

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

RENATA SINGLETON,
MARC MITCHELL,
LAZONIA BAHAM,
JANE DOE,
TIFFANY LACROIX,
FAYONA BAILEY, and
SILENCE IS VIOLENCE,

Plaintiffs,

v.

LEON CANNIZZARO, in his official
capacity as District Attorney of Orleans
Parish and in his individual capacity;

DAVID PIPES,
IAIN DOVER,
JASON NAPOLI,
ARTHUR MITCHELL,
TIFFANY TUCKER,
MICHAEL TRUMMEL,
MATTHEW HAMILTON,
INGA PETROVICH,
LAURA RODRIGUE, and
JOHN DOE,
in their individual capacities;

Defendants.

CIVIL ACTION NO. 2:17-cv-10721

JUDGE: JANE TRICHE MILAZZO

MAGISTRATE: JANIS VAN MEERVELD

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE
TO FILE SECOND AMENDED COMPLAINT

Plaintiffs respectfully move this Court pursuant to Rule 15(a) of the Federal Rules of Civil Procedure for leave to file a Second Amendment Complaint. A copy of the proposed Second Amendment Complaint is attached to this motion. Defendants have informed the Plaintiffs that Defendants do not oppose this motion.

1.

Plaintiffs filed their initial Complaint on October 17, 2017. (*See* Compl., ECF No. 1.) On December 21, 2017, Plaintiffs filed an Amended Complaint as-of-right under Federal Rule of Civil Procedure 15(a)(1)(B). (*See* Am. Compl., ECF No. 37.)

2.

The proposed amendments would add a new plaintiff and a new defendant, but no new legal claims. The new plaintiff, John Roe, alleges that his rights were violated when he was arrested and jailed as a material witness on December 3, 2017. Mr. Roe's allegations involve conduct that occurred as recently as January 22, 2017. Mr. Roe asserts claims against Orleans Parish Assistant District Attorney Sarah Dawkins, the proposed new defendant. Like the existing Plaintiffs, Mr. Roe also seeks relief against existing Defendant Leon Cannizzaro in his official capacity.

3.

The proposed amendments also supplement and clarify Plaintiffs' existing allegations based on information recently discovered by Plaintiffs' counsel in the course of investigation.

4.

On January 10, 2018, the Orleans Parish District Attorney's Office released 336 pages of records in response to a request submitted on October 31, 2017 pursuant to the Louisiana Public Records Act. Plaintiffs have also recently obtained new court records from the Clerk of the Orleans Parish Criminal District Court in response to requests submitted between September and December, 2017. These records provided information and investigative leads that have shed light

on the policies, practices, and customs at issue in this lawsuit and the specific roles, responsibilities, and conduct of certain Defendants.

5.

Plaintiffs now seek to update their existing allegations with this new information. Based on these same records and investigative leads they provided, Plaintiffs also seek to add Defendant Graymond Martin to Counts II, III, V, VIII, and IX.¹

6.

Federal Rule of Civil Procedure 15(a)(2) states that a court “should freely give leave [to amend] when justice so requires.” To depart from this permissive standard, the court must have a “substantial reason,” based on factors such as “undue delay, bad faith or dilatory motive on the part of the movant, repeated failures to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party . . . and futility of the amendment.” *Joseph v. Louisiana Dep’t of Corr.*, No. CV 15-759, 2017 WL 3438345, at *2 (E.D. La. Aug. 10, 2017) (quoting *Marucci Sports, LLC v. Nat’l Collegiate Athletic Ass’n*, 751 F.3d 368, 378 (5th Cir. 2014)). Here, Plaintiffs have acted diligently based on newly discovered evidence, and no prejudice to Defendants would result from allowing amendment at this stage. Amendment is appropriate in these circumstances. *See, e.g., Thigpen v. Florida Gas Transmission Co., LLC*, No. 14-1445, 2015 WL 4605976 (E.D. La. July 30, 2015) (quoting *Marucci Sports, L.L.C. v. Nat’l Collegiate Athletic Ass’n*, 751 368, 378 (5th Cir. 2014)) (granting leave to amend when amended complaint “assert[ed] additional and more specific allegations of fact to more fully address their claims”); *see also Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 599 (5th Cir. 1981) (reversing denial of

¹ Plaintiffs’ claims have maintained the same numbering in the proposed Second Amendment Complaint as in Plaintiffs’ Amended Complaint (ECF No. 37) and original Complaint (ECF. No. 1).

motion for leave to amend based on newly relevant evidence and where defendant would suffer no prejudice).

WHEREFORE, Plaintiffs respectfully request that the Court grant their motion for leave to file a Second Amendment Complaint.

Respectfully submitted this 24th day of January, 2018,

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COUNSEL FOR PLAINTIFFS

*Not licensed in the District of Columbia, practice subject to D.C. App. R. 49(c)(8), with supervision by Alec Karakatsanis, a member of the D.C. Bar.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2018, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, and that service will be provided through the CM/ECF system.

/s/ Katherine Chamblee-Ryan
Katherine Chamblee-Ryan