Susan Gross (hereinafter “Gross”), an adult resident of Caddo Parish, Louisiana.

4.

Defendants herein are:

- a. The City of Shreveport (hereinafter “City”), a municipality organized under the laws of the State of Louisiana, through its Police

Department, and the employer of the defendants shown below, all of whom are adult citizens of the United States, residents of Caddo Parish, and police officer employees of the defendant City, sued in their individual and official capacities.

- b. L. Bonnette (hereinafter“Bonnette”, or “Lieutenant Bonnette”);
- c. L. D. Trant (hereinafter“Trant”, or “Sergeant Trant”);
- d. J. N. Ray (hereinafter “Ray”, or “Officer Ray”);
- e. D. Strickland (hereinafter“Strickland”, or “Sergeant Strickland”);
- f. S. L. Lowery (hereinafter“Lowery”, or “Officer Lowery”), and
- g. P. N. Owen (hereinafter“Owen”, or “Officer Owen”).

5.

PETA, the largest animal rights organization in the world with more than 750,000 members and supporters, at all times pertinent herein employed plaintiff Phelps as a Campaign Coordinator. Plaintiff Lieberman is an independent animal rights advocate for PETA.

6.

Phelps and Lieberman organized and publicized for PETA a peaceful demonstration that was held on May 29, 2001 at the Shreveport waterfront area in the 700 block of Clyde Fant Parkway, intended to protest the treatment of circus animals in conjunction with an upcoming Ringling Brothers-Barnum & Bailey circus.

7.

PETA's plan for the demonstration, successfully used elsewhere, had been carefully designed for maximum effect while staying within the law, and was intended to bring awareness to animal suffering by attracting attention through the use of impact imagery. It included a scenario that involved a scantily-clad young woman painted and caged to resemble a tiger suffering the constant confinement to which all wild animals in a circus environment are subjected. Care was taken in designing the tiger costume so that no laws of the State of Louisiana were violated.

8.

Having been made aware of the pending demonstration by the news media (radio), and that "a lady with no clothes" would be present, defendant police Lieutenant Bonnette and defendant police supervisor Sergeant Trant predetermined to arrest "the naked female" before the protest demonstration ever took place. They then met with the defendant officers and pre-planned arrests for, *inter alia*, obstruction of public passages, disturbing the peace, holding an unlawful assembly, and obscenity. They also handed out copies of pertinent City ordinances to defendant Ray.

9.

Plaintiff Gross, who had not known plaintiffs Phelps and Lieberman theretofore, came to the waterfront site with her minor daughter, who had expressed support for PETA's objectives as well as a desire to participate in the demonstration. Gross was

aware that her daughter had previously participated in a placard-carrying animal-rights demonstration at a Shreveport fast-food restaurant without incident or interference by local law enforcement.

10.

Alerted by publicity surrounding the event, members of the news media, as well as a number of Shreveport police officers, including the individual defendants, were also present, together with Ringling Brothers-Barnum & Bailey circus employees or representatives who were handing out leaflets in apparent counter-protest, and providing the police officers with tickets to the upcoming circus. In essence, these were the only onlookers present.

11.

When Phelps and Lieberman arrived, Gross and her daughter introduced themselves and voiced their support for PETA's objectives. They were then asked whether they would like to hold a placard expressing that "Wild Animals Don't Belong Behind Bars", which they did, standing in an area adjacent to the sidewalk so as not to impede the normal use thereof, and therefore not violating the pertinent state sidewalk-obstruction statute, LSA-R.S. 100.1.

12.

In furtherance of their demonstration, plaintiffs Phelps and Lieberman then set up a small (3'x3') wire cage in an area likewise adjacent to the sidewalk, which was then placed over Lieberman, who crouched inside. Intending to represent the suffering of a

caged circus animal, Lieberman had painted her body with alternating orange and black stripes. She was also legally clothed in a bikini bottom, with “pasties” and a smaller “Wild Animals Don’t Belong Behind Bars” placard covering her chest. Her attire was in complete compliance with Louisiana statutory and case law, LSA-R.S. 14:106, and see *Vonderhaar v. Parish of St. Tammany*, 784 F. Supp 1239 (E.D. La. 1992).

13.

Plaintiff Phelps then held aloft a placard that stated “Boycott Animal Circuses”, while likewise standing adjacent to the sidewalk.

14.

At the moment the small wire cage was placed atop Lieberman, defendant Ray immediately approached her. Although Lieberman was clearly not on the City sidewalk, nor was her costume in violation of City or State obscenity statutes, this defendant falsely arrested her for Obscenity. In doing so, he double-locked handcuffs on her and snatched her to her feet. Joined and assisted by defendants Sgt. Strickland, Officer Lowery, and Officer Owen, Ray then aggressively pulled an unresisting Lieberman to a waiting patrol unit, where she was taken to the Shreveport City Jail by Strickland and Owen, where she was booked, fingerprinted, photographed and incarcerated.

15.

In his report, written post-arrest, defendant Ray states:

“At the time of the arrest I felt I had observed the womans (sic) nipple area. Just as I began to move toward her a news reporter stuck a microphone in my face and I moved it out of

my view and performed an arret (sic) on the offender.”

He goes on to report that Lieberman advised him at the jail that she was lawfully clothed by wearing pasties. Ray then reports that he could not tell whether this was true because she was wearing a robe at the time. This represents a deliberate indifference to whether the crime of obscenity had in fact occurred, and bolsters the plaintiffs’ claim that their arrests were pre-planned, without regard to the facts.

16.

Following the false arrest of Lieberman, defendant Ray then approached plaintiff Phelps, as well as plaintiff Gross and her minor daughter, and demanded that they lower the signs that they were holding. Even though all three immediately began to comply with this illegal order, defendant Ray nevertheless placed Phelps and Gross under arrest for Obstructing A Public Passage. Like Lieberman, they were then handcuffed and transported to the Shreveport City Jail, where they were booked, fingerprinted, photographed and incarcerated as Lieberman had been.

17.

The individual plaintiffs were admitted to bail, and were bonded out of jail later the same day.

18.

Plaintiff Gross’ minor daughter was treated to the same verbal abuse by the defendant officers as were the individual plaintiffs, and, at least initially, was likewise treated as a criminal arrestee. The child became terrified, both for herself, and because

she had to witness her mother being dragged away like a common criminal, causing her to be left alone at the arrest site. The defendant patrolmen had intended to arrest the daughter, but at some point defendant Lieutenant Bonnette ordered that she not be arrested. Plaintiff Gross was witness to all of this treatment of her daughter.

19.

Not only were the arrests of the plaintiffs illegal, the circumstances thereof further demonstrate that these defendants intended to make the arrests as they had planned beforehand, rather than what they encountered at the scene. The defendant officers had advised plaintiffs Lieberman and Phelps that if they attempted the demonstration, they would be arrested.

20.

The circus employees / representatives who were handing out their leaflets were allowed to remain, and to provide free circus tickets to the police officers at the scene. Several of the officers accepted the tickets. The accepted tickets were later turned in as "evidence".

21.

The illegal arrests, carried out by defendant Officers Ray, Lowery and Owen, as well as by Sergeant Strickland, were done in the presence of, under the direct supervision of, and with the obvious approval of their supervisors, defendants Sergeant Trant and Lieutenant Bonnette.



22.

As was entirely foreseeable to the defendants, the local media broadcast the incidents, focusing not on the intended purpose of the PETA demonstration, but the fact of the arrests and imprisonments of the plaintiffs for illegal acts, including the Obscenity charge. All plaintiffs, as well as plaintiff Gross' minor daughter, were shown on television as the arrests were being carried out. On behalf of the defendant City, the Chief of the Shreveport Police Department even went before the television cameras and castigated the individual plaintiffs for appearing naked in public (without distinguishing between them), as though they were criminals and purveyors of obscenity.

23.

PETA was consistently mentioned as the organization behind the protest in the above broadcasts, thus similarly casting this nationwide, nonprofit animal rights group in the same defamatory light to the public.

24.

Following the arrests shown above, the defendant City made no effort to check the efficacy of the police defendants' charges against the individual plaintiffs' assertions that no laws had been broken or the obvious First Amendment implications relating to the deliberate misconduct of the individual defendant's conduct. Rather, they proceeded to initiate and conduct the prosecution of the individual plaintiffs in the Shreveport City Court.

25.

Following arraignment, where pleas of not guilty were entered, a Motion to Quash was filed, which was contested by the City, and an evidentiary hearing was required. This imposed an additional burden on plaintiff Phelps, who had to travel to Louisiana to testify.

26.

Following the hearing, a memorandum brief was filed on behalf of these plaintiffs-made-criminal-defendants. No reply brief was filed by the City, and in due course, the City Court dismissed the charges on March 11, 2002, citing the First Amendment violations inherent in the conduct of the police defendants.

27.

To date, no meaningful investigation or incident review by the Chief of Police or by the City of its officers' misconduct has been initiated, nor has any officer involved been disciplined or subjected to retraining.

28.

The arrests of the individual plaintiffs by the defendant officers were completely without legal basis, and comprised false arrests. What followed constituted false imprisonments, and malicious prosecutions, which, with the false arrests, represent violations of these plaintiffs' protected rights under the First, Fourth and Fourteenth

Amendments to the United States Constitution. The same conduct also violates Article 1., §§ 2., 3., 5., 7. & 9. of the Louisiana Constitution.

29.

With respect to the plaintiff PETA, that organization was entitled to the same constitutional protections due the individual plaintiffs, and its protected rights were likewise violated by the conduct of these defendants.

30.

The conduct described damaged the plaintiffs and was a deliberate and malicious effort by these defendants to harm them, and was wholly unrelated to any legitimate state objective.

31.

The plaintiffs were also damaged by the deliberate indifference and gross negligence of all defendants as to their duties under state law.

32.

In their individual capacities, none of the individual defendants herein may avail themselves of the defense of qualified immunity, because the law, clearly established at the time pertinent herein, was and remains such that the acts and omissions alleged herein were in no way objectively reasonable. These law enforcement officers are presumed to know the clearly established constitutional rights of citizens.

33.

The illegal conduct shown herein exhibits an obvious lack of appropriate training or supervision within the defendant City's Police Department. The defendant officers herein exemplified by their conduct a flagrant manifestation of this inadequate training and supervision, showing not only their individual intent to treat the plaintiffs illegally, but also differently than the circus employees/representatives and others at the site of the demonstration who were not arrested.

34.

The defendant City had provided the Chief of Police with policy-making authority for regulating the conduct of Shreveport police officers and their supervisors, and he was thus the maker of policies regarding a lack of training and supervision in accordance with which the conduct described caused injury to the plaintiffs.

35.

These officer defendants knew that their illegal conduct would meet with approval, and seized the opportunity to carry out their illegal actions against the plaintiffs. By his televised remarks to the media, the Chief of Police also demonstrated his explicit approval of such conduct. By his refusal to investigate, discipline or require retraining of the offending defendant officers, this policymaker also turned a blind eye to and thus tacitly or expressly approved their conduct. This represented a conscious choice on his part to accept such conduct, which therefore represents the City's expected, accepted policy, which was a moving force behind the constitutional violations shown.

36.

These policies were carried out by the defendant officers. These policies damaged the plaintiffs by violating their protected rights under the United States Constitution, through 42 U.S.C.1983, and under the Louisiana Constitution as well.

37.

Plaintiff PETA has not only been subjected, as were the other plaintiffs, to defamations *per se*, but this plaintiff had paid for the costs of presenting the demonstration, including the costs of travel for plaintiff Phelps and Lieberman. Since the demonstration was illegally halted, this plaintiff is entitled to recover their financial loss associated with the planned demonstration.

38.

Because of the defendants' actions, the individual plaintiffs have undergone and continue to suffer extreme embarrassment, humiliation and mental anguish, including the embarrassment and humiliation of being publically arrested, suffering confinement by being jailed, and then being prosecuted, when they had committed no crime.

39.

The individual plaintiffs have also suffered financial loss by virtue of having to post bail bonds in order to be released from jail.

40.

The actions of defendants described herein were done in bad faith, maliciously, and with a deliberate indifference to the plaintiffs' protected rights, and with a callous and reckless disregard for the same. Awards of punitive damages against the individual defendants are thus warranted.

41.

The acts and conduct of the individual defendants also represent liability under state tort law, constituting negligence, gross negligence, and defamations *per se* under LSA-C.C 2315.

42.

With respect to plaintiff Gross, the defendants actions, done with malice, were especially extreme and outrageous, and the emotional distress suffered by this plaintiff was extreme. The defendants knew or should have known that such emotional distress would result from their conduct, and that there was an especial likelihood that genuine and serious mental distress would arise from these special circumstances. Under state law, such conduct comprises the intentional or negligent infliction of emotional distress upon this plaintiff.

43.

The officers' conduct toward her minor child caused plaintiff Gross to suffer extreme mental anguish over the treatment of her child, which was such as one would

reasonably expect her to suffer under these conditions. She is thus entitled to recover damages under LSA-C.C 2315.6.

44.

The defendant City is vicariously liable under state law as shown above for the acts, omissions and conspiracies of the individual defendant officers, and is thus responsible for the resultant damages. The Court should exercise its supplemental jurisdiction to hear and adjudicate such claims.

45.

The actions on the part of the defendant officers represent an illegal prior restraint on plaintiffs' free speech and assembly rights under both federal and state constitutions. Plaintiff PETA plans to conduct similar protests in the future, and the individual plaintiffs may also wish to engage in such. They now face the reasonable belief that they will face illegal restraints on their protected rights, with an equally reasonable expectation of facing similar arrests, incarcerations and prosecutions. They have no adequate remedy at law, and therefore seek injunctive relief against the defendant City and its police employees, prohibiting such illegal conduct in the future.

46.

In order to protect both the plaintiffs herein as well as the general public from future restraints on protected activities by the defendant City and its police employees,

this Court should also order the City to forthwith conduct retraining within its police department with respect to the constitutional protections provided to citizens under both federal and state constitutions.

47.

Additionally, and because the City released to the press information regarding the plaintiffs' arrests, plaintiffs' good names and reputations have been slandered to the general public. The individual plaintiffs have valued their good names in their communities. Not only has the actions of the defendants damaged their reputations, but their reputations and good names in their communities will have been irreparably damaged unless this Court orders the defendant City to publish in the local print media an apology to all plaintiffs for the conduct of its police department in this case, together with a statement of the individual plaintiffs' innocence regarding the criminal charges.

WHEREFORE PLAINTIFFS request the following relief against defendants jointly, severally and *in solido*:

A. Judgment declaring:

- 1) that the defendants, individually and/or in conspiracy, violated the statutory and constitutional provisions, both state and federal, shown herein, and



- 2) that defendant City's policy and training regarding constitutional protections due its citizens are inadequate and otherwise in violation of law;

B. That this Court order the following injunctive relief:

- 1) Permanently enjoin the defendants from future harassments and defamations of the plaintiffs should they wish to legally engage in future protest demonstrations;
- 2) Order the defendant City to immediately conduct retraining within its police department with respect to the constitutional protections provided to citizens under both federal and state constitutions.
- 3) That the Court order the defendant City to publish in the official journals of Caddo Parish a written statement entitled "Public Apology", which shall make clear to the public that the plaintiffs should not have been arrested; that no criminal activity should have been charged against them; that they were never guilty of the crime(s) with which they were charged, and otherwise as the Court deems appropriate;
- 4) That the Court order that all criminal records of any kind, including fingerprints and photographs relating to the subject criminal charges, be immediately expunged; that a designated

representative of the City be ordered to follow the expungement process, and that such person report in writing to this Court, with written notice to counsel, that a) the expungement has actually been accomplished, and b) all records, whether computerized or otherwise, which were made available or obtained by any law enforcement agency have actually been destroyed;

5) If expungement is not completely carried out, that this Court assess additional damages against the defendants;

C. That plaintiffs be awarded compensatory damages;

D. That plaintiffs be awarded punitive damages against the individual defendants;

E. That plaintiffs be awarded such other relief to which they may be entitled, including reasonable attorney's fees, interest thereon, and all costs of this action, including expert witness fees, and that plaintiffs be awarded interest on all monetary relief, including damages, costs, fees and expenses, from the date of judicial demand until paid; and

F. That plaintiffs be awarded such other relief as the Court finds equitable,  
just and proper.

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