

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO:

RAYMOND SCOTT and AMANDA ALFRED

DIVISION:

VERSUS

LOUISIANA STATE POLICE, LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES, and LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

EMERGENCY PETITION FOR INJUNCTIVE RELIEF AND REQUEST FOR TEMPORARY RESTRAINING ORDER

In support of the *Emergency Petition for Injunctive Relief and Request for Temporary Restraining Order*, Petitioners represent the following:

1. Petitioners are a group of New Orleans unhoused residents who have been subject to or are imminently threatened by sweeps of homeless encampments in and around downtown New Orleans in which their property is being seized and destroyed.

2. The sweeps are being conducted by Louisiana State Police’s “Troop NOLA” and agents of the Department of Wildlife and Fisheries and DOTD. A legal observer heard state troopers saying “the Governor wants you to move because of the Taylor Swift concert.”¹

3. As a result of the sweeps, Petitioners have suffered destruction of their property without due process of law and will continue to do so until a restraining order is implemented. Defendants have been taking or destroying property including tents, HIV medication, ID cards, and foodstamp cards.

4. The sweeps have also directly disrupted the City of New Orleans’ work on providing housing to unhoused people. Many of these “residents were set to be housed in a matter of weeks.”²

5. But according to Nathaniel Fields, head of the Office of Homeless Services and Strategies, the City’s work cannot continue undisrupted “if we’re sweeping encampments and moving individuals from those locations.”³

¹ Ex. D (Affidavit of Eli Johnson) at ¶ 20.

² Lesli Harris (@LesliHarris), X, Oct. 23, 2024, 11:27 a.m., <https://tinyurl.com/ydhjwfa8>

³ Katie Fernelius, *Homeless sweep ahead of Taylor Swift concert reveals conflict between city, Troop NOLA*, Verite (Oct. 24, 2024) Available online at: <https://lailuminator.com/2024/10/24/homeless-sweep/>

6. “It’s very important that the state not be working at cross purposes with itself,” according to Martha Kegel, executive director of Unity of Greater New Orleans, the city’s largest unhoused services provider.⁴

7. The state agencies have forcibly relocated people from multiple locations into a small, overcrowded area of Earhart Boulevard between Freret Street and Magnolia Street.

8. According to Fields, “We’re putting people in this camp . . . and we’re not supplying basic needs . . . There are no port-a-lets, no food, no services . . . We already didn’t have the resources, we for sure don’t have the resources to keep people in one location.”⁵

9. This lawsuit does not seek to stop the State from regulating its property; only to ensure that the State does so in a manner that complies with the law.

PARTIES

Petitioners

10. Petitioner RAYMOND SCOTT is a resident of Orleans Parish and a person of the full age of majority.

11. Petitioner AMANDA ALFRED is a resident of Orleans Parish and a person of the full age of majority.

Defendants

12. Defendant LOUISIANA STATE POLICE is a state law enforcement agency which is conducting sweeps of homeless encampments in and around downtown New Orleans.

13. Defendant LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES is a state agency which is assisting Defendant Louisiana State Police with sweeps of homeless encampments in and around downtown New Orleans.

14. Defendant LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT is a state agency which is assisting Defendant Louisiana State Police with sweeps of homeless encampments in and around downtown New Orleans.

JURISDICTION AND VENUE

15. The Civil District Court for the Parish of Orleans has subject-matter jurisdiction over all civil matters pursuant to La. Const. Art. 5, Sec. 16, and under La. Code of Civ. Proc. Art. 2 to adjudicate matters arising under the Louisiana Constitution of 1974, including in particular Art. I, §§ 2 (due process) and 4 (property).

⁴ *Id.*

⁵Sophie Kasakove, *Jeff Landry sweeps more downtown New Orleans homeless camps over city's objections*, Advocate (Oct. 24, 2024), <https://tinyurl.com/4txnh325>

16. The Civil District Court for the Parish of Orleans is the proper venue under Louisiana Code of Civil Procedure art. 74 as the wrongful conduct alleged herein all occurred in Orleans Parish.

UNDERLYING FACTS

17. Petitioners are a group of unhoused individuals who were at all times relevant to this action residing with their personal property at encampments near downtown New Orleans.

18. On October 23, 2024, Defendants began a “sweep” of encampments in and around downtown New Orleans.⁶

19. The sweeps were ordered by Governor Jeff Landry for the explicit purpose of temporarily removing Petitioners and their property before the series of Taylor Swift concerts at the Caesar’s Superdome set for October 25, 26, and 27.⁷

20. The sweeps were conducted “[d]espite requests from city leaders to delay the cleanup”⁸ in part because “these residents were set to be housed in a matter of weeks.”⁹

21. The City of New Orleans has a municipal ordinance laying out a careful procedure for the Removal of Unauthorized Encampments. See Code of the City of New Orleans, Art. XII, Sec. 82-693 to 82-703.

22. Here Petitioners were in some cases provided less than 30 minutes of notice prior to the sweeps¹⁰ despite the ordinance mandating that, at least 24 hours before a sweep, “Notice shall be posted in the general area” of the encampment. Art. XII, Sec. 82-696 of the Code of the City of New Orleans.

23. The 24-hour notice ordinance further mandates that the notice include specific information, namely “1. The day the notice was posted; 2. The date the removal is scheduled; 3. The time range in which that date’s removal will commence; 4. The location and operating hours where personal property can be retrieved; 5. That personal property can be claimed without identification, unless controlled, prescription medication; and 6. Contact information for an outreach provider that can provide shelter alternatives.” Art. XII, Sec. 82-696 of the Code of the City of New Orleans.

⁶Johnathan Limehouse, “Governor orders homeless people to be relocated before Taylor Swift’s New Orleans concerts,” USA TODAY, Published Oct. 23, 2024, 6:16 p.m. (<https://www.usatoday.com/story/news/nation/2024/10/23/taylor-swift-new-orleans-eras-tour/75808764007/>); Brittney Verner, “Troop NOLA clears homeless encampment despite city’s plea to delay,” WDSU, Updated October 23, 2024, 6:10 p.m. (<https://tinyurl.com/y9tt2rkp>).

⁷*Id.*

⁸Verner, WDSU, *supra*.

⁹Lesli Harris (@LesliHarris), X, Oct. 23, 2024, 11:27 a.m., <https://tinyurl.com/ydhjwfa8>

¹⁰Exhibit A (Affidavit of Petitioner Raymond Scott).

24. Petitioners were told that any items left behind would be disposed of and the grounds bulldozed.¹¹

25. During these sweeps, Defendants seized several pieces of property belonging to Petitioners and other individuals, including but not limited to tents, tarps, coolers, food, clothing, bicycles, medicine, blankets, sleeping bags, medical equipment including wheelchairs, suitcases, pets, foodstamp cards, and religious items.

26. Some of these illegal actions were captured in photos and videos, such as the following photos which were posted on X (formerly known as Twitter) by Lesli Harris, the New Orleans Councilmember representing District B:¹²



¹¹ *Id.*

¹² Lesli Harris (@LesliHarris), X, Oct. 23, 2024, 11:27 a.m. (<https://x.com/lesliharris/status/1849125435356963323>).



27. Defendants' actions were witnessed by Alison Poort, the Chief of Staff for New Orleans Councilmember Lesli Harris.

28. On Wednesday, October 23, 2024, she spent several hours at the encampment at Calliope and Loyola in her capacity as chief of staff for Councilmember Harris.¹³

29. She saw Defendants in the process of dismantling tents where no one was there to claim them. She saw officers placing the tents in truck beds, and saw a front loader, typically used to collect items for disposal.¹⁴

30. She heard that one man had gone to eat at Rebuild, and when he returned all of his items were gone.¹⁵

31. Another man reported to her that Defendants had taken his clothing, personal memorabilia, ID cards, and his HIV medicine.¹⁶

32. Another man told her he needed to go sign a lease to move into a home. An LSP officer told the gentleman, "then you have a tough choice to make," implying that leaving the belongings meant they would be thrown away.¹⁷

33. A woman was waiting on her case manager to come back and assist her with transporting her final trip of belongings to her newly leased apartment. Wildlife agents said she needed to move her belongings or they would be removed. Ms. Poort stayed with her, along with another city worker, to ensure her belongings could remain until her case worker returned.¹⁸

¹³ Ex. E at ¶ 2.

¹⁴ *Id.* at ¶ 3.

¹⁵ *Id.* at ¶ 8.

¹⁶ *Id.* at ¶ 9.

¹⁷ *Id.* at ¶ 10.

¹⁸ *Id.* at ¶ 13.

34. An LSP officer told Ms. Poort that consolidating the unhoused residents into one area would make it “easier for us to serve them.” She asked about whether the state would be part of “serving them” and was told no.¹⁹

35. Ms. Poort observed that Defendants had swept an area at Gravier and Claiborne that “was outside the bounds of where LSP told me they would be removing encampments.”²⁰

36. Petitioner Raymond Scott has resided at the encampment at the end of Bolivar Street for approximately six months.²¹

37. His possessions included a dog, three tents, bikes and bike accessories, clothing, and other personal belongings.²²

38. Mr. Scott earns an income by repairing and building bicycles.²³

39. At the time of the sweeps, Mr. Scott was in possession of three bicycles which he was repairing for customers and worth approximately \$145.00.²⁴

40. Defendants also seized approximately \$1,500.00 worth of tools that he uses to repair and reconstruct bikes.²⁵

41. Petitioner Amanda Alfred was living at the encampment at Claiborne and Canal.²⁶

42. There were no posted notices of a sweep at the Claiborne and Canal encampment.²⁷

43. Defendants arrived at the Claiborne and Canal encampment on the morning of October 24, 2024, and began seizing individuals’ property, including people who were not present because they were at work.²⁸

44. Defendants threatened Ms. Alfred and others that it would be illegal for them to return to the area of the encampment, even after the Taylor Swift concerts are concluded.²⁹

45. Defendants then forced Ms. Alfred to move to an unfamiliar location.³⁰

46. Defendants did not obtain a warrant to seize any of Petitioners’ property prior to conducting the sweeps.

47. Petitioners have not received any just compensation for the taking and damaging of their personal property.

¹⁹ *Id.* at ¶ 11.

²⁰ *Id.* at ¶ 16.

²¹ Exhibit A.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Exhibit B (Affidavit of Amanda Alfred).

²⁷ *Id.*

²⁸ *Id.*

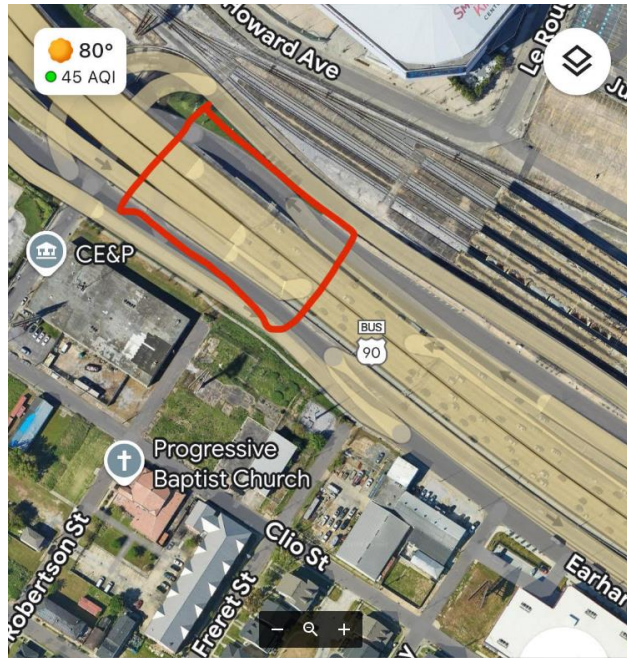
²⁹ *Id.*

³⁰ *Id.* (“I don’t even know where I’m at and I’m from New Orleans.”).

48. In addition, Defendants have prevented Petitioners from exercising their right to assembly.

49. Defendants have physically forced Petitioners into confinement in an area off of Earhart Boulevard between Freret Street and Magnolia Street.³¹

50. That area is outlined here:



51. Individuals in the confinement area were not provided a reason why they had to be moved and have been told they cannot return to their encampments.³²

52. The area being used for confinement is colloquially known as “needle alley” due to the particular health and safety concerns. Typically, there are approximately a dozen individuals present in needle alley. As of the drafting of this Petition, that number is estimated at 100 individuals, causing additional health and safety concerns for Petitioners.³³

53. Nathaniel Fields, the City’s director of homeless services, said cramped conditions there could become dangerous and unsanitary.³⁴

54. Officials have raised repeated concerns in recent days that people won't choose to live in closer quarters at the designated encampment, but will instead scatter, which makes it tougher for case managers to keep track of who needs housing. Councilwoman Harris noted that her office has already heard reports of “new tent communities in neighborhood areas.”³⁵

³¹ Exhibit A.

³² Exhibit C (Affidavit of John Jacobsen, Jr.); Exhibit B.

³³ Exhibits A; Exhibit B.

³⁴Sophie Kasakove, *Jeff Landry sweeps more downtown New Orleans homeless camps over city's objections*, Advocate (Oct. 24, 2024), <https://tinyurl.com/4txnh325>

³⁵*Id.*

55. According to legal observer Johnson, the “traffic near the State Sanctioned Encampment is also immensely dangerous: there is an on-ramp and off-ramp, and visibility for drivers to see pedestrians is poor.”³⁶

56. He says the “State Sanctioned Encampment is also located in the dirtiest part of the overpass that is not even cement anymore.”³⁷

57. Ms. Poort reported that she “visited the new sanctioned encampment and noticed it lacked trash cans, portapotties, hand washing stations, or water.”³⁸

58. She says that several “unhoused residents approached me asking again for bathrooms, trash cans, water, and food. One gentleman asked me where he could get a tent. He told me he had a tent at the other site but that the state officers had thrown it away. He told me he got bitten by rats the night before because he did not have a tent to go inside.”³⁹

59. Petitioner Scott pointed out that it “is a bad idea to confine everyone to the State Sanctioned Encampment because some people were in different camps because they had problems with each other.”⁴⁰

60. Petitioner Alfred is afraid for her safety at the confinement area because of the overcrowding.⁴¹

61. Petitioners have not been told that they are free to leave the state-sanctioned camp.

62. This has caused serious disruption for the residents and government of New Orleans.

63. Eli Johnson is a long-term volunteer with Southern Solidarity and a trained legal observer through the National Lawyers Guild who has observed several encampment sweeps, including ones at issue in this Petition.⁴²

64. On October 23, 2024, Mr. Johnson arrived at the Loyola and Claiborne encampment at approximately 6:00 a.m.⁴³

65. Mr. Johnson observed Defendants arrive at the encampment and, at 8:43 a.m. witnessed Louisiana State Police troopers encircle the encampment, in conjunction with

³⁶ Ex. D at ¶ 47.

³⁷ *Id.* at ¶ 49.

³⁸ Ex. E at ¶ 15.

³⁹ *Id.* at ¶ 29.

⁴⁰ Ex. A at ¶ 22.

⁴¹ Exhibit B.

⁴² Exhibit D (Affidavit of Eli Johnson).

⁴³ *Id.*

individuals from the Department of Transportation and Development and the Department of Wildlife and Fisheries.⁴⁴

66. Residents of the Loyola and Claiborne encampment told Mr. Johnson that they had previously been told that they had until October 24, 2024, to leave the premises.⁴⁵

67. Despite this, Mr. Johnson observed Defendants that they had to leave immediately or would be arrested.⁴⁶

68. Mr. Johnson observed that there were no written notices posted.⁴⁷

69. Mr. Johnson observed Defendants banging on residents' tents and, despite being told that certain people were gone at work, Defendants seized all unoccupied tents and items and threw them away. Some tents were ripped and destroyed beyond repair.⁴⁸

70. Mr. Johnson heard state troopers saying "the Governor wants you to move because of the Taylor Swift concert."⁴⁹

71. On October 24, 2024, at 7:00 a.m., Mr. Johnson arrived at the encampment at Canal and Claiborne.⁵⁰

72. According to Mr. Johnson, the "Canal and Claiborne encampment is nowhere near a freeway or highway, so it is not state property."⁵¹

73. Mr. Johnson then witnessed Defendants move to the encampment at US-90 and start banging on tents.⁵²

74. Mr. Johnson witnessed Defendants dump out residents' jugs of water and destroy tents, even cutting some up with knives.⁵³

75. Nate Fields, director of the city's Office of Homeless Services and Strategy, said "There's a way to do this the right way and this is not it."⁵⁴

76. Before the State's sweeps, the City was currently underway in working to relocate those living near Calliope and on the streets of the French Quarter.⁵⁵

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at ¶ 14.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at ¶ 27.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Matt Bloom, "State police clear homeless encampment ahead of Taylor Swift shows, sparking outcry," WWNO 89.9, published October 23, 2024, 10:14 a.m. (<https://tinyurl.com/4kje4wjp>).

⁵⁵ "Louisiana State Police Look To clear New Orleans Homeless Encampments Ahead of Taylor Swift Concerts," NATIONAL CRIME AND JUSTICE ASSOCIATION, published October 23, 2024, (<https://www.ncja.org/crimeandjusticenews/louisiana-state-police-look-to-clear-new-orleans-homeless-encampments-ahead-of-taylor-swift-concerts>).

77. Fields asked state officials to postpone any new sweeps and work with the city on long-term housing solutions.⁵⁶

78. He said “what we are asking you not to do is to push them along and interfere with what we’re doing.”⁵⁷

79. “Do not sweep this encampment or other encampments,” Fields said. “It is not helping the process. It is causing more trauma than good.”⁵⁸

80. Martha Kegel, executive director of Unity of Greater New Orleans, the city’s largest unhoused services provider, said that “if people are forced to move before their housing is ready for them is that they will be scattered and when they scatter, they will form new homeless camps and those camps will probably be closer to businesses and closer to people’s homes and cause more problems for the community than the Calliope camp does.”⁵⁹

81. “It’s very important that the state not be working at cross purposes with itself,” Kegel said.⁶⁰

82. No Petitioner has been charged with a crime.

83. Neither Petitioners nor their property created or sustained any threat to public health or safety.

84. At all times relevant to this Petition, Defendants were acting under the color of law.

85. As a result of Defendants’ actions, Petitioners have suffered harm and are expected to suffer additional irreparable harm.

INJUNCTIVE RELIEF

86. Petitioners assert the following Causes of Action, plead in the alternative where appropriate, against all Defendants.

I. Violations of the Fourth Amendment of the United States Constitution

87. The Fourth Amendment to the United States Constitution protects the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Katie Jane Fernelius, “Homeless sweep ahead of Taylor Swift concert reveals conflict between city, Troop NOLA,” LOUISIANA ILLUMINATOR, published October 24, 2024, 5:53 p.m. (<https://lailluminator.com/2024/10/24/homeless-sweep/>).

⁵⁹ Bloom, *supra* (<https://www.wwno.org/local-regional-news/2024-10-23/state-police-plan-to-clear-new-orleans-homeless-encampment-sparks-outcry>).

⁶⁰ Fernelius, *supra*, (<https://lailluminator.com/2024/10/24/homeless-sweep/>).

88. A seizure of property occurs when “there is some meaningful interference with an individual's possessory interests in that property.” *United States v. Jacobsen*, 466 U.S. 109, 113, 80 L. Ed. 2d 85, 104 S. Ct. 1652.

89. The “general rule” is that “absent an ‘extraordinary situation’ a party cannot invoke the power of the state to seize a person's property without a prior judicial determination that the seizure is justified.” *U.S. v. Eight Thousand Eight Hundred & Fifty Dollars (\$8,850) in U.S. Currency*, 461 U.S. 555, 562 n. 12 (1983).

90. Warrantless searches are per se unreasonable and the government bears the burden of showing that an exception applies. *See, e.g., U.S. v. Holloway*, 290 F.3d 1331, 1337 (11th Cir. 2002).

91. Tents in some circumstances are protected by the Fourth Amendment from warrantless searches. *See United States v. Gooch*, 6 F.3d 673, 678 (9th Cir. 1993).

92. The United States Supreme Court has found personal property located in a public space is protected under the Fourth Amendment. *Soldal v. Cook Cty.*, 506 U.S. 56, 68, 113 S. Ct. 538, 547 (1992) (“an officer who happens to come across an individual's property in a public area could seize it only if Fourth Amendment standards are satisfied.”).

93. Here, Petitioners had a Fourth Amendment right to be secure in their persons and property.

94. Defendants, without a warrant and without proper notice, searched, seized and destroyed their property and then detained Petitioners in a state sanctioned camp, in violation of their Fourth Amendment rights. Defendants’ actions in forcing people to one state-sanctioned encampment using the threat of arrest and through property removal and destruction would cause a reasonable person to believe that they are not free to leave the area, resulting in an unlawful seizure of their liberty.

II. Violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution

95. The Due Process Clause of the Fourteenth Amendment of the United States Constitution provides that “No state shall ... deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV.

96. Courts must first assess whether the asserted interests are encompassed within the Fourteenth Amendment’s protection of “life, liberty, or property,” and then, if any of those interests are implicated, must decide what due process is necessary. *Ingraham v. Wright*, 430 U.S. 651, 671 (1977).

97. Specifically, courts apply the test set forth in *Mathews v. Eldridge* to determine whether the state has afforded proper due process. 424 U.S. 319 (1976). The *Mathews* test balances “(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguard; and (3) the Government’s interest, including the fiscal and administrative burdens that additional or substitute procedural requirements would entail.” *Id.* at 321.

98. Here, Petitioners have a private interest in the form of their personal property being seized and destroyed by Defendants. There is a risk of erroneous deprivation due to Defendants’ failure to conform with the city ordinances requiring notice, or even providing any reasonable notice at all, and because there is no mechanism through which Petitioners can recover their property. Further, false or contradictory notice was provided. E.g., notice of a Thursday sweep that was moved to Wednesday. And finally, the government’s interest is insignificant, as it is not related to any health or safety concern but a vague effort to ensure that “New Orleans puts its best foot forward when on the world stage.”⁶¹ In terms of value and burden of additional procedures, there is limited fiscal or administrative burden on Defendants to follow reasonable notice and property storage procedures set forth in City Code.

99. Petitioners were afforded little to no due process as required under the Fourteenth Amendment and have suffered irreparable harm as a result.

100. Defendants’ actions in restraining people’s liberty by forcing Plaintiffs and others similarly situated into the state-sanctioned encampment is a deprivation of a constitutionally protected liberty interest without due process of law.

III. Violation of Petitioners’ Property Rights under the Louisiana Constitution (La. Const. Art. I §4)

101. Petitioners incorporate and reassert the allegations in each preceding and following paragraphs of this Petition.

102. Under Louisiana’s constitution, “[e]very person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property.” La. Const. Art. I § 4(A).

103. The state or its agencies may not take or damage any personal property “except for public purposes and with just compensation paid to the owner or into court for his benefit.” La. Const. Art. I § 4(B)(1).

⁶¹ Limehouse, *supra* (<https://www.usatoday.com/story/news/nation/2024/10/23/taylor-swift-new-orleans-eras-tour/75808764007/>).

104. “Personal effects, other than contraband, shall never be taken.” La. Const. Art. I § 4(C).

105. Even if Defendants claim that any property seized was done so in connection with criminal activity, which is denied, they have failed to adhere to the civil forfeiture process to destroy or indefinitely hold the seized property. La. R.S. § 15:41.

106. Here, Defendants seized Petitioners’ personal effects without any compensation.

107. Petitioners’ property is not contraband and there is no legitimate public purpose for its seizure.

108. The public purposes under which the state may seize personal property are specifically enumerated in the state constitution. La. Const. Art. I § 4(B)(2)(a-c).

109. None of the public purposes have any application here as Petitioners’ property did not pose any threat to public health or safety.

IV. Violations of Petitioners’ Due Process Rights Under Louisiana’s Constitution (La. Const. Art. I §2)

110. Petitioners incorporate and reassert the allegations in each preceding and following paragraphs of this Petition.

111. Louisiana’s constitution establishes that “[n]o person shall be deprived of life, liberty, or property, except by due process of law.” La. Const. Art. I § 2.

112. Here, Defendants arrived at the encampment unannounced and did not allow adequate time, in some cases less than 30 minutes, for Petitioners to pack up all of their belongings and leave, or else their property would be destroyed.

113. This was done despite an ordinance requiring 24-hour notice of any sweep, including specific information about how to handle and seized property. Art. XII, Ch. 82 of the Code of the City of New Orleans.

114. Because exception to the warrant requirement applies, Defendants violated Petitioners right to privacy.

V. Violation of Petitioners’ Right of Assembly under the Louisiana Constitution (La. Const. Art. I § 9)

115. Petitioners incorporate and reassert the allegations in each preceding and following paragraphs of this Petition.

116. “No law shall impair the right of any person to assemble peaceably.” La. Const. Art. I § 9.

117. Here, Petitioners were forcibly herded into a state sanctioned camp and have not been able to return to their encampment areas or otherwise travel unrestricted.

MOTION FOR TEMPORARY RESTRAINING ORDER

118. In addition to the injunctive relief requested herein, Petitioners further request that this Court issue a Temporary Restraining Order requiring that Defendants cease and desist from evicting residents as described in this Petition.

119. A temporary restraining order shall be granted without notice when (1) the petition lays out specific facts, supported by affidavit, that immediate and irreparable injury will result; and (2) the applicant's attorney certifies in writing that efforts have been made to give notice. La. Code of Civ. Proc. art. 3603.

120. There is an obvious risk of irreparable harm as well as danger to the safety of the residents in the event that a Temporary Restraining Order is not granted pending a Preliminary Injunction hearing. Specifically, Petitioners will be deprived of shelter and their property will be destroyed.

121. For the reasons stated herein and the supporting documentation submitted with this Petition, Petitioners have a high likelihood of success on the merits.

122. With regard to the security bond required under La. Code Civ. Proc. art 3610, Petitioner respectfully requests that the security bond be set at a nominal amount of \$100.00 due to the fact that Petitioners are indigent and unhoused and the public interest in ensuring that state agencies follow the law. Petitioners should not be required to put up a burdensome bond to force Defendants to following the laws of Louisiana and the Judgment of this Court.

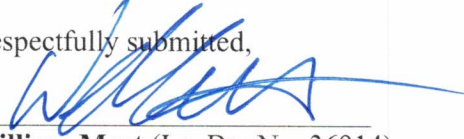
REQUESTED RELIEF

123. For the reasons stated herein, Petitioners seek the following:

- a. A temporary restraining order and permanent injunction ordering Defendants to:
 - i. Not destroy or dispose of the property of unhoused people without judicial process;
 - ii. Provide the notice set out in the municipal ordinance Art. XII, Sec. 82-696; and
 - iii. Notify people in the "state sanctioned camp" that they are free to leave.
- b. Compensatory damages;
- c. Attorneys fees; and
- d. Any other relief equitable under the law.

124. Petitioners reserve the right to notice of defect to this pleading and reserve the right to amend or supplement this Petition after discovery of any additional fact, law, or claim, the amendment of which to be performed by the filing of any subsequent pleading.

Respectfully submitted,



William Most (La. Bar No. 36914)

Dave Lanser (La. Bar No. 37764)

Hope Phelps (La. Bar No. 37259)

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New Orleans, LA 70170

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Exhibits:

A: Affidavit of Petitioner Raymond Scott

B: Affidavit of Amanda Alfred

C: Affidavit of John Jacobsen, Jr.

D: Affidavit of Eli Johnson

E: Affidavit of Alison Poort

Please Serve:

Defendants Louisiana State Police, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Transportation and Development

through their counsel

Louisiana Attorney General's Office

1885 N 3rd Street

Baton Rouge, LA 70802

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO:

RAYMOND SCOTT and AMANDA ALFRED

DIVISION:

VERSUS

LOUISIANA STATE POLICE, LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES, and LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

ORDER

CONSIDERING the foregoing *Emergency Petition for Injunctive Relief and Request for Temporary Restraining Order*,

IT IS HEREBY ORDERED AND DECREED that:

1. A Temporary Restraining Order shall issue immediately and that security in the amount of \$_____ be posted no later than that _____ day of _____, 2024.
2. Defendants Louisiana State Police, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Transportation and Development shall:
 - a. Not destroy or dispose of the property of unhoused people without judicial process;
 - b. Provide the notice set out in the municipal ordinance (Art. XII, Sec. 82-696); and
 - c. Notify people in the “state sanctioned camp” that they are free to leave.
3. This Order shall remain in full force and effect until such time as this Court specifically orders otherwise.
4. Defendants Louisiana State Police, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Transportation and Development shall show cause before this Court on the ____day of _____, 2024, at _____ why a Preliminary Injunction should not be ordered according to the terms and conditions set forth above.

Signed this _____ day of October, 2024, in New Orleans, Louisiana.

Please Serve:

Defendants Louisiana State Police, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Transportation and Development
through their counsel
Louisiana Attorney General’s Office
1885 N 3rd Street
Baton Rouge, LA 70802

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO:

RAYMOND SCOTT and AMANDA ALFRED

DIVISION:

VERSUS

LOUISIANA STATE POLICE, LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES, and LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERIFICATION OF NOTICE AND FACT OF IMMEDIATE AND IRREPARABLE INJURY PURSUANT TO LOUISIANA CODE OF CIVIL PROCEDURE ARTICLE 3603

STATE OF LOUISIANA

PARISH OF ORLEANS

Before me, the undersigned Notary Public, personally came and appeared:

WILLIAM MOST

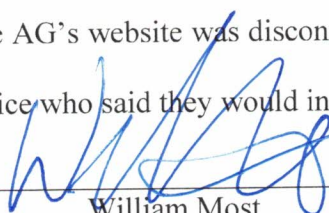
who after identifying themselves to me and being duly sworn, did depose and say:

That for the reasons stated in the Petition that Petitioners will suffer immediate and irreparable harm if the Temporary Restraining Order is not granted.

And that reasonable efforts have been made to notify the Defendants via telephone to Alexander Calenda from the Attorney General's office, who was represented to us to be handling this issue. I called Mr. Calenda at 4:23 p.m. on October 24, 2024, and left him a voicemail explaining our intent to seek a Temporary Restraining Order the next morning.

I also emailed Mr. Calenda and another attorney from the Attorney General's office, Christopher Rouse, at 7:12 p.m. on October 24, 2024 about the same. At 8:18 p.m., Mr. Calenda responded to the email. At 8:23 p.m. I replied with an email asking if we should work Mr. Rouse or someone else from the Attorney General's office.

On October 25, 2024, I emailed Mr. Calenda and Mr. Rouse again to let them know when we were headed to the courthouse. I also called the Attorney General's New Orleans office at 9:18 a.m., but the line listed on the AG's website was disconnected. At 9:31 a.m., I spoke with a staff member at the AG's main office who said they would inform the duty attorney.

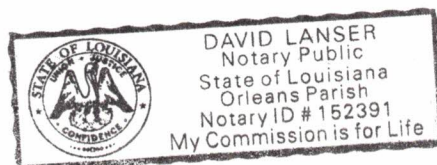


William Most

SWORN TO A SUBSCRIBED BEFORE ME, this 25th day of October, 2024, in New Orleans, Louisiana



NOTARY PUBLIC



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO:

RAYMOND SCOTT and AMANDA ALFRED

DIVISION:

VERSUS

LOUISIANA STATE POLICE, LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES, and LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERIFICATION OF EMERGENCY PETITION FOR INJUNCTIVE RELIEF AND REQUEST FOR TEMPORARY RESTRAINING ORDER

STATE OF LOUISIANA

PARISH OF ORLEANS

Before me, the undersigned Notary Public, personally came and appeared:

William Most

who after identifying themselves to me and being duly sworn, did depose and say:

I have read the Petition for Injunctive Relief and Request for Temporary Restraining Order, which Raymond Stott and Amanda Alfred have brought as a Petitioner, and the facts alleged herein are true and correct. This verification is made pursuant to Code of Civil Procedure 3603(B), which provides that the "verification or the affidavit may be made by the plaintiff, or by his counsel, or by his agent."

William Most

SWORN TO A SUBSCRIBED BEFORE ME, this 25th day of October, 2024, in New Orleans, Louisiana

David Lanser
NOTARY PUBLIC

